



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

MCPB
Item #6
05/14/09

DATE: April 29, 2009
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief, Development Review *RK*
Ralph Wilson, Zoning Supervisor *RW*
FROM: Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To amend the Zoning Ordinance language based on recommendations from the Draft Gaithersburg West Master Plan. Specifically, to make changes to the Life Sciences Center (LSC) zone to permit mixed-use development under certain circumstances in order to promote the growth and advancement of life sciences and applied technologies and to establish the use of building lot termination development rights in the LSC zone

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

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

BACKGROUND

The Draft Gaithersburg West Master Plan continues to support the core concept of the Life Sciences Center as a research and development center, with a strong biotech, academic, and health care presence. Although the Life Science Center has the largest concentration of biotech firms in the County, it is largely an employment, auto-oriented area. The existing, built environment is the result of several single-purpose zones that were created in 1996. Under the original Life Sciences Center Development Plan approved by the County Council, housing and retail uses were specifically excluded to enable a broad range of medical, life science, and academic uses to be concentrated in one area.

The master plan amendment anticipates a more vibrant, dynamic life science community than now exists. The Plan proposes that the Corridor Cities Transitway (CCT) be realigned by placing transit stations where new development and redevelopment is expected to occur – near the hospital in the LSC Core, at JHU/Belward, and at the redeveloped Public Safety Training Academy (PSTA) site. The CCT will enable people who work at the LSC to live in nearby neighborhoods connected by transit. The plan creates new live-work opportunities and greater potential for important scientific and medical-related businesses.

REVISED LIFE SCIENCES CENTER ZONE

The LSC Zone would be revised to support the Gaithersburg West Master Plan goal of transforming the Life Sciences Center into a live/work community while ensuring growth opportunities in the areas of research, medical, and bioscience interests. The LSC Zone was created specifically for development of the Shady Grove Life Sciences Center and has not been applied at any other location in the County. However, with the growth of biotech in the County, the LSC Zone may have broader application than in Gaithersburg West alone.

The zone as revised allows a range of housing options and amenities to support the life science and health care uses. Development under the zone will require site plan approval. The site plan must be substantially consistent with the recommendations of the applicable master or sector plan. In addition to the site plan requirement, an applicant will be required to submit, for Planning Board approval, comprehensive design standards that address building types, facades, and architectural features. The site plan must also be substantially consistent with general design principles recommended by the applicable master or sector plan and design guidelines adopted by the Planning Board.

Important features of the revised LSC zone are summarized below.

1. *The fifty or so permitted and special exception land uses now identified for the LSC zone have been consolidated into about nineteen broad use categories and placed in a section separate from the familiar Land Use Table. Corresponding new definitions are proposed. By-right uses are expanded to include: (a) residential (b) retail trades, (c) food services, (d) hotel and motels, and (e) conference centers, (lines 5-50 and lines 61-82).*

This is a broader range of uses than now allowed for the LSC Zone. To control the level of housing, retail, and other uses not directly related to the core life sciences center objectives, the revised zone has been

structured so that development under the zone must be consistent with the recommendations of the applicable master plan.

2. *Building height is increased from a maximum of 100 feet (125 feet in the health services core) to a maximum of 143 feet (Line 110 –Sec. 59-C-5.31 of the Development Standards table). Floor area ratio (FAR) is increased from a maximum of 0.50 to a maximum of 2.0. The FAR for the gross tract area may be averaged over 2 or more lots created by the same subdivision and recorded in the land records. (Line 110 –Sec. 59-C-5.321 of the Development Standards table).*

Under the revised zone, the applicable master plan may reduce the maximum building height and the maximum FAR of the zone, subject to certain established guidelines.

3. *Any density above a floor area ratio of 0.30 requires approval of a traffic mitigation agreement in accordance with “Special trip reduction guidelines” (Lines 301-358).*

These special trip generation guidelines now exist in the LSC zone. The guidelines are intended to achieve a reduction in auto trips of 10 percent below the peak hour trip generation rates adopted by the Planning Board for the administration of the Adequate Public Facilities Ordinance. A concern heard from building industry representatives and area property owners is that this existing trip reduction provision is no longer relevant and has been overtaken by the current Growth Policy provisions. Staff plans to do additional research to determine if any existing projects were approved under the existing special trip reduction guidelines. In any event, staff is inclined to leave the trip reduction guidelines as they now exist in the LSC Zone.

4. *Elimination of the existing design, lighting, and landscape guidelines for the LSC Zone in favor of guidelines to be established specific to each master or sector plan.*

Site plans also must be substantially consistent with general design principles recommended by the applicable master or sector plan (lines 212-300 and Lines 416-424).

5. *Special regulations for use of a Building Lot Termination (BLT) Development Right to require that 12.5% of any density above a 0.50 FAR be supported through the purchase of a BLT easement.*

The BLT requirement excludes residential projects that have to provide workforce housing and excludes health care services, as defined to include hospitals, hospice care facilities, life care facilities, nursing

homes, medical clinics, physical therapy facilities, and occupational therapy facilities. Staff believes that a BLT requirement for the LSC zone is justified for the same reasons cited for the use of BLTs in the TMX-2 Zone. In both cases, BLT easements are required on density above the “base” allowance. The maximum density proposed in the LSC Zone is four times the current FAR limit.

6. *Flexibility in the green area requirement and public use space requirement (Lines 199-210).*

The revised zone allows the 25 percent green area requirement to be reduced by the Planning Board to not less than 15 percent of the lot area. The Board may also allow public facilities to be provided in lieu of the green area requirement under certain circumstances. The revised zone requires that 15 percent of any development be provided as public use space but may be reduced if the Planning Board finds the reduction consistent with master plan objectives for the area. These are tools believed to be in keeping with the more urban environments envisioned for the Life Sciences Center.

7. *Require 5% workforce housing for any development containing residential dwellings at a density of 20 or more DUs per acre or containing a minimum of 100 dwelling units (Lines 384-409).*

The draft Gaithersburg West Master Plan envisions housing as a secondary use in the LSC Central and LSC Belward Districts. These areas are expected to provide MPDUs (already a requirement) and workforce housing (not currently a requirement because the vicinity is not part of a Metro Station Policy Area). Staff believes that some level of workforce housing should be provided in this zone because the revised zone provides for housing specifically to support the life sciences and health care jobs. Staff is recommending that 5% of any residential development at a density of at least 20 dwelling units per acre be workforce housing units. The workforce housing law (required in any zone with a residential density of 40 or more dwelling units per acre and in a Metro Station Policy Area) requires 10% of the total number of proposed market rate units to be workforce housing units.

8. *Grandfathers existing buildings, structures or uses and development under a preliminary plan or site plan approved before the LSC zone was applied to the property. (Lines 460-495)*

The grandfather provision permits a structure or use to be structurally altered, repaired, renovated, or enlarged up to 10 percent of the gross building floor area.

RECOMMENDATION

Staff recommends that the revised Life Sciences Center Zone be transmitted to the County Council for introduction. The Gaithersburg West Master Plan envisions the LSC as a more vibrant, dynamic place where redevelopment and new development will occur adjacent to the proposed CCT stops.

The revised LSC Zone will support the Plan's goal of transforming the Life Sciences Center into a live/work community while ensuring growth opportunities for research, medical and bioscience sectors.

Attachments

1. Proposed Zoning Text Amendment
2. Zoning Maps from Public Hearing Draft of Gaithersburg West Master Plan

ATTACHMENT 1

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

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

By: Councilmember _____

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

- making changes to the Life Sciences Center (LSC) Zone to permit mixed-use development under certain circumstances in order to promote the growth and advancement of life sciences and applied technologies and to establish the use of building lot termination development rights in the LSC Zone.

By adding or amending the definitions of the following terms in the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.
Section 59-A-2.1. Definitions.
Arts, entertainment, and recreation;
Communication facilities or structures
Food services;
Health care services;
Personal services;
Research, development and related activities;
Retail trade;
Transportation facilities or structures; and
Utilities.

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

DIVISION 59-C-5. INDUSTRIAL ZONES.
Section 59-C-5.21. Allowable uses.

Section 59-C-5.23. Retail sales and personal services.
Section 59-C-5.3. Development standards.
Section 59-C-5.47. Special regulations LSC zone.

EXPLANATION:

Boldface indicates a heading or a defined term.

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

[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * ** indicates existing law unaffected by the text amendment.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. DIVISION 59-A-2. is amended as follows:**

2 **Sec. 59-A-2.1. Definitions.**

3 In this Chapter, the following words and phrases have the meanings indicated:

4 * * *

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

9 * * *

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

15 * * *

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

18 * * *

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

22 * * *

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

29 * * *

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

38 * * *

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

43 * * *

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

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

48 * * *

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

51

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

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

54 * * *

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

56 * * *

57

	I-1	I-2	I-3	I-4	R&D	LSC*_
(a) Residential.						
Dwellings.	SE		SE	SE		
Dwellings, for caretakers or watchkeepers and their families or for bona fide agricultural operations.	P	P	P	P	P	
Hotel or motel. ¹	SE		SE			
(b) Manufacturing and industrial.						
I. Uses of a light industrial nature.						
Bakery.	P	P		P		
Blacksmith shops, welding shops, ornamental iron works, and machinery shops, excluding drop hammers and punch presses over 20 tons rated capacity.	P	P	P	P	P	
Bottling plants.	P	P		P		
Confectionery production.	P	P		P		
Contractors, storage yards.	P	P				
Dry cleaning and laundry plant.	P	P		P		
Electroplating and manufacturing of small parts such as coils, condensers, transformers, and crystal holders.	P	P	P	P	P	

	I-1	I-2	I-3	I-4	R&D	LSC*
Food production, packaging, packing and canning of.	P	P		P		
Fuel storage yards.	P	P				
Ice manufacturing and storage.	P	P		P		
Manufacturing of light sheet metal products.	P	P	P	P	P	
Manufacturing, compounding, assembling or treatment of articles from the following previously prepared materials: bone, cellophane, plastic, canvas, cloth, cork, feathers, felt, fiber, fur, hair, horn, leather, textiles, yarns, glass, precious or semi-precious metals or stones, and tobacco.	P	P		P		
Manufacturing, compounding, processing or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries and products resulting from biotechnical and biogenetic research and development.	P		P	P	P	[P]
Manufacturing, fabrication and/or subassembly of aircraft or satellite parts, components, and equipment.	P		P	P	P	
Manufacturing of musical instruments, toys, novelties, and rubber and metal stamps.	P		P	P		
Manufacturing of paint not employing a boiling or rendering process.	P	P		P		
Manufacturing of pottery and figurines or other products using previously pulverized clay and kilns fired only by electricity or gas.	P	P		P		
Manufacturing and assembly of electronic components, instruments and devices.	P		P	P	P	
Manufacturing and assembly of machine parts, components and equipment.	P	P		P		
Manufacturing and assembly of medical, scientific or technical instruments, devices and equipment.	P		P	P	P	[P]
Manufacturing and assembly of mobile, modular and manufactured homes.	P	P		P		
Manufacturing and assembly of semi-conductors microchips, circuits and circuit boards.	P		P	P	P	
Manufacturing of yeasts, molds, and other natural products necessary for medical and biotechnical research and development.	P		P	P	P	[P]
Paper products manufacturing.	P	P		P		
Printing and publishing.	P		P	P	P	
Research, development and related activities.	P		P	P	P	[P]
Sawmills.	P	P				
Sign making shop.	P	P		P		

	I-1	I-2	I-3	I-4	R&D	LSC*
Stoneworks.	P	P				
Tinsmith and roofing services.	P	P		P		
Wood products manufacturing.	P	P		P		
II. Uses of a heavy industrial nature.						
Alcoholic beverage manufacturing.	SE	P				
Automobile recycling facility		P				
Distillation of coal, tar, or wood		P				
Central mixing plants for asphalt, concrete or other paving materials.		P				
Chemicals, except sulfuric, nitric, hydrochloric acid or other corrosive or offensive chemicals.		P				
Dye works.		P				
Fertilizer mixing plants.		SE				
Foundries or metal fabrication plants.		P				
Incinerators. ⁶		SE ²⁷				
Manufacturing of brick, clay, terra cotta and tile.		P				
Manufacturing of cinder blocks.		P				
Manufacturing of printing inks.		P				
Manufacturing of synthetic fabrics such as rayon.		P				
Manufacturing of cloth made from shoddy or other similar material.		P				
Off-loading and transfer sites for storage of sand, gravel or rocks.	p ⁷	P		p ⁷		
Recycling facility.	p ³⁰	P		p ³⁰		
Rock crusher, washing and screening plants.		P				
Sanitary landfills. ⁶		SE ²⁷				
Starch, glucose and dextrin.		P				
Steam power plants.		P				
Stove polish.		P				
Sugar refineries.		P				
(c) Transportation, communication and utilities.						
Amateur radio facility.	p ³⁵ / SE	p ³⁵ / SE	p ³⁵ / SE	p ³⁵ / SE	p ³⁵ / SE	[p ³⁵ / SE]

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

	I-1	I-2	I-3	I-4	R&D	LSC*
Automobile parts, sales and services, including but not limited to tire sales and transmission services, but excluding automobile filling stations.	P			P		
Automobile repair and services.	P			P		
Automobile sales, indoors and outdoors.	p ⁸			p ⁸		
Building material and supply, wholesale and retail. ²⁰	P	P		P	p ³⁷	
Cafeteria, dining room, snack bar, or other such facilities as an accessory use in connection with the operation and primarily for employees of the zone in which the use is located. ⁹	P	P	P	P	P	[p ²⁹]
Consignment store		p ³¹				
Eating and drinking establishments. ^{9,10}	SE		SE	SE	SE	[SE]
Lumberyards.	P	P		P		
Retail sales and personal services, dealing primarily with employees in the zone, in accordance with section 59-C-5.23.	P		P	P	P	[p ²⁹]
Transitory use. ²⁵	P/SE	P/SE	P/SE	P/SE	P/SE	[P/SE]
Wholesale trades limited to sale or rental of products intended for industrial or commercial users.	P		p ³⁶	P		
(e) Services.						
Ambulance or rescue squads, publicly supported.	P		P	P	P	[P]
Animal boarding places. ¹¹	P			P		
Automobile filling stations. ²¹	SE	SE ¹⁴		SE		
Automobile repair and services.	P			P		
Automobile, truck and trailer rentals, outdoor.	P			P		
Chancery.	SE		p ²⁴			
Child day care facility. ²⁸						
-Family day care home.	P		P	P	P	[P]
-Group day care home.	P		P	P	P	[P]
-Child day care center.	P		P	P	P	[P]
Clinics, medical or dental.	P		P	P	P	[P]
Computer programming and software services including data banks and data retrieval.	P		P	P	P	
Conference centers:						

	I-1	I-2	I-3	I-4	R&D	LSC*
-With lodging facilities.			SE		SE	
-Without lodging facilities.			P		P	[P]
Corporate, administrative or business offices for companies principally engaged in health services, research and development or high technology industrial activities.					P	[P]
Day care facility for senior adults and persons with disabilities	P		P	P	P	[P]
Duplicating service.	P		P	P	P	[P29]
Educational institution, private	p34					
Fire stations, publicly supported.	P		P	P	P	[P]
General offices.	P	p12	P	SE	p13	[P13]
Highway fuel and food service.	SE					
Hospitals.	SE		SE	SE	SE	[P]
Hospitals, veterinary, when in a soundproof building.	P			P		
International organization, public.	SE		p24		p24	[P]
Laboratories.	P		P	P	P	[P]
Landscape contractor.	P					
Meeting centers.	SE					
Nursing and care homes.						[P]
Place of religious worship.	P		P	P	P	[P]
Physical therapy facilities.						[P]
Publicly owned or publicly operated uses.	P	P	P	P	P	[P]
Storage, outdoor. ¹⁵	P	P		P		
Trade, artistic or technical schools.	P		p19	P	p19	[P19]
Universities and colleges providing teaching and research facilities.	p32		P		P	[P]
Warehousing and storage services:						
-Industrial and commercial users.	P	P	p16	P		
-Self-storage facilities.	P			P		
(f) Cultural, entertainment and recreational.						
Art or cultural centers.			SE		SE	[SE]
Health clubs.	P		P	P	P	[P]
Libraries, scientific or technical.	P		P	P	P	[P]

	I-1	I-2	I-3	I-4	R&D	LSC*
Private clubs. ¹⁷	SE		SE	SE	SE	
Recreational facilities primarily for the use of employees. ¹⁷	P	P	P	P	P	[p29]
Recreational or entertainment establishments, commercial.	SE	SE		SE		
Rifle or pistol ranges, indoor.	SE	SE		SE		
Service organizations.	SE			SE		
Swimming pools, private.			p18			
(g) Resource production and extraction.						
Agricultural uses.	P	P		P		
Dairy products processing.	P			P		
Rock or stone quarries.		P				
Sand gravel or clay pits.		P				
Stockyards.	SE	SE				
(h) Miscellaneous uses.						
Accessory buildings and uses.	P	P	P	P	P	[P]
Signs, in accordance with the provisions of article 59-F.	P	P	P	P	P	[P]

58

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

60

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

62 The following uses are permitted in the LSC Zone:

63 (1) research, development and related activities;

64 (2) private educational institutions;

65 (3) health care services;

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

67 (5) conference centers;

68 (6) hotels, motels, and inns;

69 (7) dwellings and dormitories;

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

83

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

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

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

93 (c) Such use must not front on or abut any street with a right-of-way of 70
94 feet or more unless the street is internal to the industrially zoned area.
95 Such use, however, must not front on or abut any street with an existing or
96 master planned right-of-way of 100 feet or more. All access to such use
97 must be from interior streets within the industrially zoned area.

98 (d) The display of a sign must comply with the requirements established in
99 Article 59-F of this chapter.

100 (e) In the I-3 and R&D zones, such use may be located within any building as
101 a use in accordance with the following requirements:

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

103 (2) Such incidental use must satisfy the requirements of subsections
104 (a), (b) and (d), above.

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

108 * * *

109

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

	I-1	I-2	I-3	I-4	R&D	LSC
59-C-5.31 Building height.						
No building shall exceed the following height limits:						
(a) Normally:						
-In stories	3	5		3		
-In feet	42	70	100	42	50	[100] 143 ³
(b) In the I-1 zone this height may be increased in accordance with the requirements of section 59-C-5.41.						
59-C-5.32. Coverage limitations. (Percent of gross tract area)						
-Green area shall be provided for not less than	10	10	35	20	30	[25] See § 59- C- 5.473 (a)
-Off-street parking is not allowed to occupy more than			45 ¹			
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] <u>for the gross tract area</u> and may be averaged over [the gross tract area] <u>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.</u> <u>In the LSC Zone, if the property is under common ownership or control, the floor area ratio in one portion of the gross tract area of the property may exceed the maximum floor area ratio of the zone only if it is balanced by a lesser floor area ratio elsewhere on the property to the extent that the overall floor area ratio for the property does not exceed the maximum floor area ratio of the zone. The densities for all portions of the property must be shown in a covenant that is recorded in the land records and that covers the total tract area of the property. The Planning Board must determine compliance with the densities shown in the covenant at the time of site plan approval</u> <u>In the LSC zone, any density above a floor area ratio of 0.30 must obtain approval of a traffic mitigation agreement in accordance with Section 59-C-5.474. In the LSC zone, 12.5% of any density above a floor area ratio of 0.50 must be supported through the purchase of a BLT easement in accordance with Section 59-C-5.475.</u>					0.30	2.0 ⁴

	I-1	I-2	I-3	I-4	R&D	LSC
In the I-3 [and LSC] zone[s], the maximum density of development must not exceed the following floor area ratio, based on gross tract area, which may be averaged over 2 or more lots created by the same subdivision plan if the density is recorded by covenant in the land records for all affected lots. When averaging is used for previously approved subdivision plans the total development density must not exceed the density for which Facility approval was previously granted, unless a new Adequate Public Facility test is applied. In such situations, the shift of density must be recorded in the land records for all affected lots. [Adequate Public Facility approval was previously granted, unless a new Adequate Public Facility test is applied. In such situations, the shift of density must be recorded in the land records for all affected lots.]			0.50			[0.30]
In the I-3 zone, the maximum density may be increased up to a maximum floor area ratio of 0.60 provided that the applicant for development obtains approval of a traffic mitigation agreement at the time of site plan review, that will result in traffic generation equal to or less than a project with a floor area ratio of 0.50.						
[In the LSC zone, the maximum density may be increased to a maximum floor area ratio of 0.50 provided the applicant for development obtains approval of a traffic mitigation agreement in accordance with Section 59-C-5.475.]						
59-C-5.322. Requirement for landscape plan. In the R&D zone, the preliminary plan of subdivision must include a landscape plan and a plan for the preservation of natural features.						

111

112 1 In unusual circumstances, may be waived by the [planning board] Planning Board at the time of
 113 site plan approval upon a finding that a more compatible arrangement of uses would result.

114 2 An entire floor or story or a portion of a floor or story used exclusively for mechanical equipment
 115 is excluded from the maximum density of development calculation, and no portion of any floor or
 116 story excluded from the maximum density calculation that exceeds the Floor Area Ratio of the
 117 zone may be used for any other purpose. The aggregate area of any partial floors or stories
 118 excluded from the maximum density of development calculation must not exceed the gross floor
 119 area of any full floor of the building.

120 3 A master or sector plan recommendation may reduce the maximum height of the zone where
 121 necessary for the orderly development of the surrounding area. In approving height limits, the

122 Planning Board must consider the size of the lot or parcel, the relationship of existing and
123 proposed buildings and structures to surrounding uses, the need to preserve light and air for the
124 residents of the development and residents of surrounding properties, and any other factors
125 relevant to the height of the building.

126 4 A master or sector plan recommendation may reduce the maximum density of the zone where
127 necessary for the orderly development of the surrounding area. In approving the proposed
128 densities, the Planning Board must consider the size of the parcel and the relationship of the
129 existing and proposed building and structures to surrounding uses.

130

131 * * *

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

133 * * *

134 **59-C-5.47. Special Regulations LSC zone.**

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

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

145 (a) The goals of an LSC are:

- 146 (1) To provide a unique reinforcing focus for the life sciences industry
147 to promote the successful expansion of the industry in
148 Montgomery County;
- 149 (2) To expand the educational and research resources available for
150 Montgomery County residents, employers and work force; and
- 151 (3) A life sciences center may serve the health care needs of the
152 region.
- 153 (b) It is the intent that LSC's be developed in a manner which makes a
154 positive contribution to the quality of life in the County. The facilities,
155 landscaping and open space will create an attractive setting and
156 environment conducive to high technology research, development,
157 production and related uses. The purposes of the life sciences center zone
158 are as follows:
- 159 (1) To promote the development of life science research parks which
160 reflect the highest architectural and environmental standards; to
161 preserve the confidence of corporate users and the surrounding
162 community that future development will be of consistently high
163 quality and to protect and enhance the economic and
164 environmental values of the life sciences center.
- 165 (2) To assure that all buildings are compatible with each other and
166 with their surroundings in terms of exterior design, massing and
167 scale, and type and quality of construction.

168 (3) To promote clustering of buildings to encourage and facilitate
169 pedestrian use of open space and common areas and shared
170 facilities.

171 (4) To assure the provision of green areas and promote the use of
172 green areas to enhance the appearance of the facilities and the
173 quality of the work environment.]

174 **59-C-5.472. Where applicable.** No land may be classified in the LSC zone
175 unless the land is within an area for which there is an approved and adopted
176 master plan which recommends life sciences center development for the land
177 which is subject to the application of the zone. Development under the LSC zone
178 must be consistent with the recommendations of the applicable master of sector
179 plan.

180 **59-C-5.473. Special Development standards.**

181 [(a) **Building setbacks.**

182 (1) Building setback from the rights-of-way of interior roads is 25 feet
183 Building setback from the rights-of-way of perimeter roads is 50
184 feet.

185 (2) Building setback from the right-of-way line at entry gateways is 50
186 feet.

187 (3) Building setback from an interior lot line is 20 feet.

188 (b) **Building height.** Maximum building height is 100 feet, except 125 feet in
189 the health services core of the Shady Grove Life Sciences Center as

190 defined in the 1986 Shady Grove Life Sciences Center Development Plan,
191 as amended.

192 (c) **Building coverage.** Maximum building coverage is 25 percent of the lot
193 area except that increased coverage up to 50 percent may be approved
194 when the applicant proposes to construct structured or underground
195 parking.

196 (d) **Floor area ratio.** The maximum floor area ratio may be increased to 0.50
197 if special trip reduction is implemented in accordance with the guidelines
198 in Section 59-C-5.475.]

199 [(e)] (a) **Green area.** The minimum green area on the site is 25 percent of the lot
200 area[.], but may be reduced to not less than 15% of the lot area by the
201 Planning Board if consistent with the objectives of the master or sector
202 plan. Public facilities and amenities may be provided in lieu of the green
203 area requirement if the Planning Board determines that such public
204 facilities and amenities would be more beneficial to the proposed
205 development than strict adherence to the specific green area requirement.
206 Roofs or below grade parking may be counted as green space if developed
207 for passive or recreational use.

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

211
212 [(f) **Parking setbacks.**

- 213 (1) Parking setback from rights-of-way is 50 feet.
- 214 (2) Parking setback from an interior lot line is 15 feet. Where internal
215 connection between adjacent parking lots is planned, total
216 combined setback is eight (8) feet.
- 217 (3) In the Shady Grove Life Sciences Center, parking setback from the
218 right-of-way line of Blackwell Road and the curb line of access
219 roadways and cul-de-sacs is 25 feet.
- 220 (g) **Parking design standards.**
- 221 (1) All parking areas must be effectively screened from adjacent
222 roadways and adjoining lots, through the use of berms, plantings,
223 or the depression of parking areas below surrounding grades.
- 224 (2) Parking areas should be broken up into lots of no more than 150
225 cars, the lots to be separated by landscaped islands.
- 226 (3) The number of parking spaces provided, and the overall design and
227 layout of parking lots must be in accordance with Article 59-E.
- 228 (4) No access to any lot is allowed directly from perimeter roads.
- 229 (h) **Site design standards.**
- 230 (1) Buildings should be sited to provide primary visual orientation to
231 the internal road network. Care must be taken so that exposure to
232 roads surrounding the life sciences center do not detract from the
233 overall appearance of the facility or the life sciences center.
- 234 (2) Buildings should appear to be integrated into the natural terrain,
235 avoiding unnatural looking grading.

- 236 (3) Service areas should not detract from the design of the facility. All
237 service areas should be effectively screened from adjoining lots,
238 pedestrian areas, and parking lots by incorporating them into the
239 building or by the use of walls, berms, level changes and
240 landscaping.
- 241 (4) In the Shady Grove Life Sciences Center, pedestrian paths or
242 sidewalks must be provided in accordance with the 1986 Shady
243 Grove Life Sciences Center Development Plan, as amended.
- 244 (i) **Building design standards.**
- 245 (1) All sides of the building are to be built with finish materials.
- 246 (2) Recommended finish materials include:
- 247 (A) Architectural masonry units (excluding standard concrete
248 and cinder block);
- 249 (B) Natural stone;
- 250 (C) Precast concrete
- 251 (D) Aluminum and architectural metals
- 252 (E) Porcelain covered metal panels; and
- 253 (F) Glass
- 254 (3) Mechanical equipment should be located within the building or
255 within a mechanical equipment penthouse. If mechanical
256 equipment is located on the roof or is free-standing on the site, it
257 must be effectively screened from view by means fully compatible
258 with the architecture. Mechanical equipment must be screened

259 from view from all roads and immediately adjacent structures
260 (existing or future) four stories in height or less. Required flues or
261 vents must be compatible in design with the architecture and
262 preferably incorporated into that design.

263 (4) Outdoor storage must not be permitted except when effectively
264 screened within a court or a wall made of substantial materials
265 compatible with those of the building skin.

266 (5) All trash containers, transformers, meters, telephone junction
267 boxes etc., must be integrated architecturally or effectively
268 screened with screen walls and/or landscaping materials.
269 Locations must be compatible with building and site design.

270 (6) No temporary structures may be constructed or trailers located
271 within the LSC except for those approved by the Director to
272 service a construction project and only for the duration of the
273 construction.

274 (j) **Site lighting standards.**

275 (1) Site lighting must be provided to maintain a minimum level of
276 illumination within the parking areas (ft. candle minimum
277 maintained).

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

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

284 **59-C-5.474. Landscaping guidelines.**

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

287 (b) Every effort should be made to avoid formality in plantings except as it
288 may be integral to an architectural concept. Emphasis should be placed on
289 the natural grouping of groves of trees and every opportunity should be
290 taken to emphasize or take advantage of natural terrain features.

291 (c) Plants should be restricted to those with low maintenance requirements
292 and which have already proven themselves hardy and easily cared for in
293 this area.

294 (d) To ensure year-round interest and beauty, a skeletal planting of evergreen
295 trees and major shrubs of seasonal interest should be used in each project
296 so that the design does not disintegrate at leaf-fall.

297 (e) Native flowering trees should be planted in groves placed near areas of
298 pedestrian use. Whenever possible, larger specimens should be selected in
299 order to create an immediate effect at major points in the design. Smaller
300 plantings may be used in peripheral areas.]

301 **59-C-5.47[5]4. Special trip reduction guidelines.** Where the approved
302 subdivision plan of the life sciences center allows a development density
303 exceeding 0.3 FAR, it is the intent of the special trip reduction guidelines to
304 achieve as a goal a reduction in auto trips for projects of 10 percent below the

305 peak hour trip generation rates adopted by the Planning Board for the
306 administration of the Adequate Public Facilities Ordinance. To help achieve the
307 trip reduction goal, design measures should be incorporated in the project to meet
308 trip reduction objectives established in this section, as well as non-design
309 measures for the purpose of reducing dependence on single-occupant
310 automobiles. The Planning Board may establish a schedule for achieving the goal
311 and time periods during which the trip reduction measures will be in effect. Any
312 or all of the following trip reduction guidelines or other measures proposed by an
313 applicant are to be considered as appropriate on a case-by-case basis taking into
314 consideration specific circumstances of the project.

315 (a) **Design guidelines.**

- 316 (1) Buildings clustered near internal streets to minimize walking
317 distance to available transit and to promote an attractive, active and
318 safe pedestrian-oriented streetscape, to accommodate bus service,
319 carpooling and vanpooling within a project.
- 320 (2) An uninterrupted pedestrian circulation system linking the various
321 uses within a project . The pedestrian system should provide
322 convenient connections to transit service and employee
323 convenience services to reduce dependence on single-occupant
324 automobiles and to promote an active streetscape.
- 325 (3) If convenience services are provided, space on the ground floor of
326 a building for such services to reduce the need for private vehicle
327 trips during the day.

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

329 (1) Trip reduction programs such as limiting off-street parking after
330 consideration of market demand, flex time, the provision of or
331 participation in share-a-ride programs, transit/vanpool fare
332 discounts, bus shelters, emergency ride-home programs, reserved
333 HOV spaces, or other acceptable measures that may be proposed;
334 provided that a limitation on off-street parking below the
335 applicable standards of Article 59-E shall not be required in order
336 to achieve trip reduction goals.

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

339 (c) **Implementation.**

340 (1) The Planning Board may establish a schedule for achieving the
341 requirements and time periods during which the trip reduction
342 measures will be in effect. The Planning Board may also require
343 the applicant to enter into an agreement providing for the
344 monitoring, enforcement, and other terms of the trip reduction
345 program. Provision must be made in the agreement to allow for
346 the inclusion of a maximum cost for the implementation of
347 substitute components of the trip reduction measures in the event
348 initial components do not achieve the requirements.

349 (2) Results of on-site trip reduction programs implemented by the
350 applicant to satisfy other traffic mitigation conditions of development

351 approvals may be credited toward achieving the trip reduction
352 requirement. All traffic mitigation requirements otherwise applicable
353 remain in effect. The Planning Board may phase implementation of
354 some or all of the trip reduction in accordance with the build-out of the
355 project and/or availability of transit so that the measures are feasible
356 and effective, except the Planning Board must not defer such
357 implementation for more than 10 years from the issuance of any use-
358 and-occupancy permit for a building in the project.

359

360 **59-C-5.475. Special regulations for use of a Building Lot Termination (BLT)**

361 **Development Right.**

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

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

372 (b) If the applicant for development under the LSC zone cannot purchase an
373 easement, or if the amount of density to be attributed to BLT easement is a

374 fraction of the applicable floor area equivalent, the Planning Board must
375 require the applicant to pay the Agricultural Land Preservation Fund an
376 amount set annually by Executive Regulation.

377

378 **59-C-5.476 MPDUs and Workforce Housing.**

379 **(a) Moderately Priced Dwelling Units.** If residential uses are included in a
380 development, Moderately Priced Dwelling Units must be provided under Chapter
381 25A. The maximum residential FAR may be increased in proportion to any
382 MPDU density bonus units provided on-site.

383

384 **(b) Workforce Housing.**

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

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

394

395 (A) any residential density or residential FAR limit of the applicable
396 zone to be exceeded to the extent required for the number of

397 workforce housing units that are constructed, but not by more than
398 5 percent;

399
400 (B) any residential density or residential FAR limit established in a
401 master or sector plan to be exceeded to the extent required for the
402 number of workforce housing units that are constructed, but not
403 more than the maximum density and FAR of the zone, except as
404 provided in paragraph (1), and

405
406 (C) any building height limit established in a master or sector plan to
407 be exceeded to the extent required for the number of workforce
408 housing units that are constructed, but not to more than the
409 maximum height of the zone.

410

411

412 **59-C-5.477 Parking.** Off-street parking must be provided in accordance with the
413 requirements of Article 59-E.

414

415 **59-C-5.47[6]8. Procedure for application and approval.**

416 (a) The procedure for site plan approval in the LSC zone is [set forth in] under
417 Division 59-D-3. The site plan must be substantially consistent with the
418 recommendations of the applicable master or sector plan. In addition to the site
419 plan submission requirements, the applicant must submit for approval

420 comprehensive design standards that address building types, facades, and
421 architecture. Site plans also must be substantially consistent with general design
422 principles recommended by the applicable master or sector plan and design
423 guidelines adopted by the Planning Board to implement the applicable master or
424 sector plan.

425

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

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

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

441 A. an approved subdivision plan which may restrict the
442 maximum density allowed, and

443 B. the 1986 Shady Grove Life Sciences Center Development
444 Plan, as amended. This subparagraph does not apply to any
445 project on the property identified as the University Sites in
446 the 1995 Shady Grove Life Sciences Development Plan.
447 Any application of the 1986 Shady Grove Life Sciences
448 Center Development Plan to such University Sites arises by
449 private agreement only.

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

460 **59-C-5.47[7]9. Existing approved buildings, building permits, or uses.**

461 (a) Any existing building or structure for which a lawful building permit was
462 issued, and any lawful use which was instituted on property within the
463 Shady Grove Life Sciences Center and subject to the provisions of the
464 1986 Shady Grove Life Sciences Center Development Plan, as amended,
465 prior to a sectional zoning map amendment approved on June 11, 1996,

466 where such lot was rezoned to the life sciences center zone by sectional or
467 local map amendment, will not be regarded as a non-conforming use.
468 Such building or use may be structurally altered, replaced or repaired, or
469 may be changed in conformance with the requirements of the previous
470 lease agreement or memorandum of understanding with the County
471 entered into prior to June 30, 1984, so long as it remains an otherwise
472 lawful use. Properties which are subject to a lease agreement or
473 memorandum of understanding with the County entered into prior to June
474 30, 1984 may be developed in accordance with agreements and procedures
475 applicable prior to June 11, 1996. Any lawful uses or development which
476 were approved in a plan of development approved by the District Council
477 may be instituted on the Shady Grove Life Sciences Center properties.

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

483 (c) Any lawful structure, building, or use that existed for which a building
484 permit was issued after June 11, 1996 and before the date the LSC zone
485 was applied to the property is a conforming structure or use and may be
486 continued, structurally altered, repaired, renovated, or enlarged up to 10
487 percent of the gross building floor area. However, any enlargement of the
488 building that is more than 10 percent of the gross floor area, or

489 construction of a new building must comply with the new standards of the
490 LSC zone.

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

496

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

499

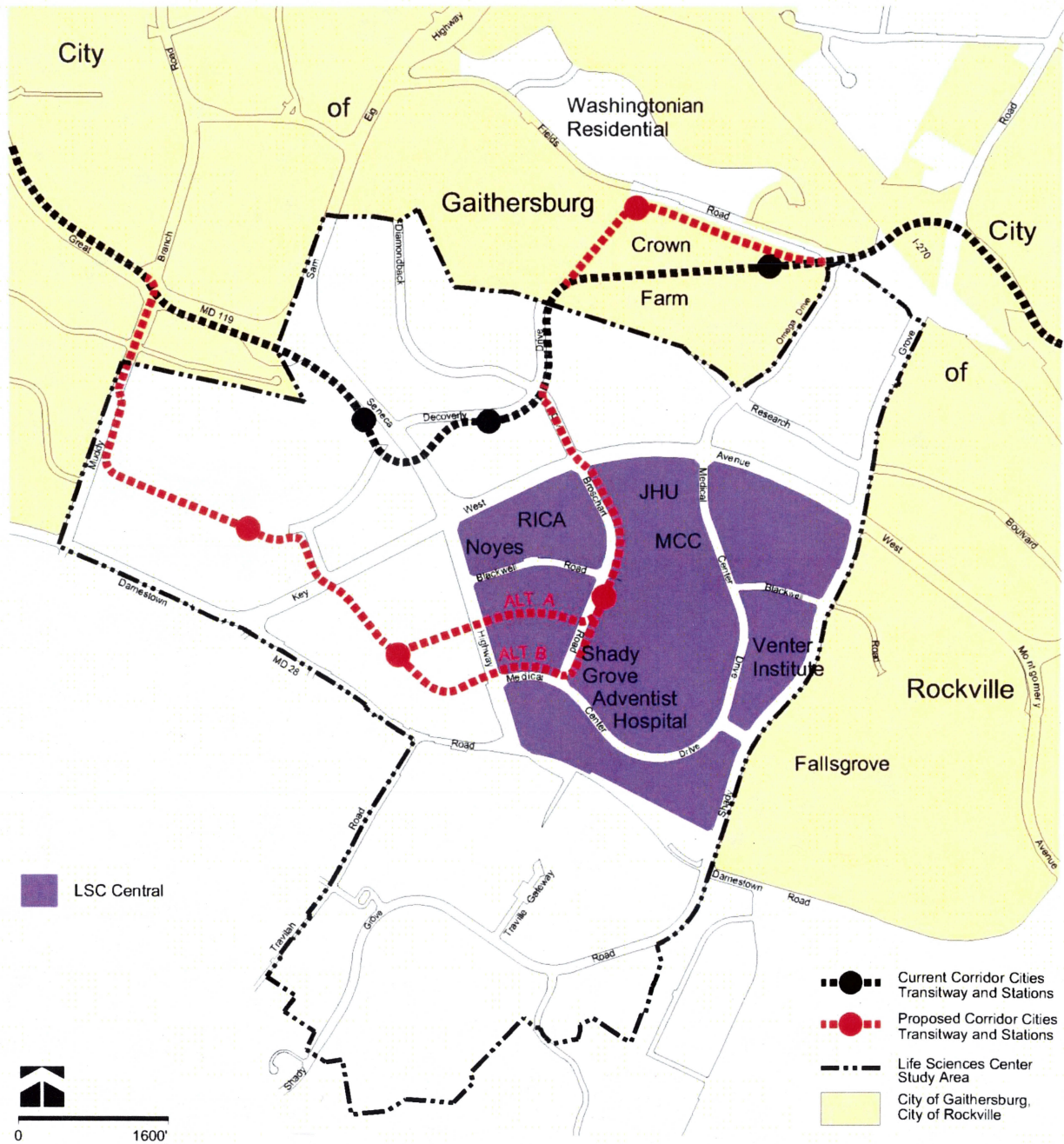
500 This is a correct copy of Council action.

501 _____

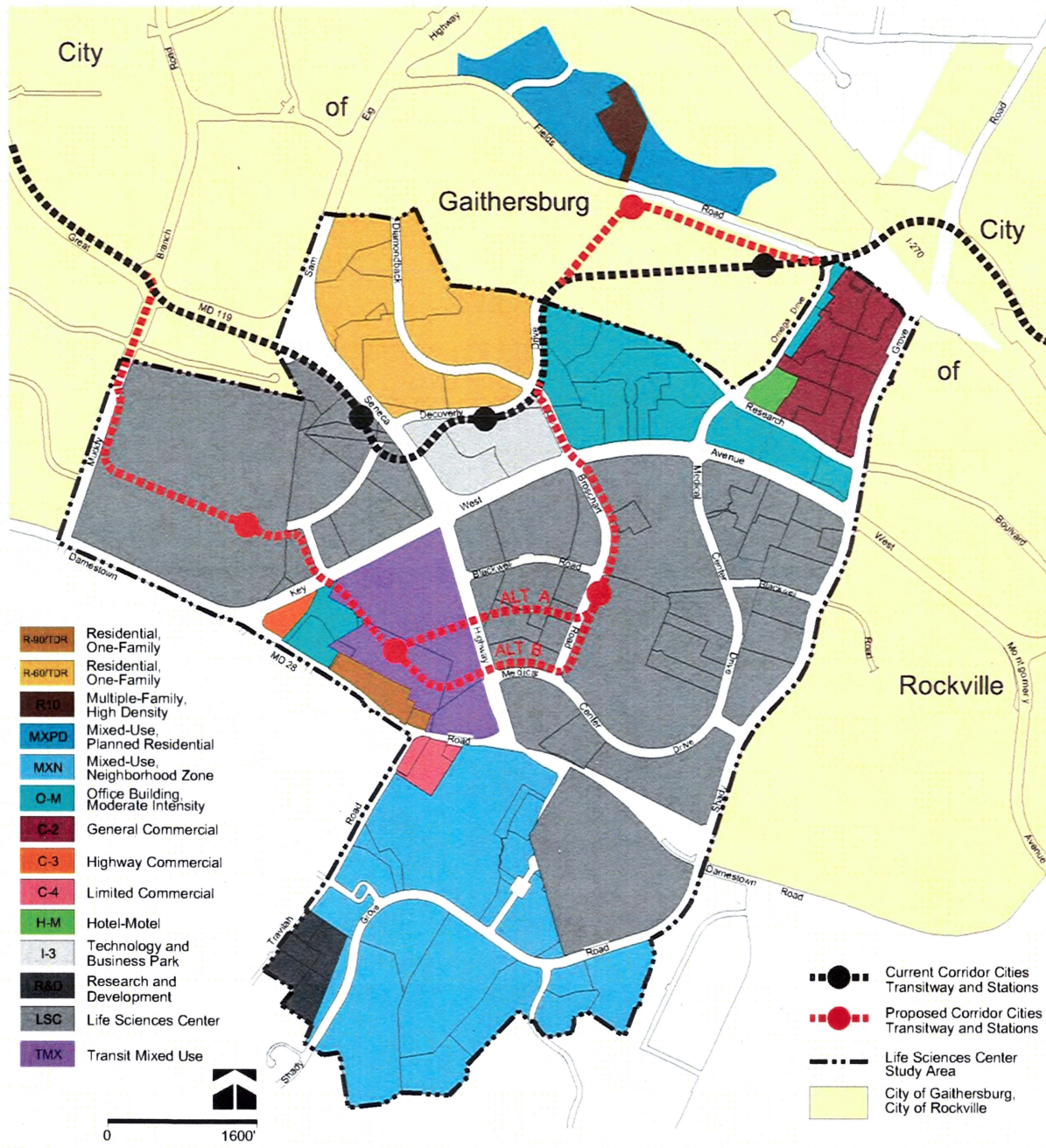
502 Linda Lauer, Clerk of the Council

503

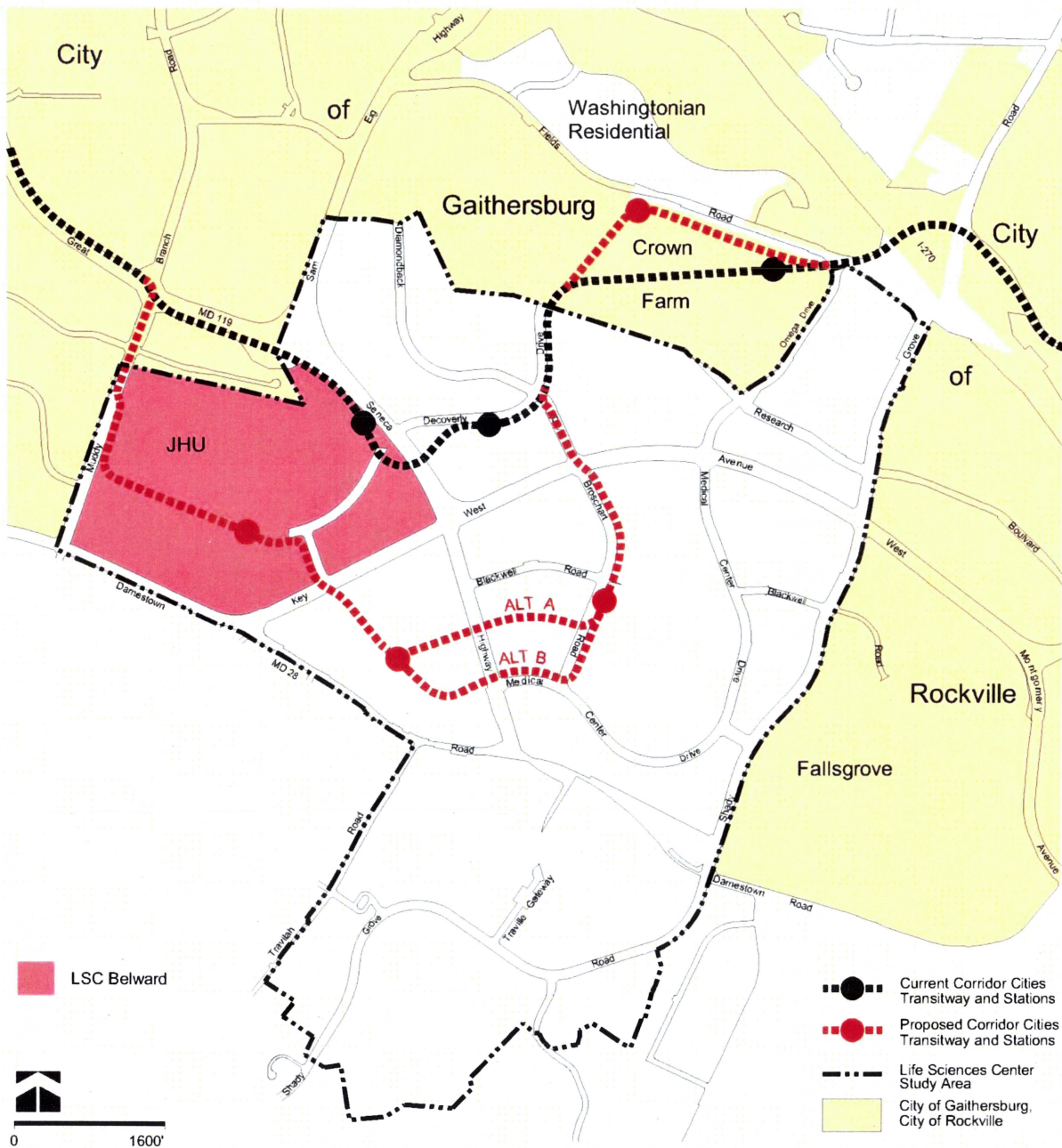
LSC Central District



Proposed LSC Zoning



LSC Belward District



To the north and immediately adjacent to Belward is the Mission Hills neighborhood, a subdivision of 52 single-family homes in the City of Gaithersburg. Across Muddy Branch Road to the west are the Washingtonian Woods and Westleigh neighborhoods, also in the City of Gaithersburg. South of Darnestown Road are the North Potomac neighborhoods, in the County's 2002 Potomac Subregion Master Plan.