

KEY

Red underlined text provides either the section reference in the draft or use name changes from the current to the proposed ordinance

Text highlighted in bright green deals with floating zones and will be addressed in the coming months.

Text highlighted in turquoise deals with grandfathering language and will be addressed in the coming months

Text highlighted in yellow is language that staff intends to add to the draft.

Text with ~~red strikethrough~~ has not been included in the draft Zoning Code

10/3/2012

Division 59-C-5. Industrial Zones.

Sec. 59-C-5.1. Zones established. Sec.2.1.2.H: Regulations for Establishment of Zones

The following are the industrial zones and their identifying symbols:

I-1-Light industrial Industrial Light (IL)

I-2-Heavy industrial Industrial Heavy (IH)

I-3-Technology and business park (EOLF)

I-4-Low-intensity, light industrial Industrial Light (IL)

R&D-Research and development Employment Life Sciences (ELS)

LSC-Life Sciences Center Employment Life Sciences (ELS)

Sec. 59-C-5.2. Land uses. Sec. 2.2.6 Industrial Zone Intent Statements

Sec. 2.2.6.B. Industrial Heavy

A fundamental distinction between heavy industrial uses and light industrial uses involves the character of the industrial development. Typically, heavy industrial uses require larger sites to accommodate activities that often involve a variety of concurrent industrial processes on one site. Heavy industrial developments generally involve larger volumes of heavy truck traffic and are located near specialized transportation links such as rail and major highways. In addition, heavy industrial uses are often noisy, dusty and dirty, as compared to other types of industrial and commercial activities. Heavy industrial uses are restricted to land classified in the I-2 Zone because the large scale nature of such uses, the traffic impacts, and environmental effects could be disruptive to lighter intensity industrial and commercial areas.

Sec. 2.2.6.A Industrial Light

Light industrial uses generally involve small to medium scale industrial activities including, but not limited to, research and development, warehousing and storage activities, light manufacturing and assembly of products, and other similar uses. Light industrial uses usually generate less heavy truck traffic and have fewer adverse environmental effects on surrounding areas, as compared to heavy industrial uses.

59-C-5.21. Allowable uses. Sec. 3.1.4 Allowed Use Table

No use is allowed except as indicated in the following table:

-Permitted Uses. Uses designated by the letter “P” and uses of a similar character are permitted on any lot in the zones indicated, subject to all applicable regulations.

-Special Exception Uses. Uses designated by the letters “SE” may be authorized as special exceptions under Article 59-G.

| | I-1 <u>IL</u> | I-2 <u>IH</u> | I-3 <u>FOIT</u> | I-4 <u>IL</u> | R&D <u>ELS</u> | LSC <u>ELS</u> |
|--|------------------|------------------|--------------------|------------------|-------------------|-------------------|
| (a) Residential. | | | | | | |
| Accessory residential unit. ³⁸ | | | | P | | |
| Dormitories <u>Dormitories</u> | | | | | | P <u>P</u> |
| Dwellings. <u>Household Living</u> | SE | | <u>SE</u> | SE | <u>L</u> | P <u>L</u> |
| Dwellings, for caretakers or watchkeepers and their families or for bona fide agricultural operations. <u>Dwellings for Caretakers/Watchkeepers</u> | P <u>P</u> | P <u>P</u> | <u>P</u> | P <u>P</u> | P <u>P</u> | P <u>P</u> |
| Hotel or motel. ¹ <u>Hotel, Motel</u> | <u>SE</u> | | <u>SE</u> | | <u>P</u> | P <u>P</u> |
| (b) Manufacturing and industrial. | | | | | | |
| I. Uses of a light industrial nature. | | | | | | |
| Bakery. <u>Light manufacturing & production</u> | P <u>P</u> | P <u>P</u> | | P <u>P</u> | | |
| Blacksmith shops, welding shops, ornamental iron works, and machinery shops, excluding drop hammers and punch presses over 20 tons rated capacity. <u>Light manufacturing & production</u> | P <u>P</u> | P <u>P</u> | <u>P</u> | P <u>P</u> | <u>P</u> | |
| Bottling plants. <u>Light manufacturing & production</u> | P <u>P</u> | P <u>P</u> | | P <u>P</u> | | |
| Confectionery production. <u>Light manufacturing & production</u> | P <u>P</u> | P <u>P</u> | | P <u>P</u> | | |
| Contractors, storage yards. <u>Contractor storage yard</u> | P <u>L</u> | P <u>P</u> | | <u>L</u> | | |
| Dry cleaning and laundry plant. <u>Dry cleaning facility</u> | P <u>P</u> | P <u>P</u> | | P <u>P</u> | | |
| Electroplating and manufacturing of small parts such as coils, condensers, transformers, and crystal holders. <u>Light manufacturing & production</u> | P <u>P</u> | P <u>P</u> | <u>P</u> | P <u>P</u> | <u>P</u> | |
| Food production, packaging, packing and canning of. <u>Light manufacturing & production</u> | P <u>P</u> | P <u>P</u> | | P <u>P</u> | | |
| Fuel storage yards. <u>Hazardous material storage</u> | P | P <u>C</u> | | | | |
| Ice manufacturing and storage. <u>Light manufacturing & production</u> | P <u>P</u> | P <u>P</u> | | P <u>P</u> | | |
| Life sciences <u>Research & Development</u> | <u>P</u> | | | <u>P</u> | P <u>P</u> | P <u>P</u> |
| Manufacturing of light sheet metal products. <u>Light manufacturing & production</u> | P <u>P</u> | P <u>P</u> | <u>P</u> | P <u>P</u> | <u>P</u> | |
| Manufacturing, compounding, assembling or treatment of articles | P <u>P</u> | P <u>P</u> | | P <u>P</u> | | |

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| 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. Light manufacturing & production | | | | | | |
| Manufacturing, compounding, processing or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries and products resulting from biotechnical and biogenetic research and development. Medical/ Scientific manufacturing & production | P <u>P</u> | | P | P <u>P</u> | P <u>P</u> | P <u>P</u> |
| Manufacturing, fabrication and/or subassembly of aircraft or satellite parts, components, and equipment. Light manufacturing & production | P <u>P</u> | P | P | P <u>P</u> | P | |
| Manufacturing of musical instruments, toys, novelties, and rubber and metal stamps. Light manufacturing & production | P <u>P</u> | -P | P | P <u>P</u> | | |
| Manufacturing of paint not employing a boiling or rendering process. Light manufacturing & production | P <u>P</u> | P <u>P</u> | I | P <u>P</u> | | |
| Manufacturing of pottery and figurines or other products using previously pulverized clay and kilns fired only by electricity or gas. Light manufacturing & production | P <u>P</u> | P <u>P</u> | I | P <u>P</u> | | |
| Manufacturing and assembly of electronic components, instruments and devices Light manufacturing & production- | P <u>P</u> | P | P | P <u>P</u> | P | |
| Manufacturing and assembly of machine parts, components and equipment. Light manufacturing & production | P <u>P</u> | P <u>P</u> | I | P <u>P</u> | | |
| Manufacturing and assembly of medical, scientific, or technical instruments, devices, and equipment. Medical and scientific manufacturing & production | P <u>P</u> | | P | P <u>P</u> | P <u>P</u> | P <u>P</u> |
| Manufacturing and assembly of mobile, modular, and manufactured homes. Light manufacturing & production | P <u>P</u> | P <u>P</u> | I | P <u>P</u> | | |
| Manufacturing and assembly of semi-conductors microchips, circuits, and circuit boards. Light manufacturing & production | P <u>P</u> | P | P | P <u>P</u> | P | |
| Manufacturing of yeasts, molds, and other natural products necessary for medical and biotechnical research and development. Medical and scientific manufacturing & production | P <u>P</u> | | P | P <u>P</u> | P <u>P</u> | P <u>P</u> |
| Paper products manufacturing. Light/heavy manufacturing & production | P <u>P</u> | P <u>P</u> | I | P <u>P</u> | | |
| Printing and publishing. Light manufacturing & production | P <u>P</u> | P | P | P <u>P</u> | P | |
| Research, development, and related activities. Research & development | P <u>P</u> | | P | P <u>P</u> | P <u>P</u> | P <u>P</u> |
| Sawmills. Light manufacturing & production | P <u>P</u> | P <u>P</u> | I | P | | |
| Sign making shop. Light manufacturing & production | P <u>P</u> | P <u>P</u> | I | P <u>P</u> | | |
| Stoneworks. Light manufacturing & production | P <u>P</u> | P <u>P</u> | I | P | | |
| Tinsmith and roofing services. Light manufacturing & production | P <u>P</u> | P <u>P</u> | I | P <u>P</u> | | |
| Wood products manufacturing. Light manufacturing & production | P <u>P</u> | P <u>P</u> | I | P <u>P</u> | | |

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| II Uses of a heavy industrial nature. | | | | | | |
| Alcoholic beverage manufacturing. <u>Heavy manufacturing & production</u> | SE | P <u>P</u> | | | | |
| Automobile recycling facility. <u>Recycling collection and processing</u> | | P <u>P</u> | | | | |
| Distillation of coal, tar, or wood. <u>Heavy manufacturing & production</u> | | P <u>P</u> | | | | |
| Central mixing plants for asphalt, concrete, or other paving materials. <u>Heavy manufacturing & production</u> | | P <u>P</u> | | | | |
| Chemicals, except sulfuric, nitric, hydrochloric acid or other corrosive or offensive chemicals. <u>Heavy manufacturing & production</u> | | P <u>P</u> | | | | |
| Dye works. <u>Heavy manufacturing & production</u> | | P <u>P</u> | | | | |
| Fertilizer mixing plants. <u>Heavy manufacturing & production</u> | | SE <u>P</u> | | | | |
| Foundries or metal fabrication plants. <u>Heavy manufacturing & production</u> | | P <u>P</u> | | | | |
| Incinerators. ⁶ <u>Landfill, Incinerator, or Transfer Station</u> | | SE ²⁷ <u>C</u> | | | | |
| Manufacturing of brick, clay, terra cotta, and tile. <u>Heavy manufacturing & production</u> | | P <u>P</u> | | | | |
| Manufacturing of cinder blocks. <u>Heavy manufacturing & production</u> | | P <u>P</u> | | | | |
| Manufacturing of printing inks. <u>Heavy manufacturing & production</u> | | P <u>P</u> | | | | |
| Manufacturing of synthetic fabrics such as rayon. <u>Heavy manufacturing & production</u> | | P <u>P</u> | | | | |
| Manufacturing of cloth made from shoddy or other similar material. <u>Heavy manufacturing & production</u> | | P <u>P</u> | | | | |
| Off-loading and transfer sites for storage of sand, gravel, or rocks. <u>Off-loading and transfer sites for storage of sand, gravel or rocks</u> | P ⁷ <u>L</u> | P <u>P</u> | | P ⁷ <u>L</u> | | |
| Recycling facility. <u>Recycling collection & processing</u> | P ³⁰ <u>L</u> | P <u>P</u> | | P ³⁰ <u>L</u> | | |
| Rock crusher, washing and screening plants <u>Heavy Manufacturing and Production-</u> | | P <u>P</u> | | | | |
| Sanitary landfills. ⁶ <u>Landfill, Incinerator, or Transfer Station</u> | | SE ²⁷ <u>C</u> | | | | |
| Starch, glucose, and dextrin. <u>Heavy manufacturing & production</u> | | P <u>P</u> | | | | |
| Steam power plants. <u>Heavy manufacturing & production</u> | | P <u>P</u> | | | | |
| Stove polish. <u>Heavy manufacturing & production</u> | | P <u>P</u> | | | | |
| Sugar refineries. <u>Heavy manufacturing & production</u> | | P <u>P</u> | | | | |
| (c) Transportation, communication, and utilities. | | | | | | |
| Amateur radio facility. <u>Amateur radio facility</u> | P ³⁵ / SE <u>P/C</u> | P ³⁵ / SE <u>P/C</u> | P ³⁵ / SE | P ³⁵ / SE <u>P/C</u> | P ³⁵ / SE <u>P/C</u> | P ³⁵ / SE <u>P/C</u> |

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| Cable communications system. ⁵ Cable communications system | SE <u>C</u> | SE <u>C</u> | SE | SE <u>C</u> | SE <u>C</u> | P <u>P</u> |
| Electric power transmission and distribution lines, overhead, carrying more than 69,000 volts. Transmission lines (above ground) | P <u>P</u> | P <u>P</u> | SE | SE <u>P</u> | SE <u>P</u> | P <u>P</u> |
| Electric power transmission and distribution lines, overhead, carrying 69,000 volts or less. Transmission lines (above ground) | P <u>P</u> | P <u>P</u> | P | P <u>P</u> | P | P |
| Electric power transmission and distribution lines, underground. Transmission lines (below ground) | P <u>P</u> | P <u>P</u> | P | P <u>P</u> | P <u>P</u> | P <u>P</u> |
| Heliports. Helipad, Heliport | SE <u>C</u> | SE <u>C</u> | SE | SE <u>C</u> | SE <u>C</u> | SE <u>C</u> |
| Helistops. Helistop | SE <u>C</u> | SE <u>C</u> | SE | SE <u>C</u> | SE <u>C</u> | P ²⁹ / SE <u>C</u> |
| Parking of motor vehicle, off-street, in connection with any use permitted. Parking, surface for use allowed in zone | P ² <u>P</u> | p ³ <u>P</u> | P | P <u>P</u> | P <u>P</u> | P <u>P</u> |
| Parking of motor vehicle, off-street, in connection with any use permitted in a commercial zone. ?? | SE | | I | | | |
| Pipelines, aboveground. Pipeline (Above Ground) | P <u>P</u> | P <u>P</u> | SE | SE <u>P</u> | SE <u>P</u> | P <u>P</u> |
| Pipelines, underground. Pipeline (Below Ground) | P <u>P</u> | P <u>P</u> | P | P <u>P</u> | P <u>P</u> | P <u>P</u> |
| Public utility buildings and structures. Public utility building or structure | SE <u>C</u> | SE <u>C</u> | SE | SE <u>C</u> | SE <u>P</u> | P <u>P</u> |
| Radio and television broadcasting stations and towers. Media broadcast tower | P ³³ / SE <u>C</u> | P <u>P</u> | P ³³ / SE | P ³³ / SE <u>C</u> | P ³³ / SE <u>L</u> | P ³³ <u>L</u> |
| Railroad tracks. Right of way easement | P | P | P | P | P | P |
| Railroad yards or roundhouses. | | P | I | | | |
| Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room. ²⁶ Wireless communication structure on existing building | P <u>L</u> | P <u>L</u> | P | P <u>L</u> | P <u>L</u> | P <u>L</u> |
| Solid waste transfer station, private. ⁶ Landfill, Incinerator, or Transfer Station | | SE ²⁷ <u>C</u> | I | | | |
| Taxicab stands, not including storage while not in use. Taxi/limo facility | P | | I | P | L | P <u>L</u> |
| Telecommunications facility. ⁴ Freestanding wireless communications tower | P <u>L</u> | P <u>L</u> | P | P <u>L</u> | P <u>L</u> | P <u>L</u> |
| Telephone and telegraph lines. Transmission Lines (Above Ground) | P <u>P</u> | P <u>P</u> | P | P <u>P</u> | P <u>P</u> | P <u>P</u> |
| Telephone offices, communication and telecommunication centers. Office | P <u>P</u> | | P | P <u>P</u> | P <u>L</u> | P <u>L</u> |
| Trucking terminals. Freight movement | P <u>P</u> | P | I | P <u>P</u> | | |
| (d) Commercial. | | | I | | | |
| Adult entertainment business. ²² Adult entertainment | P <u>L</u> | P <u>L</u> | I | L | | |
| Aircraft parts, sales and services, including the sale of fuel for aircraft only. Repair (Commercial Vehicle) | P <u>P</u> | | I | P <u>P</u> | | |

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| Animal research service facilities. <u>Animal Research Facility</u> | | | I | | <u>P</u> | <u>P</u> <u>P</u> |
| Antique shops, handicrafts or art sales. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | <u>L</u> | I | <u>P/L</u> | <u>L</u> | <u>P</u> <u>L</u> |
| Appliance stores. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | <u>L</u> | I | <u>P/L</u> | <u>L</u> | <u>P</u> <u>L</u> |
| Automobile parts, sales and services, including but not limited to tire sales and transmission services, but excluding automobile filling stations. <u>Vehicle Repair (major or major)</u> | <u>P</u> <u>P</u> | | I | <u>P</u> <u>P</u> | <u>C</u> | <u>C</u> |
| Automobile repair and services. <u>Vehicle Repair (major or minor)</u> | <u>P</u> <u>P</u> | - | I | <u>P</u> <u>P</u> | <u>C</u> | <u>C</u> |
| Automobile sales, indoors and outdoors. <u>Light Vehicle / Equipment Sales (indoor or outdoor)</u> | <u>P</u> ⁸ <u>P</u> | | I | <u>P</u> ⁸ <u>P</u> | | |
| Book stores. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | <u>L</u> | I | <u>P/L</u> | <u>L</u> | <u>P</u> <u>L</u> |
| Building material and supply, wholesale and retail. ²⁰ <u>Retail/Service Establishment (varying sizes)</u> | <u>P</u> <u>P/L</u> | <u>P</u> <u>L</u> | I | <u>P</u> <u>P/L</u> | <u>P</u> ³⁷ <u>L</u> | <u>L</u> |
| 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 <u>Restaurant</u> | <u>P</u> <u>C</u> | <u>P</u> | P | <u>P</u> <u>C</u> | <u>P</u> <u>P</u> | <u>P</u> <u>P</u> |
| Consignment store. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | <u>P</u> ³¹ <u>L</u> | I | <u>P/L</u> | <u>-L</u> | <u>-L</u> |
| Drug store. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | <u>L</u> | I | <u>P/L</u> - | <u>-L</u> | <u>P</u> <u>L</u> |
| Eating and drinking establishments. ^{9,10} <u>Restaurant</u> | <u>SE</u> <u>C</u> | | SE | <u>SE</u> <u>C</u> | <u>SE</u> <u>P</u> | <u>P</u> <u>P</u> |
| Florist. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | <u>L</u> | I | <u>P/L</u> - | <u>-L</u> | <u>P</u> <u>L</u> |
| Food and beverage store. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | <u>L</u> | I | <u>P/L</u> - | <u>L</u> - | <u>P</u> <u>L</u> |
| Garden supply shops. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | <u>L</u> | I | <u>P/L</u> - | <u>L</u> - | <u>P</u> <u>L</u> |
| Gift shops. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | <u>L</u> | I | <u>P/L</u> - | <u>L</u> - | <u>P</u> <u>L</u> |
| Grocery stores. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | <u>L</u> | I | <u>P/L</u> - | <u>L</u> - | <u>P</u> <u>L</u> |
| Hardware stores. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | <u>L</u> | I | <u>P/L</u> - | <u>L</u> - | <u>P</u> <u>L</u> |
| Jewelry stores. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | <u>L</u> | I | <u>P/L</u> - | <u>L</u> - | <u>P</u> <u>L</u> |
| Lumberyards. <u>Contractor storage yard</u> | <u>P</u> <u>L</u> | <u>P</u> <u>P</u> | I | <u>P</u> <u>L</u> | | |
| Newsstand. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | <u>L</u> | I | <u>P/L</u> - | <u>L</u> - | <u>P</u> <u>L</u> |
| Office supply store. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | <u>L</u> | I | <u>P/L</u> - | <u>L</u> - | <u>P</u> <u>L</u> |
| Pet shops. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | <u>L</u> | I | <u>P/L</u> - | <u>L</u> - | <u>P</u> <u>L</u> |
| Photographic and art supply stores. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | <u>L</u> | I | <u>P/L</u> - | <u>L</u> - | <u>P</u> <u>L</u> |
| Retail sales and personal services, dealing primarily with employees in the zone, in accordance with section 59-C-5.23. <u>Retail/Service Establishment (varying sizes)</u> | <u>P</u> <u>P/L</u> | <u>L</u> | P | <u>P</u> <u>P/L</u> | <u>P</u> <u>L</u> | <u>L</u> |
| Transitory use. ²⁵ <u>Transitory use</u> | <u>P/SE</u> <u>L</u> | <u>P/SE</u> <u>L</u> | P/SE | <u>P/SE</u> <u>L</u> | <u>P/SE</u> <u>L</u> | <u>L</u> |

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| Variety and dry goods stores. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | <u>L</u> | <u>I</u> | <u>-P/L</u> | <u>-L</u> | <u>P L</u> |
| Wholesale trades limited to sale or rental of products intended for industrial or commercial users. <u>Retail/ Service Establishment</u> | <u>P L</u> | | <u>P³⁶</u> | <u>P L</u> | | |
| (e) Services. | | | <u>I</u> | | | |
| Ambulance or rescue squads, publicly supported. <u>Public uses (Except Utilities)</u> | <u>P P</u> | <u>P</u> | <u>P</u> | <u>P P</u> | <u>P P</u> | <u>P P</u> |
| Animal boarding places. ¹¹ <u>Animal boarding and care</u> | <u>P L</u> | - | <u>I</u> | <u>P L</u> | | - |
| Automobile filling stations. ²¹ <u>Fuel sales</u> | <u>SE C</u> | <u>SE¹⁴</u> | <u>I</u> | <u>SE C</u> | <u>C</u> | <u>SE C</u> |
| Automobile repair and services. <u>Vehicle service, repair (major and minor)</u> | <u>P P</u> | - | <u>I</u> | <u>P P</u> | <u>C</u> | <u>SE C</u> |
| Automobile, truck, and trailer rentals, outdoor. <u>Light vehicle/ equipment sales, outdoor</u> | <u>P P</u> | | <u>I</u> | <u>P P</u> | | |
| Banks and financial institutions. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | <u>L</u> | <u>I</u> | <u>P/L</u> | <u>L</u> | <u>P L</u> |
| Barber or beauty shop. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | <u>L</u> | <u>I</u> | <u>P/L</u> | <u>L</u> | <u>P L</u> |
| Chancery. <u>Office</u> | <u>SE P</u> | | <u>P²⁴</u> | <u>P</u> | <u>L</u> | <u>-L</u> |
| Child day care facility. ²⁸ | | | <u>I</u> | | | |
| —Family day care home. <u>Family day care</u> | <u>P P</u> | | <u>P</u> | <u>P P</u> | <u>P P</u> | <u>P P</u> |
| —Group day care home. <u>Group day care</u> | <u>P P</u> | | <u>P</u> | <u>P P</u> | <u>P P</u> | <u>P P</u> |
| —Child day care center. <u>Day care center (13-30 persons and Over 30 persons)</u> | <u>P P</u> | | <u>P</u> | <u>P P</u> | <u>P P</u> | <u>P P</u> |
| Clinics, medical or dental. <u>Medical and dental clinic (more than 4 practitioners)</u> | <u>P P</u> | | <u>P</u> | <u>P P</u> | <u>P P</u> | <u>P P</u> |
| Computer programming and software sales and services, including data banks and data retrieval. <u>Office</u> | <u>P P</u> | | <u>P</u> | <u>P P</u> | <u>P L</u> | <u>P L</u> |
| Conference centers: | | | <u>I</u> | | | |
| —With lodging facilities. <u>Hotel, motel</u> | <u>C</u> | | <u>SE</u> | <u>C</u> | <u>SE P</u> | <u>P P</u> |
| —Without lodging facilities. <u>Conference center</u> | <u>C</u> | | <u>P</u> | <u>C</u> | <u>P P</u> | <u>P P</u> |
| Corporate, administrative or business offices for companies principally engaged in health services, research and development, or high technology industrial activities. <u>Research & development</u> | <u>P</u> | | <u>I</u> | <u>P</u> | <u>P P</u> | <u>P P</u> |
| Day care facility for senior adults and persons with disabilities. <u>Day care facilities</u> | <u>P P</u> | | <u>P</u> | <u>P P</u> | <u>P P</u> | <u>P P</u> |
| Domiciliary care home for more than 16 residents. <u>Residential care facility (up to 8 persons)</u> | | | <u>I</u> | - | - | <u>P</u> |
| Dry cleaning and laundry establishments consisting of no more than 3,000 square feet of gross floor area. <u>Dry Cleaning Facility up to 3,000 sf</u> | <u>P</u> | <u>P</u> | <u>I</u> | <u>P</u> | <u>L</u> | <u>P L</u> |

| | | | | | | |
|--|------------------------------------|------------------------|------------------------|------------------------|------------------------------------|------------------------------------|
| Dry cleaning and laundry pick-up station. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | <u>-L</u> | <u>I</u> | <u>P/L</u> | <u>L</u> | <u>P L</u> |
| Duplicating service. <u>Retail/Service Establishment (varying sizes)</u> | <u>P</u> <u>P/L</u> | <u>L</u> | <u>P</u> | <u>P</u> <u>P/L</u> | <u>P L</u> | <u>P L</u> |
| Educational institution, private. <u>Educational institution, private</u> | <u>P</u> ³⁴ <u>P</u> | | <u>I</u> | <u>P</u> | <u>P</u> | <u>P P</u> |
| Fire station, publicly supported. <u>Public uses (Except Utilities)</u> | <u>P P</u> | <u>-P</u> | <u>P</u> | <u>P P</u> | <u>P P</u> | <u>P P</u> |
| General offices. <u>Office</u> | <u>P P</u> | <u>P</u> ¹² | <u>P</u> | <u>SE P</u> | <u>P</u> ¹³ <u>L</u> | <u>P</u> ¹³ <u>L</u> |
| Highway fuel and food service. <u>Fuel sales</u> | <u>SE C</u> | <u>-</u> | <u>I</u> | <u>C</u> | <u>C</u> | <u>SE C</u> |
| Home occupation, major. <u>Major impact home occupation</u> | | | <u>I</u> | | <u>C</u> | <u>SE C</u> |
| Home occupation, registered and no impact. <u>No impact and low impact home occupation</u> | | | <u>I</u> | | <u>L</u> | <u>P L</u> |
| Hospitals. <u>Hospital</u> | <u>SE C</u> | | <u>SE</u> | <u>SE C</u> | <u>SE P</u> | <u>P P</u> |
| Hospitals, veterinary, when in a soundproof building. <u>Animal Boarding and Care</u> | <u>P L</u> | <u>-</u> | <u>I</u> | <u>P L</u> | | <u>P</u> |
| International organization, public. <u>Office</u> | <u>SE P</u> | | <u>P</u> ²⁴ | <u>P</u> | <u>P</u> ²⁴ <u>L</u> | <u>P L</u> |
| Laboratories. <u>Medical, dental laboratory</u> | <u>P P</u> | | <u>P</u> | <u>P P</u> | <u>P P</u> | <u>P P</u> |
| Landscape contractor. <u>Landscape contractor</u> | <u>P P</u> | <u>-</u> | <u>I</u> | <u>P</u> | | |
| Laundromat, self-service. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | <u>L</u> | <u>I</u> | <u>P/L</u> | <u>-L</u> | <u>P L</u> |
| Meeting centers. <u>Conference center</u> | <u>SE C</u> | | <u>I</u> | <u>-</u> | <u>-</u> | <u>-</u> |
| Nursing and care homes. <u>Residential care facility (over 16 persons -- only)</u> | | | <u>I</u> | | <u>P</u> | <u>P P</u> |
| Place of religious worship. <u>Religious assembly</u> | <u>P P</u> | | <u>P</u> | <u>P P</u> | <u>P P</u> | <u>P P</u> |
| Physical and occupational therapy facilities. <u>Office</u> | <u>P</u> | | <u>I</u> | <u>P</u> | <u>L</u> | <u>P L</u> |
| Publicly owned or publicly operated uses. <u>Public use, except utilities</u> | <u>P P</u> | <u>P P</u> | <u>P</u> | <u>P P</u> | <u>P P</u> | <u>P P</u> |
| Shoe repair shop. <u>Retail/Service Establishment (varying sizes)</u> | <u>P/L</u> | | <u>I</u> | <u>P/L</u> | <u>L</u> | <u>P L</u> |
| Storage, outdoor. ¹⁵ <u>Storage facility (Up to 10,000sf and Over 10,000sf)</u> | <u>P P</u> | <u>P P</u> | <u>I</u> | <u>P P</u> | <u>-</u> | <u>-</u> |
| Trade, artistic, or technical schools. <u>Educational institution (private)</u> | <u>P P</u> | | <u>P</u> ¹⁹ | <u>P P</u> | <u>P</u> ¹⁹ <u>P</u> | <u>P P</u> |
| Universities and colleges providing teaching and research facilities. <u>Educational institution (private)</u> | <u>P</u> ³² <u>P</u> | | <u>P</u> | <u>P</u> | <u>P P</u> | <u>P P</u> |
| Warehousing and storage services: | | | <u>I</u> | | | |
| —Industrial and commercial users. <u>Storage facility (Up to 10,000sf and Over 10,000sf)</u> | <u>P P</u> | <u>P P</u> | <u>P</u> ¹⁹ | <u>P P</u> | <u>-</u> | <u>-</u> |
| —Self-storage facilities. <u>Self-storage</u> | <u>P P</u> | | <u>I</u> | <u>P P</u> | <u>-</u> | <u>-</u> |
| (f) Cultural, entertainment, and recreational. | | | <u>I</u> | | | |
| Art or cultural centers. <u>Cultural institution</u> | <u>P</u> | | <u>SE</u> | <u>P</u> | <u>SE P</u> | <u>P P</u> |

| | | | | | | |
|--|-------------|-------------|------------------------|-------------|-------------|-------------|
| Health clubs. <u>Health clubs and facilities</u> | P <u>P</u> | | <u>P</u> | P <u>P</u> | P <u>P</u> | P <u>P</u> |
| Libraries, scientific or technical. <u>Cultural institution</u> | P <u>P</u> | | <u>P</u> | P <u>P</u> | P <u>P</u> | P <u>P</u> |
| Parks and playgrounds, publicly owned. <u>Public use (except utilities)</u> | <u>P</u> | <u>P</u> | <u>I</u> | <u>P</u> | <u>P</u> | P <u>P</u> |
| Parks and playgrounds, privately owned. <u>Park playground (private)</u> | - | - | <u>I</u> | | <u>P</u> | P <u>P</u> |
| Private clubs. ¹⁷ <u>Private club, service organization</u> | SE <u>L</u> | | <u>SE</u> | SE <u>L</u> | SE <u>P</u> | P <u>P</u> |
| Recreational facilities primarily for the use of employees. ¹⁷ <u>Recreation & entertainment facility (varying sizes – Larger and Outdoor not allowed in some zones)</u> | P <u>C</u> | P <u>C</u> | <u>P</u> | P <u>C</u> | P <u>C</u> | P <u>C</u> |
| Recreational or entertainment establishments, commercial. <u>Recreation & entertainment facility (varying sizes – Larger and Outdoor not allowed in some zones)</u> | SE <u>C</u> | SE <u>C</u> | <u>I</u> | SE <u>C</u> | <u>C</u> | SE <u>C</u> |
| Rifle or pistol ranges, indoor. <u>Shooting range, indoor</u> | SE <u>C</u> | SE <u>C</u> | <u>I</u> | SE <u>C</u> | | |
| Service organizations. <u>Private club, service organization</u> | SE <u>L</u> | | <u>I</u> | SE <u>L</u> | <u>P</u> | P <u>P</u> |
| Swimming pools, private. <u>Recreation & entertainment facility (varying sizes – Larger and Outdoor not allowed in some zones)</u> | <u>C</u> | <u>C</u> | <u>P</u> ¹⁸ | <u>C</u> | <u>C</u> | <u>C</u> |
| (g) Resource production and extraction. | | | <u>I</u> | | | |
| Agricultural uses. <u>Crop farm, livestock farm, urban farm</u> | P <u>L</u> | P | <u>I</u> | P <u>L</u> | <u>L</u> | <u>L</u> |
| Dairy products processing. <u>Agricultural processing</u> | P <u>P</u> | <u>P</u> | <u>I</u> | P <u>P</u> | | |
| Rock or stone quarries. <u>Mining and excavation</u> | | P <u>P</u> | <u>I</u> | | | |
| Sand, gravel, or clay pits. <u>Mining and excavation</u> | | P <u>P</u> | <u>I</u> | | | |
| Stockyards. <u>Contractor Storage Yards</u> | SE <u>L</u> | SE <u>P</u> | <u>I</u> | <u>L</u> - | | |
| (h) Miscellaneous uses. | | | <u>I</u> | | | |
| Accessory buildings and uses. <u>Accessory Buildings, Structures, and Uses</u> | P <u>P</u> | P <u>P</u> | <u>P</u> | P <u>P</u> | P <u>P</u> | P <u>P</u> |
| Signs, in accordance with the provisions of <u>article 59-F. Accessory Buildings, Structures, and Uses</u> | P <u>P</u> | P <u>P</u> | <u>P</u> | P <u>P</u> | P <u>P</u> | P <u>P</u> |

¹ ~~In the I-1 and I-3 zones, on a lot that is a part of or adjacent to an area of at least 50 acres zoned industrial or shown for industrial use on an approved and adopted master plan. (Attached to hotel, motel)~~

² ~~All parking must be on I-1 zoned land. (Attached to 'Parking of motor vehicle, off-street, in connection with any use permitted' in I-1)~~

³ ~~All parking must be on I-2 zoned land. (Attached to 'Parking of motor vehicle, off-street, in connection with any use permitted' in I-2)~~

⁴ A telecommunication facility is a permitted use up to 199 feet in height with a setback of one foot for every foot of height from all residential and agricultural zoned properties. (Attached to 'Telecommunications Facility' use)
Sec. 3.5.2.a.iv: Limited use standard for Freestanding Wireless Communications Tower

⁵ Except as provided in sections 59-A-6.9 and 59-G-2.10.1, (Attached to 'Cable Communication system')
Sec. 3.5.2.A.2 Conditional Use Standards for Cable Communications System

- ⁶ Must be included in the Comprehensive Solid Waste Management Plan for Montgomery County.
(Attached to 'Sanitary Landfill') Sec. 3.6.9.B.1- Definition for Landfill, Incinerator, or Transfer Station
- ⁷ In the I-1 and I-4 zones, activities involving the off-loading, transfer or storage of sand, gravel or rocks must be set back at least 750 feet from the nearest residential property.(Attached to 'Off-loading and transfer sites for storage of sand, gravel, or rocks' in I-1 and I-4). Sec. 3.6.8.B.2
- ⁸ ~~Subject to requirements of section 59 C 4.367. In addition, automobile sale uses are subject to the requirements for site plan review as contained in division 59 D 3.~~
(Attached to 'Automobile sales, indoors and outdoors')
- ⁹ ~~Excluding drive ins.~~(Attached to 'Eating and Drinking Establishment' use).
- ¹⁰ ~~When located in the I 1, I 2, I 3, I 4, and R&D zones, the use must be located in an area containing more than 10 acres of land. Such facilities may be freestanding, and may be located on an internal business district street, but shall not adjoin any street or highway that provides access to the industrial area.~~ (Attached to 'Eating and Drinking Establishment' use
- ¹¹ When in a building that is insulated sufficiently to prevent interior noise from reaching any neighboring use.
(Attached to 'Animal boarding places') Sec. 3.5.1.B.2- Limited Use Standard for Veterinary Office/Hospital
- ¹² For business related to the principal use. (Attached to 'General offices' in I-2). Would be an accessory use
- ¹³ ~~In the R&D zone, no more than 50 percent of the gross floor area may be for general office use.~~ In the LSC zone, no more than 40 percent of the gross floor area may be for general office use. (Attached to General offices' in R&D and LSC) Sec 3.5.8.A.2.a: Use standard for Office
- ¹⁴ If in existence on June 26, 1989. Such use is not a nonconforming use and may be modified in accordance with paragraph (c) Section 59-G.1.3. Attached to 'Automobile filling stations' in I-2.
- ¹⁵ ~~Such uses must not include the storage of materials and goods associated with uses prohibited in the zone. Where such uses abut residentially zoned properties, they must be screened by a solid or sight tight fence not less than 6 feet in height. Stored materials cannot exceed the height of the fence within a setback area equal to the required setback in the adjoining residential zone, and in no case can stored materials exceed 15 feet in height. This requirement is not applicable to quarries licensed under to Chapter 38 of the Montgomery County Code.~~ (Attached to 'Storage, outdoor' use)
- ¹⁶ Not including storage of materials and goods prohibited in this zone. Temporary outdoor storage must comply with the requirements of subsection 59-C-5.434, "Enclosed Buildings and Temporary Outdoor Storage." Attached to 'Warehousing and storage services- Industrial and commercial users' in I-3.
- ¹⁷ ~~When located in the I 1, I 2, I 3, I 4 and R&D zones, the use must not adjoin any street that provides the principal access to the principal use or uses served.~~
(Attached to 'Private clubs' and 'Recreational facilities primarily for the use of employees' uses)
- ¹⁸ For use in connection with the operation of an establishment and primarily for employees.(Attached to Swimming pools, private' in I-3)
- ¹⁹ Related to uses allowed in the zone. (Attached to 'Trade, artistic, or technical schools' in I-3 and R&D')

²⁰ A building materials and supplies use operating in the I-3 zone as of June 6, 1989, is not a non-conforming use and may be expanded in accordance with the standards of the I-3 zone. Sec. 3.5.11.A. Retail/Service Establishment (of varying sizes)

²¹ A car wash with up to 2 bays may be allowed as an accessory use to an automobile filling station. (Attached to Automobile filling stations' use) Sec. 3.5.13.C.1 Definition for Fuel Sales

²² In accordance with adult entertainment business restrictions as provided in Section 59-A-6.16. (Attached to 'Adult Entertainment business' use) Sec. 3.5.10.A.2. Limited use standards for Adult Entertainment

²³ ~~Reserved.~~

²⁴ ~~Must comply with all County building and related codes. Application for a building permit must be accompanied by a letter or other communication indicating that the State Department has been notified of the proposed location. (Attached to 'International organization, public' in I-3 and R&D)~~

²⁵ In accordance with Section 59-A-6.13. Sec. 3.5.15.C. Transitory Use

²⁶ Refer to Sec. 59-A-6.14. (Attached to 'Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room') Sec. 3.5.14.F.2: Limited use standards for Wireless Communication Structure on Existing Building

²⁷ Subject to the special exception standards of Sec. 59-G-2.54.2. (Attached to 'Sanitary Landfill'). Sec. 3.6.9.B.2

²⁸ ~~Preschool and kindergarten educational programs, subject to accreditation by the State, are permitted as an accessory use. (Attached to 'Child day care facility' use)~~

²⁹ If located on the site of a hospital. (Attached to 'Helistop' in LSC) Sec. 3.4.6.A. Definition of Hospital

³⁰ Recycling construction or demolition debris is prohibited. (Attached to 'Recycling Facility' in I-1 and I-4). Sec. 3.6.9.C- Limited use standard for Recycling Collection and Processing

³¹ If in existence in this zone on February 9, 1998. (Attached to 'Consignment store' in I-2.)

³² In a building existing in the I-1 zone as of May 25, 1998. Research facilities are not required. (Attached to Educational institution, private in I-1)

³³ A radio and television broadcasting station without a broadcast tower is a permitted use. Permitted as an 'Office' In the LSC zone, a radio and television broadcast tower is a permitted use, up to a height of 199 feet and a setback of one foot for every foot of height from all residential and agricultural zoned properties. (Attached to 'Radio and television broadcasting stations and towers' in I-2, I-2, I-3, I-4, LSC, R&D and LSC) Sec. 3.5.2.C.2.a: Limited Use Standards for Media Broadcast Tower

³⁴ In a building existing before January 3, 2005. (Attached to 'Educational Institute, private' in I-1)

³⁵ Must not exceed 65 feet in height; however, a special exception for additional height may be granted by the Board of Appeals if it can be demonstrated that the additional height is the minimum needed to engage in amateur radio communications under a license issued by the Federal Communications Commission. Any amateur radio facility existing before December 26, 2005 that exceeds 65 feet in height is a conforming structure. (Attached to 'Amateur radio facility') Sec. 3.5.14.A&B Amateur Radio Facility

³⁶ Only if a building permit was issued before the property was reclassified to the I-3 zone. Any wholesale trade use or structure existing before the property was reclassified to the I-3 zone is conforming and may be modified, reconstructed, or enlarged in accordance with the standards of the zone in effect for the property before the property was reclassified to the I-3 zone, except that the building height and setbacks must conform to the recommendations of the applicable master plan or sector plan. Any modification, reconstruction, or enlargement of a wholesale use or structure in accordance with the standards of the zone in effect for the property before the property was reclassified to the I-3 zone requires a site plan under Section 59-D-3. (Attached to 'Wholesale trades limited to sale or rental of products intended for industrial or commercial users' in I-3)

~~³⁷ Only if a building permit was issued before the property was classified to the R&D zone. Any building material and supply use for which a building permit was issued before the property was classified to the R&D zone is a conforming use and may be modified, reconstructed, or enlarged in accordance with the standards of the zone in effect for the property before the property was reclassified to the R&D zone. (Attached to Building material and Supply' in R&D.)~~

~~³⁸ Only in a Transit Station Development Area. (Attached to 'Accessory residential unit' in I-4)~~

59-C-5.22. Prohibited uses. Sec. 3.6.4.B- Definition of Heavy Manufacturing and Production

The following heavy industrial uses, and others of a similar nature, are expressly prohibited.

- Arsenals.
- Blast furnaces.
- Boiler works.
- Distillation of bones.
- Dumps.
- Fat rendering.
- Forge plants.
- ~~Grease, lard or tallow manufacturing or processing.~~
- Incinerators or reduction of dead animals, garbage or offal, except when operated or licensed by a duly authorized public agency.
- Manufacture of any of the following:
 - Acetylene.
 - Ammonia, bleaching powder, chlorine.
 - Asphalt.
 - Celluloid or pyroxylin (or treatment thereof).
 - Disinfectants
 - Emery cloth and/or sandpaper.
 - Explosives, fireworks or gunpowder.
 - Fertilizers.
 - Gas for illumination or heating.
 - Glue, size or gelatin.
 - Insecticides.
 - Lampblack.
 - Leather goods.
 - Linoleum.
 - Matches.
 - Mortar, lime, plaster, cement, gypsum.
 - Oil cloth and/or oiled products.
 - Paint, oil, shellac, turpentine or varnish employing a boiling or rendering process.
 - Potash.
 - Rubber or products made therefrom.
 - Soap.
 - Shoeblacking or polish[TE1].

- Soda or soda compound.
- Acids or other corrosive or offensive substances.
- Tar or tar roofing or water proofing or other tar products or distillation thereof.
- Yeast, except as part of medical and biotechnical research and development.
- Ore reduction.
- Packing houses, including meat canning or curing houses.
- Petroleum refining, or storage in more than tank car lots.
- Rolling mills.
- Smelting.
- Tanning, curing or dyeing of leather, rawhides or skins, or storage of skins.
- Wool pulling or scouring.

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

In the I-1, I-2, I-3, I-4, and R&D zones, retail sales and personal services operating primarily for the convenience of employees are permitted uses subject to the following limitations: Sec. 3.1.7: In IL, limited to 15,000 SF

~~—(a)—Such use must not be located in an industrially-zoned area containing less than 10 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 satisfy Article 59-F.

(e) In the I-3 ~~and R&D~~ zones, such use may be located within any building as an incidental use under the following requirements:

(1) Such incidental use must not be located above the first floor;

(2) Such incidental use must satisfy subsections (a), (b), and (d) above.

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

Sec. 59-C-5.3. Development standards. Div 4.7- Development Standards for Industrial Zones

| | I-1 <u>IL</u> | I-2 <u>IH</u> | I-3 <u>HOFT</u> | I-4 <u>IL</u> | R&D <u>ELS</u> | LSC <u>ELS</u> |
|---|------------------|------------------|--------------------|------------------|-------------------|-------------------|
| 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 | 200 |
| (b) In the I-1 zone, this height may be increased under Section <u>59-C-5.41</u> . | | | 1 | | | |
| 59-C-5.32. Coverage limitations. (Percent of gross tract area) | | | 1 | | | |
| —Minimum green area | 10 | 10 | 35 | 20 ³ | 30 | |
| —Minimum public use space in the LSC zone; however, such space may be provided in part or entirely off-site on a separate lot or parcel in the same 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 <u>59-D-2.31</u> . | | | 1 | | | 20 |
| —Off-street parking is not allowed to occupy more than | | | 45 | | | |
| 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 | |
| <p><u>Sec. 4.6.1.B. FAR Averaging</u></p> <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.</p> <p>In the LSC Zone, if an applicant for a preliminary plan or site plan;</p> <p>1) owns more than one tract of land; or</p> <p>2) owns a tract of land, controls the total gross floor area on another tract of land not owned by the applicant, and the density transfer is consistent with the applicable master or sector plan's recommendations,</p> <p>the floor area ratio in one portion of the gross tract area may exceed the maximum floor area ratio of the zone only if the floor area ratio for the total tract area does not exceed the maximum floor area ratio.</p> <p>The maximum floor area for each lot and parcel comprising the subject tracts must be shown in documents, including an easement and appropriate releases, in a recordable form approved by the Planning Board. The Planning Board must determine compliance with the densities shown in the documents when a site plan application is before it. The documents must be recorded in the land records before a building permit is approved.</p> | | | 0.50 | | | 2.0 ⁴ |

| | | | | | | |
|--|--|--|--|--|--|--|
| In the LSC zone, any density above a floor area ratio of 0.50 must be supported through the purchase of a BLT easement under Section <u>59-C-5.473. Sec 6.6.3.F.1.b: BLT Public Benefit Points</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. | | | | | | |
| 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. | | | | | | |

¹ In unusual circumstances, may be waived by the Planning Board at the time of site plan approval upon a finding that a more compatible arrangement of uses would result. (Attached to Off-street parking in I-3)

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

³ ~~May be reduced in a Transit Station Development Area under 59-C-5.44(f).~~ (Attached to minimum green area in I-4)

⁴ Non-residential uses. In order to maintain an appropriate emphasis on the purpose of the LSC Zone, the following minimum and maximum percentages of the total non-residential gross floor area proposed in a concept plan, preliminary plan, or site plan are required for tracts under common ownership larger than 5 acres:

Life sciences - 40 percent minimum of the gross floor area proposed; the proposed gross floor area used for the purpose of calculating the minimum percentage of life science uses excludes: (1) hospitals and the hospital's accessory uses; and (2) educational facilities.

All retail uses - 10 percent maximum of the gross floor area proposed; however, if the Planning Board finds that unique circumstances are present and the area would be enhanced by additional retail activity, then a maximum of 15 percent of the gross floor area proposed may be used for retail purposes. Sec. 3.5.11.A. Retail/Service Establishment [states that retail sales and services are limited to a maximum of 30% of the gross floor area of development approved under one application]

Residential uses - The maximum residential density, excluding dormitories, must not exceed 30 percent of the permitted FAR. Sec. 4.6.5.B.4- Lot and Density in standard method ELS development and Sec. 3.3.1 Limited use standard attached to ELS in all household living uses

(Footnote attached to maximum density of development in LSC)

59-C-5.33. Setbacks in the I-1 and I-2 zones. Sec. 4.7.3.C IL Zone, Standard Method Development Standards or Sec. 4.7.4. IH Zone, Standard Method Development Standards

All buildings shall be set back from lot lines at least as follows:

- (a) From any street right-of-way:
- (1) Ten feet if the right-of-way line is established on a master plan.
 - (2) Sixty feet from the center line of the street if there is no master plan showing the right-of-way line.
- (b) From any other lot line:
- (1) If the lot adjoins a residential zone which is not:
 - Recommended on a master plan for commercial or industrial zoning, or
 - Used as a public parking lot
 then the setback shall be not less than that required in the adjoining zone.
 - (2) In all other cases, no setback is required.
 - (3) If a yard is provided, it shall not be less than 10 feet in width.

59-C-5.34. Setbacks in the I-3 and R&D zones. Sec 4.6.5.ELS Zone Standard Method Development Standards or Sec 6.5.2.C- ELS Optional Method Development Standards Placement

(a) All buildings, off-street parking, loading and maneuvering areas must be set back from lot lines in accordance with the standards shown in the following schedule:

| | Buildings | Parking, Loading, and Maneuvering Areas |
|---|-----------|---|
| (1) From abutting residentially zoned property: | | |
| -Recommended for one-family zoning and development on the applicable master plan. | 200' | 100' |
| -Recommended for residential zoning and development, other than one-family, on applicable master plan. | 100' | 100' |
| -Recommended for nonresidential development in the I-3 or R&D zone on the applicable master plan: | 20' | 20' |
| However, if proposed building is more than 40 feet in height then 1 foot of additional building setback for each 2 feet of height | 1:2 | 20' |
| -Recommended for non-residential development in a commercial or industrial zone other than I-3 or R&D on the applicable master plan. | 25' | 25' |
| -Developed with nonresidential uses, including off-street parking. | 50' | 50' |
| If the abutting residentially zoned property is developed with residential uses, the Planning Board may require greater than the minimum setback, not to exceed 200 feet, to achieve compatibility between the residential development and the proposed industrial development. | | |
| (2) From abutting commercial or industrial zoning other than the I-3 or R&D | 25' | 25' |

| | | |
|--|------------------|------------------|
| zones. | | |
| (3) From an abutting lot classified in the I-3 or R&D zones: | 20' ³ | 20' ⁴ |
| -If proposed building is more than 40 feet in height then 1 foot of additional building setback for each 2 feet of height. | 1:2 ³ | 20' ⁴ |
| (4) From the following roadways as shown on the approved and adopted master plan: | 200' | 100' |
| -An existing or planned limited access freeway ¹ | 200' | 100' |
| -A major highway in the I-3 zone. | 100' | 100' |
| -A major highway in the R&D zone | 50' | 50' |
| -An arterial road separating the I-3 and R&D zones from: | | |
| -Existing one-family residential zoning and development | 100' | 50' |
| -Residential zoning or development other than one-family residential | 50' | 50' |
| -An arterial road that separates the zone from a commercial or industrial zone. | 25' | 35' ² |
| -An arterial road, local street, or private street within the I-3 or R&D zones | 25' | 35' ² |
| -A transitway | 25' | 25' |

- (b) Two buildings on the same lot must be set back from each other a distance of at least 30 feet.

1 One hundred feet from interchange ramp for buildings and 50 feet from interchange ramp for parking. The setback for parking structures may be reduced below 200 feet but not below 100 feet upon approval by the planning board.

2 Off-street parking is permitted between a building and a street identified on an approved preliminary plan of subdivision as providing access for public transit service unless the Planning Board determines that the location of the parking will discourage or adversely affect public transit use.

3 Where development in the I-3 Zone consists of multiple lots created by the same subdivision plan, the setback requirement from abutting lot lines for all buildings may be reduced by the Planning Board during site plan review pursuant to the applicable provisions of Division 59-D-3 if it is demonstrated that the reduced setback is compatible with existing and proposed development. The Planning Board must not reduce the building setback to less than 10 feet.

4 Where development in the I-3 Zone consists of multiple lots created by the same subdivision plan, the setback requirement from abutting lot lines for all parking loading and maneuvering areas may be reduced by the Planning Board during site plan review pursuant to the applicable provisions of Division 59-D-3 if it is demonstrated that the reduced setback is compatible with existing and proposed development.

59-C-5.35. Normal setbacks in the I-4 zone. Sec. 4.7.3.C IL Zone, Standard Method Development Standards

All buildings must be set back at least as follows, ~~except that any building in a Transit Station Development Area may satisfy section 59-C-5.44(f):~~

- (a) One hundred feet from any residential zone. If the lot adjoins a residential zone that is recommended on an approved and adopted master or sector plan for mixed-use, commercial, or industrial zoning, the setback must be not less than 10 feet;
- (b) Ten feet from any mixed-use, commercial, or industrial zone;
- (c) Fifty feet from:
 - (1) A railroad or utility right-of-way or an arterial road that separates the industrial area from a residential zone;
 - (2) A limited-access freeway or parkway; or
 - (3) A major highway;
- (d) Twenty-five feet from:
 - (1) An arterial road that separates the industrial area from a commercial zone; or
 - (2) An arterial road, local street, or private right-of-way within the industrial area.

Sec. 59-C-5.4. Special regulations.

In addition to the above requirements, the following special regulations shall apply to certain zones.

~~59-C-5.41. Special regulations I-1 zone.~~

~~—(a)—Off-street parking. The off-street parking required by article 59-E shall be provided on land which is in the I-1 zone unless provided through a joint use agreement.~~

~~—(b)—Development above three stories. In order to encourage planned development of employment centers, to preserve open space within such developments, and generally to enhance the environment of large employment centers, the height limit in this zone may be increased to 10 stories or 120 feet; provided, that the applicable approved and adopted master plan does not indicate that large employment centers are unsuitable for the applicable site; and provided further that the following site development standards and site plan review procedure shall be in effect. Development in accordance with this subsection shall be subject to all of the requirements of the I-1 zone except as specifically modified herein.~~

~~—(1)—Height limit. No building shall exceed 10 stories or 120 feet in height.~~

~~—(2)—Green area. In addition to the minimum green area required in section 59-C-5.32, green area shall be provided in an amount not less than 5 percent of the net lot area for each story over 3 stories. Where more than one building is constructed on a lot or tract, the amount of additional green area shall be not less than 5 percent of the net lot area multiplied by the ratio of the gross floor area (excluding the first 3 floors) to the area of the lot covered by buildings (excluding structures of 3 stories or less).~~

~~—(3)—Setbacks. Any building shall be set back from any lot line that adjoins a lot in a residential zone, which has not been recommended for a commercial or industrial zone on a local zoning plan duly adopted by the commission, a distance equal to one-half the height of the building.~~

~~(4) **Development procedure.** The procedure for site plan approval shall be as set forth in division 59 D 3.~~

59-C-5.42. Special regulations-I-1 and I-2 zones.

59-C-5.421. Nonconforming uses, amendment of 1971. Any use which is not permitted in these zones but was lawfully existing prior to the amendments of March 16, 1971, shall not be regarded as a nonconforming use; but additions or structural alterations thereto shall not exceed 10 percent of the gross floor area existing on that date and be in conformance with the setback, height and green area regulations as now required in section 59-C-5.3.

59-C-5.422. Effective date. Where land is zoned in the I-1 or I-2 classification on March 16, 1971, the effective date of adoption of this section, the provisions of this section shall not be in effect if construction in accordance with the provisions of this zone prior to adoption of this section shall be undertaken over and beyond the excavation and foundation work within a period of one year from March 16, 1971. If such construction shall not be undertaken within such period, the provisions of this section shall be in effect. Where such construction is undertaken, the resulting use shall not be regarded as a nonconforming use, in accordance with the provisions of section 59-C-5.421.

59-C-5.43. Special regulations-I-3 zone.

59-C-5.430. Purpose. The purpose of the I-3 zone is to provide a medium-density, industrial zone for park-like development of high-technology industries, research and development facilities, corporate and business offices, and uses that have similar locational, site development, and use requirements. The I-3 zone is intended to be at locations within the county that can be served by transit. In order to ensure high quality industrial/employment development, the following objectives of the zone must be met:

(a) To provide a suitable operating environment for the range of uses allowed in the zone.

(b) To maximize the attractiveness of and to enhance the visual appearance of the zone through:

(1) Preservation of significant natural features.

(2) Provision of green space throughout a project as well as in required yard and setback areas.

(3) Orderly clustering of buildings arranged and designed to promote internal compatibility.

(c) To reduce traffic congestion by encouraging the clustering of buildings near internal streets, the provision of service commercial uses, and the development of pedestrian networks to reduce dependence on single-occupant automobiles and to better accommodate bus service, carpooling, and vanpooling within a project in the zone.

(d) To protect I-3 zoned areas from the encroachment of incompatible employment uses, and to prevent industries within the I-3 zone from adversely affecting surrounding non-industrial uses by increased setback and landscaping requirements.

The fact that an application complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses and, in itself, shall not be sufficient to require the granting of any application.

59-C-5.431. Area and Locational Requirements.

(a) No land may be classified in the I-3 zone unless it contains an area of at least 20 acres or meets at least one of the following area requirements:

(1) A tract of land containing an area of at least 2 acres if such tract abuts and has a common boundary with land in any industrial zone and the resulting area will total 20 acres or more.

(2) An area of less than 20 acres that is recommended for the I-3 zone on an approved and adopted master plan.

(b) Within the I-3 zone, each lot must contain an area of at least 2 acres.

(c) Land in the I-3 zone must be located adjacent to and readily accessible from an existing or planned major highway or arterial road with a pavement width of at least 4 lanes.

59-C-5.432. Landscaping. Landscaping must be provided and maintained as follows:

(a) In addition to plant material, the landscaped area may include but is not limited to pedestrian plazas, art work, and water features.

(b) The setbacks required in section 59-C-5.34 must be landscaped.

59-C-5.433. Street frontage and access.

(a) Each lot must have at least 150 feet of frontage on a public or private street, except that the planning board may approve a reduction to not less than 50 feet on a cul-de-sac, a curve, or in other unusual circumstances;

(b) Driveways within required setback areas must cross such areas by the most direct line.

59-C-5.434. Enclosed building and temporary outdoor storage:

(a) All permitted uses and accessory activities must be confined within completely enclosed buildings with the exception of off-street parking spaces, off-street loading berths, accessory fuel storage and employee recreational facilities. In addition, the temporary outdoor storage of materials, equipment or vehicles is permitted except in required front, rear or side yards; provided, that such outdoor storage does not exceed 15 feet in height and is effectively screened from any adjacent residential zone boundary. Such temporary storage is limited to a period of 6 months.

(b) Fuel storage tanks utilized as part of the heating equipment of a building must be located underground or in a building. Bulk storage of gasoline or petroleum products is not permitted, except as incidental to a laboratory, or for the servicing of company-owned or leased vehicles. Fuel storage is subject to the regulations of chapter 22 of the Montgomery County Code.

59-C-5.435. Signs.

The display of a sign must comply with the requirements established in Article 59-F of this chapter.

59-C-5.436. Special Trip Reduction Guidelines. It is the intent of the special trip reduction guidelines to achieve as a goal a reduction in auto trips for I-3 projects of 10 percent below the peak hour trip generation rates adopted by the Planning Board for the administration of the Adequate Public Facilities Ordinance. To help achieve the trip reduction goal, design measures should be incorporated in the project to meet trip reduction objectives established in this section, as well as non-design measures for the purpose of reducing dependence on single-occupant automobiles. The Planning Board may establish a schedule for achieving the goal and time periods during which the trip reduction measures will be in effect.

Any or all of the following trip reduction guidelines or other measures proposed by an applicant are to be considered and implemented by the Planning Board as appropriate on a case-by-case basis taking into consideration specific circumstances of the project:

(a) Design Guidelines.

(1) Buildings clustered near internal streets to minimize walking distances and to promote an attractive, active and safe pedestrian-oriented streetscape within a project, to accommodate bus service, carpooling, and vanpooling within a project.

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

(3) Space on the first or ground floor of a building to on-site convenience services for employees of this and other nearby buildings to reduce the need for private vehicle trips for convenience shopping and meals during the day.

(b) Non-design guidelines.

(1) Trip reduction programs such as limiting off-street parking after consideration of market demand, flex time, the provision of or participation in Share-A-Ride programs, transit/vanpool fare discounts, bus shelters, emergency ride home programs, reserved carpool/vanpool spaces, or other acceptable measures that may be proposed, provided, however, that a limitation on off-street parking below the applicable requirements of article 59-E, shall not be required in order to achieve trip reduction goals.

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

The Planning Board may establish a schedule for achieving the requirements and time periods during which the trip reduction measures will be in effect. The Planning Board may also require the applicant to enter into an agreement providing for the monitoring, enforcement, and other necessary terms of the trip reduction program. Provision shall be made in the agreement to allow for the inclusion of a maximum cost for the implementation of substitute components to the trip reduction measures in the event initial components do not achieve or maintain the requirements.

Results of on-site trip reduction programs implemented by the applicant to satisfy other traffic mitigation conditions of development approvals may be credited toward achieving the trip reduction requirement. All traffic mitigation requirements otherwise applicable to an I-3 project remain in effect. The Planning Board may phase implementation of some or all of the trip reduction in accordance with the build-out of the project and/or availability of transit so that the measures are feasible and effective, except that the Planning Board cannot defer such implementation for more than 10 years from the issuance of any initial use-and-occupancy permit for a building or structure in the project.

59-C-5.437. Development procedure. The procedure for site plan approval in the I-3 zone is set forth in division 59-D-3.

59-C-5.438. Special provisions applicable to certain lots classified in the I-3 zone.

(a) Any proposed development shown on a site plan approved before June 26, 1989, or a site plan approved prior to June 26, 1989, which was subsequently extended in accordance with section 59-D-3.8, 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 the zoning ordinance regulating nonconforming uses (section 59-G-

4.1-- 4.25) and may be continued, repaired, reconstructed, or structurally altered in accordance with the approved site plan, except as otherwise provided in subsection (b).

(b) A division 59-D-3 site plan approved prior to June 26, 1989 may be amended after that date, in accordance with the applicable provisions of the I-3 zone which existed immediately prior to the effective date of this amendment, provided, however, no expansion of the floor area limit or a reduction in the setbacks is permitted unless the expansion or reduction otherwise complies with the present standards of the I-3 zone.

(c) Notwithstanding (a) and (b) above, a record lot, partially developed on June 26, 1989 in accordance with an approved site plan, and which abuts or confronts one or more lots occupied on June 25, 1989 by buildings with FARs greater than a 0.85 FAR, may:

1. For a period of 5 years after June 26, 1989, be permitted a development density up to FAR 0.85 based on gross tract area and the Planning Board may approve the site plan, provided the Planning Board finds that:

(i) the site plan is in compliance with all other provisions of the I-3 zone in effect at the time of site plan approval, and

(ii) affected intersections will be adequate to accommodate the density above 0.5 FAR, unless such evaluation is required at building permit.

2. Such development is not subject to the provisions of the Zoning Ordinance regulating nonconforming uses and may be continued, repaired, reconstructed, or structurally altered in accordance with the approved site plan.

(d) Development shown on an approved preliminary subdivision plan and concept plan may be developed in accordance with the setbacks permitted immediately prior to May 23, 1994, provided the development:

(1) adjoins land formerly recommended for industrial development that has since been recommended on a master plan for residential development; and

(2) adjoins the right-of-way of a limited access freeway on a master plan; and

(3) is covered by a master plan which recommends amendment of the I-3 zone to allow grandfathering as provided in this subsection (d).

Such development is not a nonconforming use and may be constructed, continued, repaired, reconstructed or structurally altered in accordance with an approved site plan.

59-C-5.439. Optional Method of Development.

The optional method permits a mixed-use development in the I-3 Zone at locations that have convenient access to transit and are recommended in the Master Plan. Under the optional method, commercial uses that maintain an employment emphasis must be mixed with residential uses. Development must be in accordance with the provisions of this section, as well as the density, numerical limitations, and other guidelines contained in the applicable master plan approved by the District Council. The procedure for site plan approval is set forth in Division 59-D-3.

59-C-5.4391. Purpose.

It is the purpose of the I-3 Mixed-Use Option to promote mixed-use, transit and pedestrian-oriented centers, which include housing and a commercial component with an employment emphasis. It is also the purpose to promote development that follows sound environmental principles and maximizes preservation of natural features. Specifically, the optional method is designed to:

(a) Provide a compatible mix of uses including employment, housing, and retail configured to define and animate the streets and to create a strong sense of place in the manner of traditional towns and urban neighborhoods;

(b) Promote compact, environmentally sensitive development that preserves natural features;

(c) Provide high quality residential neighborhoods consisting of a mix of unit types with open spaces and community facilities that are centrally located and easily accessible;

(d) Provide an interconnected street system, which consists of short blocks and is designed to promote pedestrian, bicycle and transit use as attractive, practical alternatives to automobile use for daily activities such as shopping and commuting; and

(e) Encourage the efficient use of the center and its transit facilities by providing pedestrian and bicycle linkages to adjacent areas and convenient access to transit.

59-C-5.4392. Regulations.

(a) Land uses.

(1) In addition to all uses permitted in the I-3 zone, the following uses are permitted under the optional method, without requiring a special exception approval:

Dwellings
Health club
Hotel
Housing and related facilities for elderly or handicapped persons

All other commercial and service uses permitted in the C-1 Zone pursuant to Sections 59-C-4.2(d) and (e) with the exception of the following uses:

Animal boarding place
Appliance repair shop
Automobile fluid maintenance stations
Automobile, light truck, and light trailer rental, outdoors
Automobile parts, supplies and tire store
Eating and drinking establishments, including drive-ins
Tire, battery and accessory stores located in a shopping center

(2) Development under the optional method must include employment, residential and retail uses.

(b) Development standards.

Development under the optional method must meet all the requirements of the I-3 zone except:

(1) Development Density.

(A) Overall Density. Development (including residential and commercial development) must not:

(i) Exceed any density limits provided in the approved master plan; and

(ii) Generate a greater number of peak hour automobile trips than the total number of peak hour automobile trips that would be generated by general office development of the gross tract at a 0.5 floor area ratio. The maximum density of development may be averaged over the gross tract area in accordance with 59-C-5.321.

(B) Non-residential uses. The maximum non-residential density is 0.6 FAR. In order to maintain an appropriate mixed-use character, the following minimum or maximum percentages, as applicable, of the total non-residential gross floor area proposed are required:

- Retail/service - 20% maximum
- Employment - 60% minimum

(C) Residential uses, excluding hotels. The base residential density must not exceed eight (8) units per acre for the gross tract area. The base density may be increased to accommodate Moderately Priced Dwelling Units (MPDUs) in accordance with Chapter 25A of this Code, as amended, and to accommodate the provision of Transferable Development Rights (TDRs), provided that the final density does not exceed 12.5 units per acre for the gross tract area and does not exceed the recommended total density in the applicable master plan.

(2) Setbacks. All buildings, off-street parking, loading and maneuvering areas must be set back from lot lines in accordance with the following standards:

(A) From abutting residentially zoned property:

- Recommended for one-family zone and development on the applicable master plan, one hundred (100) feet
- Recommended for residential zoning and development other than one-family on the applicable master plan, thirty (30) feet for residential development and one hundred (100) feet for commercial development.
- Recommended for non-residential development, twenty-five (25) feet.

(B) From abutting non-residential development, twenty-five (25) feet.

(C) From an existing or planned limited access freeway one hundred (100) feet for buildings and fifty feet (50) for parking.

(D) From a major highway, fifty (50) feet.

(E) Other setbacks, if any, must be determined by the Planning Board as part of the site plan review.

(F) The Planning Board may allow a reduction in the building, off-street parking, loading and maneuvering area setbacks, if the Board finds that a reduced setback is compatible with adjacent development.

(3) Minimum lot sizes, internal setbacks and frontage requirements must be determined at time of site plan.

59-C-5.44. Special regulations-I-4 zone.

(a) **Location.** It is intended that the I-4 zone be located in an area designated for low- intensity, light industrial use on an adopted and approved master or sector plan. The I-4 zone is also appropriate as a transitional industrial zone between a residentially zoned area and land classified in the I-1 and the I-2 zones. [Sec. 2.2.6.A. Light Industrial intent statement](#)

(b) **Area requirements.**

~~—(1) No tract of land shall be zoned I-4 unless it has an area of at least 10 acres; except that a tract with an area of not less than 2 acres may be permitted where such tract adjoins and has a common boundary with an I-1, I-2, or I-3 zone, or where such tract is recommended for I-4 zoning on an approved and adopted master or sector plan.~~

~~—(2) Within any I-4 zoned area located outside of a Transit Station Development Area, each main building erected, together with any accessory building, must be located on a separate lot having an area of at least one acre.~~

~~—(c) **Floor area.** The total floor area of a building, not including parking areas, must not exceed FAR 1.0.~~

~~(d) **Off-street parking.** The off-street parking required by article 59-E must be provided on land that is classified in the I-4 zone.~~

Sec. 4.7.3.- IL Zone, Standard Method Development Standards

In the I-4 zone, all off-street parking areas must be set back at least as follows unless development occurs under the optional method of development, as specified in paragraph (e):

(1) Fifty feet from any residential zone unless the adjoining residential property is recommended on an approved and adopted master or sector plan for commercial or industrial zoning or has an approved special exception for off-street parking in connection with a commercial use, then the setback shall be not less than 10 feet;

(2) Ten feet from any commercial or industrial zone;

(3) Twenty-five feet from a limited access freeway, a major highway, an arterial road, a railroad or utility right-of-way, or a local street or private drive within the industrial park.

(e) **Optional method of development.** (No optional method in draft- IL Zone Standard Method Development standards would apply) In order to encourage the orderly grouping and planned development of low-intensity, light industrial parks, and to generally enhance the appearance of such planned industrial areas without requiring the extensive building and parking setbacks normally applicable, the following optional method of development may be permitted if the site plan approval procedures in Division 59-D-3 are satisfied. If the optional method of development is used, all of the requirements of the I-4 zone must be satisfied except as follows:

(1) **Setbacks.** Under the optional method of development, all buildings must be set back at least 50 feet from any residential zone except as follows:

(A) If the lot adjoins a residential zone that is recommended on an approved and adopted master or sector plan for a non-residential land use, the Planning Board may approve a lesser setback upon a finding that the resulting development would not have an adverse impact on such adjoining land;

(B) If the lot adjoins a residentially zoned property that contains physical features that would permit a lesser setback or that is developed with or dedicated to non-residential use, the Planning Board may approve a lesser setback if it finds that the resulting development would not have an adverse impact on the use of such adjoining land.

(2) **Off-street parking.** Under the optional method of development, off-street parking must be provided as required in article 59-E and the minimum setbacks under section 59-C-5.44(d), off-street parking, shall not apply.

(3) **Area requirements.** Under the optional method of development, the one-acre minimum lot size requirement of subsection 59-C-5.44(b)(2) may be waived by the Planning Board for:

(A) lots recorded before February 4, 1986; and

(B) lots recorded before February 4, 1986 that are assembled and resubdivided after February 4, 1986, if the Planning Board finds that the consolidation will result in a more desirable form of development than would occur without the waiver. More than one main building and accessory building may be located on a lot, provided that the lot has an area of at least one acre.

~~(f) **Special Standards – Transit Station Development Area**~~

~~— (1) **Review requirements.** The following special standards may be applied by the Planning Board for a lot in a Transit Station Development Area through the site plan approval procedures of Division 59-D-3.~~

~~— (2) **Area requirements.** A main building and one accessory building may be located on a separate lot that is smaller than one acre but at least 5,000 square feet. However, more than one main building and accessory building may be located on such a lot if the Planning Board finds this to result in a better design for the lot.~~

~~— (3) **Setbacks from mixed-use and residential zones.** Any building must be set back at least 50 feet from any mixed-use or residential zone. The Planning Board may approve a lesser setback if it finds that a lesser setback would not have an adverse impact on adjoining residentially or mixed-use zoned property.~~

~~— (4) **Setbacks from a street.** The Planning Board may approve any building to be set back not less than 10 feet from:~~

~~— A. an arterial road that separates the industrial area from a commercial zone; or~~

~~— B. an arterial road, local street, or private right-of-way within the industrial area.~~

~~— (5) **Off-street parking.** Off-street parking must be provided as required under article 59-E, except that the Planning Board may waive the minimum setback requirement to achieve a better development design.~~

~~— (6) **Green Area.** The Planning Board may approve a reduction of the green area requirement to no less than 10% of the gross tract area. A maximum of 50% of the required green area may be located off-site in the same Transit Station Development Area.~~

~~— (7) **Accessory Residential Unit.** One or more accessory residential units may be approved subject to the following:~~

~~— A. The parking standards for multi-family dwelling units in 59-E-3.7 and the mixed-use standards of 59-E-3.1 apply. A parking space for any accessory residential unit may not be located along the front of the building; and~~

~~— B. Before issuance of a building permit, the property owner must sign a declaration of use, including all the standards for the use as approved, to provide notice to future owners of the property of its status as a limited residential use subject to the conditions of the approval.~~

59-C-5.441. Special provisions for lots containing pre-existing uses. Where land, improved by existing lawfully conforming structures and uses under the standards and special regulations of the immediately preceding zone, is reclassified to the I-4 zone and the standards of the I-4 zone do not allow such structures and uses, such structures and uses may continue as conforming structures and uses as of the date of reclassification. However, additions or structural alterations cannot increase the amount of floor area devoted to such uses by more than 10 percent. Any such increase in floor area must conform to the setback, height, floor area ratio, and green area regulations required in Section 59-C-5.35 or Section 59-C-5.44, as applicable.

59-C-5.45. Special regulations-R&D zone.

~~—(a) **Area requirements.** Within the R&D zone, each lot must contain an area of at least 2 acres.~~

(b) **Standard method of development.** Under the standard method of development, a site plan must be filed with the Planning Board under 59-D-3. [Sec. 4.6.2 Methods of Development for ELS zone](#)

~~—(c) **Optional method of development.** In order to encourage the orderly grouping and planned development of research and development projects at higher densities than permitted under the standard method of development, an optional method of development project may be approved, if: (1) the project is not inconsistent with the applicable approved and adopted master plan; and (2) the requirements for site plan approval under Division 59-D-3 are met. If the optional method of development is used, all the standard requirements of the R&D zone will be in effect, except as follows: [Sec 6.5.1 Employment zones- Optional Method Development](#)~~

[Sec. 4.6.5 ELS zone, Standard Method Development Standards in ELS or Sec. 6.5.2. Development standards for Optional Method in ELS zone](#)

(1) **Development density.** Increases in density above FAR 0.3 may be permitted, up to a maximum FAR 0.5, if the increased density is not inconsistent with the recommendations in the applicable approved and adopted master plan for the applicable site.

(2) **Height limit.** No building shall exceed 75 feet in height.

(3) **Setbacks.** The planning board may approve setbacks less than those required under the standard method of development upon a finding that site design and pedestrian circulation would be enhanced and that the resulting development would not have an adverse impact on the use of adjacent land.

(4) **Development procedure.** Under the optional method of development, the procedure for site plan approval shall be as set forth in division 59-D-3. [Sec. 8.3.4. Site Plan](#)

~~—(5) **Site design guidelines.** In order to achieve better the purposes of the R&D zone, measures should be included or contained in the overall design of a project to meet certain site design guidelines. The following guidelines must be addressed at the time of subdivision or site plan approval:~~

~~———i. **Buildings, sidewalks, parking and vehicular access areas should be suited to promote an attractive, active and safe pedestrian oriented environment within the project and to facilitate use of carpooling and vanpooling by employees of the project.**~~

~~———ii. **Significant natural features should be preserved and, where appropriate, such features should be incorporated within project green space areas.**~~

~~— **59-C-5.46. Environmental control provisions applicable in all of the industrial zones.**~~

Any use in an industrial zone must comply with all applicable Federal, State and County requirements and standards concerning noise, vibration, air pollution, odors, electromagnetic radiation, fire and explosion, stormwater management and sediment control, radioactive materials, glare and heat, non-radioactive liquid and solid waste, hazardous substances and wastes and bioresearch materials.

Any use in an industrial zone that is found by the Director of the Department of Environmental Protection to exceed the legal limits established for emission of dust, fumes, gas, smoke, odor, noise, vibration or other environmental disturbances must be brought into conformance or cease operations. The filing of an appeal with the Board of Appeals or a court of competent jurisdiction does not stay a "cease operations" order unless the Board of Appeals or a court of competent jurisdiction grants a stay of the order.

59-C-5.47. Special regulations LSC zone.

59-C-5.471. Purpose. Sec. 2.2.5.C. Employment Life Sciences (ELS)

The primary purpose of the Life Sciences Center (LSC) Zone is to promote research, academic, and clinical facilities that advance the life sciences, health care services, and applied technologies. It is also the purpose of the LSC Zone to provide opportunities for the development of uses that support a Life Sciences Center while retaining an environment conducive to high technology research, development, and production.

~~**59-C-5.472. Where applicable.** No land may be classified in the LSC zone, unless the land is within an area for which there is an approved and adopted master or sector plan that recommends Life Sciences Center development for the land that is subject to the application of the zone. Development under the LSC zone must be consistent with the recommendations of the applicable master or sector plan.~~

59-C-5.473. Special regulations for use of a Building Lot Termination (BLT) Development Right. Sec. 6.6.3.F.2. Building Lot Termination (BLT)

(a) Except for the floor area restricted to:

(1) workforce housing units under Section 59-C-5.474(b);

(2) moderately priced dwelling units under Section 59-C-5.474(a);

(3) hospitals, including the hospital's accessory uses, other than medical office buildings;

(4) educational facilities for non-life sciences; and

(5) life sciences in excess of 50% of the project's floor area under Section 59-C-5.321.

any floor area above an FAR of 0.50 must be supported through the purchase by the applicant of a BLT easement or through a contribution to the Agricultural Land Preservation Fund, under Chapter 2B, for purchase of a BLT easement on real property to preserve agricultural land in the County. One BLT easement must be purchased for each 72,000 gross square feet of residential floor area, or for each 60,000 gross square feet of non-residential floor area. If the floor area of life science uses is greater than 40% but less than 50% under Section 59-C-5.321, then one BLT easement must be purchased for every 120,000 square feet of the Life Sciences uses.

(b) If the applicant for development under the LSC zone cannot purchase an easement, or if the amount of density to be attributed to BLT easement is a fraction of the applicable floor area equivalent, the Planning Board must require the applicant to pay the Agricultural Land Preservation Fund an 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. Sec 4.1.1.A Development Options- Standard method development ~~The maximum residential FAR may be increased in proportion to any MPDU bonus density units provided on site.~~

(b) **Workforce Housing.**

(1) Workforce housing units are allowed at the option of the applicant 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. **Sec. 8.3.4. Site Plan**

(a) Site plan approval in the LSC Zone must satisfy Division 59-D-3. The site plan must be consistent with the recommendations of the applicable master or sector plan, including general design principles recommended by the applicable master or sector plan and design guidelines adopted by the Planning Board to implement the applicable master or sector plan. As part of its site plan, the applicant must submit for approval comprehensive design standards that address building types and facades, except when the site plan is proposed for amendment through a limited plan amendment, a consent agenda amendment, or a Director level amendment.

(b) For site plan or subdivision plan approvals before May 17, 2010, the following regulations apply:

(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 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-4.1 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 that was instituted on property within the Shady Grove Life Sciences Center and subject to the provisions of the 1986 Shady Grove Life Sciences 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 that are subject to a lease agreement or memorandum of understanding with the County entered into prior to June 30, 1984 may be developed under agreements and procedures applicable prior to June 11, 1996. Any lawful uses or developments that 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 under a building permit validly issued and existing at the time of reclassification to the Life Sciences Center zone are permitted, and buildings and structures so constructed must 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.

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

(e) When a lot or parcel is located in the LSC zone on May 17, 2010, any approved preliminary plan or site plan in effect remains valid, and construction may proceed subject to applicable approvals under the previous standards of the LSC zone. At the option of the applicant, the preliminary plan or site plan may be amended, or necessary site plans for implementation may be submitted, under the previous standards of the zone or the standards that exist at the time of filing. Any building or use constructed under the previous standards of the LSC zone under 59-C-5.477(e) is a conforming structure or use and may be continued, structurally altered, reconstructed, repaired, renovated, or enlarged under the previous standards of the LSC zone.

(f) Any lawful structure, building, or use that was constructed or instituted on a lot or parcel zoned LSC before May 17, 2010, which is not subject to Section 59-C-5.477(a), is conforming and may be continued, structurally altered, reconstructed, repaired, renovated, or enlarged under the previous standards of the LSC zone.