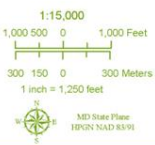
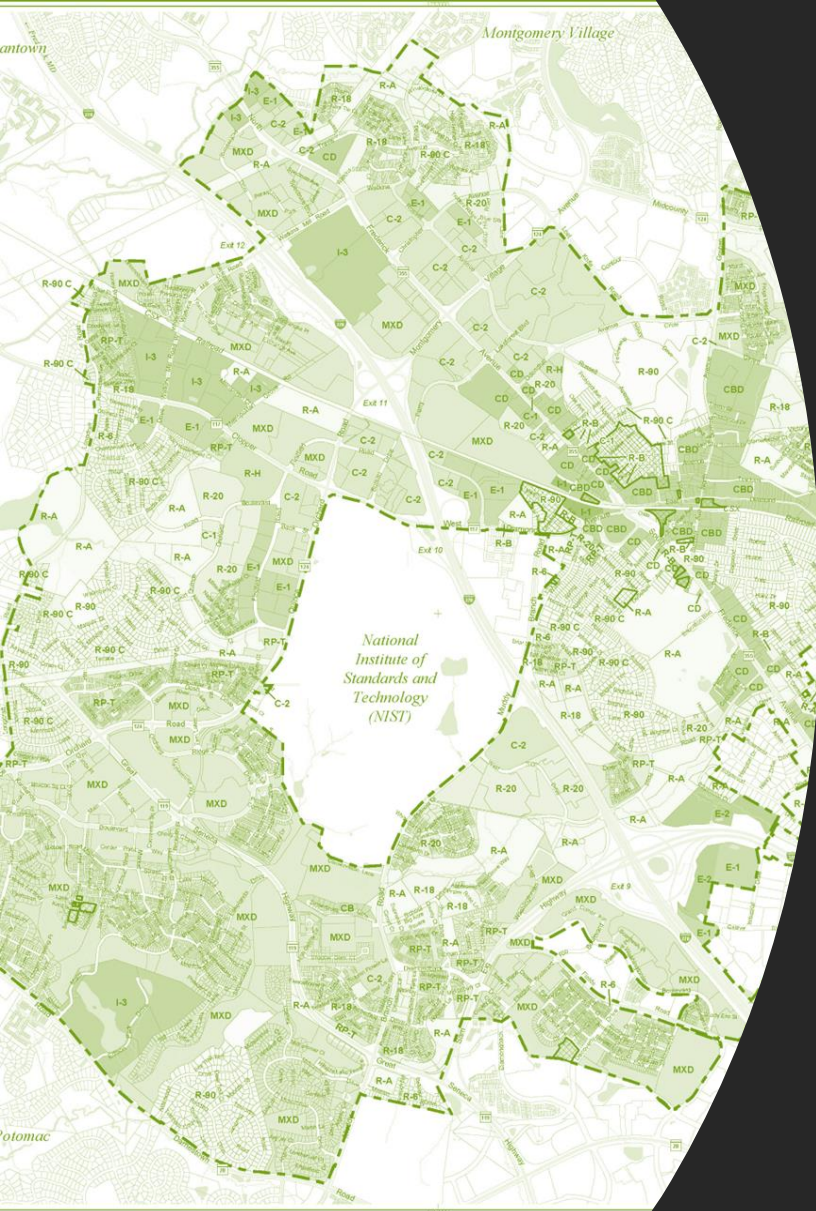


In Article 1, Section 24-3 of the City Code, Where a discrepancy between a resolution or ordinance and this Plan Amendment reflecting Ordinance O-6-22 or other new Assembly Acts.



Chapter 24 Zoning	
Interchange Ramps	C-1 Local Commercial
Freeway	C-2 General Commercial
Toll Expressway	C-3 Highway Commercial
State Highway	CB Commercial Buffer
Secondary Roads	CBD Central Business District
Private Streets	CD Corridor Development
Tax Parcels	MXD Mixed Use Development
City Boundary	H-M Hotel-Motel
Other Municipalities	
Historic Districts & Sites	



Retool Gaithersburg Progress Review and Update

October 9th, 2023
Joint Work Session

Contents

Introduction

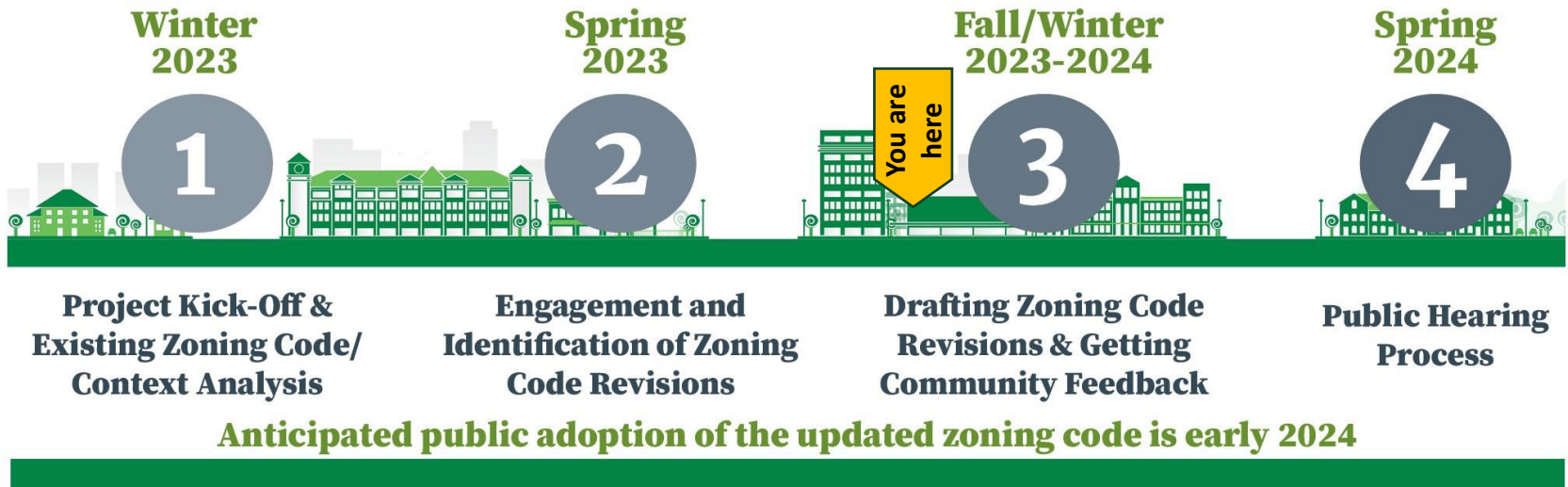
Overview of Project

Engagement

Chapter 24: Article-by-Article
Review of Proposed Changes

Discussion

Project Introduction



Content of Today's Meeting



Overview of engagement, process, and the proposed updates



Presentation of the proposed updates is organized by article of all of Chapter 24



Some updates are directional, and specifics will be further outlined in the Codification module (next phase of project)

Engagement Activities



- A. Public Kick-off Meeting Virtual Presentation
- B. Website, Surveys, and Dedicated Email Address
- C. Public Virtual Presentation of Diagnostic Report, two public virtual meetings on June 1st.
- D. Focus Groups
 1. *January 31: Land Use Attorneys*
 2. *July 19: Retail Property Owners / Business Owners*
 3. *July 20: Commercial Property Owners*
 4. *July 31: Open Invitation Discussion*
 5. *August 8 & 31: Residential Developers*
 6. *September 26: Residents*
- E. Meeting with Community Leaders, September 28th, 2023
- F. Bi-Weekly Steering Committee Meetings

Engagement & Feedback



Detailed notes on input from engagement sessions are provided in addenda of engagement report



Proposed updates so far have been informed by past engagement sessions, and will continue to be informed by engagement sessions



We have planned upcoming meetings with community groups/leaders to continue to inform the process*

*We will continue with our efforts to receive community feedback to guide our process and recommendations

*Article-by-Article
Review of Proposed
Changes*

Chapter 24

Article 1: In General

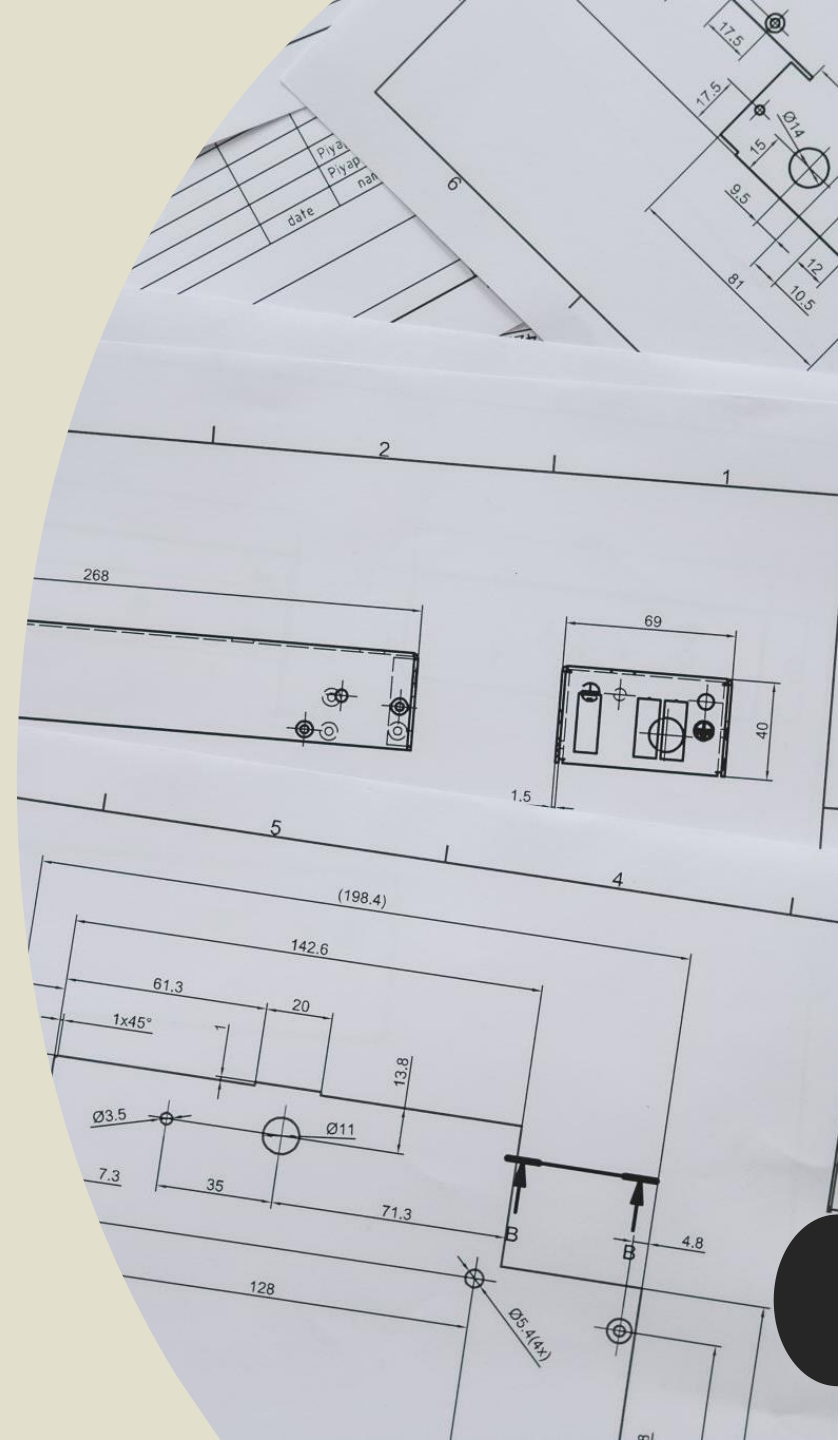


Definitions

- Per Focus Groups / Steering Committee
 - *Full analysis of uses and their definitions*
 - *Fix terms that require clearer definition like “green area” and “structure”*
- Diagnostic Report recommendations for revisions
 - *Remove regulatory language*
 - *Add previously missing terms and new, modern terms/uses*
 - *Change definition of “family” to “household”*

Conditional Use Permits

- Clean up language, improve consistency
- Same notification procedures as schematic development applications
- New standards for PC/M&CC action on application (30 days, 90 days)
- More specificity around evidence/standards for approval
- Deviation from an approved conditional use requires resubmission

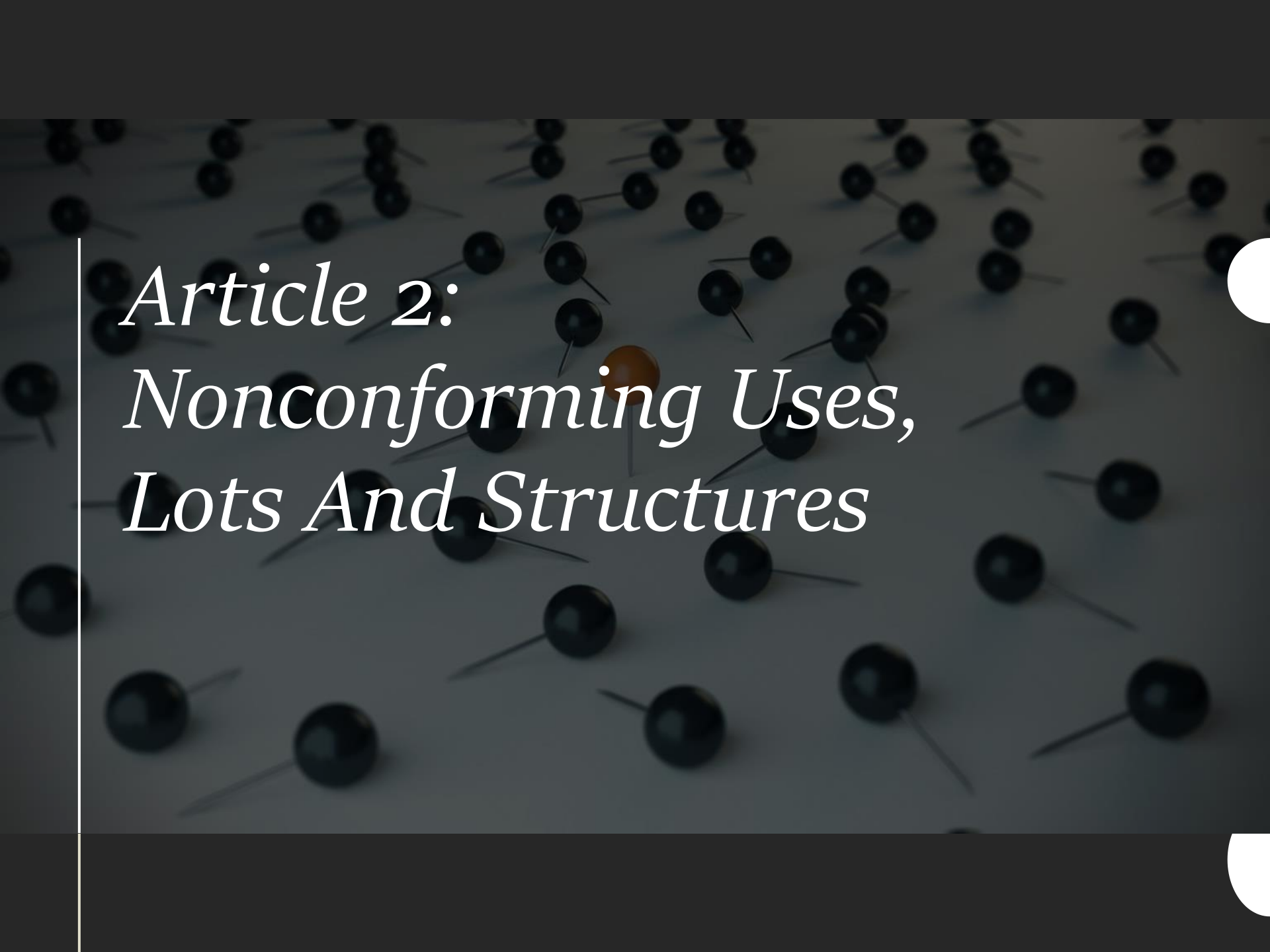


Zoning of Annexed Areas

- Proposed revisions to clarify process and role of PC

Floating Zones

- Process Updates
- Approval of a schematic development plan shall substitute for preliminary site plan approval and serve as preliminary subdivision approval
- Clarification for public hearing process and notification



*Article 2:
Nonconforming Uses,
Lots And Structures*

Nonconformities

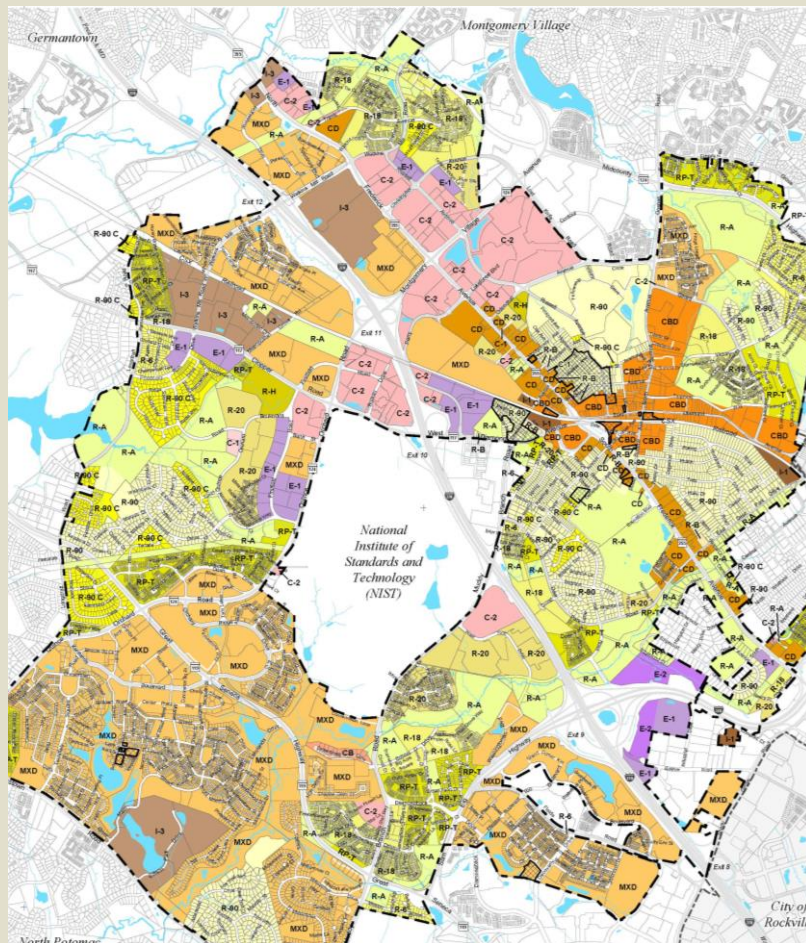
- Much of the language in this section is positive and protects existing properties with unique scenarios from being deemed non-conforming, per the Diagnostic Report
- Recommendation for some additional flexibility for repairs and maintenance
- Additional legal review through ZoneCo





*Article 3: Regulations
Applicable to Particular
Zones*

Zones - General Revisions



- Zones are being streamlined
- Presenting proposal for new floating zone, MCD zone
- Removing several zones that are not mapped
 - *R-0*
 - *C-P*
 - *C-3*
 - *I-4*
 - *H-M*

Overview of Use Regulations

Article 3

Uses – General Revisions

- One central use table
- Created use categories to assist with flexible administration, especially for floating zones
- Utilizing use categories provides flexibility for SDP and parking table
- Modern uses added
- Addition of missing definitions
- Consolidation and consistency in terminology across districts

Example Comp. Use Table

Definition	R-A	R-90	R-6	RB	RP-T	R-20	R-18	R-H	CB	C-1	C-2	I-1	I-3	E-1	E-2	MXD
A tract of land comprising an area which is solely devoted to commercial agricultural operations, such as crop production, nurseries, vineyards and other recognized agricultural pursuits, and including														P	P	
An agriculture business area larger than 10,000 of which houses agricultural production limited to growing plants and fungus, licensed marijuana, or crops and supportive uses on a large scale entirely indoors in a controlled environment.												P	P	P	P	
Agriculture business area 10,000 of or smaller which houses agricultural production limited to growing plants and fungus, licensed marijuana, or crops and supportive uses on a large scale entirely indoors in a controlled environment.												P	P	P	P	P
An establishment that rents recreational, personal, or commercial vehicles, including machinery and equipment, which may include necessary storage of some vehicles on-site.										P	P					P
Any building, structure, or area used for major automobile repair, body work and painting, detailing, tinting, stereo/audio system services, glass repair, or servicing including the necessary sale of oil, grease and coolant, or parts, but not including fuel.										SE	SE	P	P			
A principal use consisting of the selling or leasing of personal vehicles, including cars, light trucks and SUVs, motorcycles, RVs, ATVs, motorized recreational equipment, and motorized watercraft, which may also include incidental automobile repair.										P	P					
A building or lot having pumps and storage tanks or electrical charging stations at which fuel, oil, electrical charge, or accessories for the use of motor vehicles are dispensed, sold or offered for sale with incidental uses limited to convenience store sales areas of up to 1,000 square feet, automobile repair and service, and carwash. May not include food trucks, carbock rental, overnight storage of vehicles, or vehicle sales.										P	P	P	P			P
An establishment where the principal use is the commercial washing of vehicles either by hand or by automated/self-service methods. Interior detailing is not included.										P	P	P	P			
A principal use where legal licensed video lottery operators, qualified horse-racing, simulated betting, sports wagering, and commercial bingo activities are permitted to be conducted or provided. Subject to any other applicable rules or provisions. Subject to any other applicable rules or provisions. Subject to any other applicable rules or provisions.										SE	SE	SE				C
A principal use where legal licensed video lottery operators, qualified horse-racing, simulated betting, sports wagering, and commercial bingo activities are permitted to be conducted or provided. Subject to any other applicable rules or provisions. Subject to any other applicable rules or provisions. Subject to any other applicable rules or provisions.										P	P	P				

New Use Categories

(used to categorize individual uses)

- Agricultural
- Automotive
- Entertainment and Recreation
- Industrial
- Institutional
- Professional Business Services
- Public Use
- Residential
- Retail and Personal Service
- Utilities



R Districts: *Use Permissions Changes*

- Parks permitted all districts
- Educational institutions permitted as special exceptions in all R districts
- Care Homes permitted in all R districts as either permitted or special exception
- Short-term rentals permitted in all R districts with conditions/standards
- Accessory dwelling units permitted in all R districts if they meet conditions/standards



C Zones:

Use Permissions Changes

- Greater definition around the spectrum of low-impact, light industrial, R&D, biotech, and artisan uses with greater flexibility to locate in C zones
- Greater definition and permissions for entertainment and recreational uses
- New definition of small-scale instructional facilities and greater flexibility to operate in C zones
- Increased flexibility for medical uses



E & I Districts: *Use Permissions Changes*

- Permits full range of more intensive industrial uses
- Permits full range of bio-tech and life sciences uses with greater specificity, clarity, and new definitions for such uses
- Expanded flexibility for some uses ancillary to employment uses (restaurants, personal services, offices, animal grooming/boarding)



*Development
Standards
Overview*

Article 3

R Zones



R Zones General Changes

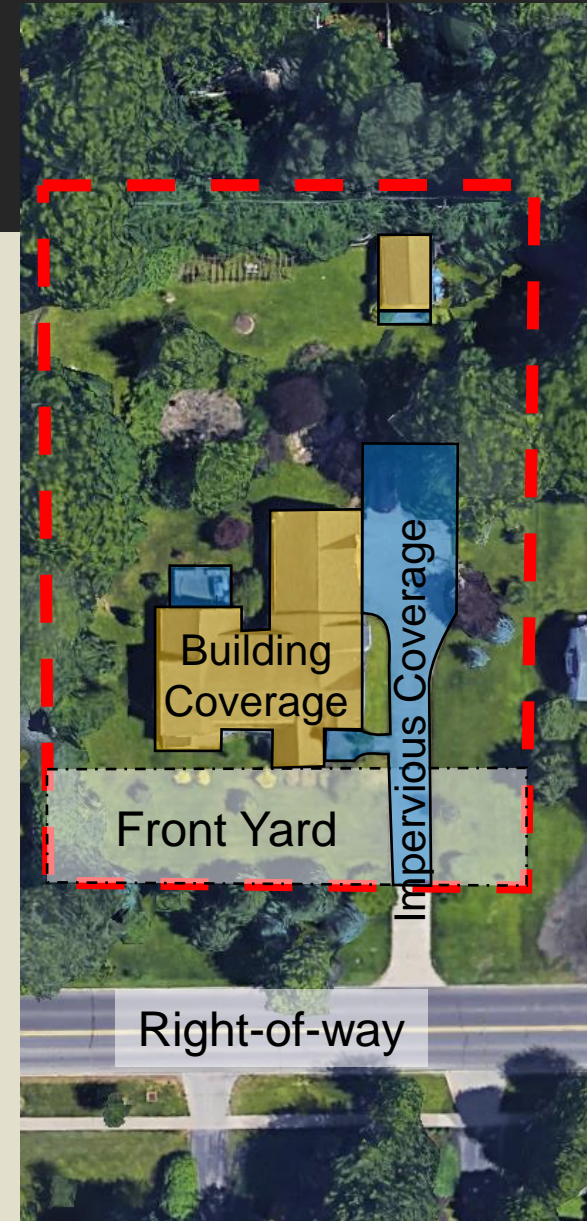
- Proposing lot coverage standards that include impervious surface, building coverage, and maximum front yard coverage
 - *Building coverage replaces what was previously called “lot coverage”*
- Ensure setbacks maintain character and flexibility
- Propose: converting current units/acre standards to minimum lot sizes for ease of administration; spatial analysis was done to reduce nonconformities created
- Propose: building heights will be measured in stories for residential structures and feet for commercial structures
- Propose: building height measurements will not include basements



Proposed Revisions: RA Zone

RA Zone

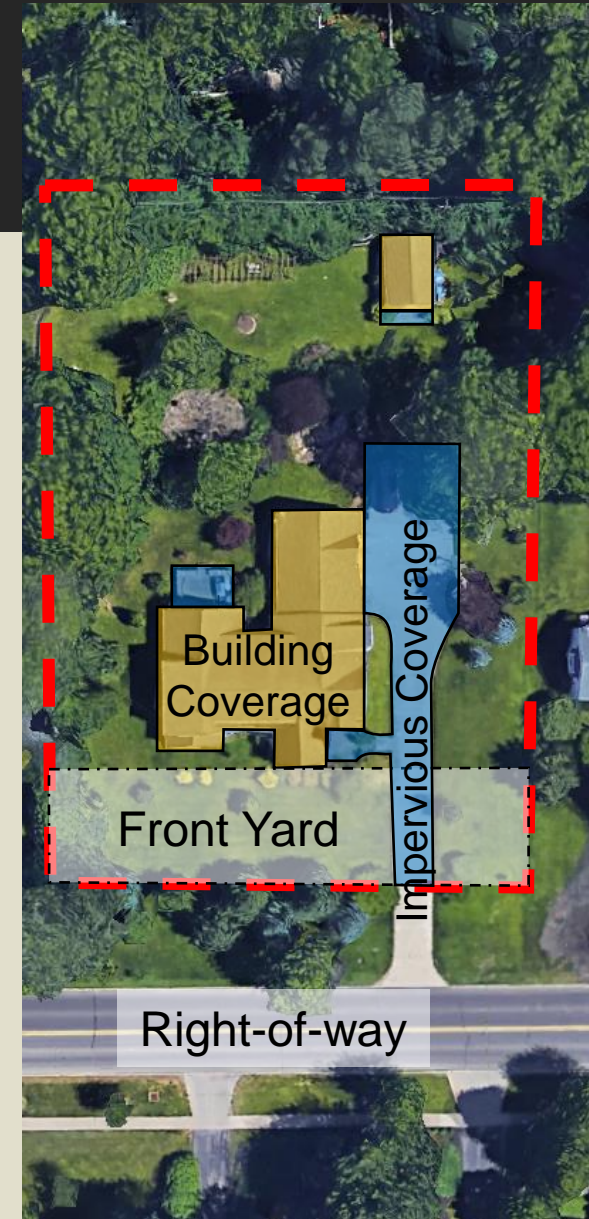
- Min. lot standard of **15,000 sf**, reduces non-conformities (reduction from 20,000 sf for residential, 100,000 sf for “general”)
- Height measured as **3.5 stories** instead of 35’.
- Building and site **max. coverage** regulated through impervious coverage (**50%**), front yard impervious coverage (**35%**), building coverage (**35%**) – previously 25% max building coverage



Proposed Revisions: R-90 Zone

R-90 Zone

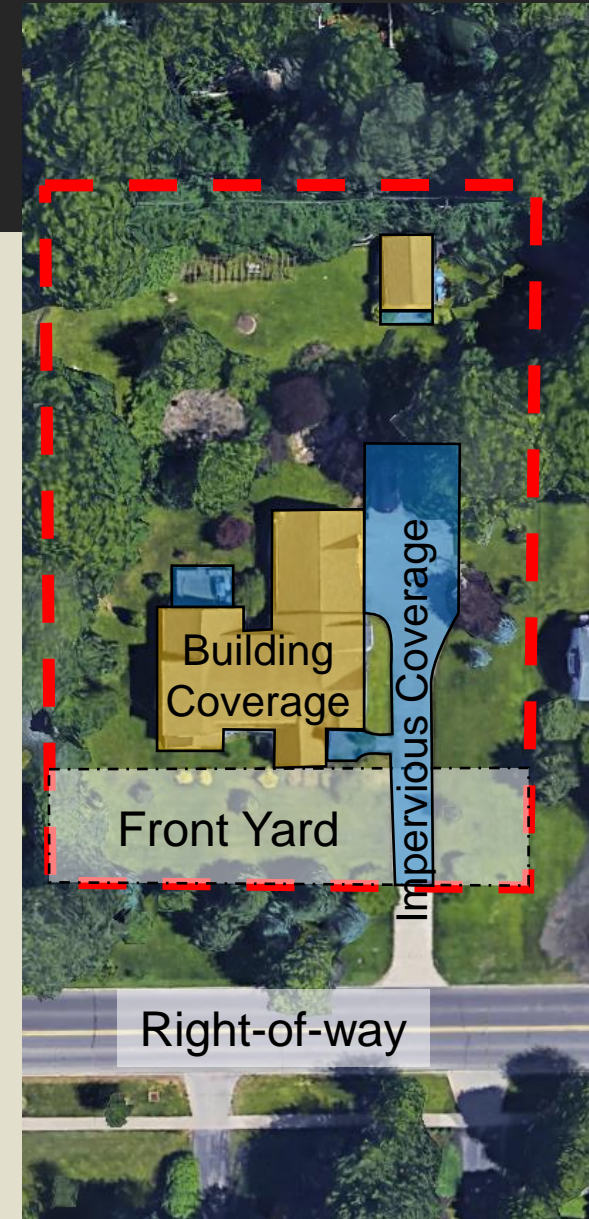
- R-90 Cluster applies R-6 standards
- Minimum lot size reduced to **7,500 sf**
- Height measured as **3.5 stories** instead of 35' or 2.5 stories
- Setbacks reduced to minimize non-conformities, provide flexibility (**Front = 20', Side = 5', Rear = 20'**)
- Building and site **max. coverage** regulated through impervious coverage (**70%**), front yard impervious coverage (**35%**), building coverage (**50%**) – previously 30% building coverage max.



Proposed Revisions: R-6 Zone

R-6 Zone

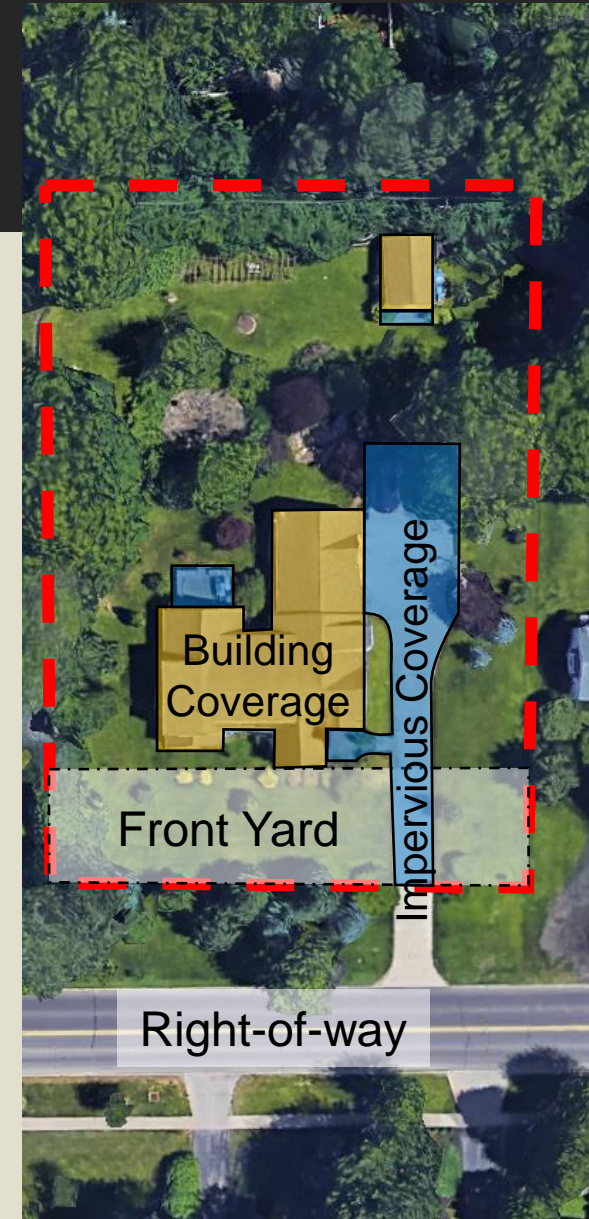
- Min. lot size of **3,000sf** all lots (current, no subdivisions/development plans for less than 20,000sf @ 6 units per acre), new standard creates no non-conformities
- Height measured as **3.5 stories** instead of 35'.
- Building and site **max. coverage** regulated through impervious coverage (**60%**), front yard impervious coverage (**35%**), building coverage (**50%**)



Proposed Revisions: R-B Zone

R-B Zone

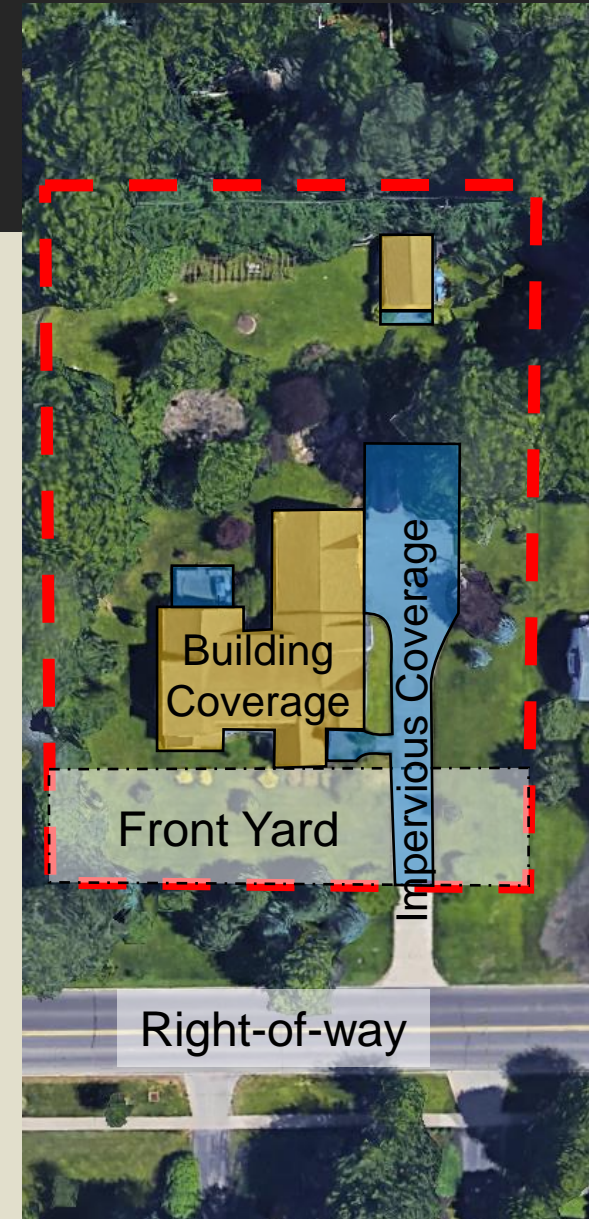
- Min. lot size **7,250 sf** instead of 6 units per acre, more clarity for property owners, no nonconformities created
- Flexible setbacks (**Front = 10'**, **Side = 5'**, **Rear = 20'**), previously none
- Height measured as **3.5 stories** instead of 40'
- Building and site **max. coverage** regulated through impervious coverage (**75%**), front yard impervious coverage (**35%**), building coverage (**50%**) – previously 30% max.



Proposed Revisions: RP-T Zone

RP-T Zone

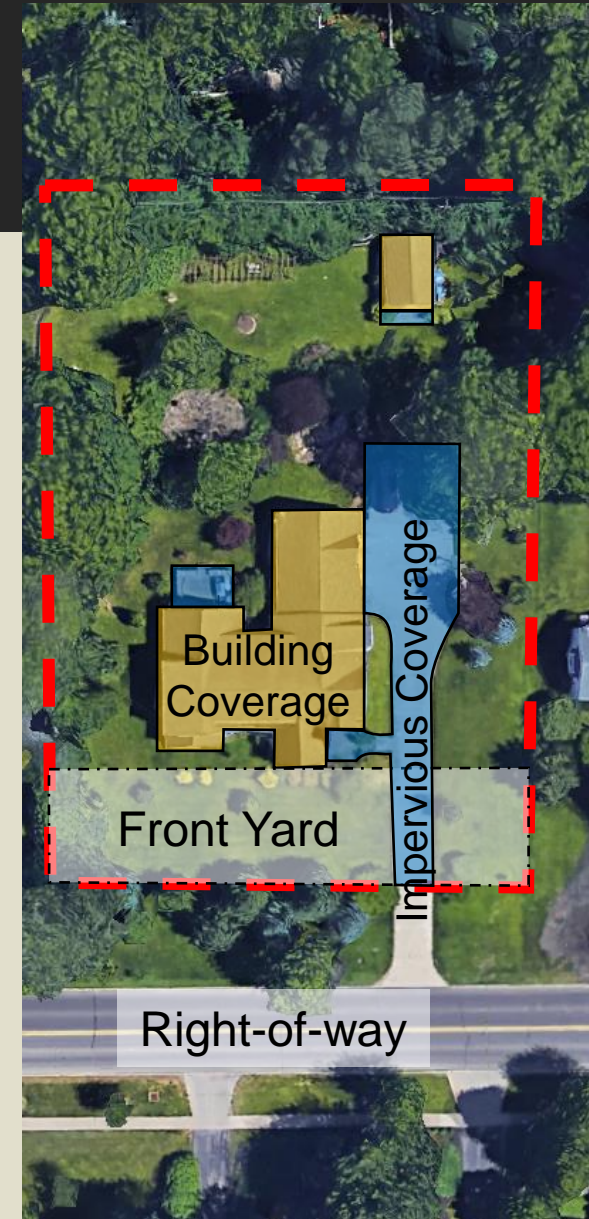
- Min. lot size **4,000sf/Townhomes 1,400sf** brings all dwellings into conformance
- Flexible setbacks **Front = 0', Side = 0/5', Rear = 0/10'**, previously none
- Height measured as **2.5 stories** instead of 35', townhomes/attached/multi-unit **4 stories**
- Building and site **max. coverage** regulated through impervious coverage (**75%**), where such standard did not previously exist



Proposed Revisions: R-20 Zone

R-20 Zone

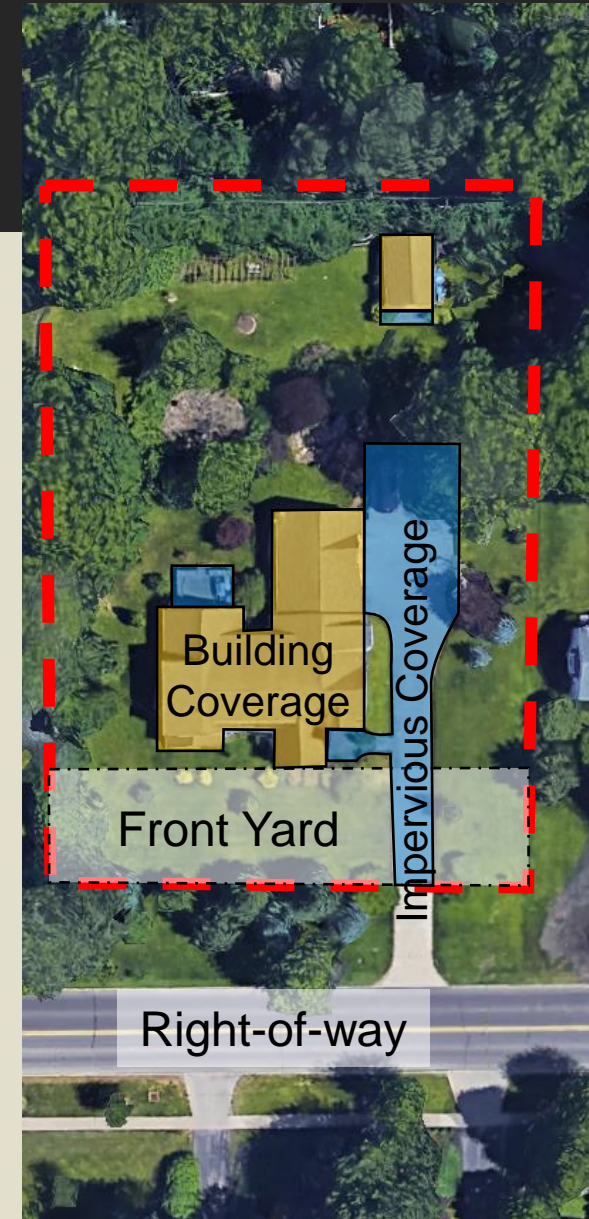
- Added lot min.: Detached and semi-detached dwellings **4,000sf**; No change recommended for Townhomes
- Standardized setbacks **Front = 10'**, **Side = 5'**, **Rear = 10'**
- Height flexibility for scale of residence (single, middle, multi): **2.5 stories, 4 stories, or 6 stories**
- Building and site **max. coverage** regulated through impervious coverage (**80%**), front yard impervious coverage (**35%**), building coverage (**60%**) – previously 40% max.



Proposed Revisions: R-18 Zone

R-18 Zone

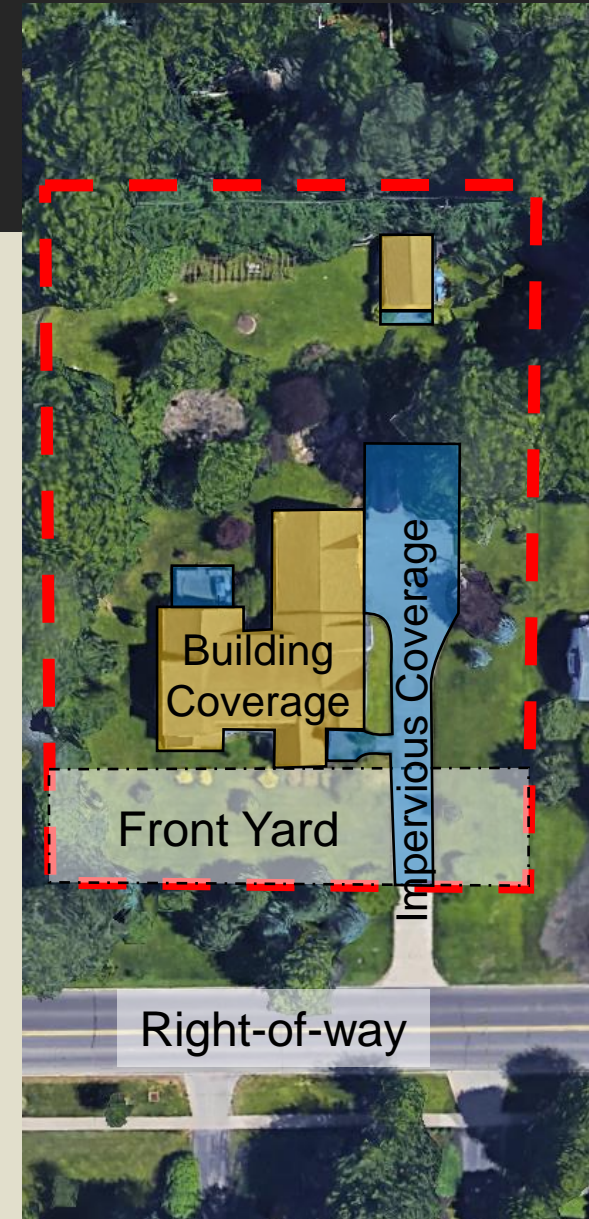
- Standardized setbacks **Front = 10'**, **Side = 5'**, **Rear = 10'**
- Height: Townhouses – **4 stories**, **Multi-unit dwellings – 6 stories** (previously 3 stories for townhomes, 80' for multifamily)
- Currently no lot coverage standards; no change recommended



Proposed Revisions: R-H Zone

R-H Zone

- Maintain 54 DU/acre
- Standardized setbacks **Front = 30'**, **Side = 10'**, **Rear = 20'**
- Currently no lot coverage standards; no change recommended



C Zones



Proposed Revisions: CB Zone

- Removal of 6 DU/acre minimum
- Standardized setbacks **Front = 10', Side = 5', Rear = 10'; 20' side setback if next to residential zone**
- Instead of blanket height maximum of 45', change to: **Residential – 5 stories, Commercial – 60'**



Proposed Revisions: C-1 Zone

- Greater building height flexibility, increased from 45' to **60'**
- More flexibility for setbacks: **Front = 10', Side = 0', Rear = 10'**; Side setback **20'** next to residential
- **Mandatory pedestrian connections on site**



Proposed Revisions: C-2 Zone

- Remove **FAR**
- **Reduce setbacks to 0'** unless next to residential (30')
- Proposed max. height – **150'**, currently 10 stories
- Lot coverage **70%** (currently no standard)



Proposed Revisions: Floating Zones

- Recommendations for Floating Zones will largely be related to **process**
- Implement **build to lines**
- More clarity around findings to incorporate **equity**
- **Use categories** remove cross-references for permitted uses
- Use categories also provide more **flexibility for calculated parking ratios**, should uses be substituted
- Recommend simplifying the **process for requesting an amendment**, per previous joint work session

Proposed Revisions: CD Zone

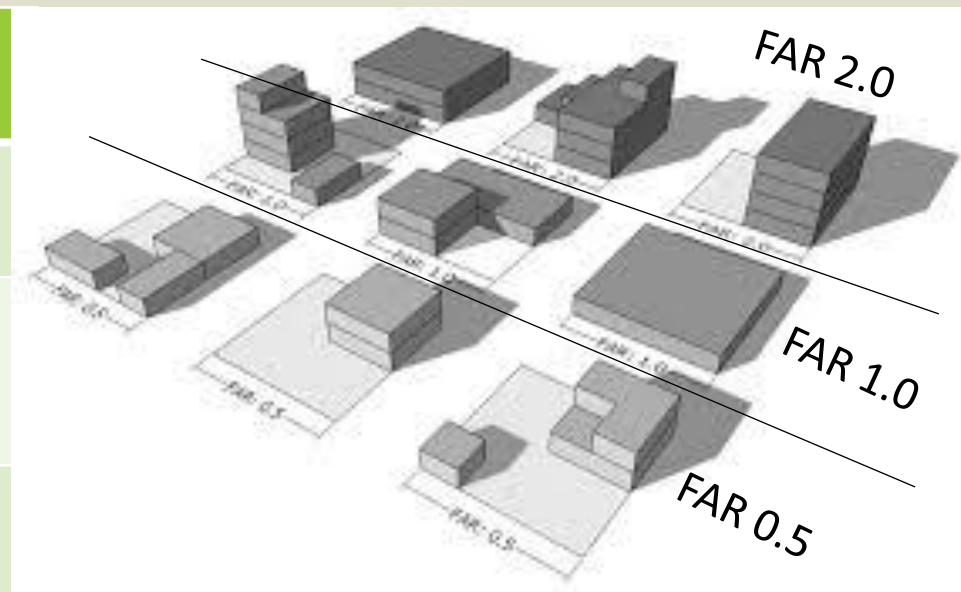
- Amended the purpose of the Zone
- Removed district height restrictions
- Removed concept plan option
- Established setbacks when adjacent to residential zones
- Simplified process (Rezoning requires SDP not two separate applications)



Proposed Revisions: CD Zone

- Proposed incentive program for aspects including min. parking reduction, max. FAR bonus, and proximity to transit parking reduction
- Layer in additional bonuses for structured parking, desired uses, open space

Base Floor Area Ratios	
Lots less than 30,000 sf in area	0.5 FAR
Lots between 30,000 sf and 80,000 sf	1.0 FAR
Lots greater than 80,000 sf	2.0 FAR



Proposed Revisions: CBD Zone

- Additional height flexibility – **4 stories to 6 stories**
- **90' height** maximum for non-residential structures
- No setbacks required except as provided in the Master Plan or as established by site plan
- Waiver revised to allow PC to grant, a height not to exceed nine **(9) stories** for residential buildings and **135'** for non-residential buildings



Proposed Revisions: MXD Zone

- Calculation of open area for vertical residential and commercial mixed-use
- Removed redundancies and cross-references
- Parking ratios established at SDP
- Streamlined objectives and standards of the zone
- Clarified submission requirements



Proposed New: MCD Zone

- The **Mixed-Commercial Development** (MCD) zone is to promote and provide design flexibility for new development and redevelopment of non-residential lands that support a concentration of employment uses , by permitting a wide range of commercial industrial, supportive retail, service, and office land uses and that reflect the sectors and salaries ranges desired by the City
- Blends I, E, and C Zone uses
- Residential developments should not be incorporated and the Zone is not intended to create shopping centers, large format, or entertainment centers.

I & E Zones



Proposed Revisions: I-1 Zone

- No setbacks, 60' only when abutting residential
- Maintain max. building height at 45'
- Maintain max. lot coverage at 75%



Proposed Revisions: I-3 Zone

-
- Change min. lot area from 2 acres to **1 acre**
 - Rear and side yard depths mins. are **50'** unless property is abutting a residential zone, then **60'**
 - Max. building height maintain **110'** (remove shorter restriction abutting residential)
 - Increase max. lot coverage from 25% to **75%**



Proposed Revisions: E-1 & E-2

- The development standards for E1/E2 are already similar, propose to combine the zones
- Decrease min. lot size from 1 acre to **20,000 sf**
- Reduce front setback from 30' to **20'**
- Maintain side and rear setbacks at 20', with additional required for building height over 60'
- Increase max. building height from 85' to **90'**
- Maintain 50% max. building coverage of lot





Article 4:
SUPPLEMENTARY
ZONE REGULATIONS

Article 4

Accessory Structures / Garages

- *Streamline language; reorganize sections; lot line adjacency flexibility; location language clarified; setbacks at 2' instead of 10'; clarified what is not "accessory structure"*

Exceptions Height and Projections

- *Maintain exceptions with minor additions; reorganize and consolidate section*

Fences and Walls

- *Improve definitions; propose removing permit application notification requirement*

Article 4

ADU

*Standards
Proposed*

*Permitted in zones
that allow
residential, but
must comply with
standards*



800sf max. for
detached ADUs

One ADU per
lot

Shall not exceed
the height of
the primary
structure

Separate
entrance required
(if part of primary
structure)

1 off-street
parking space
required

Must meet max.
lot coverage of
zone

Cannot be an
STR

HAWP if in
historic district

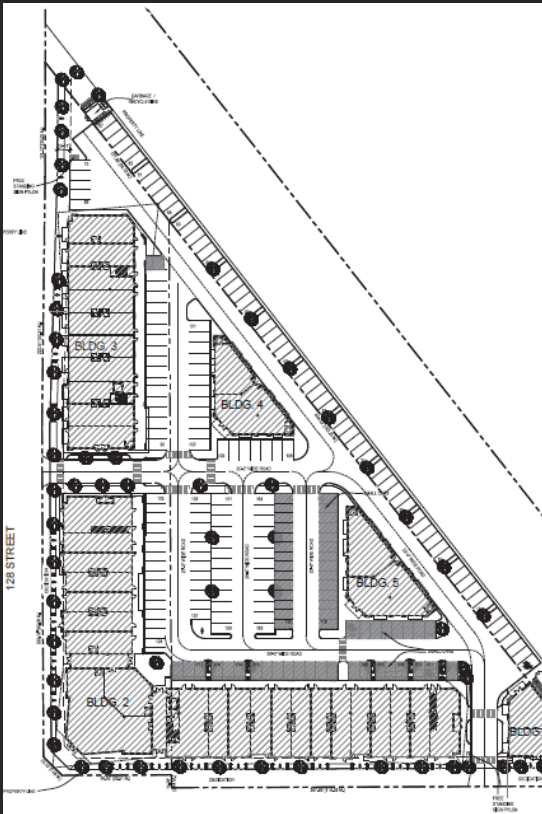
Home-based business
permitted with
permission from
property owner

Setbacks
generally at 2'
instead of 10'

Mobile Vendors

- Clearly states exempt businesses/business functions, like delivery trucks, produce stands, etc.
- Subject to permit
- Can operate up to four hours at a given location
- Hours of operation 7am to 8pm
- Waste shall not be visible
- Vehicle may be stored at home, but not operated from a home
- Permitted advertising sign and sandwich board sign
- Min. distance between non-food vendors offering same goods/services

Article 5: Site Development Plans



- Clarify/clean up submission requirements for concept, preliminary, final plan
- Concept plan is optional
- Statement demonstrating compliance with master plan and/or strategic plan
- Reducing cross-referencing on requirements
- More specificity for conditions of approval
- New finding that the plan must be compatible with master plan recommendations

Article 5: Site Development Plans (con't)



- Minor amendment process change: updated to conform to guidance during joint work session
- Planning Director can re-assign minor amendment to Planning Commission
- Remove walls and fences from site plan review
- Minor covered outdoor dining is now a minor amendment
- Minor revisions to non-residential buildings that do not increase the building by more than 500 sf



Article 6: Administration and Enforcement

- Clarify language around “use and occupancy permit”, “Conditional use and occupancy permit” versus an “occupancy permit”
- Clarifications for “temporary occupancy permit” process
- Review of complaint-based zoning as a proportion of all enforcement activities. Equity issues can arise from complaint-based enforcement where the intent is “immediately investigate and take action thereon.”
- Remove Olde Towne regulations in this section and consolidate in CBD Zone

Article 7:

Board of Appeals

- Revise unclear or disorganized language
- Provide additional specificity around BOA code of conduct to align with state
- Submission requirements added
- Findings for variances added to provide more clarity
- Add minor amendment process for special exceptions



Article 8: Amendment Procedure

- To align with recommendations from joint work session on SDP:
 - *Commercial use change flexibility, except if requires change to physical structure or includes residential*
 - *If re-subdivision is required, then applicant must amend SDP*
 - *If Increases the number of multifamily residential dwelling units by more than ten (10) percent must amend SDP*
 - *If Increases non-multifamily residential dwelling units by more than 5 units and/or does not meet the minor subdivision requirements of Chapter 20 must amend SDP*
 - *Increases nonresidential building floor area by more than ten (10) percent or five thousand (5,000) square feet whichever is less must amend SDP*

Article 8: Amendment Procedure

- Revision of verbose or unclear language
- Improved clarity for notification requirements
- More clarity around process for introduction of an amendment
- Optional method of application for local map amendments:
 - *Recommend addition of preliminary site plan review in place of schematic development plan*
 - *Recommend removal of requirement to submit covenant*

Article 9: Signs



- Reorganization: General Standards, Standards for Permanent Signs, Standards for Temporary Signs
- Develop general standards for internally and externally illuminated signs
- Revise and improve sign type definitions
- Sign permissions by façade instead of by tenant for multi-tenant structures
- Provide straightforward size limitations for signs that do not require a permit
- More flexibility for building sign area calculation
- Remove regulatory language from definitions for individual sign types
- Provide clarification for min. distances between any ground-mounted sign type

Article
10: Home
Based
Business

Clarification that an employee's remote work/office not considered to be a home-based business

Specify cannabis-related businesses or short-term rentals not permitted as home-based businesses

Clarify rental of outdoor facilities on private residential lots is prohibited

More flexibility for deliveries given that there can be variation in timing seasonally or monthly (previously a per week cap). Homes receive more deliveries generally than in the past.

Article 11: Off-Street Parking and Loading

- Proposed parking ratios delineated by use groupings/classifications instead of specific use to provide more flexibility
 - *Some uses with specific parking needs will still have parking ratios delineated for that particular use*
- Established parking ratios for shopping centers
- Revise minimum bicycle parking standards
- Parking lot tree canopy included in this chapter for ease of use
- Proposed reductions for special conditions (e.g. proximity to transit) or incentives (e.g. inclusion of drop-off/pick-up spaces)

Article 12: Preservation of Historic Resources

- Language was reviewed and revised for clarity, conciseness, and consistency
- Provide guidance for appeals
- Recommended revisions to some of the language/criteria regarding economic hardship





Article 13: Landscaping Standards

- Maintained where applicable
- Defined the relationship to City regulations and Chapters 8, 21, and 22
- Defined goals of landscaping

Article 14: City Planning Commission

- Revision of unclear language
- Revision of incorrect references
- Clarification of notification requirements
- Provide additional clarity around code of conduct to comply with state standards



*Article 15:
Adequate
Public
Facilities*

- No changes

Article 16: Affordable Housing Requirement

- Clarification of language
- Clarification for the adoption of regulations
- Diagnostic Report assessment of this article was positive
- Recommendation to review waiver of affordable housing requirements, ensure criteria is reasonable but has a high bar



Next Steps

- Integrate recommendations/feedback from tonight's discussion
- Some community conversations are on-going, some additional revisions will come from those meetings
- Begin drafting language of zoning code, design layout, organization (new proposed table of contents included in packet)

*QUESTIONS/
FURTHER
DISCUSSION*