



Summary Engagement Report

Retool Gaithersburg

Addendum 1
March 11th, 2024

ZONECO##



1. Overview

A Retool Gaithersburg Summary Engagement Report was distributed to the Mayor, City Council, and Planning Commission as part of the October 2023 Joint Work Session where ZoneCo and the City Project team provided an overview of the proposed modifications to the Zoning Ordinance. The initial Summary Engagement Report outlined the steps taken to solicit public comment, across a variety of mediums, to inform the changes to the zoning proposal.

Since October 2023 the Retool Gaithersburg team has incorporated comments from the prior Joint Work Session regarding public input and continued to use a multi-pronged approach to provide a variety of opportunities for feedback on the project.

2. Resident Focus Group

A remote focus group open to residents was held on September 27th, 2023. The notes of this meeting were not previously included in the October Summary Engagement Report due to the timing of the meeting. These notes have been included as an attachment to this report.

3. Public Phone Line

Prior to the October Joint Work Session, comment on the proposed changes were delivered primarily through digital platforms or targeted meetings. As of October 20, 2023, the Retool Gaithersburg Team created a dedicated phone line where members of the public could call to provide feedback.

The phone number was provided on the “*Get Involved*” section of the Retool Gaithersburg dedicated project page and was directed to the phones of Dept of Planning and Code Administration staff.

Since the implementation of the public phone line, City staff have received no calls related to the effort from members of the public.

4. Additional Email Communication

Throughout the project, members of the public were provided the ability sign up for email updates related to the project via the Retool Gaithersburg webpage. As of February 2024, the website received 135 unique subscriptions to the mailing list. In addition, the email addresses of all focus group participants were also used to share project milestones.

- The announcement of the availability of the draft zoning text was sent to over 200 people who expressed interest in or were invited to participate in the Retool Gaithersburg efforts.
- Since the release of the draft zoning text four email communications have been received and are included in this addendum.

5. Website Updates

Following the October 2023 Joint Work Session, the project website at www.retoolgaithersburg.com was updated to provide the public access to the material shared with the Mayor, City Council and Planning Commission.

The Draft Zoning Ordinance and Annotated Summary were both made available for view on the project website on February 6th, 2024 – approximately three weeks prior to the February 26th Joint Work Session.

In addition, the project website was updated to provide the dates of the Joint Work Sessions and Public Hearing scheduled for April 15, 2024.

6. Community Leaders Engagement Workbook

Following the September 28th, 2023 meeting with community leaders, the Retool Gaithersburg Team released the Community Leaders Engagement Workbook. The contents of the workbook and activities were inspired by the conversations held during the September 2023 meeting and intended to provide an easy to navigate summary of the proposed changes and an activity designed to allow community leaders to gain specific feedback on elements of the proposal to deliver to the Retool Gaithersburg Project Team. The workbook contained the following:

- An overview of the Community Leader Engagement effort
- Instructions for using the workbook
- A summary of key elements of the proposal written in plain language
- Summary tables of information shared at the October Joint Work Session, including proposed use tables, development standards, and updates to various other sections of the zoning
- A discussion-based activity surrounding the topics of: Community Character, Housing, Commercial Opportunity, Parking Requirements, and Engagement and Representation
 - Each topic included an introductory paragraph and notes for the facilitator to better understand how each topic can inform the updates to the zoning ordinance.
 - Recommended duration of each topic area
 - Discussion prompts to ask community members
 - An area to record notes of the discussion to provide to the Project Team

The Community Leaders Engagement Workbook was shared with the attendees of the September 28th, 2023 meeting in early January. Representatives of these groups were given until February 16th, 2024 to provide feedback from their conversations with the Project Team. Unfortunately, as of March 2024, no responses were received in relation to the workbook. If any future feedback is received, it will be shared at the public hearing. A copy of the workbook is provided as an attachment to this report.

7. Steering Committee Review of Draft Zoning Text

Following the October 2023 Joint Work Session, the Retool Gaithersburg team has been primarily focused on the drafting and illustration of the draft zoning ordinance. To ensure that the timely

completion of this work and sufficient feedback from the expertise of the multi-disciplinary members of the Steering Committee representing various facets of Gaithersburg's government, draft sections of the zoning ordinance were shared with members of the Steering Committee with an expertise in that particular topic area. This method of working on the draft ordinance ensured that the feedback of Steering Committee was accurately captured and incorporated into the draft of the ordinance released for public review in February 2024.

8. Public Release of the Draft Zoning Ordinance and Annotated Summary

On February 6th, 2024 the a full draft of the Zoning Ordinance and an Annotated Summary document were made available to the public prior to the start of the Joint Work Sessions via the Retool Gaithersburg website. The release included both social media and press announcements including links to access the documents and how to submit comments.

- **Draft Zoning Ordinance.** The draft Zoning Ordinance included all revised sections of the ordinance, diagrams, and illustrations needed to navigate and review the proposed changes.
- **Annotated Summary.** In addition to the complete draft ordinance, an Annotated Summary guide was released which included a plain-language description and illustrations of many of the core policy and technical updates proposed to the Zoning Ordinance.

9. Land Use Attorney Focus Group Follow-up

The Land Use Attorney focus group was reconvened following the release of the complete draft zoning ordinance to solicit their technical feedback on the structure, language and policies incorporated. The focus group generally had a positive reception of the Draft Zoning Ordinance and felt it provided flexibility in both zoning development standards and administration.

The focus group also provided article-by-article comments on the proposed ordinance. While the discussion was extensive, the feedback of the focus group provided feedback on many topics, including:

- Identifying gaps in uses and definitions (such as warehousing and contractor's offices/storage)
- Technical consistency in measurement, including implementation of FAR, general measurement of distances, consistency of terms
- Methods for allowing amendments of prior approvals pursuant to the new code
- Parking requirements and methods for reduction or waiver
- General consistency amongst definitions and language

A copy of the focus group meeting notes are provided as an attachment to this report.

Attachment 1

Resident Focus Group Meeting Notes

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ZONE CO^{##}



Notes: Residential Focus Group (with Residents)

Project Team Attendees:

Jocelyn Gibson – ZoneCo

Joe Helferty – ZoneCo

Rob Robinson – City

Greg Mann – City

Sharon Disque – City

Steve Marquina – City

John Schlichting - City

Residents:

- **Gretchen Wilder** – Montgomery Meadows
- **Marc Gordon** – Saybrook Resident since 1976. President of HOA
- **Becky** – Water street close to Old Towne, has lived in Gaithersburg for 35 years.
- **Ms. Chazz** – Saybrook resident for 16 years – associated with East Gaithersburg United, Secretary of HOA
- **JoAnn Schimke** – Moved to Gaithersburg in 1982 – resides in West Riding – she is part of a community facebook page, they have 300 residents

Question 1: Lot Frontage - *Do you feel that lot frontages and distance between buildings along a street impact the overall character of your neighborhood? For lots with detached homes, what is the narrowest that a lot should be in your neighborhood?*

- Ms. Chazz: doesn't fully understand zoning districts, so can't answer specific questions about lot frontages
- Gretchen: she is in a townhouse, so not sure it is relevant to many in her situation
- JoAnne: there have been additions to rear of homes in many instances – in Kentlands and Lakelands have zero lot lines, so not much space between – not really any space to put addition in side or rear of home
- Marc Gordon: surprised suggesting 30 feet (R6) for Saybrook, because they have larger lots that have larger width – if someone wanted to build townhouses, how would that work?
- Mark Gordon: Saybrook has about 380 homes, townhomes may have 30 feet
- Ms. Chazz: If someone's home burned down, what could they build back?
- Marc Gordon: Condemned home was taken down, when someone rebuilt it, it had to be approved by HOA – home needed to be in harmony with rest of community
- JoAnne: A home in her neighborhood was damaged and rebuilt. The development needed to go before planning commission. Right now the house does conform with previous home but does not conform with the rest of the neighborhood. Community accepted the home, but the house does look different. While the new building is not similar to the others, it is working out OK in her neighborhood. In other neighborhoods, tear downs are large and don't look anything like what is existing.

Question 2: New Proposed Setbacks - *Do any buildings in your neighborhood feel too close or far away from the street? What design choices make an addition up to these proposed setbacks acceptable? What type of yard is of greater value to you?*

- Marc Gordon: He is surprised that more people don't spend more time in rear of home. He is surprised that we aren't changing the side yard min. of 10 feet. He likes separation for people to walk around between home.
- Ms. Chazz: She understands that we are just maintaining what is existing, which is appropriate. She does not feel like homes are too close together. She thinks shared driveways might feel too close together. In suburbs, you want your space. Uses back yard for barbecuing, wants buildings to not feel on top of each other.
- Marc Gordon: One thing you generally have to do deal with is parking. Does new code account for that?
- Joanne: We are seeing additions on back 1-2 stories tall. Someone wanted garage on side of house and had to get variance. It looks appropriate in the neighborhood. She thinks that home being closer to street, with smaller front yard, could be a problem. Saybrook in particular has aesthetics of old New England fishing village. People building sunrooms and bigger porches are always doing them in rear. Rob asked about front porches, but Joanne said it wasn't really occurring. Joanne said that front porches aren't really consistent with the general style of the neighborhood. Thinks that if people start putting additions on the front, that will be an issue.

Question 3: Building Height – *How much does the specific height of buildings define the character of your neighborhood? Does your neighborhood have a wide range of building heights? Do any buildings seem out of scale? What design choices make a taller residential building in your neighborhood more appropriate?*

- Ms. Chazz: Thinks that building height defines neighborhood and going by stories means that someone could feasibly have a 3.5 story building that is 60 feet. She feels like it's a loophole that could be taken advantage of.
- Gretchen: What constitutes a story defined? Rob explained that it will be defined but not by height, but that could be part of this process, to say that a story cannot be over a specific height
- Marc: Agrees, Max height should be associated with stories
- Ms. Chazz: Measure to the top of the home/roof for measurement. There needs to be a way to qualify character of neighborhood.

Question 4: Lot Coverage – *Do you feel you and your neighbors have sufficient open space? How do you and your neighbors use the open space in your yards? How green is your neighborhood? Do you value planting and landscaping in front yards?*

- Gretchen: Greenspace and landscaping makes a big difference.
- Rob explained that new proposed coverage standards are based on what is existing – maintaining character while providing flexibility
- Marc: The standards look reasonable – they like green in his neighborhood, so it's important to them. He thinks that multi-family would not be compatible with what is existing, if that's part of conversation.
- Ms. Chazz: Concerned that areas that open up development opportunities may find loopholes that aren't in keeping with neighborhood character.

Question 5: Accessory Dwelling Unit Standards – *In what areas do you think there is the greatest need for ADUs? Which type/location of ADU would be most appropriate in your neighborhood? What types of trade-offs would you consider to accommodate an ADU on your property?*

- Joanne: People have built over garage in West Riding. They currently don't allow ADUs separate from the home where they live
- Rob explained HOA will have their own limitations, If it's over a garage, it's only 800 square feet, so will just be apartment over a garage. The permitted cottage ADUs in kentlands are permitted at 1,400 feet, which was felt to be too large.
- Joanne: Some communities will be concerned by permitted height of the structure. Some homes are putting in very tall sheds, and they back up to fences/lot line. The 800 sf means that it's probably one story. She agrees with the size limitation
- Marc: Recently built a school in his neighborhood. How does that fit into zoning. Rob explained state/county roles, and public process.
- Gretchen: Thinks with townhouses, this may not work. She says people have tried to build ADUs in her neighborhood, but it's often a separate building or not done professionally so that it blends in. Often design isn't consistent with primary home.

Attachment 2

Email Communications

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ZONE CO^{##}



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 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?]

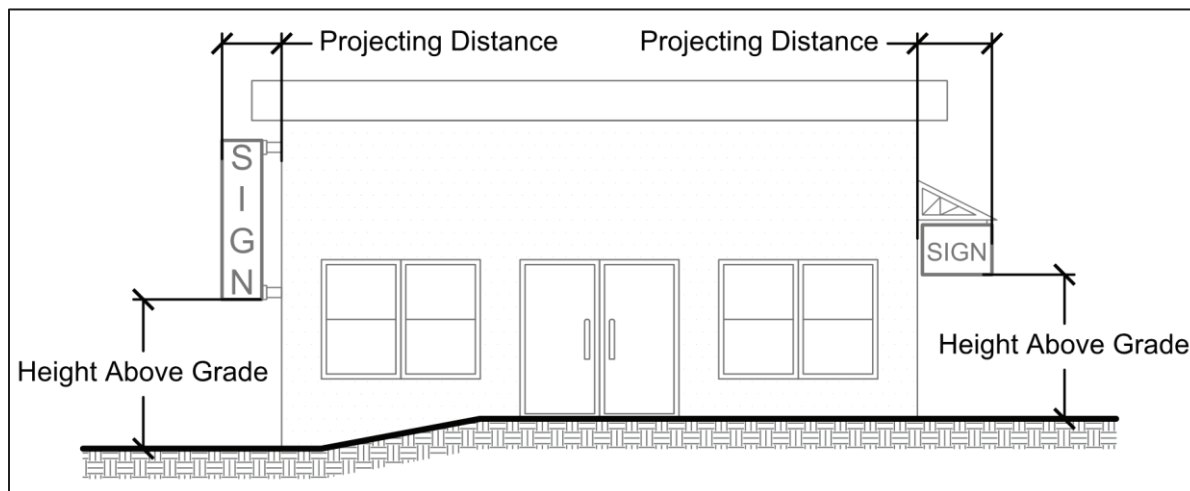
- (a) The sign face of an internally illuminated box sign must not exceed four square feet in size. The entire face of a box sign that is four square feet in size or smaller may be internally illuminated.
- (b) Internally illuminated box signs with sign faces larger than four square feet in size are 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	
● = 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.

From: [Leigh Henry](#)
To: [Rob Robinson](#)
Subject: Re: Draft Gaithersburg Zoning Ordinance Released for Public Comment
Date: Wednesday, February 7, 2024 1:47:56 PM
Attachments: image001.png
Gaithersburg Zoning Draft_signage comments.pdf

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Thanks Rob.

Looks great.

I've attached two minor suggestions relating to signs. One addresses the need, particularly during a remodel, to use window film to protect the pedestrian experience by shielding a bathroom or back of equipment. For that to be successful, the design should encompass the entire window surface. I think this was done well at Coastal Flats in Gaithersburg.

The other comment relates to A-frame signage. These signs can be a quite helpful communication tool. But we have learned the hard way that the "old school chalk board" A-frame often is not a good solution. During unexpected wind blasts, these signs fly. Moreover, it can be hard to find an artist available to hand draw these signs and without a professional, the appearance of these signs can be regrettable. Much easier to design a professional-looking graphic and send to a printer. Of course, there are lots of sources for the wind resistant signs, but I attached ULINE.



Leigh Henry
Managing Member

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Address 226 Spectrum Avenue Gaithersburg, MD 20879
Website www.hipprojects.com

From: Rob Robinson <Rob.Robinson@gaitthersburgmd.gov>
Date: Tuesday, February 6, 2024 at 3:01 PM
To: Retool Gaithersburg <retool@gaitthersburgmd.gov>
Subject: Draft Gaithersburg Zoning Ordinance Released for Public Comment

Hello All, in preparation for the two upcoming joint work sessions on the Retool ordinance, Feb. 26th and March 11th, the complete draft ordinance has been released for public review and comment.

The draft may be found here:

<https://www.retoolgaithersburg.com/project-updates>

We have also created a summary report, think of it as the cliff notes, to aid in the review. I've attached it to this email, but it also found at the above link.

In addition to mailed comments to City Hall, or in person testimony during the work sessions, you

can email comments to retool@gaithersburgmd.gov or call 240-805-1100 and leave a message. This is a dedicated phone line to receive voice messages only. As you review, should you have questions, please send them to retool@gaithersburgmd.gov

Thanks for your interest in this project and we look forward to receiving your comments,

The Retool Team

- (4) Permits for A-frame signs may be revoked at any time for violations of this Article.
- (5) A-frame signs must be constructed of a sturdy, durable, heavy-duty material.
- (6) Unless specifically allowed in writing by the city manager or designee, an A-frame sign must not be placed in the public right-of-way.

Figure 24-39: Example A-Frame Sign



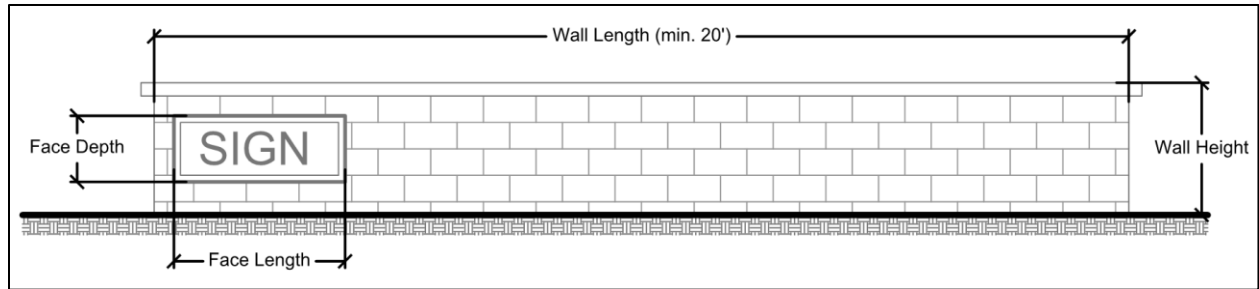
We have found the "traditional A-frame signs depicted in this visual dge-Signs?keywords=Aframe+Sign

(B) A-frame sign standards table.

Table 24-8.9-A: A-Frame Sign Standards

A-Frame Sign Standards	Standard Residential Zones ⁽¹⁾	Standard Non-Residential Zones ⁽¹⁾	Floating Zones ⁽¹⁾
Count per Property (max.)	1 per 2 acres or portion thereof ⁽²⁾	1 per 2 acres or portion thereof	1 per 2 acres or portion thereof
Surface Area per Sign (max.)	6 square feet ⁽³⁾	6 square feet	6 square feet
Display Duration Restrictions	Must not be displayed during inclement weather or while the associated entity is closed to the public ⁽⁴⁾	Must not be displayed during inclement weather or while the associated entity is closed to the public	Must not be displayed during inclement weather or while the associated entity is closed to the public

Two issues with the kind of A frame indicated in the visual: 1) dangerous when windy 2) not designed to accommodate modern, printed signs. Commercial companies use something like this:



(B) Wall permanent sign standards table.

Table 24-8.28-A: Wall Permanent Sign Standards

Wall Permanent Sign Standards	Standard Residential Zones ⁽¹⁾	Standard Non-Residential Zones ⁽¹⁾	Floating Zones ⁽¹⁾
Count per Property (max.)	1 per 150 linear feet of wall or portion thereof ^{(2) (3)}	1 per 100 linear feet of wall or portion thereof ⁽⁴⁾	1 per 100 linear feet of wall or portion thereof
Horizontal Width of Sign (max.)	Lesser of: (A) 30 feet or 15% of total wall length	Lesser of: (A) 30 feet or 15% of total wall length	Lesser of: (A) 30 feet or 15% of total wall length
Vertical Height of Sign (max.)	50% of total wall height	50% of total wall height	50% of total wall height
Table Notes: (1) Wall signs are prohibited on properties with single-family uses. (2) Wall signs are prohibited on properties in the RB Zone. (3) Properties with multi-family uses are limited to a maximum of 1 wall sign per 100 linear feet of wall or portion thereof. (4) Properties in the CB Zone are limited to a maximum of 1 wall sign per 150 linear feet of wall or portion thereof.			

Section 24-8.29 – Window Permanent Sign Standards

(A) Window permanent signs. Window permanent signs (such as Figure 24-60: Example Window Permanent Sign) are a type of permanent sign and are subject to the following standards:

- (1) Permanent window signs must not cover more than twenty-five percent (25%) of the total window surface.
- (2) Permanent window signs must not be placed within four inches of a window frame.
- (3) Permanent window signs that are attached to a window must only be attached to the interior side of the window and must not be attached to the exterior side of the window.
- (4) Permanent window signs may be placed only in windows that are part of a façade that is allowed to have signage.

Often window signage/ graphics are helpful to shield unsightly backs of equipment or provide privacy.

Maybe this should be 25% of total facade window surface. See Coastal Flats facade.



[Enlarge & Video](#)

WINDPRO® HEAVY DUTY SNAP EDGE SIGNS

Weatherproof sidewalk sign handles winds up to 60 mph.

- Quickly change signage with aluminum snap edges.
- 1 1/2" double-sided, weather-resistant frame and cover.
- 2 wheels and hidden handle for easy portability.
- Reservoir Base - Fill with sand for added stability.

WINDPRO® HEAVY DUTY SNAP EDGE SIGNS

Black or Silver

MODEL NO.	DESCRIPTION	SIZE W x H	SIGN SIZE W x H	WT. (LBS.)	PRICE EACH		ADD TO CART
					1	3+	
H-8547	Wind Sign	28 x 41"	22 x 28"	30	\$215	\$195	Specify Color
H-7041		29 x 49"	24 x 36"	35	240	220	Specify Color
H-8546		35 x 53"	30 x 40"	40	295	275	Specify Color

EASY ASSEMBLY. SHIPS VIA UPS.

From: [Jeff Masiello](#)
To: [Retool Gaithersburg](#); [CityHall External Mail](#); [Neighborhoods External Mailing](#)
Subject: Ordinance
Date: Wednesday, February 21, 2024 9:05:54 AM

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retool@gaitersburgmd.gov

Hello,

I'm still trying to figure this thing out. However, I do have things I want to make sure are addressed it possible.

1. Extra buildings in single family home properties: I'm fine so long as they are NOT for extra people to live there.
2. Litter, PLEASE address this. It's getting soooooo bad.
3. maximum cars or people in a home? renters in SFH.

Reasoning: I live at 4 deer park court. at 2 and 3 they sublet rooms. At times there are 17 cars (literally, I counted) for those 2 houses. Our cul du sac becomes a parking lot. We can't have guests because there's no where for them to park. Noise. and the litter. dear god. they just don't care. 1 of them uses their garage as part of a business so delivery trucks and trash from them. I didn't buy a house here to have it be next to an apartment complex which is basically what they are now.

From: [Hummel, Phillip A.](#)
To: [Rob Robinson](#); [Gregory Mann](#)
Subject: Retool Follow Up Items
Date: Tuesday, February 27, 2024 3:06:15 PM
Attachments: image001.png
image002.png
image004.png
image005.png

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Hi Rob and Greg,

Seems like there has been a very warm welcome to the proposed zoning ordinance draft! In following up on our discussion, I wanted to offer a few additional comments for your consideration:

- Sec. 24-1.2(E) – I believe you mentioned that if, say, a sketch plan came in under the old code, that the subsequent SDP and FSP would also be reviewed under the old code (even if the new code was adopted in the meantime). Do I have this right? If this is the case, it may be worth adding such language in this section (and perhaps even giving an applicant the right to use the new code if they so choose).
- Sec. 24-1.5 – I appreciate the intent here, but this step by step guide may only be helpful for specific circumstances.
- Sec. 24-3.1 – Thoughts on uses and definitions
 - Is there a way to consolidate some of the various dwelling types (e.g., “multiplex”)?
 - I don’t believe “Renting of Rooms” or “Short Term Rentals” are defined in the zoning ordinance.
 - Are there definitions for the various use groups (entertainment and recreational, institutional, professional business services, etc.)?
 - For “automobile filling stations,” how did you come up with the 1,000 sq. ft. max for accessory retail?
 - Out of curiosity, what is the reason “fortunetelling businesses” are regulated in the City? Is there some historical issue there?
 - Both “theatre” and “theater” are used. Same with “day care” and “daycare.”
 - I believe this point was raised during our call, but a standalone use for “warehousing” would be helpful.
 - If educational institutions and meeting and banquet halls are allowed in I-3, E-1, and E-2 zones, it seems religious uses should be allowed in those zones as well. Similar with educational institutions and day care centers/religious uses in the MCD zone.
 - If the intent for “retail store with gas” is to cover a Wawa-like facility, the number of fueling stations may need to be increased to 6 (with 12 pumps).
- Notice requirements - I believe it would be worthwhile to state somewhere that it is the City (and not the applicant) who is responsible for mailed notice.
- Sec. 24-4.4(C)(1) – Did you get feedback from commercial developers/property owners on the base FARs in the CD zone?
- Sec. 24-4.6(E)(2) – It may be worth clarifying that **new** utility lines in the MXD Zone

shall be placed underground.

- Sec. 24-7.4(E) – It may be worth defining what is meant by BRT in this specific context. For example, I think certain portions of the MD 355 BRT are going to be in mixed traffic. I would hate for there to be a fight on whether this is considered BRT.
- Article 11 - . As discussed, I think it would be very helpful to have summary charts showing which authorities (e.g., Mayor and City Council, Planning Commission) approve which items (sketch plan, SDP, FSP) in the final version of the code.
- Article 12 – I realize we may not agree on this, but I do think there’s still a place for sketch plan amendments.
- Article 14 – This may be more of a policy issue, but I do think it’s worth removing a possibility of moratoriums due to school capacity (as it is the County and not the City that decides school construction). It may also be worth removing the fire and emergency services capacity (Rockville has done this, and police/fire services are assumed to be adequate in the County unless there is evidence a problem will be generated). Just food for thought.

Thanks again for all of your hard work. You guys should be proud.

Best,
Phil

Phillip A. Hummel

Principal

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From: [Wallace, Scott C.](#)
To: [Rob Robinson](#); [Matthew Gordon \(mgordon@sgrwlaw.com\)](mailto:mgordon@sgrwlaw.com); [Nancy Regelin](#); ["Barr, Stuart R."](#)
Cc: [Gregory Mann](#)
Subject: RE: Retool Comments
Date: Monday, March 4, 2024 10:54:13 AM
Attachments: image001.png
montgomerycounty-md-1 (9).pdf

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Rob – thanks again for your time on this. In addition to Phil’s comments, I think the grandfathering provisions (Sec. 24-1.2(E)) need to include all of the required development approvals that flow from the initial approval. For example, with Metrogrove , we had sketch approved, now we should get SDP approved before the rewrite is effective, but then we’ll have the FSP which is likely to come after the effective date. The FSP has to be reviewed under the current ZO. If this was your intent with Sec. 24-1.2(D), I suggest the language could be more clear. You may want to consider language along the lines of the language in bold the County put in their 2014 rewrite:

Sec. 7.7.1.B. Application Approved or Filed for Approval before October 30, 2014

1. Application in Progress before October 30, 2014

Any development plan, schematic development plan, diagrammatic plan, concept plan, project plan, sketch plan, preliminary plan, record plat, site plan, special exception, variance, or building permit filed or approved before October 30, 2014 must be reviewed under the standards and procedures of the property’s zoning on October 29, 2014, unless an applicant elects to be reviewed under the property’s current zoning. Any complete Local Map Amendment application submitted to the Hearing Examiner by May 1, 2014 must be reviewed under the standards and procedures of the property’s zoning on October 29, 2014. If the District Council approves such an application after October 30, 2014 for a zone that is not retained in Chapter 59, then the zoning will automatically convert to the equivalent zone as translated under DMA G-956 when the Local Map Amendment is approved. **The approval of any of these applications or amendments to these applications under Section 7.7.1.B.1 will allow the applicant to proceed through any other required application or step in the process within the time allowed by law or plan approval, under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.** The gross tract area of an application allowed under Section [7.7.1.B.1](#) may not be increased.

There are other grandfathering concepts in Sec. 7.7.1.B of the County ZO that you may want to consider (excerpt attached), such as allowing relatively small expansions to proceed under the old ZO at the applicant’s discretion, but I understand your viewpoint that the changes you are proposing are generally not substantive and therefore more grandfathering is not necessary. That may be true in general, but there always seems to be unintended consequences from a ZO overhaul.

Let me know if you have questions. Thanks.



Scott C. Wallace | *Principal*
Miles & Stockbridge
direct: +1 (301) 517-4813

From: Rob Robinson <Rob.Robinson@gaitthersburgmd.gov>
Sent: Wednesday, February 28, 2024 12:31 PM
To: Wallace, Scott C. <swallace@MilesStockbridge.com>; Matthew Gordon (mgordon@sgrwlaw.com) <mgordon@sgrwlaw.com>; Nancy Regelin <NRegelin@shulmanrogers.com>; 'Barr, Stuart R.' <srbarr@lerchearly.com>
Cc: Gregory Mann <Greg.Mann@gaitthersburgmd.gov>
Subject: [EXTERNAL] Retool Comments

[EXTERNAL]

Hi All, I wanted to touch base to again thank you for the focus group and to let you know, if you have any specific personal technical comments for edits (not reflecting your firm's position), it would be great to receive those by noon next Monday so we can include as discussion items in our March 11th JWS packet. We have already received Phil's (attached). Thanks!

Rob

Rob Robinson III, AICP CEP
FCA Qualified Professional
Long Range Planning Manager
City of Gaithersburg
240-805-1072

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Division 7.7. Exemptions and Nonconformities

Section 7.7.1. Exemptions

A. Existing Structure, Site Design, or Use on October 30, 2014

1. Structure and Site Design

A legal structure or site design existing on October 30, 2014 that does not meet the zoning standards on or after October 30, 2014 is conforming and may be continued, renovated, repaired, or reconstructed if the floor area, height, and footprint of the structure are not increased, except as provided for in Section 7.7.1.C for structures in Commercial/Residential, Employment, or Industrial zones, or Section 7.7.1.D.5 for structures in Residential Detached zones.

2. Use

- a. Except for a Registered Living Unit, any use that was conforming or not nonconforming on October 29, 2014 and that would otherwise be made nonconforming by the application of zoning on October 30, 2014 is conforming, but may not expand.
- b. Any allowed use, up to the density limits established by the current zoning, may be located in a building or structure deemed conforming under Section 7.7.1.A.1.

B. Application Approved or Filed for Approval before October 30, 2014

1. Application in Progress before October 30, 2014

Any development plan, schematic development plan, diagrammatic plan, concept plan, project plan, sketch plan, preliminary plan, record plat, site plan, special exception, variance, or building permit filed or approved before October 30, 2014 must be reviewed under the standards and procedures of the property's zoning on October 29, 2014, unless an applicant elects to be reviewed under the property's current zoning. Any complete Local Map Amendment application submitted to the Hearing Examiner by May 1, 2014 must be reviewed under the standards and procedures of the property's zoning on October 29, 2014. If the District Council approves such an application after October 30, 2014 for a zone that is not retained in Chapter 59, then the zoning will automatically convert to the equivalent zone as translated under DMA G-956 when the Local Map Amendment is approved. The approval of any of these applications or amendments to these applications under Section 7.7.1.B.1 will allow the applicant to proceed through any other required application or step in the process within the time allowed by law or plan approval, under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014. The gross tract area of an application allowed under Section 7.7.1.B.1 may not be increased.

2. Application Approved before October 30, 2014

Any structure or site design approved before October 30, 2014 may be implemented by the property owner under the terms of the applicable plan.

3. Amendment of an Approved Plan or Modification of an Application Pending before October 30, 2014

- a. Until October 30, 2039, an applicant may apply to amend any previously approved plan or modify an application pending before October 30, 2014 (listed in Section 7.7.1.B.1 or Section 7.7.1.B.2) under the development standards and procedures of the property's zoning on October 29, 2014, if the amendment:
 - i. does not increase the approved density or building height, unless allowed under Section 7.7.1.C; and
 - ii. either:
 - (a) retains at least the approved setback from property in a Residential Detached zone that is vacant or improved with a Single-Unit Living use; or
 - (b) satisfies the setback required by its zoning on the date the amendment or the permit is submitted; and
 - iii. does not increase the tract area.
- b. An applicant may apply to amend the parking requirements of a previously approved application (listed in Section 7.7.1.B.1 or 7.7.1.B.2) in a manner that satisfies the parking requirements of Section 6.2.3 and Section 6.2.4.
- c. Without regard to the limitations of this section, a special exception approved under the code in effect on or before October 29, 2014 may be expanded under the applicable standards and procedures of the code in effect on October 29, 2014.

4. Repair, Renovation, and Rebuilding Rights under Section 7.7.1.B

Any structure or site design implemented under Section 7.7.1.B is conforming and may be continued, renovated, repaired, or reconstructed.

5. Development with a Development Plan or Schematic Development Plan Approved before October 30, 2014

- a. Any development allowed on property where the zoning classification on October 29, 2014 was the result

of a Local Map Amendment must satisfy any binding elements until:

- i. the property is subject to a Sectional Map Amendment that implements a master plan approved after October 30, 2014 and obtains approval for development under the SMA-approved zoning;
 - ii. the property is rezoned by Local Map Amendment; or
 - iii. the binding element is revised by a development plan amendment under the procedures in effect on October 29, 2014.
- b. Any development on a property that was zoned H-M on October 29, 2014 must include 45% green area, under the zoning in effect on October 29, 2014, until the property is subject to a Sectional Map Amendment or rezoned by Local Map Amendment. The green area required under this provision satisfies, and is not in addition to, any open space requirement of the property's zoning on October 30, 2014.

6. Density Transfers Approved before October 30, 2014

On a property that is subject to an effective density transfer easement and density transfer deed, the total density or density associated with a commercial or residential use, including any density approved by an amendment of a previously approved application listed in Section 7.7.1.B.1, may exceed that allowed by the existing zoning as long as the total density or density associated with a commercial or residential use does not exceed that allowed by the density transfer easement and density transfer deed.

C. Expansion of Floor Area

1. Limited Rights under Zoning before October 30, 2014

Until October 30, 2039, on land that is located in a Commercial/Residential, Employment, or Industrial zone, an applicant for an amendment to an existing approval or development, or a modification of an application listed in Section 7.7.1.B.1 may increase the floor area on the site under Section 7.7.1.C.2 or 7.7.1.C.3 following the procedures and standards of the property's zoning on October 29, 2014:

- a. if the building does not exceed the height limits and density of the property's zoning in effect on October 29, 2014;
- b. if any building on the site is no closer to property in a Residential Detached zone that is vacant or improved with a Single-Unit Living use than any existing structure on the site on October 30, 2014, or satisfies the setbacks of the current zoning; and
- c. when a site plan or site plan amendment is required by the property's zoning on October 29, 2014, a site plan or a site plan amendment is approved under the standards of site plan approval on October 29, 2014.

2. Commercial/Residential, Employment, and Industrial Zones

Existing development in a Commercial/Residential, Employment, or Industrial zone may expand by up to the lesser of 10% of the gross floor area approved for the site on October 30, 2014 or 30,000 square feet, except for properties with 2,000 square feet or less of floor area, which may expand by up to 30% of the gross floor area approved for the site on October 30, 2014. Any expansion must satisfy Section 7.7.1.C.1. The gross floor area in a pending application listed in Section 7.7.1.B.1 may be expanded up to the full amount allowed under the property's zoning on October 29, 2014, but once the application is approved, the gross floor area may expand by up to the lesser of 10% of the gross floor area or 30,000 square feet.

3. Prior Floating Zones

- a. A property where the zoning on October 29, 2014 was the result of a Local Map Amendment with an approved development plan may expand as allowed under Section 7.7.1.C.3.b. Any expansion must satisfy Section 7.7.1.C.1.
- b. If the District Council approves a development plan amendment larger than allowed under Section 7.7.1.C.2, the zoning of the property subject to the amendment will automatically convert and be remapped to the equivalent zone as translated under DMA G-956, with the density and height approved in the amendment.

4. Expansion above Section 7.7.1.C.2

If any expansion exceeds Section 7.7.1.C.2, then the entire expansion must satisfy the applicable standards and procedures for the current zoning. After October 30, 2039, any amendment to a previously approved application must satisfy the applicable standards and procedures for the current zoning to the extent of (a) any expansion, and (b) any other portion of an approved development associated with the expansion.

5. Without regard to the limitations of Section 7.7.1.C, a special exception approved under the code in effect on or before October 29, 2014 may be expanded under the applicable standards and procedures of the code in effect on October 29, 2014.

D. Residential Lots and Parcels

1. Residential Lot

Unless adjoining lots have merged by virtue of ownership and zoning requirements, DPS may issue a building permit for a detached house on any Agricultural, Residential, or Rural Residential zoned lot or parcel identified on a plat

recorded before October 30, 2014, a part of lot recorded before June 1, 1958, or a deed recorded before June 1, 1958, without regard to the street frontage and lot size requirements of its zoning, except as provided in Section 7.7.1.D.3.b.

2. Pre-1958 Parcel

A detached house on a platted lot, parcel, or part of a previously platted lot that has not changed in size or shape since June 1, 1958, exclusive of changes due to public acquisition, may be:

- a. constructed under its current zoning without regard to the minimum lot width at the front lot line and front building line;
- b. reconstructed either on its current footprint and up to its current maximum building height; or
- c. constructed or reconstructed in a manner that satisfies the maximum building height, lot coverage, and established building line of its zone when the building permit is submitted and the side yard and rear setback required by its pre- 1958 zoning in effect when the lot, parcel, or part of a lot was first created.

3. Pre-1928 Lot

- a. In addition to the provisions of Section 7.7.1.D.1, a new or reconstructed detached house on any lot recorded before 1928 must satisfy the front, rear, and side yard setbacks of the 1928 Zoning Ordinance; however, a new building must satisfy the established building line requirements under Section 4.4.1.A if applicable.
- b. Before DPS may issue a building permit for a new detached house on a lot less than 5,000 square feet in land area that was recorded before 1928 and adjoins vacant land in common ownership any time since November 8, 2012, the lot must be subdivided with such adjoining property without regard to the minimum width and area requirements of the applicable zone.

4. Damage in Flood Plain

If a detached house that is located within a 100-year flood plain and abuts any waterway, is damaged or destroyed by flood to the extent of up to 75% of the reconstruction value of the building, the dwelling may be repaired or reconstructed to preexisting dimensions.

5. Additions to Dwellings

In addition to the authority to renovate, repair, and reconstruct under Section 7.7.1.A.1 and without regard to the standards of its current zoning, the owner of a detached house that:

- a. is in a housing project constructed before January 1, 1945 that was owned by the government when constructed, may construct an addition to the detached house if, after the addition,:
 - i. the front setback of the detached house on the subject property is equal to the average of all the front setbacks of the detached houses on the same side of the right-of-way;
 - ii. the minimum side setback between a detached house on an abutting lot and the subject detached house is 18 feet; and
 - iii. the minimum rear setback is 20 feet or the sum of the rear setbacks between any 2 detached houses is a minimum of 40 feet;
- b. was constructed under density control standards in the R-150 zone before October 30, 2014 may construct an addition to the dwelling if, after the addition,:
 - i. the minimum front setback is 30 feet;
 - ii. the minimum side setback is 10 feet;
 - iii. the minimum rear setback is 25 feet; and
 - iv. the maximum lot coverage is 30%;
- c. was constructed under density control standards in the R-200, R-90 or RMH-200 zone before October 30, 2014 may construct an addition that satisfies the development standards of their current zone under the standard method of development; or
- d. is in an area rezoned from R-60 to R-90 may construct an addition that satisfies the development standards of the R-60 zone under the standard method of development.

6. Exempted Lots and Parcels in the RE-2, RE-2C, and RE-1 Zones

- a. A lot or parcel in the RE-2, RE-2C, or RE-1 zone, in addition to other exemptions in this subsection, is exempt from the lot area and lot width requirements of its zone, but must satisfy the requirements of the zone applicable to it before its classification to the RE-2, RE-2C, or RE-1 zone if:
 - i. the record lot was approved for recordation by the Planning Board before the approval date of the most recent Sectional Map Amendment that included the lot; or

ii. the lot was created by deed on or before the earlier of either the approval date of the most recent Sectional Map Amendment that included the lot or October 30, 2014.

b. A lot or parcel in the RE-2C zone, in addition to other exemptions in this subsection, is exempt from the area and dimension requirements of the RE-2C zone, but must satisfy the requirements of the zone applicable to it before its classification to the RE-2C zone if:

- i. the property owner held title to the property before March 17, 1982;
- ii. a reduced lot size is required for a lot created for a detached house;
- iii. the child of the property owner, or the spouse of a child, or the parents of the property owner will reside in the house on the additional lot; and
- iv. the overall density of the tract owned on March 17, 1982 is 1.1 units per acre or lower.

7. Exempted Lots and Parcels in the Rural Zone

a. A lot or parcel in the Rural zone, in addition to other exemptions in this subsection, is exempt from the lot area and lot width requirements of the Rural zone, but must satisfy the requirements of the zone applicable to it before its classification to the Rural zone if:

- i. the property owner can establish that the owner had legal title on or before June 4, 1974;
- ii. the child of the property owner, or the spouse of a child, or the parents of the property owner will reside in the house on the additional lot; and
- iii. the overall density of the property does not exceed one dwelling unit per 5 acres in any subdivision.

b. A lot or parcel in the Rural zone, in addition to other exemptions in this subsection, is exempt from the lot area and lot width requirements of the Rural zone, but must satisfy the requirements of the zone applicable to it before its classification to the Rural zone if:

- i. the lot was created by deed executed before June 5, 1974; or
- ii. the recorded lot has an area of less than 5 acres and was created after June 4, 1974 by replatting 2 or more lots, provided that the resulting number of lots is not greater than the number of lots that were replatted.

8. Exempted Lots, Parcels, and Buildings in the Rural Cluster Zone

a. A lot or a parcel in the Rural Cluster (RC) zone, in addition to other exemptions in this subsection, is exempt from the minimum area requirements and dimension requirements of the Rural Cluster zone, but must satisfy the requirements of the zone applicable to it before its classification to the RC zone if:

- i. the property owner held title to the property before June 4, 1974;
- ii. a reduced lot size is required for a lot created for a detached house; and
- iii. the child of the property owner, or the spouse of a child, or the parents of the property owner will reside in the house on the additional lot.

b. A lot or parcel in the Rural Cluster (RC) zone, in addition to other exemptions in this subsection, is exempt from the minimum lot area requirements and lot width requirements of the Rural Cluster zone, but must satisfy the requirements of the zone applicable to it before its classification to the RC zone if:

- i. the lot was created by deed executed on or before the earliest of the following dates:
 - the approval date of the most recent Sectional Map Amendment that included the lot;
 - the approval date of the most recent Local Map Amendment that included the lot;
 - October 30, 2014; or
- ii. the recorded lot has an area of less than 5 acres and was created before the earliest of:
 - the approval date of the most recent Sectional Map Amendment that included the lot;
 - the approval date of the most recent Local Map Amendment that included the lot; or
 - October 30, 2014;by replatting 2 or more lots, provided that the resulting number of lots is not greater than the number of lots that were replatted.

c. Any parcel with an existing building on October 30, 2014 is exempt from the minimum lot area and frontage requirement. Any existing building located on any lot or parcel on October 30, 2014 is exempt from the minimum side setbacks of the zone.

d. Any landscape contractor in the RC zone in operation on October 30, 2014 is a permitted use if it satisfies any master plan or zoning impervious surface limits and is not required to obtain a conditional use, unless:

- i. the on-site operation as of October 30, 2014 is expanded or enlarged;
- ii. the on-site operation is diversified to include retail facilities or related uses not in operation before October 30, 2014; or
- iii. the operation is discontinued for a period of 6 months or more.

9. Exempted Lots and Parcels in the Agricultural Reserve Zone

A lot or parcel in the Agricultural Reserve (AR) zone, in addition to other exemptions in this subsection, is exempt from the minimum lot area requirements and lot width requirements of the AR zone, but must satisfy the requirements of the zone applicable to it before its classification to the AR zone if:

- a. the lot or parcel was created before January 6, 1981; or
- b. the recorded lot has an area of less than 5 acres and was created after January 6, 1981 by replatting 2 or more lots, provided that the resulting number of lots is not greater than the number of lots that were replatted.

10. Subdivision of Lots, Parts of Lots, or Parcels

- a. Any two or more tracts of land created by deed or plat before June 1, 1958 may be consolidated by record plat into one buildable lot without regard to the minimum width and area requirements of the applicable zone, if:
 - i. the tracts of land are under common ownership;
 - ii. a habitable detached house located on the tracts before July 20, 2009 crossed a property line created by deed or plat documented by a professionally certified house location plan, previously issued demolition permit, or similar evidence;
 - iii. all the tracts of land on which the dwelling is, or was, located are included in the newly created lot; and
 - iv. if abutting vacant lots were in common ownership on November 8, 2012 or any time thereafter and the original lots were recorded in the original Maryland-Washington Metropolitan District before March 16, 1928, any such vacant lots under common ownership must be included in the newly created lot.
- b. The dwelling on any lot created under this Section may be constructed or reconstructed in a manner that satisfies the development standards in effect when the building permit is issued.

11. Historic Resources

On a residentially zoned property that is designated as a historic site or resource on the Master Plan for Historic Preservation and either has a density transfer easement or density transfer deed, or has frontage along an arterial or higher classified roadway, the following provisions apply:

- a. The following uses are allowed with site plan approval under Section 7.3.4.:
 - i. Clinic (up to 4 Medical Practitioners);
 - ii. Office;
 - iii. Retail/Service Establishment;
 - iv. Eating and Drinking Establishment;
 - v. Rural Antique Shop; and
 - vi. Drive-Thru as an accessory use to any other allowed principal use.
- b. Any use listed in section 7.7.1.D.11.a above must be closed to the public between 11:00 p.m. and 6:00 a.m.
- c. Any other use allowed in the underlying zone not listed in section 7.7.1.D.11.a above is allowed, subject to the provisions of Section 7.3.1 where applicable.
- d. The Planning Board and the Historic Preservation Commission must make the following findings:
 - i. any modifications to buildings, structures, or the land must protect the intent of the historic resource and be consistent with Chapter 24A of the County Code; and
 - ii. any operational characteristics must not encroach upon or destroy the historical, archaeological, or architectural character or value of the site.
- e. The project must be recommended for approval by the Historic Preservation Commission prior to approval of the Site Plan by the Planning Board.

E. Historic Building on County Property

A building designated as a historic resource in the Master Plan for Historic Preservation and located on publicly-owned property is exempt from the use and development standards of Chapter 59.

F. Public Taking

1. A lawful structure or surface parking lot located on a lot reduced in area by a public acquisition that would render the structure or parking lot nonconforming is legal and the structure or parking lot may be repaired, altered, or reconstructed.
2. A lot reduced in area by a public acquisition is legal.

(Legislative History: Ord. No. 18-08, §30; Ord. No. 18-09, §4; Ord. No. 18-16, §1; Ord. No. 18-22, §2; Ord. No. 18-23, §1; Ord. No. 18-40, §1; Ord. No. 18-47, §1; Ord. No. 18-49, §2; Ord. No. 19-25, § 1; Ord. No. 19-34, § 1.)

Section 7.7.2. Nonconforming Use

A lawful nonconforming use may be continued under the following limits:

A. Expansion

A lawful nonconforming use of a structure or lot must not be expanded unless in the Agricultural Reserve zone, a Federal or State health or safety law, regulation, or agency requires or recommends the expansion for safety purposes. Before expanding the use or structures, the property owner must provide to the Director of the Department of Permitting Services a certification from the applicable Federal or State entity that the expansion or enlargement is necessary.

B. Abandonment of Use

Except for a Registered Living Unit allowed under the code in effect on October 29, 2014, which may be abandoned, removed, or terminated under the code in effect on October 29, 2014, a nonconforming use or a use deemed to be conforming under Section 7.7.1.A.2 is abandoned if it ceases for at least 6 consecutive months. If a nonconforming use or a use deemed to be conforming under Section 7.7.1.A.2 is abandoned, it must not be reestablished unless it is a historic resource and satisfies Section 7.7.2.C.

C. Historic Resources

Any nonconforming use that has ceased operations for at least 6 consecutive months may be reestablished if the use is:

1. located in a historic structure or on a historic site identified in the Master Plan for Historic Preservation; and
2. consistent with the historic use of the property as documented in the Locational Atlas of Historic Sites, the Master Plan for Historic Preservation, or the land records.

D. Lawful Nonconforming Use Certification

The owner of property who wishes to establish that a use on the property is lawfully nonconforming, under the provision of this Chapter, must submit an application in a form provided by DPS. A nonconforming use certification must be issued by DPS if DPS determines that the use of the property is a nonconforming use as defined herein.

(Legislative History: Ord. No. 18-47, §1.)



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March 4, 2024

By Email

The City of Gaithersburg
The Honorable Jud Ashman, Mayor
Members of the City Council
Members of the Planning Commission
31 S. Summit Avenue
Gaithersburg, Maryland 20877

Re: Written Comments for March 11, 2024 Joint Public Hearing on Retool Gaithersburg
(the “Zoning Rewrite” or the “Retool”)

Dear Mayor Ashman and Members of the City Council:

On behalf of the Land Use/Zoning practice group at Selzer Gurvitch, we offer these comments for the upcoming joint public hearing on the Zoning Rewrite scheduled for March 11th. While we represent a number of landowners and others in the development industry with development projects in the City of Gaithersburg (the “City”), these comments are not submitted on behalf of any clients and represent our own independent positions based on our experience navigating the City’s development review process over the last several decades. Matt Gordon participated in a stakeholder work group with City staff, and we appreciate staff making themselves available to answer our questions over the last several months.

In short, we have identified a number of positive components in Retool that will allow property owners to pursue development approvals with greater clarity and in a market responsive fashion. The proposed format and organization of the Zoning Rewrite is improved and will result in a more user-friendly ordinance. We offer the following specific comments for your consideration and are generally in support of the Zoning Rewrite.

{00680672;1 }

Selzer Gurvitch Rabin Wertheimer & Polott, P.C.

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The Honorable Jud Ashman, Mayor
and Members of the City Council
March 4, 2023
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1. Parking Ratios

Employment Uses

We support Retool’s recommended parking ratios for: (a) professional business service uses (e.g., general office, medical clinic and office uses) of 1 space per 500 square feet; and (b) life sciences of 1.5 spaces per 1,000 square feet. *See* Section 27-4.2(c). These parking ratios are comparable to neighboring jurisdictions and allow development projects with employment uses the certainty that they can provide parking that is commensurate with market demands. Moreover, there is precedent for the City approving parking reductions for employment uses that is consistent with these proposed ratios. In this respect, Section 27-4.2(c) establishes appropriate and market responsive minimum parking standards for employment uses.

2. Corridor Development (CD) Zone Standards

FAR bases and height standards

We support Section 24-4.4 as it represents a significant improvement to the current CD Zone development standards by clearly establishing a methodology for allowable density (floor area ratio) and building heights. The revised standards governing the CD Zone will provide property owners with greater certainty on development yields should they pursue approvals under this floating zone in the City. Retool eliminates artificial height limitations that are outdated and inconsistent with current construction typologies for multi-family housing.

FAR bonuses for affordable housing

We support Section 24-4.4(C)(2)(c)’s proposal to create density bonuses for projects that include MPDUs at 40% Area Median (sometimes labeled deeply affordable MPDUs). We also support the other proposed density bonuses for projects that include additional 3+ bedroom units, underground utilities on MD 355, and/or payment of a fee in lieu to the City that can be used to further the City’s housing goals or for improvements within the MD 355 corridor. These are favorable incentives that will help property owners pursue market-responsive development projects that also advance various City goals.

3. Affordable Housing Incentives

With respect to the emphasis on affordable housing, we suggest that the City consider opportunities to provide incentives through reduced application fees for projects that achieve a density bonus under proposed Section 24-4.4(c)i). By way of example, the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) Montgomery County

The Honorable Jud Ashman, Mayor
and Members of the City Council
March 4, 2023
Page 3

Planning Department has a process for a development project with 25% MPDUs (or more) to request a reduction in application fees. For projects attempting to provide deeply affordable MPDUs at 40% AMI, the density bonus is helpful, but it may not be enough to support the additional costs incurred by a developer in all cases. M-NCPPC's policy is attached for your reference and use as Attachment "1".

In addition to reduced application fees, we request that the City evaluate whether it would be appropriate to codify a reduced parking ratio for MPDUs and other regulated affordable units in multi-family buildings. By way of example, the Montgomery County Zoning Ordinance provides a 0.50 reduction factor for MPDUs as compared to the base parking ratio applicable to market rate units. Section 27-4.2(c) establishes a minimum parking requirement of 1.5 spaces for 2-bedroom multi-family dwelling unit. With an adjustment factor of 0.50, this would equate to a parking ratio of 0.75 spaces per 2-bedroom MPDU. A reduced parking ratio for multi-family MPDUs would send a strong message to multi-family developers that the City recognizes the significant cost of providing structured parking (between \$35,000 to \$70,000 per space, depending on whether it is below-grade or above-grade), which often compromises opportunities for housing developments with additional MPDUs.

We appreciate your time and consideration of these comments to the Zoning Rewrite and generally view Retool as a positive step forward that will help the City grow its commercial tax base and produce more affordable housing. We will continue to engage with City staff and others as Retool makes its way through the public hearing review process.

Very truly yours,

**Selzer Gurvitch Rabin Wertheimer
& Polott, P.C.**

Land Use/Zoning Practice Group

C. Robert Dalrymple

By: _____
C. Robert Dalrymple

Matthew M. Gordon
By: _____
Matthew M. Gordon

The Honorable Jud Ashman, Mayor
and Members of the City Council
March 4, 2023
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cc: Rob Robinson
Greg Mann
John Schlichting



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 18-075
Regulatory Application Refunds and Fees
Date of Hearing: June 28, 2018

JUL 25 2018

RESOLUTION

WHEREAS, Section 50.10.5 of the Montgomery County Code authorizes the Montgomery County Planning Board, by resolution, to set fees necessary to cover the cost of administering Chapter 50 of the Montgomery County Code, titled "Subdivision of Land"; and

WHEREAS, Section 59.7.6.5.A.2 of the Montgomery County Code authorizes the Montgomery County Planning Board, by resolution, to set fee necessary to cover the cost of administering certain portions of Chapter 59 of the Montgomery County Code, titled the "Montgomery County Zoning Ordinance"; and

WHEREAS, Section 22A-26(d) of the Montgomery County Code authorizes the Montgomery County Planning Board to set fees necessary to cover the cost of administering Chapter 22A of the Montgomery County Code, titled "Forest Conservation"; and

WHEREAS, following review and analysis of current fee structures, the Planning Board staff ("Staff") issued a memorandum to the Planning Board dated June 17, 2018, setting forth its analysis and recommendation for approval of a refund policy for regulatory applications and a limited delegation of authority to the Planning Director to modify application fees; ("Staff Report"); and

WHEREAS, on June 28, 2018, the Planning Board held a public hearing on the Staff analysis and recommendation, and at the hearing, the Planning Board heard testimony and received evidence submitted for the record; and

WHEREAS, at the hearing, the Planning Board voted to approve: i) the refund policy as proposed by Staff and ii) a limited delegation of authority to the Planning Director to modify certain application fees, on the motion of Commissioner Cichy, seconded by Commissioner Fani-Gonzalez, with a vote of 5-0; Commissioners Anderson, Cichy, Dreyfuss, Fani-Gonzalez, and Patterson voting in favor.

Approved as to
Legal Sufficiency:

Attachment "1"

JUL 25 2018

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves the refund policy as attached to the Staff Report; and

BE IT FURTHER RESOLVED that the Planning Board approves a delegation of authority to the Planning Director to modify application fees for:

1. Development applications that include 25% or more moderately priced dwelling units (MPDUs) as part of the overall project density.
2. Development applications that include significant public benefits over and above the requirements established by law, if the applicant has provided adequate justification as determined by the Planning Director.

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor, and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, July 19, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

From: [Matthew Gordon](#)
To: [Wallace, Scott C.](#); [Rob Robinson](#); [Nancy Regelin](#); "[Barr, Stuart R.](#)"
Cc: [Gregory Mann](#)
Subject: RE: Retool Comments
Date: Monday, March 4, 2024 12:14:22 PM
Attachments: image002.png
image003.png

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Rob and Greg,

To follow-up on our group discussion concerning the calculation of density, please see how both Montgomery and Prince George's County allow property owners to utilize dedicated right-of-way (for nominal consideration or less) for density calculation below. I'm not sure that this is a huge issue, but it may be appropriate for additional consideration given that these neighboring jurisdictions take the position that the landowner retains the density rights to dedicated right-of-way.

Montgomery County

Section 4.1.7. Measurement and Exceptions

The rules in Section [4.1.7](#) apply to all zones unless stated otherwise.

A. Area, Lot, and Density

1. Tract

A tract is a contiguous area of land, including all proposed and **existing rights-of-way, lots, parcels, and other land dedicated by the owner or a predecessor in title**. A tract does not include land conveyed to a government **for more than nominal consideration**.

2. Site

A site is an area of land including all existing and proposed lots and parcels in one application, except proposed and previous dedications and rights-of-way.

3. Lot

A lot is a contiguous area of land that is described by a plat recorded in the land records for which a building permit can be issued.

Floor Area Ratio (FAR): The ratio between the gross floor area of all buildings on a tract divided by the area of the **tract**.

Prince George's County

-
Net lot area shall be determined by measuring the total horizontal land area (in acres or square feet) within the lot lines of the lot, excluding public street or alley rights-of-way and private street or alley easements, and land lying within the 100-year floodplain. **For purposes of determining net density, floor area ratio, or lot coverage, any part of the net lot area dedicated as right-of-way for which no more than nominal consideration was received, recreation area, park, greenway, or other public open space in conjunction with a development approval in accordance with this Ordinance shall**

continue to be considered part of the net lot area of the development site.

Net Density (Dwelling Units per Acre)

Net density (expressed as dwelling units per acre) shall be determined by dividing the total number of dwelling units located or proposed on a lot by the net lot area (see Section 27-2201(a), above). If net lot area is measured in square feet, the result of this division shall be multiplied by 43,560. Net density standards apply only to residential development comprised of dwelling units. In the RCO sub-zone of the Chesapeake Bay Critical Area Overlay (CBCAO) Zone only, the gross tract acreage is used to calculate density except as noted in Section 5B-115(f) of the County Code.

Matthew Gordon

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From: Wallace, Scott C. <swallace@MilesStockbridge.com>

Sent: Monday, March 4, 2024 10:53 AM

To: Rob Robinson <Rob.Robinson@gaithersburgmd.gov>; Matthew Gordon <mgordon@sgrwlaw.com>; Nancy Regelin <NRegelin@shulmanrogers.com>; 'Barr, Stuart R.' <srbarr@lercheearly.com>

Cc: Gregory Mann <Greg.Mann@gaithersburgmd.gov>

Subject: [EXT] RE: Retool Comments

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Rob – thanks again for your time on this. In addition to Phil’s comments, I think the grandfathering provisions (Sec. 24-1.2(E)) need to include all of the required development approvals that flow from the initial approval. For example, with Metrogrove , we had sketch approved, now we should get SDP approved before the rewrite is effective, but then we’ll have the FSP which is likely to come after the effective date. The FSP has to be reviewed under the current ZO. If this was your intent with Sec. 24-1.2(D), I suggest the language could be more clear. You may want to consider language along the lines of the language in bold the County put in their 2014 rewrite:

Sec. 7.7.1.B. Application Approved or Filed for Approval before October 30, 2014

1. Application in Progress before October 30, 2014

Any development plan, schematic development plan, diagrammatic plan, concept plan, project plan, sketch plan, preliminary plan, record plat, site plan, special exception, variance, or building permit filed or approved before October 30, 2014 must be reviewed under the standards and procedures of the property's zoning on October 29, 2014, unless an applicant elects to be reviewed under the property's current zoning. Any complete Local Map Amendment application submitted to the Hearing Examiner by May 1, 2014 must be reviewed under the standards and procedures of the property's zoning on October 29, 2014. If the District Council approves such an application after October 30, 2014 for a zone that is not retained in Chapter 59, then the zoning will automatically convert to the equivalent zone as translated under DMA G-956 when the Local Map Amendment is approved. **The approval of any of these applications or amendments to these applications under Section 7.7.1.B.1 will allow the applicant to proceed through any other required application or step in the process within the time allowed by law or plan approval, under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.** The gross tract area of an application allowed under Section 7.7.1.B.1 may not be increased.

There are other grandfathering concepts in Sec. 7.7.1.B of the County ZO that you may want to consider (excerpt attached), such as allowing relatively small expansions to proceed under the old ZO at the applicant's discretion, but I understand your viewpoint that the changes you are proposing are generally not substantive and therefore more grandfathering is not necessary. That may be true in general, but there always seems to be unintended consequences from a ZO overhaul.

Let me know if you have questions. Thanks.



Scott C. Wallace | *Principal*
Miles & Stockbridge
direct: +1 (301) 517-4813

From: Rob Robinson <Rob.Robinson@gaitthersburgmd.gov>

Sent: Wednesday, February 28, 2024 12:31 PM

To: Wallace, Scott C. <swallace@MilesStockbridge.com>; Matthew Gordon <mgordon@sgrwlaw.com> <mgordon@sgrwlaw.com>; Nancy Regelin <NRegelin@shulmanrogers.com>; 'Barr, Stuart R.' <srbarr@lercheary.com>

Cc: Gregory Mann <Greg.Mann@gaitthersburgmd.gov>

Subject: [EXTERNAL] Retool Comments

[EXTERNAL]

Hi All, I wanted to touch base to again thank you for the focus group and to let you know, if you have

any specific personal technical comments for edits (not reflecting your firm's position), it would be great to receive those by noon next Monday so we can include as discussion items in our March 11th JWS packet. We have already received Phil's (attached). Thanks!

Rob

Rob Robinson III, AICP CEP
FCA Qualified Professional
Long Range Planning Manager
City of Gaithersburg
240-805-1072

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Joint Hearing - MCC & PC
CTAM-9739-2024
Ex 12

From: [Barr, Stuart R.](#)
To: [Rob Robinson](#); [Gregory Mann](#)
Cc: [Wallace, Scott C.](#); [Nancy Regelin](#); [Hummel, Phillip A.](#); [Matthew Gordon \(mgordon@sgnlaw.com\)](#); [Barr, Stuart R.](#)
Subject: RE: Retool Comments
Date: Monday, March 4, 2024 1:07:59 PM
Attachments: image001.png

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Rob/Greg – thank you for your leadership on Retool, and thanks for taking comments from this group. I think Phil’s, Scott’s, and Matt’s comments are excellent, and I support them. Additionally, for now, I would add:

- FAR -- Clarify that an applicant can use gross tract area for density purposes (allow use of dedications) – would be consistent with Montgomery County (Matt covered this in more depth in his email).
- Section 24-7.5 – surface parking. If it’s not already clear somewhere, make clear when changes to a surface parking area have to comply with the new standards, particularly things like the 30% canopy coverage for parking areas. Ideally, applicants would be able to propose changes to existing surface parking areas under either the current or new standards (their choice) – this would allow maximum flexibility. If proposed changes to surface parking have to comply with new standards, then only the portion that is proposed to change should have to comply (i.e., the entire parking facility, including unchanged portions, shouldn’t have to be brought up to current standards).
- Building lot coverage in the E-1/E-2 zones – consider increasing building lot coverage from 50% to either 70% or 75%. This would make the E-1/E-2 zones consistent with the other non-residential zones.
- Section 24-6.5 – Outdoor Storage – all existing outdoor storage that is consistent with an approved site plan should be grandfathered and shouldn’t have to meet the new standard unless it’s proposed to be changed.
- Drive-throughs and pick up/dropoff spaces should be as flexible as possible given retail trends.
- Waivers, exceptions, variances, alternative compliance, etc. are a good thing from the development community’s perspective and should be allowed throughout the new ZO. We don’t know everything and can’t intelligently predict everything, so we shouldn’t stymie a good idea in the future.

Thanks for the consideration --- Stuart

Stuart R. Barr, Attorney

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Attachment 3

Community Leaders Engagement Workbook

Retool Gaithersburg
Summary Engagement Report
Addendum 1
March 11, 2024

ZONE CO^{##}



WINTER 2024

ENGAGEMENT PLAN RETOOL GAITHERSBURG

GAITHERSBURG COMMUNITY LEADERS
ENGAGEMENT WORKPLAN



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A zoning code is a legal document adopted by a municipality to regulate the use of land in the community. Many people can go through their whole lives and never have to refer to a zoning code. However, these documents can significantly affect the way a community grows and evolves over time.

It is important to recognize the words “over time”. Many communities in the United States are “built out”, meaning the land area within the community no longer contains very much developable land. The portions that are built out will not change quickly but may change slowly over time if properties are redeveloped. This applies to Gaithersburg, much of the community is built out, but we are seeing redevelopment of older properties alongside a limited amount of developable land.

Right now, the City of Gaithersburg is undertaking an effort to update the City’s zoning code. Some sections of the Code may not change substantially, while others may see more substantial updates. In Section 6 of this document, we provided a table that outlines how sections might change based on research done so far. Engagement efforts are still ongoing, so this is subject to change. You

will see that many of the suggested updates pertain to fixing existing issues with the code like inconsistencies, poor organization, undefined terms, confusing wording, or inefficient administrative processes. Making updates to the items mentioned in the previous section can make the code easier to use and navigate. Legal documents can be challenging to read and absorb, but there are things we can do to make it easier.

The code update will also include changes to zoning districts. The project team is in the process of understanding what these changes should be. This is why we are reaching out to you.

As part of this effort, it is important to hear from the community. Historically, zoning conversations, debates, and policy reforms have been informed by public engagement that is not always equitable. Across the country, zoning meetings are often attended by a small collection of people that know how to navigate, communicate, and affect zoning conversations. We aim to open up zoning conversations to a broader range of people and hear from community members in a way that is more diverse and representative of the whole community.



On September 28th, we met with community leaders to discuss how we could best get feedback from their organizations, members, colleagues, and clients. Below is a summary of what we heard:

- Informational materials should be better at summarizing the goals of the project and how community members can plug in.
- Informational materials should be translated into other languages as much as possible.
- The community leaders are open to soliciting feedback from their respective organizations and relaying that feedback to the project team.

As an attendee of this meeting, we are hoping that you can help us receive feedback. In response to what we heard on September 28th, we are proposing the following framework for community feedback:

- We are re-working informational materials based on what we heard.
- We are proposing a multi-month timeline alongside

an engagement framework that we can receive feedback from the broader organization.

- We will hold an informational session to review the framework, timeline, and answer any questions that come up.
- We are giving a six-week window for organizations to gather and return feedback.
- We will compile the results of all feedback - these results will be available on the website.
- Documentation will be kept regarding how feedback received was integrated into the materials prepared for the Planning Commission and City Council.

On the following page you will find an engagement schedule with key dates, special instructions and activities for engagement,

Project Team
Retool Gaithersburg

SCHEDULE



Engagement Calendar*

- **January 1st - January 5th:** Workbook sent to Community Leaders
- **January 26th:** Deadline to submit questions
- **February 16th:** Deadline to submit community feedback
- **February 16th - February 23th:** Project Team will review and compile all comments received and prepare community feedback for inclusion in Joint Public Hearing meeting packet
- **March 1st:** Engagement Report posted to project website.
- **Spring 2024:** Continued public discussion and post-engagement follow up

*Additional Notes

- We recommend that if Community Representatives have questions related to this exercise, that they send those questions by January 8th.
- Respondents and community members are also encouraged to participate in other general engagement activities for this project as they are announced.
- Greater detail on our suggested/guided engagement activities is provided on following pages.

SUBMISSION DEADLINE

FEBRUARY 16TH

DEADLINE TO SUBMIT FEEDBACK/
COMMENTS



February 16th Deadline:

The team is seeking all comments back from organizations/representatives by February 16th. This date was set in order to ensure that feedback is reviewed and compiled to be shared during a Public Hearing.





PROJECT GOALS

Retool Gaithersburg is a comprehensive initiative to update the City of Gaithersburg’s Zoning Code to ensure that the regulations better accommodate and implement the City’s vision and goals to support the vibrancy and innovation of the City of Gaithersburg.

Zoning Code Accessibility & Understanding

The entire principles of “Retool Gaithersburg” revolve around making the Zoning code easier to understand, interpret, and access, addressing the concerns of the community and promoting inclusivity.

Community Character

Zoning can help to preserve or improve the character of a community. Zoning can also go beyond the mere aesthetic considerations of a neighborhoods and work to foster thriving communities by permitting essential community services, like community centers, daycares, and grocery stores, and promote the “15-minute community” concept by encouraging mixed-use developments.

Housing Supply and Density

Revising or creating new zoning districts can allow for increased housing diversity by allowing housing types that are not permitted today, such as accessory dwelling units. Revising zoning districts can allow for increased housing densities, facilitating more housing supply and different housing types, addressing housing crises and high housing cost burdens.

Creating Business Opportunity

Zoning should provide opportunities for businesses and services that promote the vibrancy of the city. Zoning should be able to accommodate both the larger, established businesses and employers, but also support the creation of new small businesses. Policies such as permitting home-based businesses, can provide entrepreneurs with the opportunity to get a business started without the upfront cost of renting expensive commercial property.

Community Engagement

A modernized and simplified Zoning code can provide a platform for active community participation, emphasizing the difference between zoning and master plans, and utilizing various communication methods to engage with the community authentically.

ENGAGEMENT FRAMEWORK

The following community questionnaire is intended to facilitate a dialogue between community leaders and their constituencies to provide feedback on the Retool Gaithersburg zoning effort. The questionnaire provides the basis for the facilitator to lead a conversation with participants about how potential changes and regulations of the zoning code could be informed by and impact the lives of residents. Each subsequent worksheet will include: Facilitator notes which provide an overview of the intent of the question for the facilitator to read in advance and synthesize to the participants, if they so choose; Discussion questions; and, a notes section to record themes and discussion for each topic.

Following the completion of the discussion, the facilitator should fill out the focus group summary survey form. This form will provide a basic overview of the group, the themes covered, and survey questions that capture generally the groups sentiment toward a certain topic.

Following completion of the exercise, the facilitator should transmit the notes for each topic discussed and the completed survey form to retool@gaitthersburgmd.gov.

Activity Recommended Time: 60-90 minutes

Facilitation Tips:

- It is recommended that there are two facilitators. The first facilitator will review the activity guide/discussion questions and deliver the prompts to the participants. The second facilitator will record notes of the conversation. This activity may be managed by a single facilitator, but the facilitator should be mindful to manage active listening, asking follow up questions, and recording the conversation.
- There is no need for the facilitator to deliver all of the prompts to their group. If the facilitator knows that their group will be more interested in sharing on one topic over another, the facilitator should feel free to focus the conversation where they see fit.
- The facilitator should feel free to modify the wording or phrasing of the questions to be tailored to their specific audience. The questions are intended to provide some background information to introduce the participants to a topic. If the facilitator feels there are better examples to demonstrate this, or their audience is well versed on a topic, they should feel free to modify the setup to each question.
- Some questions are vague or regarding contentious topic and may result in participants having more information to share than can fit in the recommended duration for each question. The facilitator should be mindful of the time spent on each question, as some topics may warrant more conversation than others. If additional notes are taken, please ensure notes are as concise as possible.
- When a participant talks about generally about an idea or topic where the prompt asks for specific examples, such as a location, the facilitator should follow up by asking the participant to provide an example of where something occurs or is appropriate.
- The facilitator should feel free to ask follow up questions. This is intended to be a conversation. If the participants are diving deep into a particular topic or issue, or need assistance in getting to the root of a concept or piece of feedback, the facilitator should feel free to ask probing questions to get the most out of the participants' responses.
- The facilitator should make clear that this discussion is intended to help shape the zoning code rather than a specific development project, citywide land use, or the immediate change in a place. Zoning represents rules that take shape over time and do not change a place overnight. Additionally, zoning is largely focused on private land and is not the tool used to change public areas like parks, streets, etc.

1 COMMUNITY CHARACTER

FACILITATOR NOTES:

The following questions are intended to act as an ice breaker to the larger session, allowing you to talk more generally about what you like and dislike about the aspects of Gaithersburg that are regulated through zoning. Record responses to the following questions at the bottom of the page.

Recommended Duration: 5-10 minutes

DISCUSSION QUESTIONS:

1. Imagine your favorite place in Gaithersburg - think about the sidewalks, the lighting, the materials, the placement of the buildings. **What do you like about this place and why?**
2. Zoning is used to regulate certain aspects of a building or development that can define a neighborhood, like the height of buildings, distance from the street, location of parking lots, signage, use, and other considerations on private properties. **How would you define the character of your community, and how do you believe zoning can help maintain or transform it?**

NOTES*:

2 HOUSING

FACILITATOR NOTES:

The following questions are focused on discerning if participants' personal experience with housing in Gaithersburg, understanding if there is support for increases to housing density, and soliciting feedback on how that housing density should be accommodated. The facilitator should make clear that the zoning change itself doesn't require someone to alter their property to comply with new rules, that the City will not be constructing the housing themselves, and that changes to zoning permit these types of changes, but do not necessarily require them. Record responses to the following questions on the following page.

Recommended Duration: 20-25 minutes

DISCUSSION QUESTIONS:

1. Finding housing can be challenging for some residents in a city for a number of reasons, such as affordability, size of available housing units, or proximity to other important places like work or school. **Describe your experience with finding housing within Gaithersburg?**
2. Cities across the country acknowledge that allowing more housing to be built is a major step toward solving the housing affordability crisis. **Are there areas of Gaithersburg where you feel it would be appropriate to allow more housing to be created? What makes these areas appropriate for more housing?**
3. Some types of housing units, like three- and four-unit homes, provide what is commonly referred to as "missing middle housing" which is the term used to describe housing types that provide more units in a form that can fit into the context of lower density areas. These housing types sometimes require that buildings get slightly larger in scale, such as an additional story in height, slightly larger building footprints, or more paved areas for parking. **Taking everything mentioned into account, are there any areas where these types of housing aren't currently applied where you think they could be applied?**
4. Accessory dwelling units, commonly called ADUs, can provide much needed rental housing in a neighborhood without dramatically changing the character of a neighborhood, can assist in helping residents age in place, and can provide additional rental income to homeowners. The zoning can regulate how ADUs are permitted, such as where an ADU can be located on a lot, the minimum/maximum size, if they require a parking space, and how they may be occupied (such as rules around short term rentals, like AirBNB, or whether the owner of the property needs to live on the property). **When it comes to accessory dwelling units (ADU), what if any, are the most important aspects of ADUs to regulate?**
5. Modern multi-unit apartment buildings often include additional amenities like parking, outdoor space, community areas, and other features and services for residents. **If you currently, or previously, lived in a multi-unit apartment building, what types of features did the building provide? Were there any features that were lacking that would have improved your experience?**

2 HOUSING

NOTES*:

3 COMMERCIAL OPPORTUNITY

FACILITATOR NOTES:

The following questions are intended give participants an opportunity to talk about the types of services and community focused needs of their neighborhoods. Zoning can permit and incentivize, especially in mixed-use developments, the inclusion of community-serving uses in certain areas. The facilitator should encourage participants to be specific about where they see a need for these uses in the city. The questions also seek to gather input on proposed regulations regarding home-based businesses and mobile vendors. Both of these models reduce the initial startup cost of businesses by not requiring a start-up business to pay expensive commercial rents while they form and grow their business.

Recommended Duration: 15-20 minutes

DISCUSSION QUESTIONS:

1. Local commercial corridors are intended to provide residents quick and convenient access to goods and services that are a part of their everyday lives, such as: grocery stores, community spaces, libraries, child-care, or recreation areas. **Does your neighborhood have convenient access to these types of uses? What types of convenience uses, if any, do you feel your local commercial areas needs more of?**
2. Home-based businesses provide a way for entrepreneurs to start certain kinds of businesses from their homes, like professional services or ecommerce, inexpensively by not having to pay costly commercial rent while they get their business up and running. **How do you feel about home-based businesses and their impact on residential neighborhoods?**
3. Similar to home-based businesses, mobile vendors (like food trucks or carts) provide an opportunity for people to start a business, travel to where their customers are, and reduce initial start up costs. **If mobile vendors, like food trucks, were to operate in Gaithersburg, where would they be appropriate? Are there any limits that should be considered in the zoning?**
4. Zoning can sometimes create challenges for small business owners. It is helpful to understand these challenges and if they can be relieved through the zoning code update. If anyone in the group has been required to get zoning approvals for a business, **please list any challenges that were experienced.**

3 COMMERCIAL OPPORTUNITY

NOTES*:

4 PARKING REQUIREMENTS

FACILITATOR NOTES:

Parking requirements are a major factor in development. Nationwide zoning trends are seeking to simplify and, in some instances, lower parking requirements that were originally established based on outdated thinking on how often people would drive throughout the city. The following questions seek to gain a resident's perspective on the availability of parking in their daily lives and will be used to assess areas where the parking requirements can be amended. If possible, ask participants to be specific in stating the use or location that is informing their feedback. Record responses to the following questions at the bottom of the page.

Recommended Duration: 5-10 minutes

DISCUSSION QUESTIONS:

1. Parking is often a contentious topic in zoning. On one hand parking provides convenient access for people that drive to get around the city. On the other hand, underutilized parking lots can waste valuable, limited land that could otherwise provide housing, businesses, or services in a neighborhood. **Do you feel there is sufficient parking to satisfy your daily needs – whether that be at home, work, or for shopping or other trips? Do you ever feel that there is too much underutilized parking around the City? If so, where or for what uses?**
2. A lack of bicycle and pedestrian infrastructure can often discourage people from walking or cycling to get around the city. **If you ride a bicycle around the city, how easy is it for you to find a space for you to safely park your bicycle?**

NOTES*:

5 ENGAGEMENT & REPRESENTATION

FACILITATOR NOTES:

The following questions are intended to solicit feedback on how participants would like to be engaged on zoning and land use matters in the future. The facilitator should note that while the Retool Gaithersburg effort seeks to rewrite the zoning code for the City, there are often land use applications for development that are subject to a public review process where members of the public have an opportunity to provide feedback to decisions-makers.

Recommended Duration: 5-10 minutes

DISCUSSION QUESTIONS:

1. **Do you feel adequately represented and informed about zoning decisions in the community?**
2. Beyond the Retool Gaithersburg effort, land use and zoning decisions continue to get made and typically require a public review period that allows for residents to provide feedback on development proposals. **What methods of communication or engagement would you prefer to keep you informed and involved in zoning matters?**

NOTES*:

CODE UPDATE PROPOSAL SUMMARY

The proposal summary is intended to communicate the high-level changes currently being proposed to the City of Gaithersburg Zoning Code that most greatly impact the daily lives of its residents and business owners. While the full scope of the project will include many changes to ensure that the entirety of the code is clear, consistent, and user-friendly, the themes included in this summary highlight many of the larger zoning proposals. In addition to the summary provided on the following pages, more detailed list of proposed changes can be found in the appendix of this workbook.

The intention of this workbook is to allow the public and community leaders to learn more about the initiative and provide feedback to key zoning proposals. As such, the concepts presented in the proposal summary and appendix sections are currently a preliminary draft of the proposal. These draft proposals still require additional research, public input, and discussion with community and elected leaders.

As the proposals are further refined, they will be compiled into a complete draft zoning code which is anticipated to be released in early 2024. At this time, the proposal may be updated to reflect comments and

recommendations received during the outreach conducted through 2023 and the recommendations made through the community-lead stakeholder conversations.

When reviewing the zoning proposals it is important to remember that these changes are intended to impact the zoning text and are not seeking to dramatically change the land use or character of Gaithersburg. Additionally, the contents of these proposals are intended to afford property owners, developers, and commercial businesses the flexibility and zoning tools to address key land use challenges facing the City; however, zoning changes do not reshape a place overnight and do not require property owners to retroactively make the changes discussed in these proposals.

It is our hope that the following topics, including how zoning can support the creation of new housing, allow a more diverse range of housing types, provide the ability for small-scale local businesses to develop in creative ways, and clarify complex procedures and regulations that regulate larger developments will help set to support the vibrancy and innovation of the City of Gaithersburg.



ZONING CODE USABILITY & PROCEDURES

A zoning code can be a highly technical document, and as they are updated and changed over time can become difficult to understand and administer. By undertaking the Retool Gaithersburg effort, it gives us an opportunity to make sure that the zoning code is not just a document that can be deciphered by land use professionals, like architects and attorneys, but can also be easily understood by the general public. As a member of the public a clear, consistent, and well-organized zoning code can allow for the citizens of Gaithersburg to:

- Better understand and participate in the public processes, like Planning Commission or City Council Hearings on new exciting development projects
- Make it easier to understand what a resident or business owner can or cannot do on their property.
- Improve approval procedures to allow a homeowner to make a simple improvement, like construct a fence, or a new business owner to be able to tenant an existing space without lengthy and expensive land use approvals.

Additionally, complex and burdensome procedures for the approval or amendment of approved plans for larger developments can be a disincentive for investment in a community. Proving greater clarity, simpler processes, and greater predictability around land use decisions may also help larger property owners to navigate the zoning code and provide much needed housing, commercial buildings and jobs in the City.

Summary of Proposed Changes:

- Provide modern and clear definitions within the zoning code to ensure specific terms are being used and regulated consistently throughout the zoning code.
- Simplify public notification requirements for discretionary approvals, such as conditional use applications.
- Develop new standards and clearer findings for land use decisions made by the Planning Commission, Board of Appeals, and City Council and Mayor.



USE REGULATIONS

The use regulations of the zoning code are responsible for shaping what can be built throughout the city in various different zones. Zoning codes have traditionally been overly proscriptive from a use perspective and are often one of the most outdated pieces of a zoning code. Improvements and market shifts in how a specific use operates, modern uses that did not exist at the time of a zoning codes writing, or dated ideas of is or is not an appropriate use can remain codified in a zoning code. This can make it challenging for administrators to govern use regulations, or for property owners to understand if they are permitted to construct a specific use.

The Gaithersburg zoning code's use provisions contain many inconsistent outdated uses and definitions located within various zoning districts. Over time, as the zoning has been amended, this is only furthered the complexity of the use regulations and made them more challenging to regulate. The Retool Gaithersburg effort allows us the opportunity to improve not only the opportunity to modern this section of the zoning to reflect the current and future land use goals of the city, but also the improve the organization and methods for administering these regulations.

Summary of Proposed Changes

- Consolidate uses located in each district into a central, unified use table.
- Create use categories that groups similar uses that should be governed in a similar manner, easing administration of use regulations and making it simpler for certain uses to change and re-tenant over time in developments that are constructed pursuant to schematic development plans and other approvals.
- Add modern uses, especially in the commercial, manufacturing and employment sectors, such as research and development facilities, bio-technology labs, small-scale manufacturing, and medical clinics.
- Provide modern, clear, and consistent definitions for these uses to ensure that as markets and technology continue to change the City can continue to effectively regulate new uses.



NEW PROPOSED USE CATEGORIES

The proposal includes the following categories to organize the specific uses permitted in the Gaithersburg zoning code:

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

The full proposed use table can be found in the appendix.



ZONING DISTRICTS OVERVIEW

Today the City of Gaithersburg has several unique zoning districts that regulate the size, scale, and use of buildings throughout the City. These zoning districts can generally be split into two categories: Euclidean zones and floating zones.

Euclidean zoning is a type of zoning district that is primarily based on a separation of uses (ie, residential zones vs. commercial zones). Euclidean zones typically have clear and predictable development standards, the rules which govern the size, setback, height, etc. of a building, and can typically be constructed or improved without a complex land use approval process. In Gaithersburg there are Euclidean zones for residential, commercial, employment, and industrial areas.

Floating zones are a type of zoning tool that allow for a greater degree of flexibility in the zoning, creative site planning, and a broader mix of uses. Floating zones are mapped at the time of a large projects approval and undergo a robust public approval process that includes

opportunities for members of the community, the Planning Commission and City Council to provide feedback and shape future development on these sites.

THE DEVELOPMENT STANDARDS OF MANY OF GAITHERSBURG'S ZONING DISTRICTS HAS REMAINED LARGELY UNCHANGED SINCE THE ADOPTION OF THE CITY'S FIRST ZONING CODE.

As such, many zoning districts do not reflect the built context of the areas where they are mapped, modern trends in construction and use, and the flexibility needed to allow the zoning to help Gaithersburg grow by tackling major issues. The Retool Gaithersburg effort seeks to modernize and improve all of these zoning districts to better support the goals of the future of Gaithersburg.

RESIDENTIAL ZONES

Residential zoning districts comprise most of the land area of the City of Gaithersburg. The residential zone standards govern a wide range of building types from very low density single-unit development to higher density apartment buildings and townhomes. Given that Gaithersburg is a predominantly built city, it is important to modernize the residential zoning standards to both reflect the neighborhood context of what exists today, but also ensure that they do not stand in the way of allowing the City to grow and create new housing opportunities for current and future residents.

- Strict and outdated residential standards, like lot coverage, could prevent current homeowners from making improvements to their homes, such as adding an addition to their home.
- Residential zoning often only includes one-, two- and multi- unit developments as these were the housing types traditionally considered by most zoning across the country; however, recent trends in residential construction have developed new models, like the tri-plex or quad-plex, that allow for additional housing to be built in a way that is consistent with existing lower density areas. These housing types are often referred to as “missing middle” housing and referred to as “GAP” housing in the City’s Master Plan.
- Zoning standards, like minimum lot size and setback, that get codified in the zoning may not reflect what is actually built in a community. This means that new development in a given district may not align with what exists today, or could pose challenges for homeowners by creating nonconformities (portions of their home or property that are not permitted by the current zoning). Nonconformities on a residential property could create issues for a homeowner that tries to buy, sell, or improve a property.

Summary of Proposed Changes

- Standardizing use of lot coverage to include impervious surfaces, building coverage and front yard coverage (planting).
- Updating minimum lot sizes and yard setback requirements to maintain character and flexibility.
- Simplifying how buildings and density are measured.
- Developing standards for accessory dwelling units to be permitted in residential zones.
- Amend certain districts standards with modest increases building coverage and height to permit new housing types, like three- and four-unit homes, to allow for the creation of additional housing in the city.

Additional summary of the specific proposed changes for the residential zones can be found in the appendix.

COMMERCIAL ZONES

There are currently three commercial districts mapped throughout Gaithersburg that permit a wide range of retail, office, and professional services uses. The CB zone is intended to act as a commercial buffer between residential zones and other areas and permits mixed commercial-residential uses. The C-1 and C-2 zones offer a broader range of commercial uses, like automotive repair, recreation, or medical clinics, that serve a broader or regional population in Gaithersburg. The permitted uses and standards of a commercial zone are very important for the livelihood of a city, providing a place for small businesses to grow and prosper, or allow for the critical services that people rely on, like grocery stores or day cares, to be built in areas where they best serve residents of the city.

The development standards of a commercial district can also help to preserve and enhance the character of a neighborhood by including standards that improve the public realm, traffic/pedestrian safety, and preserve the character of commercial areas.

Summary of Proposed Changes:

- Standardize the zoning tools used to govern commercial development, such as: lot coverage, height measurement, and density.
- Update building height regulations to allow for the creation of additional commercial uses and reflect modern trends in commercial construction.
- Reduce yard requirements to allow for design flexibility while incorporating specific setbacks for commercial buildings located next to residential areas.

Additional summary of the specific proposed changes for the commercial zones can be found in the appendix.



EMPLOYMENT AND INDUSTRIAL ZONES

Employment and industrial areas can contain a wide range of buildings such as factories, warehouses, office buildings or research facilities with unique spatial needs to operate successfully. To accommodate the wide range of potential uses, the key to a successful employment or industrial zone is for the zoning to be clear and predictable to future tenants and provide the flexibility to allow for their specific operational needs. This zoning flexibility can help to attract large employers to an area, but can also be tailored to ensure that these uses are respecting any adjacent residential or commercial areas.

Summary of the Proposed Changes:

- Maintain many of the existing flexibilities in the E and I zones that currently support the business community in Gaithersburg.
- Decrease the minimum lot sizes needed to better support modern employment and industrial uses that may not require the sizes of lots contemplated in the original zoning code.
- Combine existing employment districts with duplicative intent and standards for predictability and ease of administration.

Additional summary of the specific proposed changes for the employment and industrial zones can be found in the appendix.

FLOATING ZONES

Floating zones are a unique zoning tool that is intended to provide flexibility and creativity in the development of larger sites throughout the city. Unlike Euclidean zones, the floating zones do not have a strict set of rules that must be followed in as-of-right development. Instead, a floating zone allows a development to include a mix of uses, building types, and scales that are subject to a robust public approval process. Given the discretionary nature of projects in a floating zone, the zoning code primarily provides maximum or minimum parameters for a development, but the key characteristics of a project are typically decided through the approval process. To this end, many of the proposed changes to the floating zones are focused on the process for establishing them, rather than the zoning standards.

Summary of the Proposed Changes:

- Establish greater clarity around the findings to establish a floating zone around equity.
- Provide greater flexibility in zoning tools like maximum height, while establishing certain minimum and maximum setbacks to ensure consistency amongst buildings within the zone.
- Through the implementation of use categories, allow to greater flexibility in future re-tenanting of spaces within a development and greater flexibility for calculating required parking.
- Simplify the process for requesting minor amendments to a previously approved project within a floating zone.
- Create a new floating zone to support mixed commercial, industrial, and employment uses.

ACCESSORY DWELLING UNITS

Accessory Dwelling Units (ADUs) are a self-contained residential living space that is located on the same property as a primary residence. These additional living units, which can take the form of a converted garage, a detached cottage, or a basement apartment, serve as an independent, yet compact, housing option for homeowners or renters. ADUs have gained significant importance in recent years due to their potential to address pressing housing challenges. They offer an effective solution for increasing housing supply, promoting multi-generational living arrangements, and addressing affordability concern. By providing flexibility in housing options and utilizing existing infrastructure, ADUs contribute to the overall sustainability and inclusivity of communities, making them a key element of modern housing policy and urban development.

Summary of the Proposed Changes:

- ADUs are proposed to be limited to one per lot and not to exceed 800 square feet in size (about the size of an average one-bedroom apartment).
- ADUs may not exceed the height of the primary building on the lot and must comply with all lot coverage and impervious area requirements.
- Amend setbacks for accessory buildings to a 2 foot minimum to allow for inclusion of ADU in rear yard.
- One additional parking space is required for an ADU.
- ADUs must have a separate entrance from the primary building, even if attached to the primary structure.
- Use regulations for ADUs do not allow for the ADU to be used as a short-term rental, such as Airbnb, and require permission from the property owner to include a home-based business.



HOME-BASED BUSINESSES

A home-based business is a business that someone runs from their own home. This could be anything from selling goods online to offering services like consulting or making crafts. Home-based businesses are important to equity and the local economy because they allow people to start their own businesses without needing to rent expensive office space. They create jobs and support local economies, and they also allow for flexible work arrangements, so people can balance work and life more easily. Traditionally zoning tried to separate commercial and residential uses or provide limitations on the operation of a home-based business; however, since many of these rules were established the lifestyle of residents, types of home-based businesses, and ways of doing business have greatly changed.

Summary of the Proposed Changes:

- Clarify the difference between a home office, remote work, and home-based businesses.
- Provide greater flexibility on the maximum number of deliveries that a home-based business may receive to reflect changes in remote businesses, e-commerce, and the number of deliveries generally received by a typical residence.
- Specify that cannabis-related businesses are not permitted as a home-based business.
- Specify that short-term rentals, such as Airbnb, do not constitute a home-based business.
- Clarify that the rental of outdoor facilities, such as yard of private homes, is prohibited and does not constitute a home-based business.



PARKING STANDARDS

In many developments, especially commercial and mixed-use developments, parking requirements can often impact the amount that can be built on a lot just as much as building-specific rules like height and lot coverage. Additionally, parking requirements that differ amongst different but similar uses can cause problems for businesses seeking to re-tenant existing commercial spaces. Lastly, most parking regulations in zoning throughout the country are based on past notions of how people get around and will continue to move about the city into the future. These rules do not account for more recent trends like car-sharing, on-demand transportation services (like Uber or Lyft), increased ridership of mass transit or cycling, and commercial uses that require short-term pick up/drop off rather than long-term parking.



Summary of the Proposed Changes:

- Update parking ratios to be based on newly proposed use groups/classifications instead of specific uses to provide more flexibility.
 - *Some uses with unique parking needs may still have a parking ratio specific to that use, such as grocery stores or large shopping centers.*
- Establish parking ratios for large shopping centers that may generate larger regional traffic and encourage visitors to stay for a longer period of time.
- Update minimum bicycle parking ratios to provide better cycling infrastructure throughout the city.
- Update parking lot tree planting rules to focus on total tree canopy coverage rather than individual tree planting.
- Allow reductions of parking requirements for special conditions, such as proximity to transit, or inclusion of unique parking arrangements, such as dedicated pick-up/drop-off parking spaces.



SIGNS

Zoning sign regulations govern the size, placement, and usage of signs within specific zoning districts of the City. These rules are crucial because they help maintain the visual character and functionality of the community, ensuring that signs do not become obtrusive or detract from the aesthetics of an area. By controlling sign placement and appearance, zoning sign rules promote safety, prevent visual clutter, and preserve the quality of life in residential neighborhoods and commercial districts. Additionally, they facilitate economic development by providing businesses with a framework for effective and equitable signage, enabling them to attract customers while preserving the overall character of the community. In essence, zoning sign rules strike a balance between the freedom of speech and the collective interests of a community, fostering a well-organized and visually pleasing urban environment.

Summary of the Proposed Changes:

- Revise and improve the definitions of different sign types to reflect modern trends in signage.
- Develop standards for internally and externally illuminated sign types.
- Amend number of sign and sign size requirements to be based on size of building façade instead of by tenants for multi-tenant buildings.
- Provide clear and straightforward size limits for sizes that do not require a permit from the City.
- Clarify and improve various size and height of sign regulations.

REVIEW OF APPENDIX MATERIALS

As stated on page 18, as the project progressed, the project team put forth suggested solutions or modifications to existing standards, all in the spirit of either solving an existing problem, making the code easier to use, facilitating an outcome put forth in long-range plans, or providing flexibility.

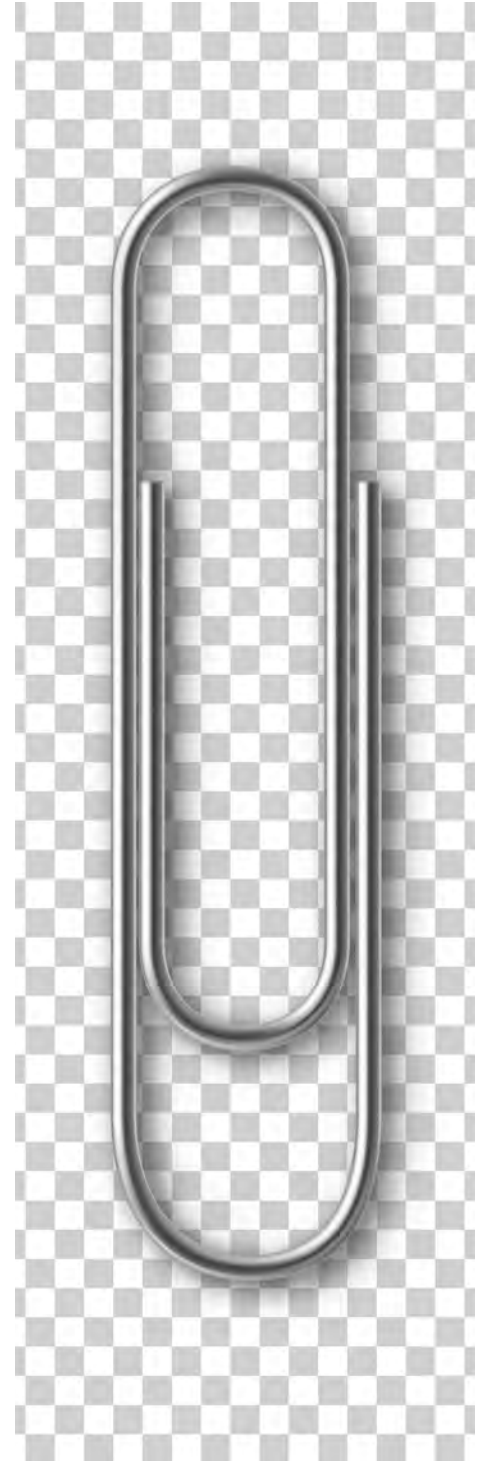
The project team wants the community to review and understand any proposed changes and we would like their input. The previous pages attempted to summarize those proposed changes so that they are easier for the community to absorb and understand. Within the appendices on the following pages, the specific suggestions are laid out in greater detail.

A difficult facet of public engagement around zoning code updates is communicating complex, lengthy, or technical changes to a community. The goal of this workbook is to make the changes as accessible as possible and provide the community with full transparency. We encourage you to review the changes presented on the following pages and please send any comments, suggestions, or feedback to our dedicated project email address, which is:

retool@gaithersburgmd.gov

There is also a dedicated project voicemail where you can verbally leave your comments and feedback. The voicemail line is:

240-805-1100



APPENDIX

- 01.**
PROPOSED COMPREHENSIVE USE TABLE
- 02.**
RESIDENTIAL ZONES CALIBRATION WORKSHEET
- 03.**
COMMERCIAL ZONES CALIBRATION WORKSHEET
- 04.**
EMPLOYMENT & INDUSTRIAL ZONES CALIBRATION
WORKSHEET
- 05.**
OTHER CHANGES TO CHAPTER 24 - LIST
- 06.**
PARKING STANDARDS CALIBRATION WORKSHEET

P=Permitted Use SE=Special Exception Use C=Conditional Use

Use	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	CBD	CD	MCD	
Agricultural																				
Farms													P	P	P					
Large-scale Indoor Agriculture												P	P	P	P					P
Small-scale Indoor Agriculture												P	P	P	P	P	P ¹	P	P	P
Automotive Uses																				
Vehicle Rental Establishments										P	P					P				P
Automobile Repair and Service Establishments										SE	SE	P	P				SE ¹	P		P
Automobile Sales Establishments										P	P									P
Automobile Filling Station										P	P	P	P			P	P ¹	P		P
Car Wash										P	P	P	P				P ¹	P		P
Entertainment and Recreational																				
Gambling Establishments										SE	SE	SE					C			C
Fortunetelling Businesses										P	P	P								
Adult-oriented establishment												P	P							
Clubs and lodges										P	P						P	P		P
Indoor and Outdoor Amusement and Recreational Facilities										P	P	P	P	P	P	P	P	P		P
Health Clubs									P	P	P	P					P	P		P
Theatre	SE									P	P	P					P	P		P

1. Prohibited in the Olde Towne District.

P=Permitted Use SE=Special Exception Use C=Conditional Use

Use	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	CBD	CD	MCD
Industrial																			
Small-Scale Recycling												P	P	SE	SE				
Waste Processing - Private												SE	SE						
Data Center or Data/CryptoCurrency Mining												C	C						
Equipment and Machinery Sales and Rental Establishment												P	P				P ¹		
Heavy Industrial												P	P						
Light Industrial										P	P	P	P			P ²	SE	P ²	P
Medium Industrial												P	P					C	P
Off-street Parking Lot												P	P				P		P
Self-storage												P	P			P	P ¹		
Institutional																			
Art and Cultural Centers										P	P					P	P	P	
Care Homes	P	SE	SE	SE ³	SE	SE	SE	P	SE ³	SE	SE					P	SE	P	
Cemeteries	SE															C		C	
Educational Institutions										P	P		P	P	P	P	P	P	P
Hospitals													P	P	P	C		P	P
Religious Uses	P	P	P	P	P	P	P	P	P	P	P					P	P	P	P
Professional Business Services																			
Veterinary Hospital and Clinic										P	P					P	P	P	P
Banks										P	P			P	P	P	P	P	P
Research, Sciences, and Biomedical Industries.										P	P	P	P	P	P	P	P	P	P
General Office									P	P	P	P	P	P	P	P	P	P	P
Medical Office									P	P	P	P	P	P	P	P	P	P	P
Medical Clinic										P	P			P	P	P	P	P	P

1. Prohibited in the Olde Towne District.
2. Limited to Integrated Light Manufacturing Uses only.
3. Can only house up to 8 individuals.

P=Permitted Use SE=Special Exception Use C=Conditional Use

Use	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	CBD	CD	MCD
Public Use	P	P	P	P	P	P	P	P	P	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P	P	P	P ⁵
Residential																			
Housing for the Elderly	P	SE	SE	SE	SE	SE	SE	P	SE							P	P	P	
Accessory Dwelling Unit ⁶	P	P	P	P	P	P	P									P	P	P	
Dwelling, Duplex	P		P	P	P				P							P	P	P	
Dwelling, Live/Work				P					P							P	P	P	
Dwelling, Multi-family Attached					P	P	P	P	P							P	P	P	
Dwelling, Stacked					P	P	P	P	P							P	P	P	
Dwelling, Quadplex					P	P	P	P	P							P	P	P	
Dwelling, Triplex					P	P	P	P	P							P	P	P	
Dwelling, Single-Family Detached	P	P	P	P	P	P			P							P	P	P	
Dwelling, Townhouse					P	P	P	P	P							P	P	P	
Dwelling, Bungalow/Cottage Court																P		P	
Roominghouse		SE ⁷				P													
Boardinghouse		SE ⁷		SE		P										C	SE	C	
Renting of Rooms ⁶	P	P	P		P	P	P	P								P	P	P	
Short Term Rentals ⁶	P	P	P	SE	P	P	P	P	P							P	P	P	

4. Public residential uses are not permitted.
5. Public residential, school, and park uses are not permitted.
6. Accessory use only
7. Subject to the following conditions:
 - (a) Special exceptions shall be temporary, renewable every three (3) years, provided there is substantial evidence that there is adequate offstreet parking to meet the needs of the occupants and no conditions that will affect adversely the use or development of adjacent properties in the neighborhood.
 - (b) The structure is at least twenty (20) years old and in good condition.

P=Permitted Use SE=Special Exception Use C=Conditional Use

Use	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	CBD	CD	MCD	
Retail and Personal Service																				
Check Cashing and Payday Loan Establishments																				
Day Care Center				SE					SE	P	P		P	P	P		P	P	P	
Small Family Day Care ⁸	P	P	P	P	P/SE	P/SE	P/SE	P/SE	P/SE							P/SE	P/SE	P/SE		
Large Family Day Care ⁹	SE	SE	SE	SE	SE	SE	SE	SE	SE							SE	SE	SE	SE	
Firearm Sales										SE	SE	SE	SE			C		C		
Instructional Facilities				P					P	P	P	P	P	P	P		P	P		
Animal Boarding and Grooming Establishments									P	P	P	P	P	P	P		P	P		
Bed and Breakfast	P	P	P	P	P	P	P	P	P							P	P	P		
Cremation Services										C ¹⁰	C ¹¹	C ¹¹	C ¹¹			C ¹⁰	C ¹⁰	C ¹⁰		
Restaurant										P	P	P ¹²	P ¹²	P ¹²	P ¹²	P	P	P	P	
Funeral Homes				SE					SE	P	P	P	P	P	C		P	P		
General Retail				P					P	P	P	P ¹²	P ¹²	P ¹²	P ¹²	P	P	P	P ¹³	
Artisan Manufacturing				P					P	P	P	P	P	P	P	P	P	P	P	
Hotel, Motel										P	P	P	P	P	P	P	P	P	P	
Hotel-apartment																P	P	P	P	
Hotel-extended stay										P	P									
Meeting and Banquet Halls										P	P		P	P	P		P	P		
Pawn Shops													SE							
Personal Services				P					P	P	P	P ¹²	P ¹²	P ¹²	P ¹²	P	P	P	P	
Retail Store with Gas										P	P	P	P				SE ¹	P	P	
Body Modification				P					P	P	P	P	P			P	P	P	P	
Wholesaling										P	P	P	P			P	P	P	P	

1. Prohibited within the Olde Towne District.
8. Accessory use only. Permitted by-right in all single-family detached, duplex, townhouse, and stacked dwellings. Special exception in all multi-family attached, triplex, and quadplex dwellings. Prohibited in all live/work dwellings.
9. Accessory use only. Prohibited in all multi-family attached, triplex, quadplex, and live/work dwellings.
10. May only be part of a planned or existing funeral home or funeral parlor. May not be stand-alone.
11. May be stand-alone or part of a planned or existing funeral home or funeral parlor.
12. Must be integrated with, incidental to and supportive of other uses in an office or industrial park setting.
13. Limited to neighborhood goods and services (NG&S) only; general merchandise, apparel and accessories, furniture and other sales (GAFO) is not permitted.

P=Permitted Use SE=Special Exception Use C=Conditional Use

Use	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	CBD	CD	MCD
Utilities																			
Solar Facility	P ¹⁴											C	C						
Broadcasting stations and towers											SE	P	P		SE	C			
Small Cell Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Telecommunications Facilities	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P		SE	SE	SE	SE	SE

14. Must be located on public land or private land 5 acres in size or larger.

Calibration Worksheets for Residential Zones

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The following tables display proposed updates alongside existing standards. Proposed updates are based on public input received so far, and feedback/communication received from the Steering Committee.

Generally Applicable Provisions for Residential Zones

- **Driveways.** Driveways will be regulated through the parking standards. Regulations will limit the width of driveways within a front yard. A limit based on the lot frontage will effectively prevent a lot's entire front yard from being paved as a driveway.
- **Buffering.** Buffering/buffer yard requirements will be addressed within the Site Standards article, Landscaping section.
- **Effect of final site plan approvals.** The draft ordinance will include generally applicable language stating along these lines:
 - "All dimensional standards established as part of a final site plan approved by the Planning Commission shall be considered conforming. Amendments may be approved in conformance with the final site plan's established dimensional standards or with any current applicable standards; whichever is least restrictive."
- **Building height definition.** The draft ordinance will clarify that the measurement of building height will start at grade level and will not include basement levels.
- **Asbury development.** For the R-90 Zone, standards that apply to the Asbury development/housing for the elderly will be established via special use standards. Rephrased: "housing for the elderly" in the R-90 Zone will have use-specific standards that modify (or exempt) the use from certain R-90 dimensional standards.
- **Townhouses in R-18 Zone.** Provisions specific to townhouse uses in the R-18 Zone will be carried forward (and can be adjusted) within the use-specific standards section.

RA ZONE

RA Zone Dimensional Standards		
Name of Standard	Existing Requirement	Proposed
Lot Area (Min.)	<i>General:</i> 100,000 square feet <i>Single Family Detached:</i> 20,000 square feet	15,000 square feet
Lot Frontage (Min.) ⁽¹⁾	-	75 feet
Front Setback (Min.)	30 feet	(no change)
Side Setback (Min.) ⁽²⁾	15 feet	(no change)
Rear Setback (Min.)	30 feet	(no change)
Building Height (Max.)	<i>Lot Under 100,000 Sq. Ft.:</i> 35 feet <i>Lot Over 100,000 Sq. Ft.:</i> No Limit	<i>Residential:</i> 2.5 stories (35 feet) <i>Non-residential:</i> No limit
Overall Impervious Coverage of Lot (Max.) ⁽³⁾	(new)	50%
Building Coverage of Lot (Max.) ⁽³⁾	25%	35%
Front Yard Impervious Coverage (Max.) ⁽³⁾	(new)	35%
Parking	See Parking Standards Worksheet	
Table Notes:		
(1) Lot frontage along internal parking areas or drive aisles may count for this requirement in place of frontage along a right-of-way.		
(2) Within townhouse developments, side setback standards only apply to end-unit townhouses.		
(3) This provision only applies to single-family detached and duplex dwellings.		

R-90 ZONE ⁽¹⁾

R-90 Zone Dimensional Standards		
Name of Standard	Existing Requirement	Proposed
Lot Area (Min.) ⁽²⁾	<i>Cluster:</i> No minimum <i>Single-family:</i> 9,000 square feet	7,500 square feet
Lot Frontage (Min.) ^{(2) (3)}	<i>Generally:</i> 75 feet <i>Conditional:</i> 60 feet if lots are part of land resubdivided by plat prior to March 1, 1946; and existence of other lots by plat or deed with width less than 75 feet along same street block	50 feet
Front Setback (Min.) ⁽²⁾	<i>Cluster:</i> No minimum <i>Generally:</i> 30 feet	20 feet
Side Setback (Min.) ^{(2) (5)}	<i>Cluster:</i> No minimum <i>Generally:</i> 10 feet	5 feet
Rear Setback (Min.) ⁽²⁾	<i>Cluster:</i> No minimum <i>Generally:</i> 30 feet	20 feet
Building Height (Max.) ⁽²⁾	<i>Generally:</i> 35 feet (2.5 stories)	<i>Residential:</i> 3.5 stories (40 feet) <i>Non-residential:</i> 45 feet
Overall Impervious Coverage of Lot (Max.) ⁽⁴⁾	(proposed new)	70%
Building Coverage of Lot (Max.) ^{(2) (4)}	<i>Generally:</i> 30%	50%
Front Yard Impervious Coverage (Max.) ⁽⁴⁾	(new)	35%
Parking ⁽²⁾	See Parking Standards Worksheet	
Table Notes:		
(1) The development standards of the R-6 zone shall apply to all areas zoned R-90 Cluster.		
(2) Standards for Asbury development/housing for the elderly will be separately defined in special use standards.		
(3) Lot frontage along internal parking areas or drive aisles may count for this requirement in place of frontage along a right-of-way.		
(4) This provision only applies to single-family detached and duplex dwellings.		
(5) Within townhouse developments, side setback standards only apply to end-unit townhouses.		

R-6 ZONE

R-6 Zone Dimensional Standards		
Name of Standard	Existing Requirement	Proposed
Lot Area (Min.)	<i>Generally:</i> 20,000 square feet <i>Waivers:</i> may be waived if abutting an existing or approved development in this zone and will provide a compatible extension of the existing or approved development	3,000 square feet
Lot Frontage (Min.) ⁽¹⁾	-	30 feet
Front Setback (Min.)	-	10 feet
Side Setback (Min.) ⁽³⁾	At least one side setback: 10 feet	(no change)
Rear Setback (Min.)	-	5 feet
Building Height (Max.)	35 feet	3.5 stories (40 feet)
Overall Impervious Coverage of Lot (Max.) ⁽²⁾	(new)	60%
Building Coverage of Lot (Max.) ⁽²⁾	40%	50%
Front Yard Impervious Coverage (Max.) ⁽²⁾	(new)	35%
Parking	See Parking Standards Worksheet	
Table Notes:		
(1) Lot frontage along internal parking areas or drive aisles may count for this requirement in place of frontage along a right-of-way.		
(2) This provision only applies to single-family detached and duplex dwellings.		
(3) Within townhouse developments, side setback standards only apply to end-unit townhouses.		

RB ZONE

RB Zone Dimensional Standards		
Name of Standard	Existing Requirement	Proposed
Lot Area (Min.)	-	7,250 square feet
Lot Frontage (Min.) ⁽¹⁾	-	(no change)
Front Setback (Min.)	-	10 feet
Side Setback (Min.) ⁽³⁾	-	5 feet
Rear Setback (Min.)	-	20 feet
Building Height (Max.)	40 feet (3 stories)	<i>Residential: 3.5 stories (40 feet)</i> <i>Non-residential: 45 feet</i>
Overall Impervious Coverage of Lot (Max.) ⁽²⁾	(new)	75%
Building Coverage of Lot (Max.) ⁽²⁾	30%	50%
Front Yard Impervious Coverage (Max.) ⁽²⁾	(new)	35%
Parking	See Parking Standards Worksheet	
Table Notes:		
(1) Lot frontage along internal parking areas or drive aisles may count for this requirement in place of frontage along a right-of-way.		
(2) This provision only applies to single-family detached and duplex dwellings.		
(3) Within townhouse developments, side setback standards only apply to end-unit townhouses		

RP-T ZONE

RP-T Zone Dimensional Standards		
Name of Standard	Existing Requirement	Proposed
Lot Area (Min.)	-	<i>Detached or semi-detached dwelling: 4,000 square feet</i> <i>Townhomes: 1,400 square feet</i>
Lot Frontage (Min.) ⁽¹⁾	-	-
Front Setback (Min.)	-	10 feet
Side Setback (Min.) ⁽²⁾	-	<i>Adjoining townhomes: 0 feet</i> <i>Detached or semi detached dwellings, or end-unit townhomes: At least one side setback of 5 feet</i>
Rear Setback (Min.)	-	<i>Townhomes attached across rear lot lines: 0 feet</i> <i>All other dwellings: 10 feet</i>
Building Height (Max.)	35 feet	<i>Detached or semi-detached dwellings: 2.5 stories (35 feet)</i> <i>Townhomes, attached dwellings, and multi-family dwellings: 4 stories (45 feet)</i>
Overall Impervious Coverage of Lot (Max.) ⁽³⁾	(new)	75%
Building Coverage of Lot (Max.) ⁽³⁾	-	-
Parking	See Parking Standards Worksheet	
Table Notes: (1) Lot frontage along internal parking areas or drive aisles may count for this requirement in place of frontage along a right-of-way. (2) Within townhouse developments, side setback standards only apply to end-unit townhouses. (3) This provision only applies to single-family detached and duplex dwellings. (4) Townhouses, apartments, two-over-two dwellings, and similar types of dwellings are exempt from this standard.		

R-20 ZONE

R-20 Zone Dimensional Standards		
Name of Standard	Existing Requirement	Proposed
Lot Area (Min.)	<p><i>For Townhouse:</i> 1,800 square feet</p> <p><i>For Townhouse Attached to Another in the Rear:</i> 1,200 square feet</p>	<p><i>Detached and semi-detached dwellings:</i> 4,000 square feet</p> <p><i>Townhomes:</i> 1,800 square feet</p> <p><i>Townhomes attached across rear lot lines:</i> 1,200 square feet</p>
Lot Frontage (Min.) ⁽¹⁾	-	-
Front Setback (Min.)	<p><i>Generally:</i> 30 feet + 1 foot for every foot of building height above 30 feet)</p> <p><i>For Townhouse Development Approved on or after May 2, 1979:</i> None</p>	10 feet
Side Setback (Min.) ⁽³⁾	<p><i>Generally:</i> 20 feet + 1 foot for every foot of building height above 30 feet</p> <p><i>For Townhouse:</i> None</p>	5 feet
Rear Setback (Min.)	<p><i>Generally:</i> 30 feet + 1 foot for every foot of building height above 30 feet)</p> <p><i>For Townhouse attached at the rear to another:</i> None</p>	10 feet
Building Height (Max.)	45 feet (3 stories)	<p><i>Detached or semi-detached dwellings:</i> 2.5 stories (35 feet)</p> <p><i>Townhomes or attached dwellings:</i> 4 stories (45 feet)</p> <p><i>Multi-family dwellings:</i> 6 stories</p>
Overall Impervious Coverage of Lot (Max.) ⁽²⁾	(new)	80%
Building Coverage of Lot (Max.) ⁽²⁾	40%	60%
Front Yard Impervious Coverage (Max.) ⁽²⁾	(new)	35%
Parking	See Parking Standards Worksheet	

R-20 Zone Dimensional Standards

Table Notes:

- (1) Lot frontage along internal parking areas or drive aisles may count for this requirement in place of frontage along a right-of-way.
- (2) This provision only applies to single-family detached and duplex dwellings.
- (3) Within townhouse developments, side setback standards only apply to end-unit townhouses.

R-18 ZONE

R-18 Zone Dimensional Standards		
Name of Standard	Existing Requirement	Proposed by ZoneCo
Lot Area (Min.)	<p><i>For Townhouse:</i> 1,800 square feet</p> <p><i>For Townhouse Attached to Another in the Rear:</i> 1,200 square feet</p>	(no change)
Lot Frontage (Min.) ⁽¹⁾	<i>For Townhouse:</i> 18 feet	-
Front Setback (Min.)	<p>APPLICABLE TO OTHER MULTIFAMILY <i>Where adjoining residential primary or collector street for other multifamily:</i> 30 feet + 1 foot for every foot of building height above 35 feet</p> <p><i>Where adjoining residential secondary road or a private road for other multifamily:</i> 20 feet + 1 foot for every foot of building height above 35 feet</p> <p><i>Waivers:</i> additional foot or yard may be waived depending on site characteristics</p>	10 feet
Side Setback (Min.) ⁽²⁾	<p>APPLICABLE TO OTHER MULTIFAMILY <i>For other multifamily:</i> 20 feet + 1 foot for every foot of building height above 35 feet</p> <p><i>Where adjoining residential zone with lower density:</i> same as minimum depth of rear yard in the zone in adjoining zone</p> <p><i>Waivers:</i> additional foot of yard may be waived depending on site characteristics</p>	5 feet

R-18 Zone Dimensional Standards		
Rear Setback (Min.)	<p><i>APPLICABLE TO OTHER MULTIFAMILY</i> <i>Where adjoining residential primary or collector street for other multifamily: 30 feet + 1 foot for every foot of building height above 35 feet</i></p> <p><i>Where adjoining residential secondary road or a private road or other multifamily: 20 feet + 1 foot for every foot of building height above 35 feet</i></p> <p><i>Where adjoining residential zone with lower density for other multifamily: Same as minimum depth of rear yard in the zone in adjoining zone</i></p> <p><i>Waivers: additional foot or yard may be waived depending on site characteristics</i></p>	10 feet
Building Height (Max.)	<p><i>For townhouse: 3 stories</i></p> <p><i>For other multifamily: 80 feet</i></p>	<p><i>Townhouses: 4 stories (45 feet)</i></p> <p><i>Multi-family dwellings: 6 stories</i></p> <p><i>Non-residential uses: 80 feet</i></p>
Building Coverage of Lot (Max.) ⁽³⁾	-	-
Parking	See Parking Standards Worksheet	
<p>Table Notes:</p> <p>(1) Lot frontage along internal parking areas or drive aisles may count for this requirement in place of frontage along a right-of-way.</p> <p>(2) Within townhouse developments, side setback standards only apply to end-unit townhouses.</p> <p>(3) This provision only applies to single-family detached and duplex dwellings.</p>		

R-H ZONE

R-H Zone Dimensional Standards		
Name of Standard	Existing Requirement	Proposed
Density (Max.)	54 DU/acre	(no change)
Lot Frontage (Min.) ⁽¹⁾	-	-
Front Setback (Min.)	<p><i>Townhouse:</i> None</p> <p><i>Generally:</i> 30 feet + 1 foot for every foot of building height above 30 feet up to a maximum of 75 feet wide for buildings up to 100 feet tall</p> <p><i>Waiver:</i> Reduction may be granted where site or adjacent site characteristics are such that compliance with such minimum requirements is not required in the public interest</p>	30 feet
Side Setback (Min.) ⁽²⁾	<p><i>Generally:</i> 10 feet + 1 foot for every foot of building height above 30 feet up to a maximum of 75-foot-wide yard for buildings up to 100 feet tall; 10 feet + 10 feet for every 30 feet of building height above 100 feet</p> <p><i>For townhouse:</i> None</p> <p><i>Waiver:</i> Reduction may be granted where site or adjacent site characteristics are such that compliance with such minimum requirements is not required in the public interest</p>	10 feet ⁽²⁾
Rear Setback (Min.)	<p><i>Generally:</i> 10 feet + 1 foot for every foot of building height above 30 feet up to a maximum of 75-foot-wide yard for buildings up to 100 feet tall; 10 feet + 10 feet for every 30 feet of building height above 100 feet</p> <p><i>For townhouse attached at the rear to another:</i> None</p> <p><i>Waiver:</i> Reduction may be granted where site or adjacent site characteristics are such that compliance with such minimum requirements is not required in the public interest</p>	20 feet ⁽³⁾
Building Height (Max.)	-	-
Building Coverage of Lot (Max.) ⁽⁴⁾	-	-

R-H Zone Dimensional Standards		
Parking	See Parking Standards Worksheet	
Table Notes: (1) Lot frontage along internal parking areas or drive aisles may count for this requirement in place of frontage along a right-of-way. (2) Within townhouse developments, side setback standards only apply to end-unit townhouses. (3) The minimum required setback shall increase by 1 foot for every foot of building height above 72 feet. (4) This provision only applies to single-family detached and duplex dwellings.		

Calibration Worksheets for Commercial & Floating Zones

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CB Zone	2
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MCD Zone	7

The following tables display proposed updates alongside existing standards. Proposed updates are based on public input received so far, and feedback/communication received from the Steering Committee.

CB Zone

Name of Standard	Existing	Proposed
Min. Lot Area (sq. ft.)	6 DU/acre for one-unit dwellings; 18 DU/acre for multi-unit dwellings <i>(Equivalent: 43,560 / 18 = ~ 2,400 sf.)</i>	-
Floor Area Ratio (FAR) (unit/acre)		-
Lot Width Frontage (min. ft.)	-	-
Min. Front Setback (ft.)	10	5
Min. Rear Yard Depth (ft.)	20	10; 20 if next to res. zone
Min. Side Yard Depth (ft.)	0; 20 if next to res. zone	0; 20 if next to res. zone
Max. Impervious Coverage for Front/Side Yard	-	-
Min. Distance between Buildings (ft.)	-	-
Min. Building Setback (ft.)	-	-
Max. Building Height (ft.)	45 feet (4 stories)	<i>Residential:</i> 5 stories <i>Commercial:</i> 60 feet
Max. Lot/Building Coverage (%)	35%	Non-Residential Structures: 70%
Parking	See Parking Standards Worksheet	

C-1 Zone

Name of Standard	Existing	Proposed
Lot Area (Min.)		
Lot Width (Min.)		
Front Setback (Min.)	30 feet	10 feet
Side Setback (Min.)	0 feet; if adjoins a residential zone, a side yard shall be required same size as is required in the adjoining residential zone	0 feet; 20 feet if adjoins a residential zone
Rear Setback (Min.)	20 feet	20 feet
Building Height (Max.)	45 feet	60 feet
Lot/Building Coverage (Max.)	40%	70%
Additional Site Standards	-	Mandatory pedestrian connections
Parking	See Parking Standards Worksheet	

C-2 Zone

Name of Standard	Existing	Proposed
Lot Area (Min.)	FAR 1.5; can exceed with City Council approval per 24-121	Remove FAR
Lot Width Frontage (Min.)	-	-
Front Setback (Min.)	-	-
Side Setback (Min.)	0 feet; if adjoins a residential zone, a side yard shall be required same size as is required in the adjoining residential zone	0 feet; 30 feet if adjoins a residential zone
Rear Setback (Min.)	-	0 feet; 30 feet if adjoins a residential zone
Building Height (Max.)	10 stories; can exceed with City Council approval per 24-121	150 feet
Lot/Building Coverage (Max.)	-	70%
High Rise Optional Approval	See 24-121. for full text	Remove
Additional Site Standards		Mandatory pedestrian connections
Parking	See Parking Standards Worksheet	

CD Zone

The primary change recommended for the CD zone is an FAR incentive, which can be combined with other incentives. The proposal is as follows:

Goals and Objectives:

- Encourage consolidation of smaller lots (below one acre);
- Encourage a mix broader mix of uses; and
- Encourage superior site planning, public realm improvements, and amenities to serve residents and workers in the area.

Approach:

To meet the above objectives, the zoning incentive approach to the revised CD district is proposed to use the following tools:

- Establish varied Base Floor Area Ratios (FAR) dependent on lot size.

Larger lot sizes provide a greater level of flexibility for development within the CD district to provide a broader mix of uses, allow for more compatible/synergistic uses on a single lot, accommodate requirements such as stormwater management, open space, and parking.

- Create FAR bonuses or exemptions for the inclusion of key programmatic elements within a development.

The CD district permits a wide range of uses; however, some uses or site components are more desirable than others to meet the objectives of supporting job generating businesses, improve the public realm, and maximize the value to the City. Additionally, some elements that could otherwise improve the overall quality of a development may be expensive to implement or reduce the development of certain uses that generate greater income for a developer, which will affect development decisions. To encourage these elements and uses, FAR bonuses or exemptions may be used to offset the cost of development.

Establishment of Base Floor Area Ratios

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

Rationale:

- Of the 257 lots in the analytical sample, 204 (79%) currently have a built FAR of less than 0.5 (excluding vacant lots);
- Of the 257 lots in the analytical sample, 214 (83%) are less than 30,000 sf in area. Additionally, 151 lots (59%) are both less than 30,000 sf in area and have a built FAR of less than or equal to 0.5; and
- As the majority of lots in the sample result in buildings of less than 0.5 FAR under the current zoning, this implies that an FAR bonus alone will not result in greater development potential. Additionally, this implies that imposing a lower base FAR of 0.5 will not result in many non-conforming properties.

FAR Bonuses and Exemptions

In order to encourage specific use or site elements to be included in a development, the following bonuses are presented for further consideration and discussion. In addition to FAR bonuses, these scenarios also contemplate FAR exemption as a means of directly associating the amount of a particular component or element with the additional FAR that may be achieved.

The following are the bonuses and the percent FAR increase proposed:

- For multifamily products, if ½ of the required MPDUs are set aside for residents earning 40% AMI and below one would get a 25% FAR bonus (Example: for a base FAR 100 unit MF building, the required 15% MPDU is calculated from 125 units with 9 being offered to ≤40% AMI)
- For multifamily products, if 25% of the units are 3+ bedrooms, one would receive 30% bonus (Example: for a base FAR 100 unit MF building, the 25% is based upon 130 units)
- The undergrounding of overhead utility lines along MD 355 equals a 50% bonus.
- A dollar amount per square foot above base, payment to a MD 355 improvement fund. The payment would equate to no more than 30% FAR increase. The cost /SF would be established in the fee schedule. This fund would be used for various improvements in the corridor only. It could be used for

aesthetic improvements, to assist state and local partners in infrastructure improvements, to assist in new programs similar to the façade improvements program in Olde Towne, subsidizing the cost and planting of trees on private property to increase canopy in the corridor, etc. Expenditures from the fund would be handled like our other special funds and go through the Council's budget approval process.

- A dollar amount per square foot above base, payment to the City's Housing initiative fund. This bonus would be open to non-residential projects. We agree, upon our conversation, that this bonus would not be eligible to MF projects unless in conjunction with one of the other two MF based bonuses, as it would otherwise likely be used rather than the others whose purposes more specifically aligns with issues and recommendations identified in the Housing Element and Visioning data analysis. The limit would be 30% bonus.

Additional Considerations

- To accommodate FAR bonuses and increase the desirability for the incentive, the lot coverage and maximum building height should also be increased to accommodate the additional floor area
 - For programmatic elements located within a building or additional public open spaces, the height of a building should likely be increased by the number of stories (or their area equivalent) that the use occupies.
 - For structured parking not located within a building, an increase in lot coverage may be needed to accommodate additional structures.
- Based on stakeholder outreach, there may be additional amenities that should be included for exemption of bonus.

CBD Zone

Proposed changes to the CBD Zone standards are as follows
Additional height flexibility based on type of residential use – 4 stories to 6 stories
90' height maximum for non-residential structures
Waiver revised to allow a height not to exceed nine (9) stories for residential buildings and 135' for non-residential buildings
Conditional side setbacks removed
Additional process/language changes recommended
Waiver language removes vague/subjective language that could create equity issues
Remove waiver for setback, given that are not explicitly required

MXD Zone

Proposed changes to the MXD Zone standards are as follows
Streamline and clarify the objectives and standards of the MXD zone
Revise calculation of open area for vertical residential and commercial mixed-use development
Revise how parking ratios are established at SDP
Additional process/language changes recommended
Remove redundancies and cross-references that are no longer necessary in revised format
Clarify submission requirements within MXD Zone

MCD Zone

The Mixed-Commercial Development (MCD) zone is a newly proposed floating zone intended fill an existing gap in the City’s zoning code to encourage a broader mix of commercial, industrial, and employment uses.

PURPOSE: 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 that typically require convenient access to the interstate and regional transportation system and that reflect the sectors and salaries ranges desired by the City. Residential developments should leverage and may be proximate to these zoned properties, but not incorporated in them. This zone is not intended to create shopping centers, large format (big box), or entertainment centers.

VISION: The City intends to develop this zone to specifically apply to the City’s Employment Nodes identified in the recently approved Housing Element. The Gaithersburg Planning Division is of the opinion this new floating zone will permit development to occur in these nodes at densities and intensities ranging from small scale operations containing one tenant located in an individual building on an individual lot up to large scale operations featuring several tenants in a multi-story building containing a diverse range of land uses. By being a floating zone, the MCD will be able to incorporate uses that draw from the City’s I, C, and E zones that would otherwise not be allowed to mix. MCD, also being a floating zone, will function as the CD and MXD in that it will require a public hearing process, but elements such as heights, setbacks, parking, and final uses will need Council approval and not be by-right.

Calibration Worksheets for Employment Zones

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I-1/I-3 Zones2
E-1/E-2 Zones3

The following tables display proposed updates alongside existing standards. Proposed updates are based on public input received so far, and feedback/communication received from the Steering Committee.

I-1/I-3 Zones

Name of Standard	Existing	Proposed
Min. Lot Area (sq. ft.)	<p><i>I-1: No Standard</i></p> <p><i>I-3: 2 acres</i></p>	<p><i>I-1: No Standard</i></p> <p><i>I-3: 1 acre</i></p>
Min. Lot Frontage	<p>I-1: 75 feet (with direct roadway access)</p> <p>I-3: None</p>	-
Min. Front Setback (ft.)	<p>I-1: No setbacks. 30 feet (front) adjacent res. property</p> <p>I-3: 20 feet (front) + additional for height; 30 feet adjacent res. property</p>	<p>I-1: 0 feet</p> <p>I-3: 20 feet</p>
Min. Rear Yard Depth (ft.)	<p>I-1: No setbacks. 75 feet (side and rear) adjacent res. property</p> <p>I-3: 50 feet + additional for height; 75 feet abutting res. property</p>	<p>I-1: 0 feet; 60 feet when abutting a residential property or R zone</p> <p>I-3: 50 feet; 60 feet when abutting a residential</p>
Min. Side Yard Depth (ft.)	<p>I-1: No setbacks. 75 feet (side and rear) adjacent res. property</p> <p>I-3: 50 feet + additional for height; 75 feet abutting res. property</p>	<p>I-1: 0 feet; 60 feet when abutting a residential property or R zone</p> <p>I-3: 50 feet; 60 feet when abutting a residential</p>
Min. Distance between Buildings (ft.)	-	-
Max. Building Height (ft.)	<p>I-1: 45 feet</p> <p>I-3: 110 feet; 45 feet when abutting residential</p>	<p>I-1: 45 feet</p> <p>I-3: 110 feet</p>
Max. Lot/Building Coverage (%)	<p>I-1: 75%</p> <p>I-3: 25%</p>	<p>I-1: 75%</p> <p>I-3: 75%</p>

E-1/E-2 Zones

Name of Standard	Existing (E-1 and E-2)	Proposed (E-1 and E-2)
Lot Area (Min.)	1 acre	20,000 sf
Lot Frontage (Min.)	-	-
Front Setback (Min.)	30 feet	20 feet
Side Setback (Min.)	20 feet (additional setback above 20 feet)	20 feet; 60 feet when building height exceeds 60 feet, and property abuts a residential property or R zone
Rear Setback (Min.)	20 feet (additional setback above 20 feet)	20 feet; 60 feet when building height exceeds 60 feet, and property abuts a residential property or R zone
Building Height (Max.)	85 feet	90 feet
Min. Green Space	30%	-
Max. Lot/Building Coverage (%)	50%	50%

Proposed revisions to Chapter 24

Below please find an overview of the proposed changes for Chapter 24, organized by article. Article 3, the Regulations Applicable to Particular Zones, can be found on separate worksheets which displays changes on a granular level by zone. Proposed updates are based on public input received so far, and feedback/communication received from the Steering Committee and staff.

Section	Proposed Change
Article 1: Definitions	<ul style="list-style-type: none"> • 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”
Article 1: Conditional use Permits	<ul style="list-style-type: none"> • 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
Article 1: Zoning of Annexed Areas	<ul style="list-style-type: none"> • Proposed revisions to clarify process and role of PC
Article 1: Floating Zones	<ul style="list-style-type: none"> • 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: Nonconformities	<ul style="list-style-type: none"> • 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 4: Accessory Structures / Garages	<ul style="list-style-type: none"> • Streamline language; reorganize sections; lot line adjacency flexibility; location language clarified; setbacks at 2’ instead of 10’; clarified what is not “accessory structure”
Article 4: Exceptions Height and Projections	<ul style="list-style-type: none"> • Maintain exceptions with minor additions; reorganize and consolidate section
Article 4: Fences and Walls	<ul style="list-style-type: none"> • Improve definitions; propose removing permit application notification requirement
Article 4: ADU Standards Proposed	<ul style="list-style-type: none"> • 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

Section	Proposed Change
	<ul style="list-style-type: none"> • 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 • Shall not be located on own fee-simple lot • Home-based business permitted with permission from property owner
<p>Article 5: Site Development Plans</p>	<ul style="list-style-type: none"> • 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 • 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
<p>Article 6: Administration and Enforcement</p>	<ul style="list-style-type: none"> • 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
<p>Article 7: Board of Appeals</p>	<ul style="list-style-type: none"> • 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
<p>Article 8: Amendment Procedure</p>	<p>To align with recommendations from joint work session on SDP:</p> <ul style="list-style-type: none"> • 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

Section	Proposed Change
	<ul style="list-style-type: none"> • Increases nonresidential building floor area by more than ten (10) percent or five thousand (5,000) square feet whichever is less must amend SDP • 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: <ul style="list-style-type: none"> ○ Recommend addition of preliminary site plan review in place of schematic development plan ○ Recommend removal of requirement to submit covenant
Article 9: Signs	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • See worksheet for proposed parking minimums • 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	<ul style="list-style-type: none"> • 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

Section	Proposed Change
Article 13: Landscaping Standards	<ul style="list-style-type: none"> • Maintained where applicable • Defined the relationship to City regulations and Chapters 8, 21, and 22 • Defined goals of landscaping
Article 14: City Planning Commission	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • No changes anticipated
Article 16 Affordable Housing Requirement	<ul style="list-style-type: none"> • 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

Proposed Parking Standards

Residential Driveway Standards (Add to that section)

Specification	Measurement
Two Car Garage Width	Min. 18 feet
One Car Garage Width	Min. 9 feet

Parking Space Dimensions

Specification	Count
Standard Parking Spaces	Each parking space shall consist of a standard parking stall to be a minimum of nine (9) feet wide and 17 feet long
Compact Car Spaces	Compact car spaces shall be permitted to comprise up to 10% of a parking lot, and may be a minimum of 8 feet in width and 17 feet in length
Low Turnover Spaces	Parking areas where long-term parking generally occurs, considered to be low-turnover stalls, may be a minimum of eight and one-half (8½) feet wide

Parking Lot Landscaping

Specification	Count
Tree Canopy	Tree canopy must be provided equal to or above 30% of the area of a surface parking lot for any non-residential property, but includes multi-family residential uses
Distribution of Tree Canopy	tree canopy must be proportionally distributed between the interior and exterior of the parking lot

Parking Location

Specification	Count
Proximity	Required parking spaces shall be on the same lot with the main building or structure, or for buildings other than dwellings, located no further than six hundred (600) feet.

Bicycle Parking Spaces

Specification	Count
Number of Spaces	One bicycle parking space per 12 automobile parking spaces provided. Excluding residential developments
Location	Bicycle parking shall be located within 50 feet of the primary or secondary entrance.

Minimum Number Parking Spaces

Use Categories	Application	Standard
Agricultural Use		Outdoor Agricultural Operations = No Standard
	As Listed under "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	Clubs and lodges	1 per 225 sf
Entertainment and Recreation Use	All Entertainment and Recreation Uses	1 per 250 sf
Industrial Use	All Industrial Uses	1 space per 2,000 sf
Institutional Use	Care Facilities	1 parking space per bed
	Hospitals	1.75 per 1,000 sf
	Art and Cultural Centers, Religious Uses	Religious uses: 1 per 300 sf Art and Cultural Centers: 1 per 400 sf
	Private Elementary,, or Middle School, High School	1.25 per classroom
	Pre-School	3 per 1,000 sf
	All Other Educational Institutions	6 per classroom
Public Use	All Public Uses Unless Otherwise Listed	No Standard

Use Categories	Application	Standard
Residential Use	As Listed under "Standard"	<p>Single-Unit Home (attached or detached) = 2 spaces min.</p> <p>Multi-Unit, studio/efficiency, one- and two- bedroom unit = 1 space min.</p> <p>Multi-Unit, three-, Four-bedroom unit and above = 2 spaces min.</p> <p>Accessory Dwelling Unit = 1 space min.</p>
Retail and Service Use	All Retail and Services Uses Unless Otherwise Listed	1 per 250 sf
	Care Center Facilities (Day Care Center)	1 per bed
	Funeral Homes	1 per 225 sf
	Hotel/Motel, Bed & Breakfast, Hotel - Extended Stay	1 per room and 1 per 250 sf for assembly/restaurant area
	Artisan Manufacturing	1 per 500 sf
	Meeting and Banquet Halls	1 per 300 sf
	Small commercial centers whereby the total size is at least 10,000 and does not exceed 50,000 square feet	1 space per 400 sf per tenant/occupier
Retail and Services Uses - Multi-Tenant Structure	Medium commercial centers whereby the total size is greater than 50,000 and does not exceed 250,000 square feet	1 space per 350 sf per occupier
	Larger commercial centers whereby the total size is greater than 250,000 square feet	1 per 300 sf

Use Categories	Application	Standard
	All Utility Uses	No Standard
Mixed-Use Structure	All Mixed-Use Structures	Defer to residential use standards, for commercial uses, defer to corresponding use-based parking space minimum calculation
Professional Business Services Use	All Professional Business Services Uses	1 space per 500 sf
	Life Sciences	1.5 space per 1,000 sf
Any use within the Olde Towne District	All Uses	None required

Parking Reductions

1. Shared Parking (defer to existing shared parking chart)
2. Pick-up/Drop-off Spaces that are differently striped, clearly indicated, and have a defined time maximum between five and 20 minutes shall count for 1.5 parking spaces
3. Properties located within ¼ mile of a BRT station shall be permitted a parking reduction of 25%

Attachment 4

Land Use Attorney Focus Group Follow-up

Retool Gaithersburg
Summary Engagement Report
Addendum 1
March 11, 2024

ZONE CO^{##}



Land Use Attorney Comments-2/22/24

Article 1

24-1.2 A

Reference Planning and Zoning article in MD Code-is this accurate? Or is it Land Use article?

1.2 D

What about cases where you have plan approval but no building permits yet? Change to “and/or required permits”

1.2 E

Add in option to choose whether you want to amend plan under new or old code? The County allows this.

Grandfathering is fine as long as new Code is not more restrictive/problematic -they are not really seeing anything more problematic in the new Code

Article 2

24-2.3

FAR is only measured to the tenths? Should it be to the hundredth?

Measuring distances between uses-need to state that this is measured as the crow flies/ straight line distance

Use gross tract area instead of net lot area for FAR? County allows gross tract (including dedications)

Why not use form-based code in 355 corridor?

Like the use of graphics

Make sure use of terms “lot” versus “tract” area is consistent; make sure “net” and “gross” is consistent; They want to use gross tract area, not net-using gross is pretty standard elsewhere

Article 3

Why are religious uses called out as a specific use? Can you deny a religious use anyway? They don't think you can prohibit them

Uses under institutional seem a little odd-like cemeteries

“Theatre” spelling

Term “establishment” seems odd

Rename zones like R-90?

Euclidean height-why 38 feet?

Why is height in stories and feet?

Artisanal manufacturing-how does this relate to home-based business? Need to make it clear that certain uses can be allowed as home-based business but prohibited as commercial/primary uses-add footnote to use chart that these are principal uses

Uses like renting of rooms and short-term rentals not defined

What is "experiential use"? Wouldn't restaurant be included? It is in the definitions but not a stand-alone uses-where is it used in the Code anywhere else?

Did you pull any uses out that would now be non-conforming?

What about drive-thrus?

R&D uses-definitions use the word "storage" but not "warehouse"; you don't define "warehouse"; some definitions don't use the term "warehouse"-uses like pilot manufacturing have warehousing associated with it. Definition of integrated light manufacturing lists storage but not warehousing-make sure typical ancillary uses are included in definitions (industrial uses)

There is confusion because some uses have definitions but are not listed in the use table

Reconsider allowing religious uses in I and C zones

Landscaper/contractor/roofer uses-where would that be allowed? How is it classified under new definitions/uses?

Building lot coverage in E ones stayed at 50%, bumped up in other zones-why?

What is retail store with gas?

C-1 development standards requires rear setback-in other zones it's only if it's abutting residential-why?

Changeable Copy signs-can private schools have them?

Article 4

MCD zone-is this going to be mapped?

May have old MP recommendations that are outdated-glad the new Code recognizes that

CD Zone-creative to provide a bonus for underground utilities

How did you come up with base FAR in CD zone? Are they kept artificially low?

Did you clarify when properties have to meet open space requirements?

Would be helpful to add in that you can have a building in MXD zone that is a single use.

Any thought to lowering 10 acre minimum for MXD?

Article 6

6.1b2-is this new?

Do you allow alternative compliance with any of these standards? The County allows this.

Accessory structures in front yards-may be some special cases where it may be appropriate to place them in the “front” yard-example of 700 NFA-lots back on to 355 but entered from elsewhere-can still address it in design guidelines

Good to have clearer lighting standards

Article 7

Life science parking ratios-a lot of places use 1/1000 as opposed to 1.5/1000

Outdoor storage-screening requirements for places like Home Depot-they’re not going to want to do that. Does this get rid of requirement for places like Home Depot to come in every year for site plan amendment for outdoor storage?

Shared parking-when making modifications to site, can applicants follow the new chart?

Does R&D come under professional business services?

Reduction for BRT-any consideration to allowing reduction if near “planned” BRT station?

Parking waiver findings-some places have something like “any other good cause shown” if you don’t fall into any of the listed findings

Article 9

Liked that we changed demo review requirements

Article 11

At the beginning put summary chart of each body and types of things they approve

11.4-incorrect reference to MD code (pg 202)?

Article 12

12.6-“Site development plan” is not defined anywhere-it is an umbrella term; sometimes the new code uses the term “final site plan” or “final site development plan”

Allowing more staff approvals is good

County changed SE to CU and added limited uses-is CU in the City equivalent to County limited uses?

Have any notice requirements shifted from City to applicant?

Article 14

Are school capacity standards matching what’s current? Can the City do their own moratorium if the County doesn’t?

APFO-fire station is just based on distance?

Article 16

Missing definitions of certain uses

Overall

great working document, will allow a lot of good flexibility