

**Joint Hearing - MCC & PC  
CTAM-9739-2024  
Ex 16**



# Retool Gaithersburg

## Follow-up Discussion: Revised Zoning Ordinance

Joint Work Session  
March 11, 2024



# Retool Gaithersburg



## *Meeting Agenda*

- Engagement Update
- Follow-up items from the Feb. 26<sup>th</sup> Joint Work Session:
  - Parking Requirements
  - Accessory Dwelling Units
  - CBD Floating Zone
  - Lighting
- Anticipated revisions to the Draft Zoning Ordinance

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1 inch = 1,250 feet

MD State Plane  
HPGN NAD 83/91

Interchange Ramps	Chapter 24 Zoning	R-1 Single-Family Detached
Freeway	C-1 Local Commercial	E-2 Medium Density Residential
Toll Expressway	C-2 General Commercial	C-P Community Professional Office
State Highway	C-3 Highway Commercial	I-1 Light Industrial
Secondary Roads	CB Commercial Buffer	I-3 Industrial
Private Streets	CBD Central Business District	I-4 General Industrial
Tax Parcels	CD Corridor Development	R-A Low Density Residential
City Boundary	MXD Mixed Use Development	R-90 Medium Density Residential
Other Municipalities	H-M Hotel-Motel	R-90 Cluster Development
Historic Districts & Sites		



# Engagement Update



# Engagement Update

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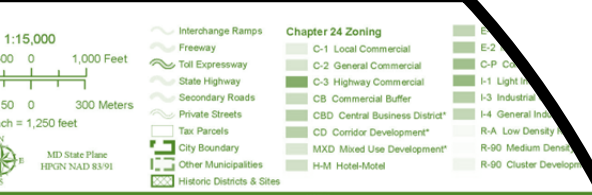
## *Outreach as of Oct. 2023*

- Public Kick-off Meeting Virtual Presentation
- Website, Surveys, and Dedicated Email Address
- Public Virtual Presentation of Diagnostic Report, two public virtual meetings on June 1st.
- Focus Groups
  - *January 31: Land Use Attorneys*
  - *July 19: Retail Property Owners / Business Owners*
  - *July 20: Commercial Property Owners*
  - *July 31: Open Invitation Discussion*
  - *August 8 & 31: Residential Developers*
  - *September 27: Residents \**
- Meeting with Community Leaders, September 28th, 2023
- Bi-Weekly Steering Committee Meetings

*\*Notes not included in previous Summary Engagement Report*

## *Outreach as of March 2024*

- Public Phone Line
- Additional email announcements and public comment
- Continued website updates
- Community Leaders Engagement Workbook
- Steering Committee Review of Draft Zoning Text
- Public release of the Draft Zoning Ordinance and Annotated Summary
- Follow-up Land Use Attorney Focus Group



# Parking Requirements



# Parking Requirements

*Proposed parking requirements in the draft zoning ordinance are based on the following:*

- Review of established parking rates and utilization of existing projects in Gaithersburg.
- Review of parking requirements in neighboring jurisdictions.
- Feedback from residential and commercial developer focus group conversations.



Commercial Development on Frederick Ave

## *Focus group feedback:*

- *Parking requirements need to reflect evolving commercial business models.*
- *Implementation of EV charging.*
- *Need for flexibility in determining a requirement and how they align with diverse range of uses.*
- *Parking needs to reflect trends in employment and employee needs.*
- *Demographics and proximity to transit impacts to parking.*

# Parking Requirements

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## *Comparison with neighboring jurisdictions*

The proposed parking rates in Gaithersburg were compared to those established in neighboring jurisdictions.

- Montgomery County, MD
- Rockville, MD
- Frederick, MD
- Vienna, VA

### *Findings:*

- *Generally, the proposed parking rates in Gaithersburg are aligned with neighboring jurisdictions for residential and general commercial uses.*
- *Parking rates for uses supportive of economic development goals are generally more flexible (life sciences, artisan manufacturing, industrial, professional services).*
- *Difficult to assess rates for multi-tenant commercial centers as this method of determining parking is not as widely used.*
- *Proposed Gaithersburg requirements typically base parking on floor area, rather than occupancy, which is simpler to determine and supportive of re-tenanting of buildings.*

# Parking Requirements: Non-Residential Comparison

Use Type	Gaithersburg (Proposed)	MoCo, MD	Rockville, MD	Frederick, MD	Vienna, VA
All Industrial Uses	1 space per 2,000 sf	1-3 per 1000 sf	1 per 300-1,000 sf	1 per 200-2,000 sf	1 per 3 employees
All Retail and Services Uses Unless Otherwise Listed*	1 per 250 sf	3.50-6 per 1,000 sf	1 per 200 sf	1 per 300 sf and, vehicle stacking spaces	1 per 200 sf
Artisan manufacturing	1 per 500 sf	1-3 per 1000 sf	No standard	No standard	1 per 3 employees
All Professional Business Services Uses Unless Otherwise Listed	1 per 500 sf	2-4 per 1000 sf	2 per each professional using an office	1 per 300 sf	1 per 200 sf
Life sciences	1.5 per 1,000 sf	1-3 per 1000 sf	No standard	1 per 400 sf or, 1 per 3 employees, whichever is greater	No Standard

Rate is higher than Gaithersburg

Rate is same as Gaithersburg

Rate is lower than Gaithersburg

Variable Rate, may be higher/lower





# Parking Requirements: Shopping Center Comparison

## *Shopping Centers*

The draft ordinance includes the creation of “Commercial Center Multi-Tenant” parking requirements to allow for a single requirement to apply to an entire development rather than individual requirement of all uses.

- Simplify method for calculating parking.
- Make it easier to re-tenant shopping centers.
- Modernize parking requirements to reflect a more realistic need.

## *Analysis Summary*

Of 26 shopping centers analyzed, 23 resulted in a reduction and 3 resulted in an increase to minimum parking.\*

*\* As compared to provided parking, not base requirement*

### *Small*

*10,000-50,000 sf*

*11 shopping centers*

Average  
reduction of  
~ 40%

### *Medium*

*50,000-250,000 sf*

*11 shopping centers*

Average  
reduction of  
~ 28%

### *Large*

*250,000+ sf*

*4 shopping centers*

Average  
reduction of  
~ 17%

# Parking Requirements: Types of Spaces

## Mix of Parking Spaces

The revised zoning ordinance establishes different types of parking spaces, their size requirements, and their “equivalency” in meeting the parking requirement.

The “Parking Space Equivalent” is a tool to incentivize types of parking that meet larger objectives of the City or reflect modern business practices.

The appropriate mix of parking space types is proposed to be determined by the Planning Director or Planning Commission.

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> A parking stall equipped to facilitate the parking and charging of electric vehicles.	1.5 parking spaces <sup>1</sup>	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.

# Parking Requirements: Waivers and Modifications

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## *Minor Waivers*

A waiver of up to 10% or 35 spaces, whichever is less, of the minimum or maximum parking requirement may be approved by the Planning Director. *(existing policy)*

## *Shared Parking Reduction*

Parking requirements may be reduced based on the unique mix of proposed uses. The table was updated to reflect the new use/parking charts. *(existing policy)*

## *BRT Parking Reduction*

A reduction of up to 15% of the parking requirement for non-residential developments (except in CBD, CD, MXD, or MCD) for sites within 1,500 feet of an existing BRT station. *(new policy)*

## *Planning Commission Waivers*

The Planning Commission may waive the minimum or maximum parking requirement. *(existing policy)*

The revised ordinance provides stronger findings, correlating reductions with demand analysis, transit access, alternative transportation plans, and site conditions. *(new policy)*

The Planning Commission may also waive any parking standard in conjunction with a waiver of requirements to allow for additional site planning flexibility. *(new policy)*

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MD State Plane  
HPGN NAD 83/91

Chapter 24 Zoning

- C-1 Local Commercial
- C-2 General Commercial
- C-3 Highway Commercial
- CB Commercial Buffer
- CBD Central Business District
- CD Corridor Development
- MXD Mixed Use Development
- H-M Hotel-Motel
- E-2
- C-P
- I-1 Light Industrial
- I-3 Industrial
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- R-A Low Density Residential
- R-90 Medium Density Residential
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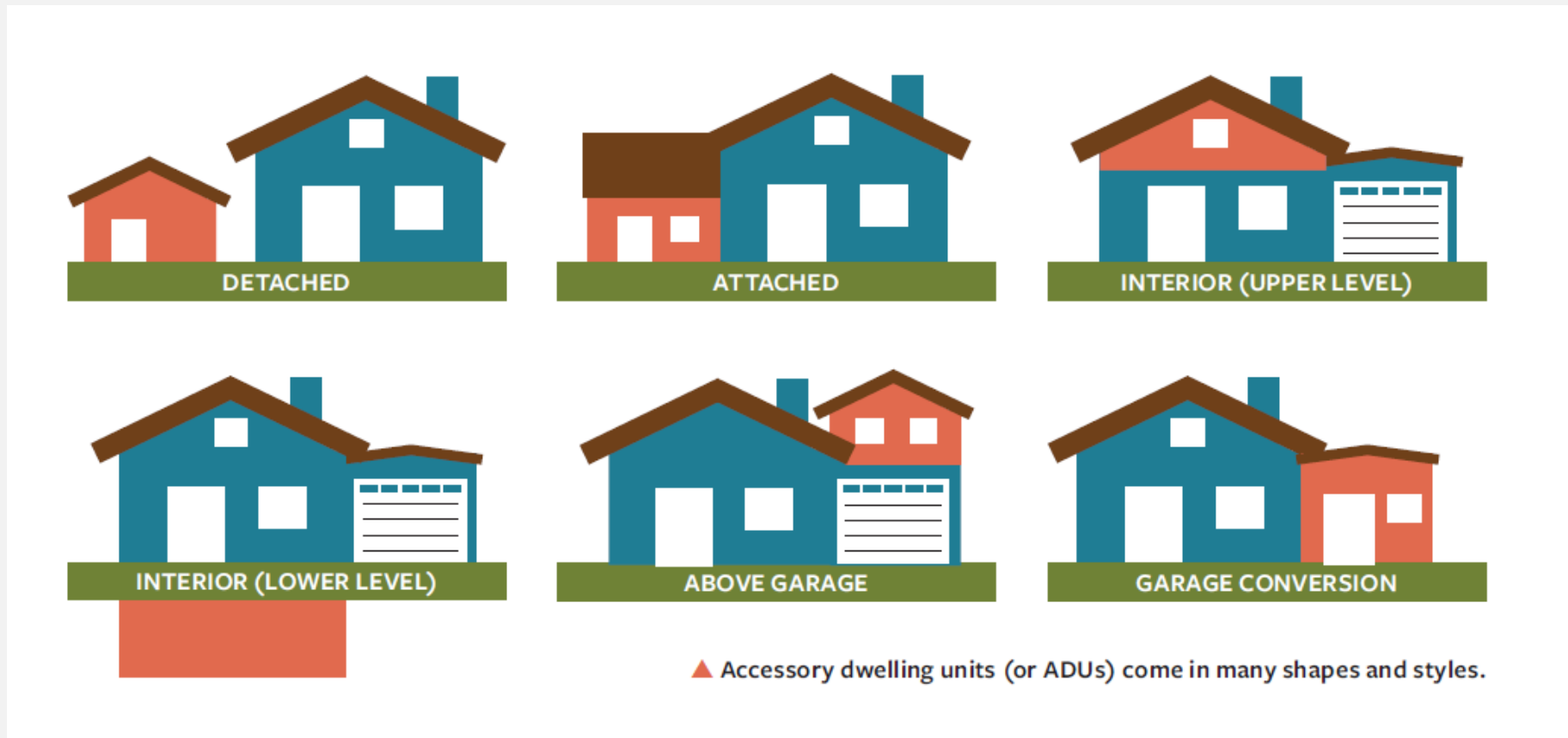
Interchange Ramps  
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# Accessory Dwelling Units



# Article 5 – ADU Background



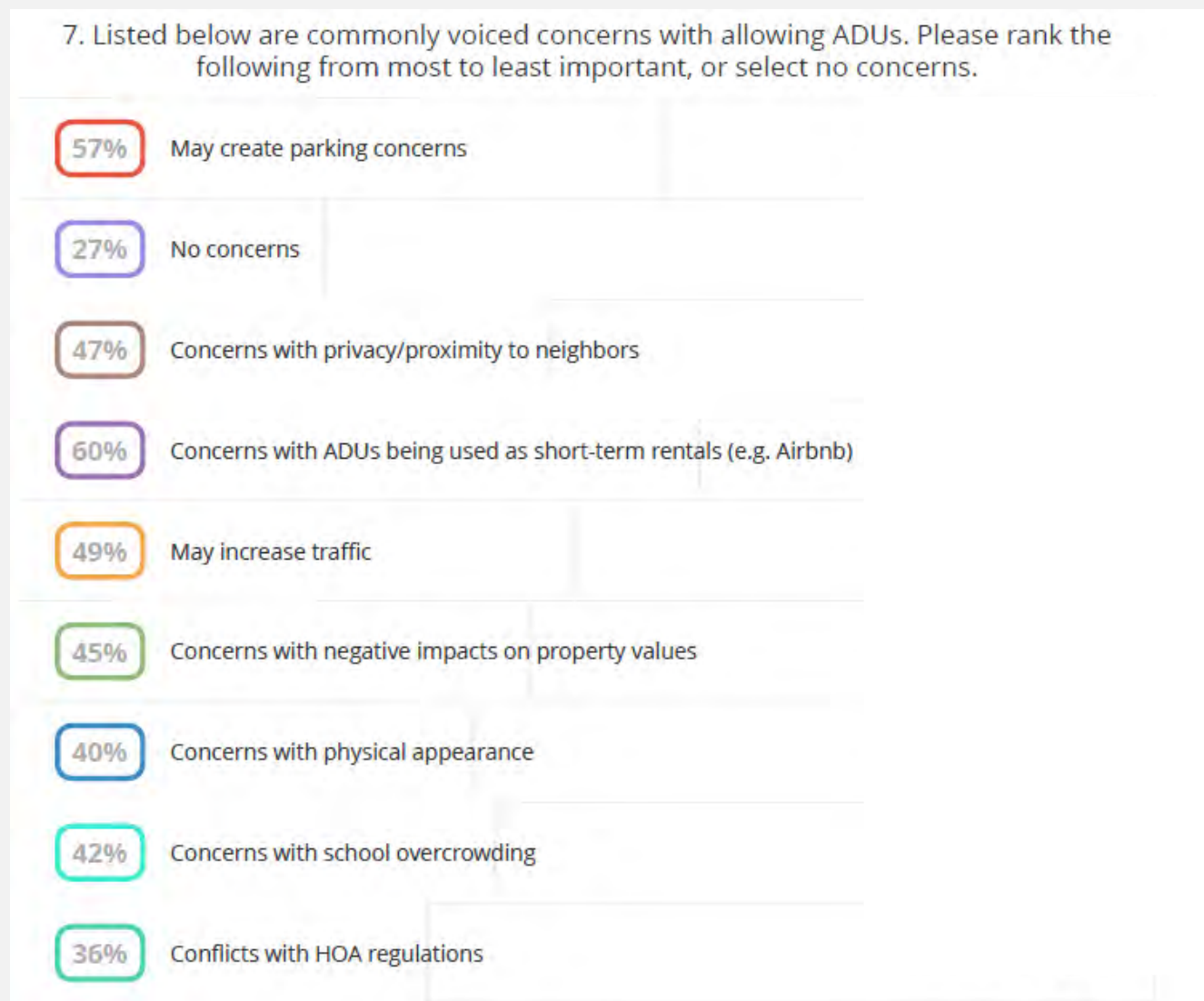
AARP: The ABCs of ADUs

- An ADU is a small residence that shares a single-family lot with a larger, primary dwelling
- As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and sleeping area
- An ADU can be located within, attached to or detached from the main residence
- An ADU can be converted from an existing structure (such as a garage), but cannot remove the required parking for the primary residence

# Article 5 – ADU Background

## *Public Input*

- Researched as to best practices for Housing Element
- ADU questions included in Housing Element Surveys
- Asked various Housing Element Focus Groups
- Asked Retool Residential Focus Group



# Article 5 – ADU Background

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## *Accessory Dwelling Units*

City Housing Element:

Planning & Zoning

Goal 1: Promote or create opportunities for a variety of housing types for current and future City residents of all income levels with costs that reflect the range of incomes.

- *Perform ongoing reviews of land use zoning, regulations, and processes for barriers or obstacles to producing diverse housing or to incentivize the types of units either not being built and in short supply relative to demand.*
- *Study and potentially allow ADUs in specific single-family areas.*

As an adaptable form of housing, ADUs provide flexible solutions for the changing needs of a household:

- Facilitate Multi-Generational Housing or housing for a hired caregiver
- Can provide rental income to homeowners
- Provide a practical option for those seeking small, affordably priced rental housing
- Can help older residents remain independent and “age in place”
- Fosters equity by opening neighborhood options that would otherwise be unaffordable

# Article 5 – ADU Background

## Accessory Dwelling Units

6. Accessory Dwelling Units (ADUs) are smaller, independent residential dwelling units located on the same lot as a single-family home. They can be separate apartments created within an existing house (in-house units), or they can be separate structures (detached units). They are sometimes referred to as granny-flats, in-law units or backyard cottages. Below is an example of a detached ADU in the Kentlands (top) and an in-house basement ADU (bottom). Listed below are potential benefits of allowing ADUs. Please rank the following from most to least important, or select no benefits.

- 76% Provides housing for relatives (college graduates, grandparents, etc.)
- 66% Provides more affordable housing options
- 26% No benefits
- 57% Reduces sprawl by creating more housing in existing neighborhoods
- 51% Provides another source of income for property owners



<https://www.houzz.com/photos/northwest-residence-traditional-exterior-portland-photography-1930994>



# Article 5 – ADU Specific Standards

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## *In order to construct an ADU, the following standards must be met:*

- Only one ADU is permitted per lot regardless of type
- The lot, parcel, or tract of the accessory dwelling meets any applicable minimum lot size requirements
- Detached ADUs are permitted in side and rear yards only
- Detached ADUs alone or above a detached garage shall provide a minimum setback of ten (10) feet from side and/or rear lot lines
- Detached ADUs may not exceed 800 SF in floor area.
- One additional parking space must be provided for the ADU above what is required for primary dwelling
- ADUs shall not exceed the height of the primary structure
- Attached/Integral ADUs may not be more than 49% of the floor area of the primary building
- Integral or attached ADUs shall have a separate entrance from the primary building
- ADUs may not be used for short-term rentals
- Processed as Minor Amendment Application, including notification requirements
- ADUs are subject to Historic Area Work Permits (if applicable)
- Cannot be subdivided off to be sold separately

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**Chapter 24 Zoning**  
 C-1 Local Commercial  
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# CBD Floating Zone



# CBD Existing and Proposed

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## *Existing*

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- Process
  - All site plans reviewed by Planning Commission
  - Waiver's granted by Council
- Setbacks
  - No required setbacks except as established with the Master Plan or 15' if the proposed building faces an abutting building with windows

## *Proposed*

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- Process
  - All site plans reviewed by Planning Commission
  - Waiver's granted by Planning Commission
- Setbacks
  - Setbacks established with the Master Plan or as required by the Planning Commission



Crossing at Olde Towne

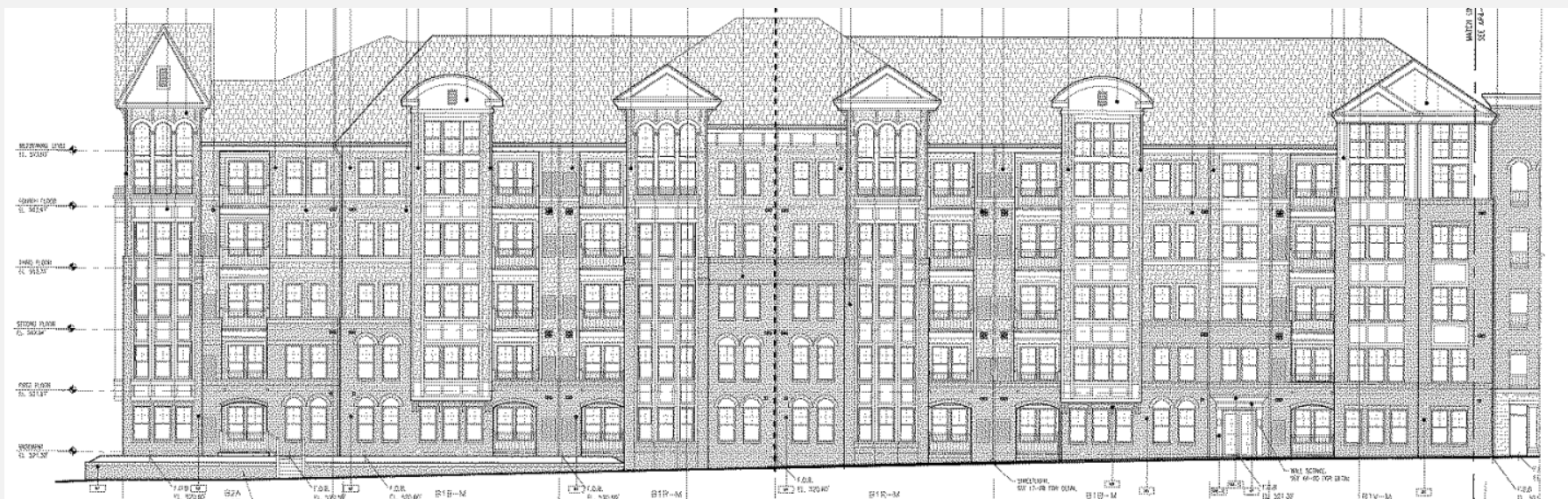
# CBD Existing and Proposed

## *Existing*

- Height
  - 4 stories unless a waiver is granted
  - 9 stories maximum with a waiver

## *Proposed*

- Height
  - Discretionary and not by-right
  - Residential: 6 stories and/or 72' unless a waiver is granted
  - Residential Waiver: 9 stories and/or 108'
  - Non-Residential: 90' unless a waiver is granted
  - Non-Residential Waiver: 135'



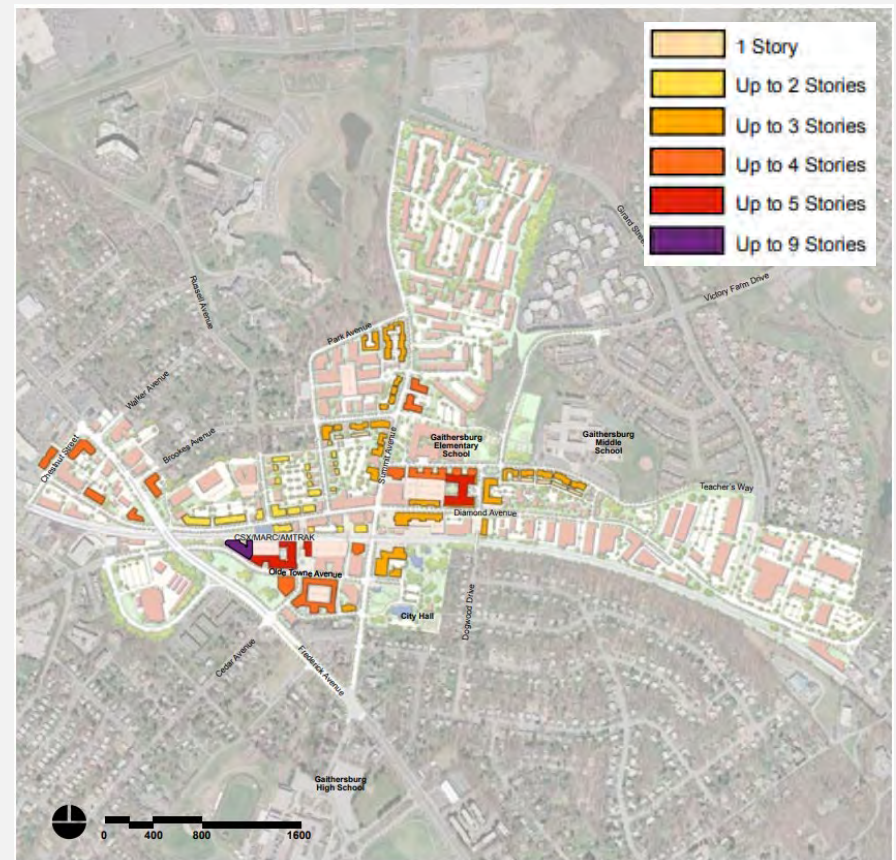
# Olde Towne Master Plan

## Master Plan Recommendations

- Adopted in 2005
- Guidance for the long-term development of Olde Towne
- New commercial and residential development
- Significant increase in development density
- Heights of up to 5 stories with one up to 9 stories



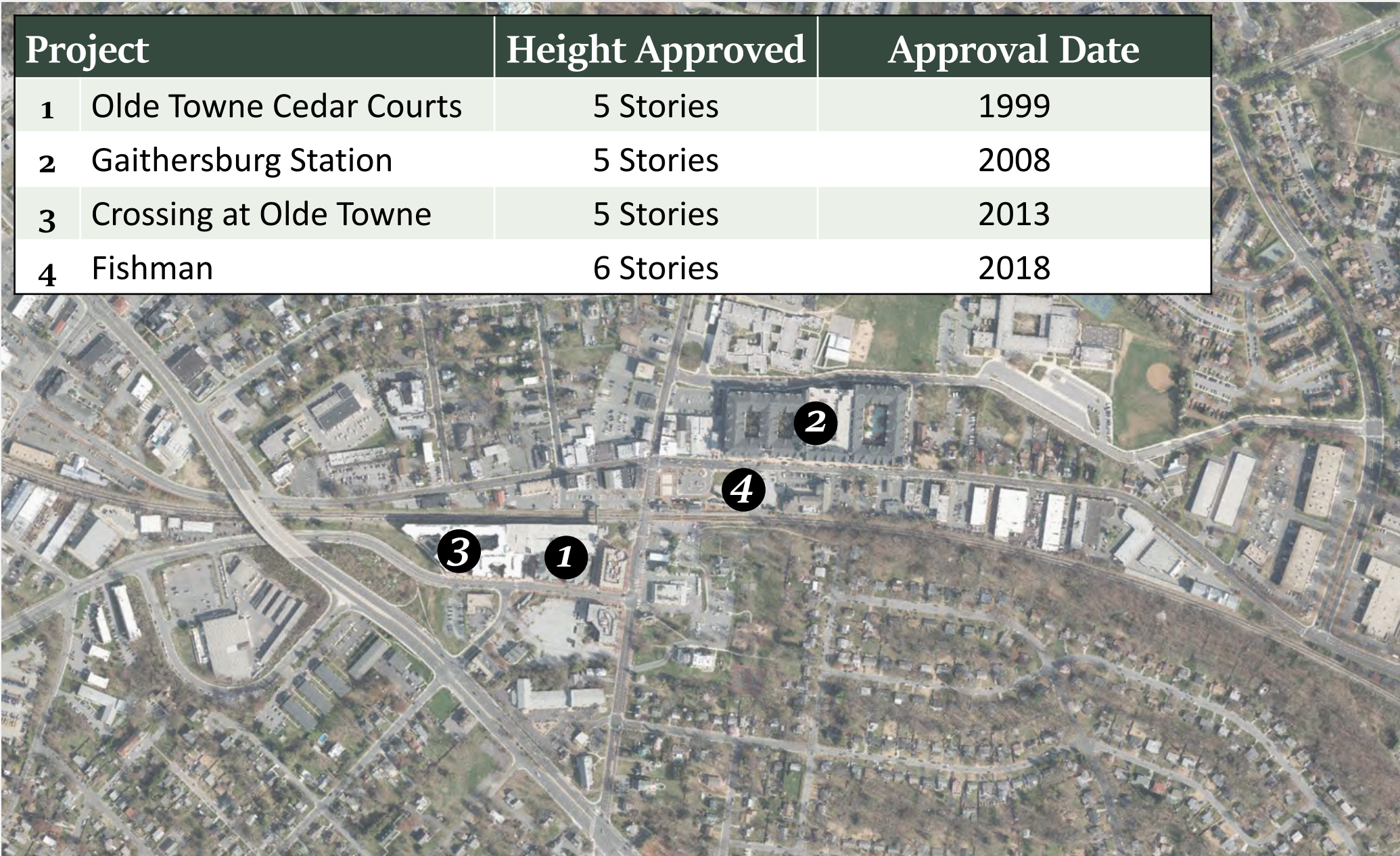
Olde Towne Master Plan Figure Ground – Existing and Proposed



Master Plan Proposed Building Heights

# Approved Height Waivers

Project	Height Approved	Approval Date
1 Olde Towne Cedar Courts	5 Stories	1999
2 Gaithersburg Station	5 Stories	2008
3 Crossing at Olde Towne	5 Stories	2013
4 Fishman	6 Stories	2018



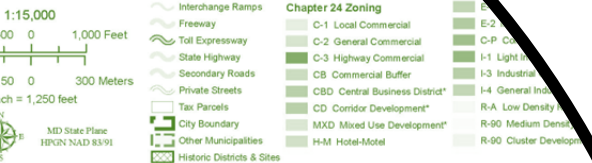
# Recommendations

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## *Staff Recommendations*

- Maintain proposed
- Revise CBD to clarify that final building heights are to be established by the Planning Commission as part of the site plan process
- Retain up to 6 stories without a waiver
- Retain the ability for a waiver on a case-by-case basis for height above 6 stories





# Lighting

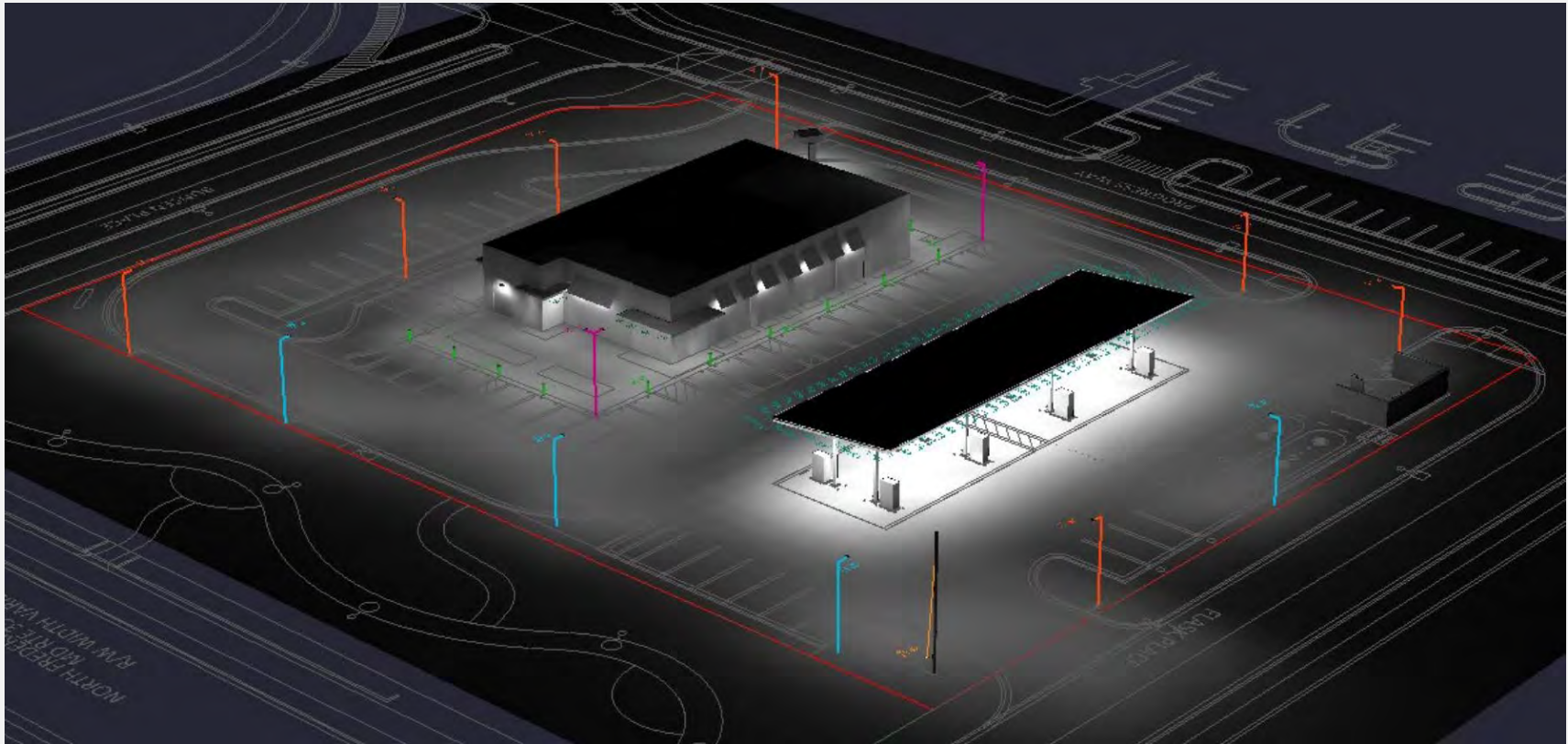




# Site and Building Lighting

## *Site Lighting*

- Currently proposed: site lighting to be incandescent, LED, fluorescent, metal halide, or color-corrected high-pressure sodium.
- Support LED lighting for street's and parking lots
- May be other outdoor lighting needs that cannot be met using LED lighting.
  - Style limitations on current LED based off size, color, and brightness.



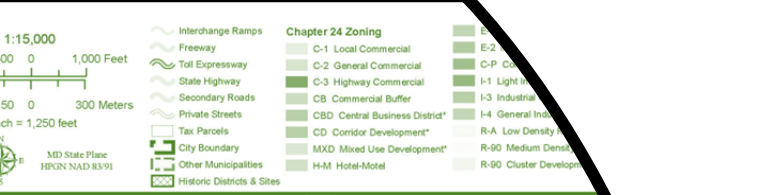
# Site and Building Lighting

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## *Building Lighting*

- 2018 Planning Commission policy
  - Distinction between illuminated signage and light used as an architectural feature.
- Codified 2020 with Sign Ordinance Text Amendment
- Carrying forward current Code distinction





# Anticipated Revisions Prior to the Public Hearing



# Anticipated Revisions

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*The Retool Gaithersburg Team intends to make the following revisions prior to the Public Hearing addressing comments received and further internal review*

## Technical Edits / Changes:

- General clerical revisions for clean up and consistency: tables/formatting, spelling (theatre – theater)
- Remove Sec. 24-1.5. Will add as a standalone document on City website. Allows Staff to easily amend as needed. More useable on the City Website with links to the Code.
- Add definitions:
  - ✓ Basement
  - ✓ Professional Contracting Services (Establish as land use)
  - ✓ Professional Services
  - ✓ Various signage related definitions
  - ✓ Warehousing
- When calculating FAR, round to the hundreds and not the tenths.
- Define what housing types are single-family and multifamily (triplex and up) for consistency with other City Code sections

# Anticipated Revisions

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*The Retool Gaithersburg Team intends to make the following revisions prior to the Public Hearing addressing comments received and further internal review*

Zoning requirement / implementation changes:

- Sec. 24-1.2 (D): Add “or” to clarify previous plan approvals are honored without permits
- Sec. 24-3.10: Remove Meeting and Banquet Halls from I-3 Zone
- Sec. 24-5.2: Add language clarifying ADUs cannot permanently remove required parking for primary dwelling (townhome garage conversions) and that lots must adhere to applicable standards
- Sec. 24-6.2: Revise outdoor lighting provisions to require all to be energy efficient.
- Sec 24-6.2: Amend to make clear the lighting levels are average maintained across the walkway.
- Sec. 24-6.4: Add language that allows commercial accessory structures to be located within front yards.
- Sec. 24-6.4: Remove animal accessory structure provisions
- Sec. 24-6.5: Allow PC to approve non-enclosed outdoor storage

# Next Steps



*Revisions to the Draft Zoning Ordinance*

*Public Hearing – April 15<sup>th</sup>, 2024*