



**Mayor and City Council**  
Hybrid (In-Person / Virtual)  
www.gaithersburgmd.gov/meetings  
City Hall 31 South Summit Avenue  
Gaithersburg, MD 20877

**MINUTES**  
**Joint Work Session**  
Monday, February 26, 2024, 7:30 PM

**1. CALL TO ORDER**

The Joint Work Session of the Mayor and City Council was called to order at 7:30 PM with Mayor Jud Ashman presiding.

Attendee Name	Title	Status	Arrived
Jud Ashman	Mayor	Present	
Jim McNulty	Council Vice President	Present	
Neil Harris	Council Member	Present	
Lisa Henderson	Council Member	Present	
Yamil Hernández	Council Member	Present	
Robert Wu	Council Member	Present	7:34 PM

Staff present: City Manager Briley, City Attorney Board, Deputy City Manager Enslinger, Assistant City Manager Lonergan-Seeger, Director of Planning and Code Administration Schlichting, Community Planning Manager Mann, Long Range Planning Manager Robinson, Police Corporal Davis, and City Clerk Jones.

Planning Commission present: Bauer, Hopkins, Kaufman, and Wessell.

**2. DISCUSSION TOPICS**

**A. Retool Gaithersburg: CTAM-9739-2024**

Community Planning Manager Mann and Long Range Planning Manager Robinson introduced Joe Helferty, ZoneCo, who presented the public review draft of the revised Chapter 24, Zoning, ordinance known as Retool Gaithersburg; a comprehensive initiative to update the City of Gaithersburg's Zoning Ordinance to ensure that the regulations better accommodate and implement the City's vision and goal to support the vibrancy and innovation of the City. The updated draft was released on February 6, 2024, for public review and comment.

Since the October 9th Joint Work Session, staff and ZoneCo has:

- Revised the proposals shared at the Oct 9th Work Session based on feedback.
- Created a dedicated phone line for questions and comments from the public on the proposal.
- Produced a "Community Leaders Engagement" workbook.
- Produced a full Draft Zoning Ordinance and Annotated Summary.
- Published the Draft Zoning and Summary documents on the project website to receive public comment.

The revised zoning ordinance is divided into 16 articles.

- The following articles were reviewed for consistency and received minor updates in format content and organization; these items remain largely unchanged from a policy perspective: Site Standards, Historic Preservation, Nonconformities, Administrative Bodies, Affordable Housing Requirements, Adequate Public Facilities, and Enforcement.
- The following articles were significantly revised from a technical perspective; this includes larger reorganization to general structure, and the inclusion of tables and graphics: Introductory Provisions, Interpretation and Measurement, Standard Zoning Districts, Floating, Overlay, and Special Zoning Districts, Off-Street Parking and Loading, Signage Standards, Administrative Bodies, Permit and Review Procedures, Enforcement, and Definitions.
- The following articles were significantly revised to reflect the policy goals of the project; this includes the incorporation of changes that reflect the City's goals adopted in documents like the Master Plan and Strategic Plan: Introductory Provisions, Interpretation and Measurement, Standard Zoning Districts, Floating, Overlay, and Special Zoning Districts, Use-Specific Standards, Off-Street Parking and Loading, Historic Preservation, Permit and Review Procedures, and Definitions.

Mentioned the upcoming joint work session scheduled for March 11 will focus on:

- Responding to specific questions and comments raised,
- Addressing items that Mayor and City Council and Planning Commission would like to explore more deeply,
- Providing an update on the engagement efforts conducted and review the public comments received, and
- Seeking guidance on any proposed changes or edits to the draft ordinance prior to the formal public hearing scheduled for April 15th.

The Mayor and City Council and Planning Commission thanked them for the detailed presentation. Stated that this is a drastic change to what the code looked like before. Mentioned that the biggest improvement is simplification of the wording which has made it more friendly for residents while keeping the mechanisms for control where applicable.

Mayor Ashman questioned how many other jurisdictions are putting out zoning codes like this. Also requested clarification on Accessory Dwelling Units (ADU) and the parking requirements outlined in the draft. Mr. Helferty stated that there has been a recent uptick in the last 5-10 years. Mentioned that most communities are in the same spot as the City: code was last updated 50-60 years ago with patch work done over the years. Staff mentioned that there is nothing in the City Code for ADUs. Stated that Kentlands used to allow what was called urban cottages. The City began with focus groups for the housing element to explore ADUs to see if there was a public interest, which there was. Staff wanted to get the policy in place to support ADUs with Retool doing the definitions. All the restrictions that are proposed in the draft came directly from the focus groups. Staff clarified that the parking requirements are a departure from how it has been done in the past. Stated that a lot of this was outgrowth and most of the highlights reflect what has been done over the past 10 years.

Staff clarified that MuniCode, the online hosting site for the City Code and Charter, can support graphics, tables, and links. It was mentioned that staff has done away with special exceptions and transitioned those into conditional uses because there was a regulatory disconnect. They did not want to put the Mayor and City Council into a position to potentially approve a use at an SDP level that the Board of Appeals has a final decision on.

Council Member Wu expressed concern in creating a one size fits all approach on hot button topics like parking and ADUs. Concern was also expressed regarding the processes with the CD and CBD zones. Mentioned the Park and Brooks Avenues project that never came back before the Mayor and City Council. Understands that this was due to the streamlined procedures for that zone. Stated that changing from low-density housing to high-density multiple families is a fundamental change to the use of that area and should come before the Mayor and City Council for review. Staff clarified that the CBD zone is the only floating zone that does not come before the Mayor and City Council, and this was not changed during the Retool process. Stated that this would be the time to suggest that change.

Council Vice President McNulty mentioned the proposed additional Floor Area Ratio (FAR) bonuses in the CD zone, which consists mostly of the 355 corridor where there is plenty of affordable housing. Questioned why there were no proposed changes to increase affordable housing on the west side of the City. Staff clarified that the Housing Element focus group identified as being the most in need was 40% Area Median Income (AMI), which is what the bonus is about. McNulty expressed concern with building heights by right in Olde Towne and overall parking across the City. Suggested revising the Olde Towne Master Plan in the future. Questioned packet page 121 and how the "parking of light commercial vehicles" would impact HOAs and Common Ownership properties. Staff stated that Montgomery County recently amended their laws to allow people to bring their work vehicles home. If an HOA wants to be more restrictive than the City, they have that ability. Staff set out to remove visual clutter and provide the ability to park work vehicles without the threat of being forced out onto the street.

Council Member Henderson associated herself with the comments regarding the CBD zone and building height requirements. Questioned the interest levels in ADUs. Staff mentioned that there was a large interest during the housing element revisions. Clarified that while ADUs are allowed in every Euclidean housing zone, there are still other restrictions that they must comply to. Kudos were given for the environmental consideration and the input sought from Racial Equity Diversity and Inclusion Program Manager Monae.

Council Member Harris questioned what the City is doing with zoning to encourage and incentivize charging abilities for electric vehicles. Staff stated that they did not want to require something that is so fluid; the laws at the State level are continuously changing. Stated that the best way to incentivize this would be through commercial parking spaces. Mentioned that residential parking requirements will be governed by State law. Harris mentioned that he doesn't see items from the visioning exercise in the proposed changes. Staff stated that the newly created MCD zone is a direct outcome from those visioning exercises. Further clarified that the exercises identified that the bulk of redevelopment opportunities would be along the 355 corridor.

Council Member Hernández sought clarification regarding the ability for HOAs or Common Ownership communities to have additional requirements for ADUs, parking spaces, etc. Staff stated that the zoning ordinance lays out the initial requirements. Even though ADUs may be allowed in every area, there are other requirements that the structure must meet. HOAs and Common Ownership properties can enact ever stricter requirements.

Planning Commission Chair Bauer questioned what the parking calculations were based on. Staff stated that most of these calculations were based on focus groups. Mentioned that anything related to life sciences and research, staff met with ARE and others. For commercial center parking, staff met with Federal organizations, Saul Centers, and the Peterson Companies for their input. For multiple family, staff met with residential constructors. Suggested that a footnote be included explaining this. Bauer expressed concern with internal window sign brightness and internally illuminated façade treatments;

stated that the wording seems vague. Requested that these sections be reviewed more so that loopholes are not created. Suggested that the purpose of these sections should be spelled out clearly. Questioned what happened with the Historic Preservation Demo Permit process. Staff mentioned that the biggest change is that it must be in the Master Plan to come before the HDC for review.

Commissioner Kaufman questioned the ability to make changes to the zoning code in the future. Staff responded that Article 12 has an entire section addressing text amendments. Staff understands that there will be changes in the future, but they wanted the changes to be as complete as possible right now. Mentioned that the change provides greater clarity to applicants and the public on land use processes; expands notifications to occupants instead of solely property owners to address equity concerns; and improves processes for homeowners, businesses, and developers.

Commissioner Wessell mentioned that there were several references to outdated lighting options and questioned why the City is not requiring LED lighting for everything. Staff stated that there was never wording in the code regarding lighting, but staff would further discuss and provide a response. Deputy City Manager clarified that as a policy, the City requires that all streetlights be LED. Pepco is currently working on switching over their lights.

Speakers from the public:

1. *Janette Rosenbaum, Environmental Affairs Committee Chair*, delighted with the new requirements for public notice to occupants, as well as owners. Mentioned that the Committee will be discussing the zoning ordinance at their upcoming meeting and will submit comments.
2. *Patrick, Highland Avenue*, expressed concern with changing the reference of green space to open space. Stated that open space is fundamentally different from green space.

Long Range Planning Manger responded that the decision to use open rather than green was intentional to better reflect the meaning. Green areas are now a part of open spaces.

There were no other speakers from the public.

**3. CORRESPONDENCE**

A. Outside

**4. ADJOURNMENT**

There being no further business, the session was adjourned at 9:16 PM

Respectfully submitted,

Michelle Betancourt, Administrative Assistant III

Lia Jones, City Clerk