

Chapter 24 – Zoning

ARTICLE 1 – INTRODUCTORY PROVISIONS

Section 24-1.1 – Title and Effective Date

- (A) **Title.** This Ordinance shall be known as the Zoning Ordinance of the City of Gaithersburg, Maryland, which is Chapter 24 of the City Code. This zoning ordinance may occasionally be referred to as this “Code” or the “Chapter” within the document.
- (B) **Effective Date.** This zoning ordinance was adopted on INSERT DATE, as a revision of Chapter 24 of the Code of Ordinances of the City of Gaithersburg, with an effective date of INSERT DATE

Section 24-1.2 – Statutory Authority and Applicability

- (A) **Statutory Authority.** This zoning ordinance is adopted by the City of Gaithersburg pursuant to authority granted under Maryland Code Ann., Planning and Zoning, § 4-416. Whenever codes cited in this zoning ordinance refer to the Annotated Code of Maryland, in instances where it has been amended or superseded, this zoning ordinance shall be deemed amended in reference to the new or revised state code.
 - (1) In the event of any conflict between the limitations, requirements, or standards contained in the different provisions of this ordinance, the more restrictive provision shall apply.
 - (2) In the event that this regulation conflicts with other federal, state, or local regulations, the more restrictive regulation shall prevail.
- (B) **Severability.** It is the legislative intent of the city council in adopting this Chapter that all provisions and sections of this Chapter shall be liberally construed as minimum requirements to protect and preserve the peace, health, safety, and general welfare of the inhabitants of the city and that if any provision, portion, section, or subsection of this Chapter is held to be unconstitutional or invalid, that holding shall not be construed as affecting the validity of any of the remaining provisions, portions, sections, or subsections; it being the intent of the city council that this Chapter shall stand, notwithstanding the invalidity of all or part of any provision or section.
- (C) **Applicability.** No structure shall be located, erected, constructed, reconstructed, moved, converted, or enlarged; nor shall any structure or land be used [what about grandfathered structures?] or be designed to be used, except in full compliance with all the provisions of this zoning ordinance and, when required, after the lawful issuance of the permit(s) required by this zoning ordinance. G
- (D) **Continuance of Approved Projects.** No regulation contained herein shall require any change in the overall layout, plans, construction, size, or designated use of any development, structure, or part thereof, for which official approvals and required permits [“.and permits" means that an SDP entitled but unbuilt project would lose its entitlements?] have been granted before the effective date of this zoning ordinance update.
- (E) **Existing Applications and Permits.** Any application, including any sketch plans, schematic development plans, or site plans included therein, that is submitted prior to the effective date of the 2024 City Zoning Ordinance Update and that is deemed valid and complete and includes all application components required pursuant to the zoning code in effect at the time of the application’s submission shall be reviewed by the planning division, planning commission, city council, and all other relevant city agencies pursuant to the standards of the zoning code in effect at the time of the application’s submission, as long as the submission proceeds for review and

approval within two (2) years of its submission [Does this mean that the City annexation agreement and Settlement Agreement older than 2 years are void?]. Future modifications or amendments sought by an applicant after approval of such a qualifying application shall be reviewed in accordance pursuant to the standards of the zoning code in effect at the time of the application’s submission of such modifications.

Section 24-1.3 – Overview of Zoning Districts

(A) **Zoning districts established.** The City of Gaithersburg is divided into the following zoning districts pursuant to the City’s Official Zoning Map and sections thereof, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter.

Table 24-1.3-A: Zoning Districts

Residential Zones	Non-Residential Zones	Floating Zones
R-A: Low Density Residential	CB: Commercial Buffer	CBD: Central Business District
R-90: Medium Density Residential (inclusive of R-90 Cluster)	C-1: Local Commercial	CD: Corridor Development
R-6: Medium Density Residential	C-2: General Commercial	MCD: Mixed-Commercial Development
RB: Residential Buffer	I-1: Light Industrial	MXD: Mixed-Use Development
RP-T: Medium Density Residential	I-3: Industrial Office Park	
R-20: Medium Density Residential	E-1: Urban Employment	
R-18: Medium Density Planned Residential	E-2: Urban Employment	
R-H: High Density Residential		

(B) **Applicability of zone regulations.** The regulations set by this Chapter within each zone shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly except as hereinafter provided:

- (1) No building, structure, or land shall be used or occupied [Grandfather?], and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered internally or externally, unless in conformity with all the regulations herein specified for the zone in which it is located.
- (2) No building or other structure shall hereafter be erected or altered:
 - (a) To exceed the height;
 - (b) To accommodate or house a greater number of households;
 - (c) To occupy a greater percentage of lot area; or
 - (d) To have narrower or smaller rear setbacks, front setbacks, side setbacks or other open spaces; than herein required; or in any other manner contrary to the provisions of this Chapter.
- (3) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

- (1) **Front yard.** A front yard is the area of a lot located between the entirety of the front lot line and a line drawn at the principal building foundation wall as it extends to the adjacent side lot line.
- (2) **Side yard.** A side yard is the entire area located between a side lot line and the adjacent principal building foundation wall, not including the front or rear yard as defined, except for corner lots where the side yard extends the length of the road frontage from the front yard to rear lot line.
- (3) **Rear yard.** A rear yard is the area of a lot located between the entirety of the rear lot line and a line drawn at the rear principal building foundation wall as it extends to the adjacent side lot line.
- (I) **Lot area.** Lot area is the total surface area of the land included within a single lot, parcel, outlot, outparcel, lot of record, or other land conveyance that has been recorded among the Land Records of Montgomery County.
- (J) **Lot area, net.** The total area included within lot lines, excluding publicly dedicated land and rights-of-way.
- (K) **Impervious lot coverage.** Expressed as a percentage, the area(s) of a lot that is covered by buildings, pavement, nonporous fill, or other cover as defined in Chapter 8 of the City Code through which water cannot penetrate, divided by the Lot Area, multiplied by one hundred (100) in order to express as a percentage. The areas beneath elevated structures shall not be considered impervious, so long as those areas beneath the elevated structures are maintained as fully permeable surfaces. Wooden decks, or a similar planked material, which have spaces between planks for water to drain shall not be considered impervious surface unless the ground cover below is impervious.
- (L) **Front yard impervious coverage.** Expressed as a percentage, the area of the lot which is covered by buildings, pavement, nonporous fill, or other cover through which water cannot penetrate, divided by the portion of the lot defined as the front yard pursuant to (H) above, multiplied by one hundred (100) in order to express as a percentage.
- (M) **Building lot coverage.** Expressed as a percentage, the area(s) of the lot that is covered by any structure with a roof, divided by the lot area, multiplied by one hundred (100), in order to express as a percentage.
 - (1) **Exemption.** The building footprint of detached accessory dwelling units shall not be counted against building lot coverage standards.
- (N) **Gross floor area.** The sum of the gross horizontal areas of all floors of all buildings on the lot, measured from the exterior faces of exterior walls and from the centerline of walls separating two (2) buildings. The term “gross floor area” shall also include:
 - (1) Basements, [usually Basements are required to have 6'8" clear to be counted on Gross Floor Area]
 - (2) Elevator shafts and stairwells at each story,
 - (3) Floor space used for mechanical equipment (with structural headroom of six (6) feet, six (6) inches or more),
 - (4) Penthouses, attic space (providing structural headroom of six (6) feet, six (6) inches or more),
 - (5) Interior balconies and mezzanines.

However, gross floor area shall not include:

 - (1) Cellars,
 - (2) Exterior balconies,

● = Permitted ◐ = Conditional Use ⊙ = Special Exception – = Prohibited		Floating Zoning Districts			
		MXD	CBD	CD	MCD
Use	Use-Specified Standards				
Vehicle Rental Establishments		●	–	●	–
Entertainment and Recreational					
Adult-Oriented Establishments		–	–	–	–
Clubs and Lodges		●	●	●	–
Fortunetelling Businesses		–	–	–	–
Gambling Establishments		◐	–	◐	–
Health Clubs		●	●	●	–
Indoor and Outdoor Amusement and Recreational Facilities		●	●	●	–
Theatre		●	●	●	–
Industrial					
Data Center or Data/Crypto Currency Mining		–	–	–	–
Equipment and Machinery Sales and Rental Establishment		–	● ⁽¹⁾	–	–
Light Industrial		● ⁽²⁾	⊙	● ⁽²⁾	●
Medium Industrial		–	–	◐	●
Heavy Industrial		–	–	–	⊙
Off-Street Parking Lot	MXD - Needed for Structured deck for adjaced building	–	●	–	●
Self-Storage		●	● ⁽¹⁾	–	–
Small-Scale Recycling		–	–	–	–

and requirements of the MCD Zone, the most recent approved vested final site plan shall count as schematic development plan under the MCD Zone for map amendment applications and as both schematic development and final site plan for properties zoned MCD for site plan amendments. [Need to address existing annexation/settlement agreements/etc.]

(E) Application for MCD Zone and schematic development plan approval.

- (1)** An applicant shall file, together with the prescribed application fee, an application for the establishment of the MCD Zone, to be processed pursuant to the provisions of Section 24-12.3– Zoning Map Amendments, and as part of this application for separate approval, a schematic development plan pursuant to the provisions of Section 24-4.2 – Floating Zones and Section 24-12.5Section 24-12.5 – Schematic Development Plans.
- (2)** An application to establish MCD zoning must receive approval of both the rezoning and schematic development plan. The city council cannot approve such application without approving both the rezoning and schematic development plan.

(F) Applications for schematic development plan approval only. Applicants seeking to develop, redevelop, or improve property zoned MCD without an approved schematic development plan, except for (D)(2) above, shall file for approval a new schematic development plan pursuant to the procedures established in Section 24-4.2 – Floating Zones and Section 24-12.5Section 24-12.5 – Schematic Development Plans.

(G) General maintenance. The requirements and procedures for filing a schematic development plan shall not apply to the repair and maintenance of buildings and structures located with the MCD Zone.

Section 24-4.6 – MXD Zone, Mixed Use Development

(A) Purpose. It is the objective of this zone to provide a more flexible approach to the comprehensive design and development of multi-use projects more so than the procedures and regulations applicable under the various conventional zoning categories. The specified purposes of this zone are:

- (1)** To encourage orderly, staged development of large-scale comprehensively planned multi-use developments by providing procedures for various zoning and plan approvals, including development phasing;
- (2)** To encourage design flexibility and coordination of architectural style of buildings and uses;
- (3)** To ensure the integration and internal and external compatibility of applicable residential and nonresidential uses by providing a suitable environment that is enhanced and complemented by uses such as commercial, recreational, open space, employment, and institutional uses and amenities within a multi-use development; and
- (4)** To encourage the efficient use of land by:
 - (a)** Locating employment and commercial uses convenient to residential areas;

- (b) Signage;
 - (c) Amenity programming;
 - (d) Public art;
 - (e) Landscaping and open areas.
- (2) The provisions of this Section shall apply to any existing sketch or schematic development plan previously approved by the city council for the MXD Zone which contains such rules, regulations, and standards. **[Need to accommodate existing Agreements]**
- (3) No person, firm, or corporation may violate any such rules, regulations, or standards and any such violation shall be enforceable by the city and subject to such enforcement and penalties provided by Chapter 1, Sections 1-9 through 1-11, inclusive, of this Gaithersburg City Code.

Section 24-4.7 – Overlay Zones and Special Districts

- (A) **General purpose of Overlay Zones and Special Districts.** These areas are applied over portions of one or more underlying base zones with the intent of supplementing generally applicable development regulations with additional development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zones. Overlay Zones or Special Districts may include standards that modify or supersede standards applied by the underlying base zone; otherwise, the uses allowed or prohibited in overlay zones are the same as allowed or prohibited in the underlying zone.
- (B) **Classification of Overlay Zones.** Land shall be classified or reclassified into an overlay zone only in accordance with the procedures and requirements set forth in Zoning Map Amendments of Article 12 and in accordance with State law.
- (C) **Classification of Special Districts.** Land shall be designated as a Special District when the mayor and city council or city through annexation agreements or other adopted federal, state, county, or city policy documents not related to Zoning Map Amendments have established regulations or standards that differ or are in addition to the underlying zoning district and whose applications are limited to a specific geographic area. Special historic districts and individual resources are designated as defined in Article 9 – Historic Preservation and may be reviewed on the city’s website.
- (D) **Olde Towne Special District.**
- (1) **Purpose.** The purpose of the Olde Towne Special District, first established in 1982, is to create and maintain an economically viable downtown business district that will contribute to the vitality and economic success of the historic downtown area of Olde Towne in the CBD Zone.
- (2) **District defined.** The Olde Towne Special District shall consist of all land of the city within the area described as follows or as amended by the city council: Beginning at a point on the east right-of-way line of North Summit Avenue, said point being determined by projecting the north property line of Parcel P794 in an easterly direction to intersect with said east line

- (6) All non-roof-mounted satellite antenna installations, including wires, supporting structures and accessory equipment, shall be screened by architectural or landscape treatments along the antenna’s non-reception window axis and low-level landscape treatment along the reception window axis of the antenna base. Screening shall be of a height and nature to provide minimum opacity from the ground level, yet not interfere with signal reception.
 - (7) A roof-mounted satellite antenna shall not exceed twelve (12) feet in height, measured from the lowest point at which the antenna is attached to the building.
- (C) Multi-family uses and zones.** Within any multifamily residential use or zone containing multifamily residential structures, the provisions of Subsection (B), above shall apply, except that one satellite antenna may be permitted for each building. [Do you mean one satellite dish for each apartment unit --the LL is required to allow this]
- (D) Commercial, employment, or industrial zones.** Within any commercial, employment, or industrial zone:
- (1) Such antenna may be located anywhere upon the lot or buildings thereon, but may not be located within any yard setback area or cross the vertical plan of the property line;
 - (2) All ground-mounted installations shall employ (to the extent possible) materials and colors that blend with the surroundings;
 - (3) All ground-mounted installations, including wires, supporting structures, and accessory equipment, shall be screened by architectural or landscape treatments along the antenna’s non-reception window axis and low-level landscape treatment along the reception window axis of the antenna base. Screening shall be of a height and nature to provide minimum opacity from the ground level, yet not interfere with signal reception.
 - (4) No rooftop satellite antenna installation shall exceed eleven (11) meters in diameter.
 - (5) More than one satellite antenna may be located upon a lot, tract, or parcel, subject to the following requirements:
 - (a) The antennas shall be part of an ancillary or accessory use associated with buildings and uses contained within an office or industrial park; and
 - (b) The antennas shall be located within the same subdivision as the office or industrial park or on land abutting or confronting said subdivision; and
 - (c) All antennas shall be either individually or collectively fenced for security purposes and screened to minimize visual impact on surrounding properties and from the public street.
- (E) General satellite standards.**
- (1) All such antennas shall be located and designed to minimize visual impact on surrounding properties and from public streets.
 - (2) All antennas and the construction and erection thereof shall conform to applicable city building code and electrical code regulations and requirements. A building permit shall be

Ordinances of the City of Gaithersburg, Trees and Forest Conservation; Chapter 21, Trees and Vegetation; the city forest conservation technical manual; city stormwater management design manual; the city Street Design Standards and Traffic Calming Best Practices regulation; and the city Environmental Standards for Development regulations. Landscaping above the minimums defined in each may be required by the planning commission or mayor and city council upon a determination that additional buffer areas, screening or other landscape plantings are necessary to better meet the intent of the various chapters, regulations, and city policies. **[Grandfathered existing facilities in a staged development]**

- (2) A landscape plan, in general, must demonstrate an effective proposal for screening a proposed use or activity from adjoining properties, as applicable; enhance views to, from and within the site; create visual interest for the users of the proposed project; define outdoor spaces; complement the proposed architectural style; achieve functional and aesthetic requirements for buffer areas; provide adequate environmental site design for stormwater management; create habitat opportunities; and preserve, wherever possible, existing trees and other significant vegetation.
- (3) For surface parking lots and structures serving all uses, except for single-family dwellings, the provisions of Section 24-7.5– Structured or Surface Parking Lot Facilities Standards shall also apply.

Section 24-6.2 – Outdoor Lighting

- (A) **Purpose.** The purpose and intent of this division is to regulate exterior lighting to:
- (1) Provide security for persons and land;
 - (2) Ensure all exterior lighting is designed and installed to maintain adequate light levels on site; and
 - (3) Ensure that adjacent lands, neighboring areas, and motorists are protected from excessive light spillage and glare.
- (B) **Applicability.** Unless exempted in accordance with subsection (1) below, the standards in this division shall apply to the replacement of and installation of all new lighting fixtures associated with any building or use.
- (1) Exemptions. The following exterior lighting is exempt from the regulations of this Ordinance:
 - (a) Lighting required and regulated by the Federal Aviation Administration, or any other authorized federal, state, or local government agency;
 - (b) Emergency lighting used by police, fire, or medical personnel, or at their direction;
 - (c) Lighting required by applicable building codes such as lighting for exit signs, stairs, and ramps, to the extent that such lighting is unable to comply with these standards;
 - (d) Underwater lighting used for the illumination of swimming pools and fountains; and

- (e) Temporary holiday lighting.
- (C) **Existing non-conforming lighting.** Outdoor lighting fixtures lawfully existing before the effective date of this Chapter, that do not conform to the provisions of this section are deemed to be a legally nonconforming use and may remain.
- (D) **Prohibited outdoor lighting.** The following outdoor lighting is prohibited:
 - (1) Lasers, searchlights, strobe lights, and blinking lights, excluding temporary holiday lighting;
 - (2) Low-pressure sodium and mercury vapor light sources. [Existing lighting grandfathers except as replaced?]
- (E) **Outdoor lighting standards.**
 - (1) Exterior lighting must consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the object intended to be illuminated and not to exceed the boundary of the property.
 - (2) Only incandescent, LED, fluorescent, metal halide, or color-corrected high-pressure sodium lighting sources may be used. The same light source type shall be used for the same or similar types of exterior lighting on any one site throughout any development.
 - (3) Lighting on any property abutting a property that is zoned and/or developed for single-family dwellings, must be equipped with supplemental opaque shielding on the residential property side of the lighting fixture to reduce glare caused by direct light source exposure.
- (F) **Maximum illumination levels.** Maximum luminance levels shall not exceed one-half (0.5) foot-candles at the property boundary.
- (G) **Parking lots.**
 - (1) Lighting of off-street parking lots, areas and facilities shall be installed and maintained in a manner not to reflect or cause glare into abutting or facing residential premises, nor cause reflection or glare which adversely affects safe vision of operators of motor vehicles on adjoining streets and roads.
 - (2) Adequate lighting shall be provided if the parking lot, area or facility is to be used at night or includes covered or enclosed areas without access to natural lighting.
 - (3) Where such lighting is installed on poles or other structures within or adjacent to parking areas, such poles or structures shall be protected from damage by motor vehicles by curbs, posts or other installations designed to prevent such damage.
- (H) **Pedestrian Level Lighting.** Pedestrian light fixtures shall comply with the following:
 - (1) Light fixtures for sidewalks, walkways, trails, and bicycle paths, shall provide at least 0.5 foot-candles of illumination, with an average of one and one-half (1.5) foot-candles
 - (2) Pedestrian lighting fixtures mounted on any pole, wall, or other structure must have a minimum height of twelve (12) feet and maximum height of fourteen (14) feet above grade.
 - (3) Pedestrian bollard lamps shall not be mounted higher than four (4) feet above grade.

- (2) Reduction of the minimum parking requirement based on location, mix of uses, or other provided amenities that warrant such a reduction, contained in Section 24-7.3, shall be applied to total number of required vehicular parking spaces. If the criteria for multiple parking reductions are met, the method which results in the greatest reduction shall establish the new minimum parking requirement.
- (3) The minimum parking requirement shall govern the number of automotive parking spaces required for a use or mix of uses. The parking requirement for alternate modes of transportation shall be established based on the total number of automotive parking spaces provided, and shall be provided in addition to these parking spaces.
- (4) In the Olde Towne Special District, as defined in Section 24-4.7(D), no on-site parking shall be required for either change in use or the redevelopment of improved property effective until February 23, 2025 or as amended by the city council.

(B) Maximum number of parking spaces. The maximum number of parking spaces permitted for any commercial use shall be ten (10) percent more than the required minimum established in section (c) below. However, the maximum number of spaces permitted may be modified by approval of the planning commission pursuant to Section 24-7.6(B).

(C) Parking requirement schedule. The following table shall be used to determine the minimum number of parking spaces for a given use. The minimum parking requirement for all uses not listed above shall be determined by the planning commission in conjunction with a site plan review or prior to issuance of occupying permits. In establishing a requirement for such a use the planning commission will consider the rates for other listed uses that are substantially similar in function, occupancy and traffic demand.

Use Category	Applicability	Standard
Agricultural Use	Outdoor Agricultural Operations	No Standard
	Indoor Agricultural Operations	1 space per 2,000 sf
Automotive Use	All Automotive Uses	4 spaces per service bay, or 1 space per 200 square feet of indoor space open/used for customer processing if bays do not exist, whichever is less
Entertainment and Recreation Use	All Entertainment and Recreation Uses Unless Otherwise Listed	1 per 250 sf
	Clubs and lodges	1 per 225 sf
Industrial Use	All Industrial Uses [This may be light for life Science]	1 space per 2,000 sf
Institutional Use	Care facilities	1 space per bed

Use Category	Applicability	Standard
	Commercial day care center	3 per 1,000 sf
	Funeral homes	1 per 225 sf
	Hotel, motel, bed & breakfast, hotel – extended stay	1 per room and 1 per 250 sf of assembly/restaurant area
	Artisan manufacturing	1 per 500 sf
	Meeting and banquet halls	1 per 300 sf
Commercial Center - Multi-Tenant Structure ¹	Small commercial centers whereby the total size as at least 10,000 sf and does not exceed 50,000 sf	1 per 400 sf per tenant
	Medium commercial centers whereby the total size is greater than 50,000 and does not exceed 250,000 square feet	1 per 350 sf per tenant
	Larger commercial centers whereby the total size is greater than 250,000 square feet	1 per 300 sf
Utilities	All Utility Uses	No Standard
Professional Business Services Use	All Professional Business Services Uses Unless Otherwise Listed	1 per 500 sf
	Life sciences [This may be light for life Science]	1.5 per 1,000 sf

¹ A group of mixed retail, commercial, employment, amusement and personal service tenants in a horizontal configuration and no more than three stories in height with shared parking facilities and designed to serve a neighborhood, community, or region.

- (E) Sites in proximity to Bus Rapid Transit.** For any non-residential development, except those located within the Central Business Districts (CBD), Corridor Development Zone (CD), Mixed Use Development Zone (MXD), and Mixed Commercial Development Zone (MCD), the minimum number of required parking spaces may be reduced by up to fifteen percent (15%) for any development located within proximity to an existing Bus Rapid Transit (BRT) stop. Such reduction shall be approved by the planning director or designee, providing the following conditions are met: [Reduction should be upon the request of the Applicant based on development]
- (1)** The site is located within one thousand five hundred (1,500) feet of an existing Bus Rapid Transit stop; and
 - (2)** A safe and continuous pedestrian route exists or is proposed between the development site and all adjacent Bus Rapid Transit stops within one thousand five hundred (1,500) feet.

Section 24-7.4 – Individual Residential Parking Facilities

- (A) Applicability.** The following parking standards shall apply to all individual parking facilities serving all residential uses listed in Section 24-7.2(C) with the exception of boardinghouse, , multi-family, housing for the elderly and roominghouse uses
- (B) On-street parking requirement.**
- (1)** For all new development of single-family dwelling units which require the construction or extension of a street or other publicly accessible right-of-way, on-street parking spaces shall be provided at a rate of one half (0.5) on-street parking space per dwelling unit.
 - (2)** On-street parking spaces shall be located along the curb of the block where the single-family dwelling unit is constructed; however, where on-street parking restrictions would prevent the creation of on-street parking along the curb of the block where the units are provided, on-street parking spaces may be proposed on the alternate side of the roadway which bounds the block so long as such on-street parking spaces are not used to meet the requirement for other such units on other blocks.
- (C) Residential driveway standards.** All driveways serving residential buildings shall meet the following requirements:

(B) Types of parking spaces.

Type of Parking Space	Parking Space Equivalent	Dimensional Standards
<i>Standard stall</i> A parking stall designed to accommodate a range of automotive vehicles, is appropriate for most uses and frequent turnover.	1 parking space	9 feet wide 17 feet in length
<i>Parallel stall</i> A standard or electric vehicle parking stall that is arranged to be parallel to the drive lane.	1 parking space	9 feet wide 22feet in length
<i>Low turnover stall</i> A parking stall intended for less frequent turnover, appropriate for residential, employee and commuter parking areas where long-term parking generally occurs.	1 parking space	8.5 feet wide 17 feet in length
<i>Electric vehicle stall</i> [Just FYI building them now -- These only require 8-8.5' - 9' changes the structural layout...] A parking stall equipped to facilitate the parking and charging of electric vehicles.	1.5 parking spaces ¹	9 feet wide 17 feet in length
<i>Pickup and drop-off stalls</i> A standard sized parking stall intended for short term use of up to 20 minutes located closest to a building entrance.	1.5 parking spaces	10 feet wide 17 feet in length
<i>Motorcycle/street-legal motor scooter stall</i> A reduced size parking space appropriate for two-wheeled motor vehicles.	Shall not count toward vehicular parking requirement	4 feet wide 9 feet in length
<i>ADA accessible stalls</i> Parking spaces for handicapped persons must be provided in accordance with the standards specified in the Maryland Building Code for the Handicapped as contained in the Code of Maryland Regulations 05.02.02, dated January 1, 1985, and as subsequently amended.	1 parking space	Provided in accordance with the Chapter 5 of the Code of the City of Gaithersburg.

¹ An electric vehicle stall must, at the time of construction, have installed the necessary charging station equipment in order to be considered the equivalent of 1.5 parking spaces. [...but this helps]

(C) Mix of parking spaces. The appropriate mix of all types of parking stalls, except for ADA accessible stalls and motorcycle/scooter stalls, shall be approved by the planning director or designee, or the planning commission at the time of site plan approval. In determining the appropriate mix of types of parking stalls, the proposed uses, location of the development, traffic demand for each proposed use, and transportation trends for similar development shall be considered.

[Strongly recommend against mandating echarges in structured parking until they figure out how to keep the fires from melting the rebar -- and collapsing the building above]

- (2) The edges or perimeters of parking areas having impervious surfaces shall be protected with curbs, wheel stops, or an equivalent installation to prevent vehicles from being driven over the edge or perimeter of the impervious surface.
- (H) **Bicycle parking standards.** Bicycle parking spaces shall be provided in all group parking facilities in accordance with the following provisions:
 - (1) Bicycle parking spaces shall be provided at a rate of one bicycle parking space per twelve (12) automobile parking spaces.
 - (2) A bicycle parking space shall consist of a designated area for the purposes of bicycle parking and include a bicycle rack, or other method for securing a bicycle to a structure or object permanently affixed to the ground.
 - (3) Bicycle parking spaces shall be located within the building or fifty (50) feet of the entrance to a building. For buildings with multiple entrances serving different tenants or uses, the required bicycle parking areas may be distributed within fifty (50) feet of any entrance.
- (I) **Striping and signag** [In higher density buildings, the 50 feet will often not be possible]
 - (1) All parking spaces, drive isles, traffic controls, pedestrian ways and crosswalks shall be striped with high visibility thermoplastic road marking paint, or other material to be approved by the director of public works. The color of all striping within a group parking facility shall generally conform to standard roadway conventions, as follows:
[Thermoplastic is used on exterior crosswalks, striping paint on parking lots and concrete decks]
 - (a) White striping shall delineate all parking stalls; roadway instructions and written markings (including, but not limited to, STOP or YIELD); and crosswalks.
 - (b) Yellow striping shall delineate separation between travel lanes in opposing directions; a median or curb along a one-way roadway or aisle; and reversible lanes.
 - (2) All parking stall types, except for standard parking stalls, shall be clearly marked with a sign, or other pavement marking, to indicate the purpose or restricted use of the parking stall type.
- (J) **Lighting.** Lighting within structured or surface parking lot facilities shall be provided in compliance with Section 24-6.2 – Outdoor Lighting.
- (K) **Planting and screening.**
 - (1) **Planting areas.** Any planting area located within a surface parking lot may be used for an environmental site design feature for the purpose of compliance with the stormwater management provisions set forth in Chapter 8 of the City of Gaithersburg Code provided that the planting area complies with the provisions of the chapter.
 - (2) **Tree planting.**
 - (a) At least thirty (30) percent of all surface parking lots shall be covered by tree canopy. The canopy of an existing or newly planted tree shall be measured in accordance with the standards of the City of Gaithersburg Tree Manual.

- (b) Trees shall be distributed between interior planting islands, corner areas, and planted areas located along the border of the surface parking area.

Figure 24-27 - Tree planting for parking areas



- (3) **Screening.** Any non-single family dwelling parking space that abuts the side or rear lot line or faces the front of a single-family dwelling lot, shall be screened from such lot by an earth berm, planting, a fence, a solid wall or a combination of two or more of these elements. The screening elements shall be a maximum of six feet in height. Appropriate screening shall be approved by the planning commission during the approval of the site development plan.

Section 24-7.6 – Parking Waivers by the Planning Commission

The planning commission may waive or modify any requirement of this Article on Parking, in whole or in part, which is not necessary to accomplish the objectives of this Article. A waiver may be granted, after a public meeting has been conducted, only upon a finding by the planning commission that such waiver would not be detrimental to the public health, safety and general welfare. In conjunction with the granting of any waiver, the planning commission may attach such conditions or safeguards as it deems necessary to protect and enhance the public health, safety and welfare.

- (A) Reduction of required parking spaces.** For any proposed development ^[Excellent!] requesting a reduction to the minimum number of required parking space, the planning commission may approve such reduction, provided that the commission finds that a parking demand analysis demonstrates that the required parking for the proposed development is in excess of the practical demand of the proposed uses. In addition to the conclusions of the parking demand analysis, the planning commission shall find in determining the appropriateness of the request at least one of the following:
- (1)** The development site is located within:
 - (a)** One thousand five hundred (1,500) feet of an existing transit station or stop; and/or
 - (b)** One thousand five hundred (1,500) feet of off-street parking facilities available for use by the general public; and/or
 - (c)** An established transportation management district or established parking district; and/or
 - (2)** The development provides an adequate mix of alternative vehicle parking spaces and facilities in lieu of the required automotive parking spaces, such as bicycle, motor scooter, electric personal assistive mobility device, car share program, and/or other non-traditional vehicle parking spaces that will result in reduced need for off-street vehicular parking spaces to be provided; and/or
 - (3)** A parking demand management strategy is proposed to mitigate the effects of visitor or overflow parking during peak times; and/or
 - (4)** Additional parking cannot reasonably be provided on the development site due to unique site conditions, such as the presence of existing buildings, unique natural features, topography, and other constraints that may hinder the ability to provide the minimum number of parking spaces.

The submission of a parking demand analysis for consideration by the planning commission shall be submitted in conjunction with the traffic impact analysis, if applicable.

- (B) Increase in the maximum number of parking spaces.** For any proposed development requesting an increase in the maximum number of parking space permitted, the planning commission may approve such increase, provided that the commission finds that the following adequately demonstrate at least one of the following:
- (1)** The site has minimal or no proximity to transit alternatives; and/or

Section 24-8.3 – Prohibited Sign Types and Elements

- (A) **Prohibited signs and elements.** Unless otherwise provided for in this Section 24-8.3, the signs and sign-related elements identified within this Section 24-8.3 are prohibited.
- (B) **Abandoned signs.** Abandoned signs, as identified pursuant to Section 24-8.8(K), are prohibited.
- (C) **Attaching signs to other objects.** Signs installed by nailing, fastening, adhering, or affixing the sign in any manner to any tree, rock, post, curb, utility pole, community mailbox, natural feature, official street sign or marker, traffic control sign or device, or similar object, are prohibited.
- (D) **Balloon signs.** Balloon signs are prohibited.
- (E) **Billboard signs.** Billboard signs are prohibited.
- (F) **Fence signs.** Signs on fences are prohibited, except where otherwise explicitly allowed or exempted pursuant to this Article, such as signs exempt from regulation, permits, or both under Section 24-8.4.
- (G) **Flashing signs.** Flashing signs are prohibited, whether the elements that are flashing or blinking are deliberate or if they are the result of a defect in the sign or the source of illumination. This prohibition does not apply to approved electronic message displays.
- (H) **Freestanding permanent signs.** Permanent freestanding signs, other than incidental and directional signs, are prohibited, except where otherwise explicitly allowed or exempted pursuant to this Article, such as signs exempt from regulation, permits, or both under Section 24-8.4.
[Digital Sign out front/Pylon - Should the M&CC or PC be able to approve a Freestanding sign?]
- (I) **Inflatable signs.** Inflatable signs, when used as a commercial sign, are prohibited.
- (J) **Moving signs and devices.** Signs that move or that incorporate moving parts are prohibited. This prohibition includes pennants, flashing or twinkling lights, streamers, and similar air-propelled devices and pinwheels. This prohibition does not apply to banners that are allowed by this Article.
- (K) **Obscene signs.** A sign must not contain statements, words, nor pictures of an obscene, indecent, or immoral character, such as those that offend community standards of public morals or decency.
- (L) **Off-premises signs.** Off-premises signs are prohibited, except as provided in Section 24-8.24.
- (M) **Paper signs.** Paper signs that cover the front of a building are prohibited.
- (N) **Portable, moveable, and relocatable signs.** Portable, moveable, and relocatable signs are prohibited, except for A-frame signs subject to the regulations of Section 24-8.9, building-mounted temporary banners subject to the regulations of Section 24-8.10, freestanding temporary banners subject to the regulations of Section 24-8.11, decorative pole banner signs subject to the regulations of Section 24-8.15, freestanding temporary signs subject to the regulations of Section 24-8.18, and signs exempt from regulation, permits, or both under Section 24-8.4.
- (O) **Roof signs.** Signs must not be installed nor constructed on the roof of any building.

{MoCo just changed this to allow the Planning Commission to approve a roof top sign -- Gaithersburg's M&CC and PC should be able to as well (Likley coming at the Urban Core)}

(3) Internal illumination. Internally illuminated signs are allowed subject to the following restrictions:

- (a)** Unless otherwise provided by this Article, only the letters, logos, symbols, graphics, and characters on the sign may be illuminated (typically in the form of cutouts);
- (b)** Direct illumination may be used in combination with internal illumination;
- (c)** Unless otherwise provided by this Article, the remainder of the sign face is opaque;
- (d)** External illumination must not be used; and
- (e)** All light sources must comply with Section 24-8.8(B)(1), above.

(4) Internally illuminated box signs. In addition to other applicable standards provided above in Section 24-8.8(B)(3), above, internally illuminated box signs are subject to the following additional regulations:

[Other than the periodic use of individual letters, aren't most signs now in G'Burg internally illuminated box signs?]

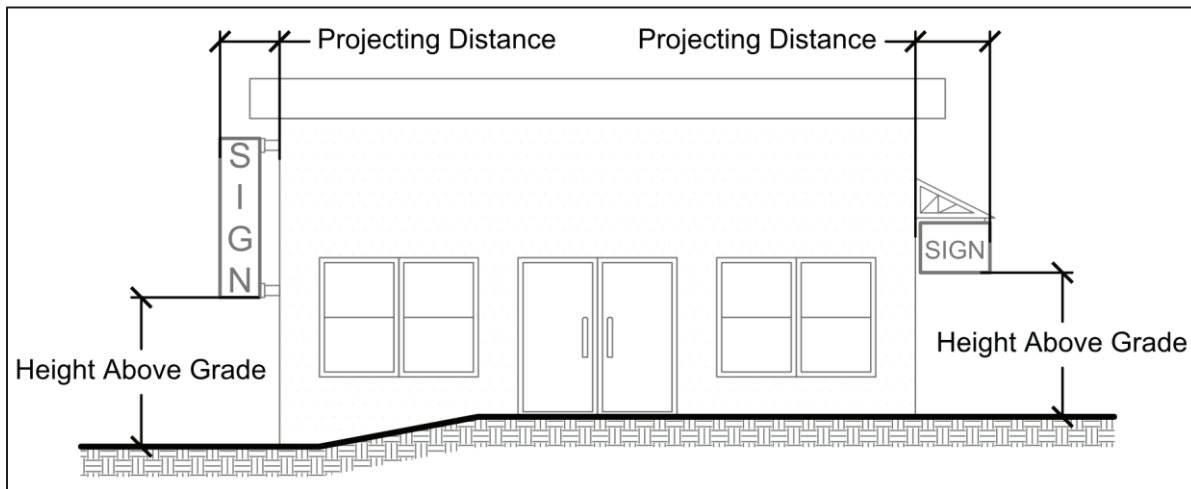
- (a)** The sign face of an internally illuminated box sign must not exceed four square feet in size. The entire face of a box sign that is four square feet in size or smaller may be internally illuminated.
- (b)** Internally illuminated box signs with sign faces larger than four square feet in size are prohibited, unless the background is opaque so that only the letters, characters, logos, symbols, or graphics are illuminated.
- (c)** Any existing internally illuminated box sign installed before the effective date of this Article that has a sign face larger than four square feet and has an illuminated background may remain until it is structurally altered; at which time it must conform to this Article.

(5) Direct illumination. Directly illuminated signs are allowed subject to the following restrictions:

- (a)** Illuminated channel letters, halo-style letters, photoluminescent coatings, and luminous tubing may be used for direct illumination in all signs other than electronic message displays;
- (b)** An electronic message display may use light emitting diodes (LEDs), liquid crystal displays (LCDs), electronic paper (E-paper), or a similar direct illumination technology;
- (c)** Internal illumination may be used in combination with direct illumination;
- (d)** The remainder of the sign face must be opaque;
- (e)** External illumination must not be used; and
- (f)** All light sources must comply with Section 24-8.8(B)(1), above.

(6) Illumination of temporary signs. Temporary signs, as classified pursuant to Table 24-8.8-A: Permanent and Temporary Sign Classifications, are prohibited from being illuminated, other than projected image temporary signs.

Figure 24-42: Example Blade Permanent Sign



(B) Blade permanent sign standards table.

Table 24-8.12-A: Blade Permanent Sign Standards

Blade Sign Standards	Standard Residential Zones ⁽¹⁾	Standard Non-Residential Zones ⁽¹⁾	Floating Zones ⁽¹⁾
Count per Building Façade for Those Façades Allowed to have Signage (max.)	1 ⁽²⁾	Greater of (A) 1 per 500 square feet of building façade; or (B) 1 per tenant ^{(2) (3)}	Greater of (A) 1 per 500 square feet of building façade; or (B) 1 per tenant

[Note - The Paramount used larger blade signs that the Planning Commission Encouraged -- as did the Fairchild in Germantown Town Center. We would expect to use them at the Urban Core for building identification]

Blade Sign Standards	Standard Residential Zones ⁽¹⁾	Standard Non-Residential Zones ⁽¹⁾	Floating Zones ⁽¹⁾
Surface Area per Sign (max.)	12 square feet ⁽⁴⁾⁽⁵⁾	24 square feet ⁽⁶⁾	24 square feet
Projection of Sign from Building (max.)	42 inches	42 inches	42 inches
Height of Sign (max.)	6 feet	8 feet ⁽⁷⁾	8 feet
Vertical Clearance from Grade Below (min.)	<i>Above area for pedestrians and/or bicyclists: 7 feet</i> <i>Above area for vehicles: 9 feet</i>	<i>Above area for pedestrians and/or bicyclists: 7 feet</i> <i>Above area for vehicles: 9 feet</i>	<i>Above area for pedestrians and/or bicyclists: 7 feet</i> <i>Above area for vehicles: 9 feet</i>
Table Notes: (1) Only blade signs that conform to Section 24-8.4(A)(8) are allowed on properties with single-family uses. (2) Properties with multi-family uses are allowed 1 blade sign per building façade. (3) Properties in the CB Zone are allowed a maximum of 1 blade sign on each façade allowed to have signage. (4) Properties with multi-family uses may have blade signs up to 24 square feet in size each, except in the RB Zone. (5) Blade signs for multi-family uses may be up to 24 square feet in size each. (6) Blade signs for non-residential uses in the CB Zone must not be larger than 12 square feet each. (7) Blade signs in the CB Zone must not be taller than 6 feet.			

Section 24-8.13 – Building Permanent Sign Standards

(A) Building signs. Building signs (such as Figure 24-43: Example Building Permanent Sign 1, and Figure 24-44: Example Building Permanent Signs 2) are a type of permanent sign and are subject to the standards of Table 24-8.13-A: Building Permanent Sign Standards and the following:

- (1)** Building signs and their supporting structures must not extend above the roofline or parapet wall of the building to which they are attached. **[We anticipate proposing rooftop signs on the higher building in the Urban Core]**
- (2)** Building signs and their supporting structures must not cover any part of a window nor obstruct the light and vision of a window.
- (3)** Unless otherwise prohibited in this Article, a building sign may be installed on any façade of a building, except that a building sign must not be located on that portion of a commercial or industrial building or structure facing abutting residentially improved property. The planning commission may grant a minor waiver to allow a non-illuminated building sign on a commercial or industrial building or structure that faces abutting residentially improved property pursuant to Section 24-8.7 – Waiver of Signage Standards and the following:
 - (a)** The planning commission finds that an unlighted sign is compatible with the overall design of the building and the abutting residential area.
- (4)** Building signs, where allowed, may be externally illuminated in conformance with the provisions of Section 24-8.8(B), and may be located anywhere on a property.
- (5)** Building signs, where allowed, may be internally illuminated in conformance with the provisions of Section 24-8.8(B).

filing of any appeal shall not stay the zoning action of the city council pending final resolution of the appeal.

- (J) Optional method of application for zoning map amendments.** In addition to the other requirements contained in this Article, an applicant for a zoning map amendment to any zoning district – except for those floating zones that require the submission of a land use plan with a zoning map amendment application – may select an optional method for such application by so indicating on the appropriate application form and submitting a preliminary site plan as part of the rezoning application. The preliminary site plan shall be for the purpose of limiting a development standard or standards to those requested and/or limiting the land use of the applicant’s subject property to one or more of the permitted uses in the zone. Approval by the city council shall not be for a manner of development or use other than that for which has been applied. A preliminary site plan shall be submitted consisting of the requirements listed in Section 24-12.6(C)(2). Approval of the optional method plan shall be included in the ordinance of approval, but future amendments to the optional method plan itself shall be subject to standard site plan reviews defined in this Chapter without need to amend the ordinance.

Section 24-12.4 – MXD Zone and Sketch Plans

[Should'nt there be a section on the M&CC's right to call for & approve and Expedited Process (eg., concurrent Sketch/SDP)]

- (A) Applicability.** The following requirements and procedures shall apply to all applications seeking to establish the MXD Zone on a property or for MXD zoned properties establishing a new sketch plan.
- (B) Decision authority.** An application for establishment of an MXD zone and/or sketch plan approval shall be reviewed by the planning commission, who shall then provide a recommendation to the city council. The city council shall have the final approval authority for the zoning map amendment and approval of the sketch plan, or for a sketch plan only, as applicable.
- (C)** Applications in the MXD zones which were previously granted sketch plan approval by the city council shall directly file either an application for a new sketch plan or an application for schematic development plan approval by the city council.
- (D) Application requirements.** An applicant shall file an application for the MXD Zone pursuant to the provisions of Section 24-12.3 – Zoning Map Amendments and Zoning Text Amendments to Chapter 24, or for those properties zoned MXD, the provisions of Section 24-4.6 – MXD Zone, Mixed Use Development. In addition, the application shall include for a sketch plan reflecting at a minimum the following:

Sketch Plan Requirements	
<ul style="list-style-type: none"> ● = Required ○ = Upon Request 	Zone
Submission Requirement	MXD
The boundaries of the entire tract or parcel requesting rezoning.	●

- (2) Use and development of land which is the subject of an approved site development plan not in compliance with that plan is prohibited and shall constitute a violation of this Chapter.
- (3) No building or structure shall be hereafter erected, moved, added to, or structurally altered under circumstances which require the issuance of a building permit under this Chapter, nor shall any use be established, altered or enlarged under circumstances which require the issuance of a use and occupancy permit under this Chapter, upon any land, until a site development plan for the land upon which such building, structure, or use is to be erected, moved, added to, altered, established, or enlarged has been approved by the city planning commission.
- (4) Notwithstanding the foregoing, no site development plan shall be required to be submitted or approved where the city manager or designee, upon reviewing an application for use and occupancy permit, is satisfied that the proposed use is a permitted use in the zone and is substantially similar to the use to which the premises were put by the last prior occupant thereof, and the property on which the use is proposed to be located has been the subject of a site development plan approved by the planning commission. A proposed use shall not be deemed substantially similar to a prior use where this Chapter imposes more stringent requirements for the proposed new use as to off-street parking, setbacks, height limits, or minimum lot size.
- (5) Notwithstanding the foregoing, no site development plan shall be required to be submitted or approved where the city manager or designee, upon reviewing an application for a building permit for changes in an existing building, is satisfied that the proposed changes in the building will not [substantially] increase the exterior dimensions of the building or substantially increase the usable space within the building.
- (6) Any additions or modifications to a single-family dwelling constructed without an approved final site plan prior to November 2008 shall be processed under the regulations and notification procedures under Section 24-12.6(J).

Section 24-13.2 – Applicability

- (A) The requirements of this Chapter shall apply to any new residential development, redevelopment or conversion to residential use that includes twenty (20) or more dwelling units or meets the definition of housing for the elderly, unless otherwise stated in this section.
- (B) This Article shall not apply to any residential development that has received schematic development plan approval or preliminary site plan approval prior to November 6, 2006. [or is subject to a dedication agreement, settlement agreement, or similar agreement]
- (C) This Article shall not apply to any property that is subject to an annexation agreement that provides for an affordable housing component.
- (D) The affordability requirements of Section 24-13.3 shall not apply to residential construction in any enterprise zone established pursuant to State Law as of July 21, 2008; however, developers shall be required to pay a per unit fee for each dwelling unit into the City Affordable Housing Fund. This fee shall be determined by regulations pursuant to Section 24-13.5 – Waiver of Requirements in this Article.

Section 24-13.3 – Affordability Requirements

- (A) **For sale developments.** The following provisions shall be required to construct or sell an affordable housing unit in a for sale development. The city manager shall determine the approved sale price of affordable housing units based on the pricing formula set forth in the Section 24-13.6 of this Article.
 - (1) Seven and one-half (7½) percent of the total dwelling units shall be developed and initially sold as moderately priced dwelling units at a price affordable to households earning sixty-five (65) percent of area median income adjusted for household size. This calculation shall be rounded up to the nearest whole number, even if the result is greater than seven and one-half percent.
 - (2) Seven and one-half (7½) percent of the total dwelling units shall be developed and initially sold as work force housing units at a price affordable to households earning ninety (90) percent of area median income adjusted for household size. This calculation shall be rounded up to the nearest whole number, even if the result is greater than seven and one-half percent.
 - (3) Upon a finding that moderately priced dwelling units and work force housing units would not be affordable in a development due to high common ownership community fees, the Mayor and city council may, by resolution, permit an applicant to contribute a fee to the City Affordable Housing or Housing Initiative Fund rather than constructing the affordable units pursuant to Section 24-13.5 of this Article. This fee shall be calculated as the difference between the actual sales price of the market rate unit and the actual cost of construction.
- (B) **Rental developments.** The following provisions shall be required to construct or lease an affordable housing unit in a rental development. The city manager shall determine, and revise annually, the approved rental price of affordable housing units based on the pricing formula set forth in the Section 24-13.6 of this Article.

ARTICLE 14 – ADEQUATE PUBLIC FACILITIES

Section 24-14.1 – Purpose and Intent

- (A) **Purpose and intent.** It is the purpose and intent of this Article to:
- (1) Implement the authority granted to the City of Gaithersburg pursuant to the Land Use Article of the Annotated Code of Maryland, § 4-202.
 - (2) Control and manage growth in an orderly, efficient, cohesive, and safe manner consistent with the economic and land use planning policies of the city and for the health, safety and welfare of its inhabitants.
 - (3) Provide a mechanism and standards to evaluate and ensure that the public facilities hereafter specified are adequate or will be adequate to serve the needs generated by land use development in the development approval process.
 - (4) Provide for the phasing or staging of development, conditional approvals including but not limited to requiring provision of public facilities and/or traffic mitigation to ensure the adequacy of public facilities.
 - (5) Ensure that premature development does not occur and to require that development approvals are not rendered by an approving authority without a determination of the adequacy of public facilities or that such facilities will be made adequate within the reasonable foreseeable future.

Section 24-14.2 – Applicability

- (A) **Exempted types of approvals.** This Article shall not apply to any development that has received, prior to January 2, 2007:
- (1) Schematic development plan approval;
 - (2) Preliminary site plan approval; or
 - (3) Final site plan approval.
- [a dedication agreement, or settlement agreement]
- (B) **Exempted provisions for annexations.** When a property is subject to an annexation agreement, any provision of this Article that is contrary to the annexation agreement shall not be applicable.

Section 24-14.3 – Traffic Impact Study

- (A) **Applicable traffic impact study standards.** Applications for development approvals shall be subject to the requirements set forth in the Gaithersburg Traffic Impact Study Standards, to be adopted by regulation pursuant to [Section 2-10 of the Gaithersburg City Code](#). No application for development approval shall be approved unless it complies with the requirements of Gaithersburg Traffic Impact Study Standards, or the applicant has obtained a determination from staff that the standards are not applicable to the applicant’s proposed development.