

**MEMORANDUM**

TO: Mayor & City Council  
Planning Commission

VIA: Tanisha Briley, City Manager

FROM: Rob Robinson, Long Range Planning Manager

DATE: April 4, 2024

SUBJECT: Changes reflected in the Joint Public Hearing Retool Draft Ordinance

Retool Gaithersburg is the comprehensive initiative to update the City of Gaithersburg's Zoning Ordinance, Chapter 24 of the City Code, in order to:

- Improve the organization of the code
- Incorporate visual aids to simplify the readability of the zoning code
- Revise zoning code sections to better reflect the City's goals, policies and visions
- Modernize terminology and definitions used throughout the code
- Foster equity and equality.

In this effort staff and the City's consultant, ZoneCo, conducted a number of joint work sessions with the Mayor & City Council and Planning Commission regarding topics, directions, and proposed changes to incorporate into the revised ordinance:

- July 24, 2023: Proposed changes to amendments to concept plans, sketch plans, and schematic development plans and minor amendment requests.
- October 9, 2023: The summary Engagement Report discussing the various outreach efforts to date and the direction of the proposed changes to Chapter 24 by each Article and listed in the ZoneCo Calibration Report.
- February 26, 2024: Presented the public review draft of the revised Chapter 24 ordinance, reflecting the changes proposed and direction given during the previous work sessions and consultant Calibration Report.
- March 11, 2024: Provide an update on engagement efforts conducted following the October 2023 work session and public comments received on the draft Zoning Ordinance and respond to specific items and topics identified during February 26th work session by the Council and Planning Commission for further discussion.

Following the March work session, the Retool team further revised the public review draft, incorporating all guidance and direction received from the Mayor & City Council and Planning Commission, for the Public Hearing Draft released April 1, 2024 ahead of the hearing date of April 15, 2024. The following summarizes edits to the Public Hearing Draft Ordinance as shown in Exhibit 25 and reflected in the “user-friendly” draft, exhibit 24. Changes to correct grammar, punctuation, or other minor clarification, clerical, formatting, or layout revisions are not documented in this memo.

- Introductory Provisions 24-1.2 (D): Updated continuance of approved project provisions with "and/or"
- Introductory Provisions 24-1.2(E): New provision - Allowing sketch or schematic development plan elements approved prior to effective date to continue if in conflict with ordinance
- Introductory Provisions 24-1.2(F): Updated modification/amendment language for clarity
- Introductory Provisions (Prior draft) 24-1.5: Removed "Navigating the Zoning Ordinance" section from ordinance. To be included on Gaithersburg City website
- Interpretation and Measurement 24-2.3(O)(1): Updated calculation of FAR to the hundredths place
- Standard Zoning Districts 24-3.10: Updated Use Table to include "Professional Contracting Services" with corresponding permissions in C-1, C-2, I-3 and E Zones
- Standard Zoning Districts 24-3.10: Meeting and Banquet Halls permission removed from I-3 Zone
- Floating, Overlay, and Special Zoning Districts 24-4.1: Updated Use Table to include "Professional Contracting Services" with corresponding permissions in MXD, MCD, CD and MCD zones
- Floating, Overlay, and Special Zoning Districts 24-4.2(D): Clarification of noticing requirements - clarified list of persons and entities that are required to receive notification postcard
- Floating, Overlay, and Special Zoning Districts 24-4.3(C)(1): Height of buildings in CBD Zone amended to refer to master plan or four (4) story tall, except as modified by the City Council
- Floating, Overlay, and Special Zoning Districts 24-4.3(D): Added findings for height waivers in CBD Zone to be approved by the City Council
- Floating, Overlay, and Special Zoning Districts 24-4.3(D): Removed Planning Commission's ability to waive building height requirements in CBD Zone (prior draft)
- Floating, Overlay, and Special Zoning Districts 24-4.4(C)(2)(c): Clarified how to apply

FAR bonuses - as an increase to the Base FAR in the CD Zone

- Use-Specific Standards 24-5.2: Removed provision requiring that lot size be conforming to the underlying zone to construct an ADU
- Use-Specific Standards 24-5.2(E)(6) (prior draft): Relocated and clarified measurement of lot coverage and impervious area related to ADUs
- Use-Specific Standards 24-5.2(E)(5): Establish ability for Planning Commission to permit a detached ADU larger than 800sf, but not more than 1,200 sf
- Use-Specific Standards 24-5.2(E)(6): Attached ADUs shall count towards lot coverage and impervious area coverage
- Use-Specific Standards 24-5.2(E)(7): Detached ADUs shall not count toward lot coverage or FAR in CD Zone, but shall count toward impervious area coverage
- Use-Specific Standards 24-5.2(E)(8): Clarified that ADU one (1) required off-street parking space is in addition to requirement for the primary dwelling
- Use-Specific Standards 25-5.2(E)(9)(a): Allowed setback of ADU above an existing or previously approved detached garage to provide the setbacks of the garage
- Use-Specific Standards 25-5.2(E)(9)(b): Included language to allow for an ADU setback of less than ten (10) feet if established by a previously approved site development plan to apply
- Use-Specific Standards 25-5.2(E)(9)(c): Establish ability for Planning Commission to reduce setbacks for ADU
- Use-Specific Standards 24-5.6(A)(5): Provides an exemption from mobile vendors for roadside assistance vehicles such as towing and windshield replacement
- Site Standards Landscaping 24-6.1(2): Clarified the goals of a landscape plan and what it must demonstrate do not to reflect all items listed
- Site Standards 24-6.2(D): Amended to expand prohibited lighting sources to include "non-energy efficient" lighting sources with Director of Public Works as determinator for non-energy efficient status
- Site Standards 24-6.2(E): Amended to include "other energy efficient lighting sources" to Outdoor lighting standards
- Site Standards 24-6.2(F): Included language to limit maximum illuminance levels at property boundary to apply to all interior and exterior lighting sources
- Site Standards 24-6.2(H): Clarified fixture minimum and average illumination levels for sidewalks, walkways, etc.
- Site Standards 24-6.4(B)(1): Clarified that accessory structures may be located in the

front yard for non-residential uses

- Site Standards 24-6.4(B)(2): Removed setback provisions for accessory animal shelters (prior draft)
- Site Standards 24-6.5(A): Amended to exempt shopping cart corrals as "outdoor storage"
- Site Standards 24-6.5(C): Amended to allow Planning Commission to reduce outdoor storage setback distances
- Site Standards 24-6.5(D): Amended to allow Planning Commission to waive screening requirements for outdoor storage areas
- Off-street Parking and Loading 24-7.3(E): Amended to state that a BRT station is existing "or under construction" to qualify for parking reduction
- Off-street Parking and Loading 24-7.6(B): Applicability of waiver to maximum number of parking spaces amended to allow for the Planning Commission to require additional parking as per the findings of the waiver
- Historic Preservation 24-9.4(C): Clarification of noticing requirements - structure and language updated to align with other noticing requirements elsewhere in the code
- Permit and Review Procedures 24-12.2(E)(3): Clarification of noticing requirements - clarified list of persons and entities that are required to receive notification postcard
- Permit and Review Procedures 24-12.3(E)(2): Clarification of noticing requirements - clarified list of persons and entities that are required to receive notification postcard
- Permit and Review Procedures 24-12.6(N): Clarification of noticing requirements - clarified list of persons and entities that are required to receive notification postcard
- Permit and Review Procedures 24-12.7(G): Clarification of noticing requirements - structure and language updated to align with other noticing requirements elsewhere in the code
- Permit and Review Procedures 24-12.8(G): Clarification of noticing requirements - structure and language updated to align with other noticing requirements elsewhere in the code
- Permit and Review Procedures 24-12.8(J)(2): Added notification requirement for special exception minor amendments
- Definitions 24-16.2: Definition of "Basement" added
- Definitions 24-16.4: Definition of "Dwelling Unit, Courtyard Building" added
- Definitions 24-16.4: Definition of "Dwelling Unit, Single-Family" added to clarify housing types

- Definitions 24-16.4: Definition of "Dwelling Unit, multifamily" added to clarify housing types
- Definitions 24-16.5: Definition of "Floor Area, Gross" amended to include accessory buildings and detached garages
- Definitions 24-16.6: Definition of "Floor Area Ratio" amended to clarify that previously dedicated rights-of-way are not considered in FAR calculations
- Definitions 24-16.7: Definition of "Hotel, Motel" amended to clarify that Hotel/motels are not considered residential uses
- Definitions 24-16.12: Definition of "Lot Coverage, Building" amended to clarify that previously dedicated rights-of-way are not considered part of the lot area for the purposes of calculating lot coverage
- Definitions 24-16.16: Definition of "Professional Contracting Services" added
- Definitions 24-16.16: Definition of "Professional Services" added
- Definitions 24-16.19: Definition of "Seasonal Event" added
- Definitions 24-16.19: Definition of "Sign Face" added
- Definitions 24-16.19: Definition of "Off-premises Sign" amended for clarity
- Definitions 24-16.19: Definition of "Painted Wall Sign" added
- Definitions 24-16.19: Definition of "Sign Sponsor" added
- Definitions 24-16.19: Definition of "Ancillary" and "Principal" signs amended for clarity
- Definitions 24-16.23: Definition of "Warehousing" added
- Definitions 24-16.25: Definition of "Yard, Front", "Yard, Rear" and "Yard, Side" amended to align language used in Article 2
- Definitions 24-16.26: Definition of "Parking, Structured or Covered" added

Cc:

Greg Mann, Community Planning Manager

Joe Helferty, ZoneCo