

AN ORDINANCE TO AMEND CHAPTER 24 (CITY ZONING ORDINANCE),
ARTICLE XV, ENTITLED, "ADEQUATE PUBLIC FACILITIES,"
§ 24-246, ENTITLED, "ADEQUACY OF SCHOOL CAPACITY,"
SO AS TO DEFINE APPLICABILITY OF AND ESTABLISH A GAITHERSBURG
MONTGOMERY COUNTY SCHOOLS FACILITIES PAYMENT FEE AND WAIVER
PROVISIONS OF SECTION

Text Amendment CTAM-7036-2015

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland, in public meeting assembled, that Chapter 24 of the City Code (City Zoning Ordinance) Article XV, § 24-246 is amended to read as follows:

ARTICLE XV. ADEQUATE PUBLIC FACILITIES

* * * *

Sec. 24-246. Adequacy of school capacity.

With the exception of age restricted development, schematic development plan or preliminary site plan for residential development shall not be approved if the subject property is within the attendance area of a Montgomery County Public School that is forecasted to have a student population that exceeds one hundred ~~ten (110)~~ **fifty (150)** percent of Montgomery County Public Schools program capacity five (5) years in the future subject to the following:

- (a) The program capacity for each school attended by Gaithersburg residents is determined annually by the Superintendent of Montgomery County Public Schools and reported to the board of education in the communities facilities master plan and capital improvements program.
- (b) Capacity shall be reviewed individually for each elementary school, middle school, and high school. Sharing of capacity between schools shall not be permitted.
- (c) Upon review of the current communities facilities master plan and capital improvements program, the city manager shall determine on the first business day of each fiscal year whether or not each public school attended by Gaithersburg residents is forecasted to exceed one hundred ~~ten (110)~~ **fifty (150)** percent of programming capacity five (5) years in the future.

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
Single strikethrough	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by Amendment.</i>
Double boldface strikethrough	<i>Deleted from existing law or the bill by amendment.</i>
***	<i>Existing law unaffected by bill.</i>

~~(d) Notwithstanding the foregoing, the city council may approve, by resolution, a schematic development or preliminary plan that does not exceed one hundred twenty (120) percent of programming capacity five (5) years in the future upon finding that the project is compatible with existing and proposed adjacent land uses; and:~~

~~i. The project is necessary to implement the master plan or strategic directions and attract an appropriate and compatible type or caliber of user; or~~

~~ii. The number of students generated by the development project, as determined by Montgomery County Public Schools, does not exceed the number of students associated with the existing development and projected number of students associated with proposed future development at the (development) site included in the school population forecasts five (5) years in the future.~~

(d) In addition to the Montgomery County School Impact Tax, the City shall collect, as of January 1, 2016, a Gaithersburg Montgomery County Schools Facilities Payment Fee on all development projects in the city within the attendance area of a Montgomery County Public School where any school serving the development is forecast to have a student population that exceeds one hundred and five (105) percent of Montgomery County Public Schools program capacity five (5) years in the future. .

(e) The rate imposed by the Gaithersburg Montgomery County Schools Facilities Payment Fee shall be set by the City Council, in cooperation with Montgomery County Government, with the adoption of the City's annual budget or by separate City Council resolution.

(f) The revenue from the Gaithersburg Montgomery County Schools Facilities Payment Fee must be used to address capital needs for schools serving City residents which have been impacted by the development, and if the revenue is not so encumbered or planned for such use within fifteen (15) years after collection, the fees must be refunded to the owner of the property at the time of the refund.

(g) Other standards and implementation of the Gaithersburg Montgomery County Schools Facilities Payment Fee shall be subject to any additional requirements set forth in the Montgomery County Schools Facilities Payment Fee Standards, to be adopted by regulation pursuant to section 2-10 of this Code.

(h) The City Council, at its sole discretion, may waive the collection of the Montgomery County Schools Facilities Payment Fee and/or allow a residential development within the attendance area of a Montgomery County Public School that is forecasted to have a student population that exceeds one hundred fifty (150) percent of Montgomery County Public Schools program capacity five (5) years in the future subject to the following findings:

i. The property being developed is identified within the City's Maximum Expansion Limits as defined in the City's Municipal Growth Element; and/or

- ii. Is a property identified in either the "Frederick Avenue Corridor Land Use Plan", "Gaithersburg Olde Towne District Master Plan", or "Kentlands Boulevard Commercial District Special Study Area"; and/or
- iii. Is a property located within one quarter (1/4) mile of an existing or proposed bus-rapid transit station, MARC station, Metro or MTA Express Bus Service stop, or Regional Transit Center; and/or
- iv. Is a non-rental residential development that proposes thirty (30) percent or greater of the total fee-simple dwelling units be sold as Affordable Housing in accordance with of Article XVI of this Chapter; and/or
- v. Is a development that provides either land at no cost for, funding of, or construction of a public/civic use benefitting the City of Gaithersburg.

ADOPTED by the City Council of Gaithersburg, Maryland, this ____ day of _____, 2015.

 JUD ASHMAN, MAYOR and
 President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this ____ day of _____, 2015. APPROVED by the Mayor of the City of Gaithersburg, Maryland, this ____ day of _____, 2015.

 JUD ASHMAN, MAYOR

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the ____ day of _____, 2015, and the same was APPROVED by the Mayor of the City of Gaithersburg on the ____ day of _____, 2015. This Ordinance will become effective on the ____ of _____, 2015.

 TONY TOMASELLO, City Manager

MEMORANDUM

To: Mayor and City Council

Via: Tony Tomasello, City Manager

From: John Schlichting, Director, Planning and Code Administration
Martin Matsen, Planning Division Chief

Date: April 29, 2015

Re: Draft Adequate Public Facility Ordinance Revisions

As directed during the April 13, 2015 Mayor and City Council meeting, staff has drafted an ordinance amending Section 24-246 of the City Code titled “Adequacy of School Capacity”.

The proposed amendment is based on option #4 as presented during the April 13, 2015 Mayor and City Council meeting, more specifically:

- #4. Adopt a hybrid APFO with elements of the County APFO and add exempted areas*
- School-based test*
 - Moratorium at higher limit, perhaps 150%*
 - Fees charged between 105% and the higher limit.*
 - Examples of exempted areas might be redevelopment along 355, Lakeforest Mall, or transit-adjacent development.*

The following is a brief description of the proposed changes made to the current code:

In the opening paragraph, the current 110% maximum for forecasted enrollment has been changed to allow for a maximum of 150% for any given school. Subsections (a) and (b) have not changed. In subsection (c), the current 110% determination has been changed to reflect the proposed 150% limit.

The current subsection (d) and related items i. and ii. have been stricken and replaced with a new process as described in the proposed new subsections (d), (e), (f), (g), and (h) to include (h) i. – v.

The new and renumbered subsection (d) identifies the current Montgomery County School Impact Tax required to be paid by all residential developers in the County, including within the City. Of importance, this subsection now implements the requirement to pay an additional Montgomery County Schools Facilities Payment Fee for any residential unit being constructed within a school boundary that is identified as exceeding the 105% capacity threshold five years from the issuance of a building permit. The current County rate chart for both the Fee and the Tax is attached.

Subsection (e) states that the Montgomery County Schools Facilities Payment Fee rate will be established by the City Council upon coordination with Montgomery County. This would allow the Council to set the fee independent from the rate charged elsewhere in the County. It is important to note that the County's fee is charged on a cluster-basis whereas this ordinance proposes a school-based criteria, therefore a different fee may be more appropriate.

Subsection (f) covers the rational nexus and reversionary provisions necessary to satisfy legal requirements. A letter from our Assistant City Attorney Frank Johnson regarding these issues is attached.

Subsection (g) states that administrative and process-related issues for the collection and implementation of a Montgomery County Schools Facilities Payment Fee will be further outlined and described in a formal City Regulation to be adopted under a separate parallel process.

Subsection (h) defines and outlines the Council's ability to waive the 150% maximum capacity ceiling and/or the Montgomery County Schools Facilities Payment Fee. The intent of this subsection is to allow the Council maximum flexibility under the law in a non-arbitrary manner. As it states in the first sentence of this subsection, the Council will have sole discretion in granting a waiver of the fee and/or the maximum capacity. Items i. – v. outline some of the possible justifications there may be for the granting of a waiver. Staff will be seeking guidance from Council regarding any changes to these findings. Staff has attached the current Maximum Expansion Limit map described in item i. above.

It is staff's intention to provide Council with whatever information needed to make an informed decision regarding the amendment of this ordinance. To that end we would be happy to provide any additional information upon request.

Attachments:

MCPS Fee Schedule

Email from Assistant City Attorney Frank Johnson

Map of City's Maximum Expansion Limits, Municipal Growth Element

NEW AND REVISED IMPACT TAXES AND SCHOOL FACILITIES PAYMENT FEES
EFFECTIVE OCTOBER 1, 2014

Additional information on the Impact Tax laws can be found at the following web site:
<http://www.montgomerycountymd.gov/cs/templ.asp?url=/content/council/packet/index.asp>
 Questions concerning impact-tax collections may be directed to MC311 at 240-777-0311.

Applicants for building permits for residential development fees paid on and after October 1, 2014, will be assessed the tax rates below:

Dwelling Type	School Impact Tax Per Dwelling Unit
Single-family detached	\$25,944
Single-family attached	\$19,533
Single Family house surcharge	\$2 per square foot of gross floor area that exceeds 3,500 square feet, to a maximum of 8,500 square feet)
Multifamily (except high-rise)	\$12,345
High-rise	\$5,234
Multifamily senior	\$0

In the event the school cluster has exceeded the 105% school program capacity, applicants will be required to pay a per unit School Facilities payment.

School Type	Cost per student	student generation rate/school level /unit type			
		Single Family Detached [SFD]	Single Family Attached [SFA]	Multi-Family 4 or fewer floors	Multi-Family 5 or more floors
Elementary School Student Generation Rate x Cost of Seat	\$19,439	0.357	0.214	0.146	0.060
Middle School Student Generation Rate x Cost of Seat	\$21,250	0.153	0.082	0.055	0.025
High School Student Generation Rate x Cost of Seat	\$24,375	0.190	0.113	0.077	0.033
ES facilities payment		\$6,940	\$4,160	\$2,838	\$1,166
MS facilities payment		\$3,251	\$1,743	\$1,169	\$531
HS facilities payment		\$4,631	\$2,754	\$1,877	\$804
facilities payment if 3 school levels are over 105% capacity		\$14,822	\$8,657	\$5,884	\$2,501

In addition to the School Impact Tax, applicants for building permits in a residential development must also pay the applicable Transportation Impact Tax.

Building Type	Metro Station	Clarksburg	General
Single-Family detached residential (per dwelling unit)	\$6,754	\$20,258	\$13,506
Single-Family attached residential (per dwelling unit)	\$5,526	\$16,576	\$11,050
Multifamily residential (Garden apartments) (per dwelling unit)	\$4,297	\$12,891	\$8,594
High-rise residential (per dwelling unit)	\$3,069	\$9,209	\$6,138
Multifamily-senior residential (per dwelling unit)	\$1,228	\$3,683	\$2,455
Office (per sq. ft. GFA)	\$6.15	\$14.80	\$12.30
Industrial (per sq. ft. GFA)	\$3.10	\$7.35	\$6.15
Bioscience facility (per sq. ft. GFA)	\$0	\$0	\$0
Retail (per sq. ft. GFA)	\$5.50	\$13.25	\$11.00
Place of worship (per sq. ft. GFA)	\$0.35	\$0.90	\$0.65
Private elementary and secondary school (per sq. ft. GFA)	\$0.45	\$1.30	\$1.00
Hospital (per sq. ft. GFA)	\$0	\$0	\$0
Social Service Agency (per sq. ft. GFA)	\$0	\$0	\$0
Other nonresidential (per sq. ft. GFA)	\$3.10	\$7.35	\$6.15

MEMORANDUM

TO: Mayor and City Council

FROM: Frank Johnson, Assistant City Attorney 

CC: Tony Tomasello, City Manager
N. Lynn Board, City Attorney
John Schlichting, Director of Planning and Code Administration

RE: Municipal imposition of development fees for school construction

DATE: April 7, 2015

I was asked to research the legal limitations the City would likely face in attempting to impose its own development impact fee for schools. Review of Maryland law and key cases on the subject of impact fees shows that it may be possible for the City to establish an impact fee for schools. But I found that such fees must be generally targeted or bear a rational nexus to benefit schools serving the developments paying the fees. I conclude that such fees could not be unilaterally imposed, but would probably require an agreement with the County as well as the Board of Education.

- A. General Authority for Targeted, Reasonable Fees.** Municipalities have the general ability to impose impact fees. Md. Local Government Code Ann., § 5-205(d)(1) provides that as long as not prohibited by the Tax-General or Tax-Property articles, a municipality “may establish and collect reasonable fees and charges” for franchises, licenses or permits they grant, or as associated with any governmental or propriety function. And the Land Use and Local Government Articles of the Annotated Code of Maryland establish municipal authority to address land use development, including master plans, zoning and annexations.

But that authority is not unlimited; if the revenue raised by the fee is insufficiently targeted to serve the new development, it could be interpreted as an excise tax with the purpose of raising revenue to benefit the public at large, and thus an overreach of local authority. *Eastern Diversified Properties v. Montgomery County*, 319 Md. 45, 49 (1989). Additionally, the authority under Md. Local Government Code Ann., §5-205(d)(1), specifies the fee must be “reasonable,” as the courts also require. *Id.*

- B. Authority for Municipal Fees for Capital Construction for Schools.** The Supreme Court has identified a “rational nexus” test for such development fees, requiring a “rough proportionality” between the fee and the need it addresses. *Dolan v. City of Tigard*, 512 U.S. 374, 389-90 (1994). Thus, while a municipality can impose development related fees, because they must have a “rational nexus”

to the needs they address, it's not clear a municipality would be able to raise fees for schools. As we know, that's because in Maryland the municipality doesn't control, or even finance, the school system's expenditures. As such, the municipality cannot unilaterally decide how any development fees it imposes for school costs would actually be spent.

However, Md. Local Government Code Ann., §5-102(b) recognizes the need for coordination between county and municipal governments, and specifies that a municipality "shall assist" any county which "imposes a development impact fee on new residential construction to finance the costs of school construction." Two options are provided: one, simply ensuring the county fee is paid within the municipality, or establishing a municipal fee that is remitted to the county. *Id.* I've seen no indication these options are mutually exclusive, but are simply the two options in which municipalities may assist the county in financing school construction. Nonetheless, it's likely that any additional municipal fee, imposed in addition to an already-existent County fee, would have to be especially careful to be reasonable and meet the "rational nexus" test.

- C. **"Rational Nexus" Test May Support Municipal Impact Fee for School Construction.** Such an arrangement in Annapolis was challenged in Federal court, in which the plaintiff homeowner charged the fee was a constitutional taking. There, the municipal fee was made available to Anne Arundel County, through agreement with the County, to ensure the funds were used to benefit the elements of the school system impacted by the new development. *Herron v. Mayor*, 388 F. Supp.2d 565, 568-70 (D. Md. 2005). But in addition to finding no standing (as the homeowner could not show she actually had to pay the fee, as she provided no evidence the developer passed it on or increased the housing cost) the court found that even if she had standing, the plaintiff could show no unconstitutional taking. *Id.* at 569; *aff'd* 198 Fed. Appx. 301, 2006 U.S. App. LEXIS 19761 (4th Cir. 2006) (unpublished).

In *Herron*, the Federal District Court of Maryland found no constitutional taking because the fees were generally targeted to the schools impacted by the development. *Id.* The court found that even while some students outside the development area, and even outside the municipality itself, may benefit from the capital expenditures allowed by additional impact fees, under *Dolan* the municipality need only show a "rational nexus" or "rough proportionality" between the fees imposed and the targeted benefit. *Id.* at 570, *citing Dolan*, 512 U.S. at 389-90. And while the recited facts in *Herron* reference no specific arrangement with the Anne Arundel County Board of Education as to how the impact fee revenue was to be spent, the fees were to be refunded to the "current property owners" if they were not "expended or encumbered within six years." *Herron*, 388 F. Supp. 2d at 567.

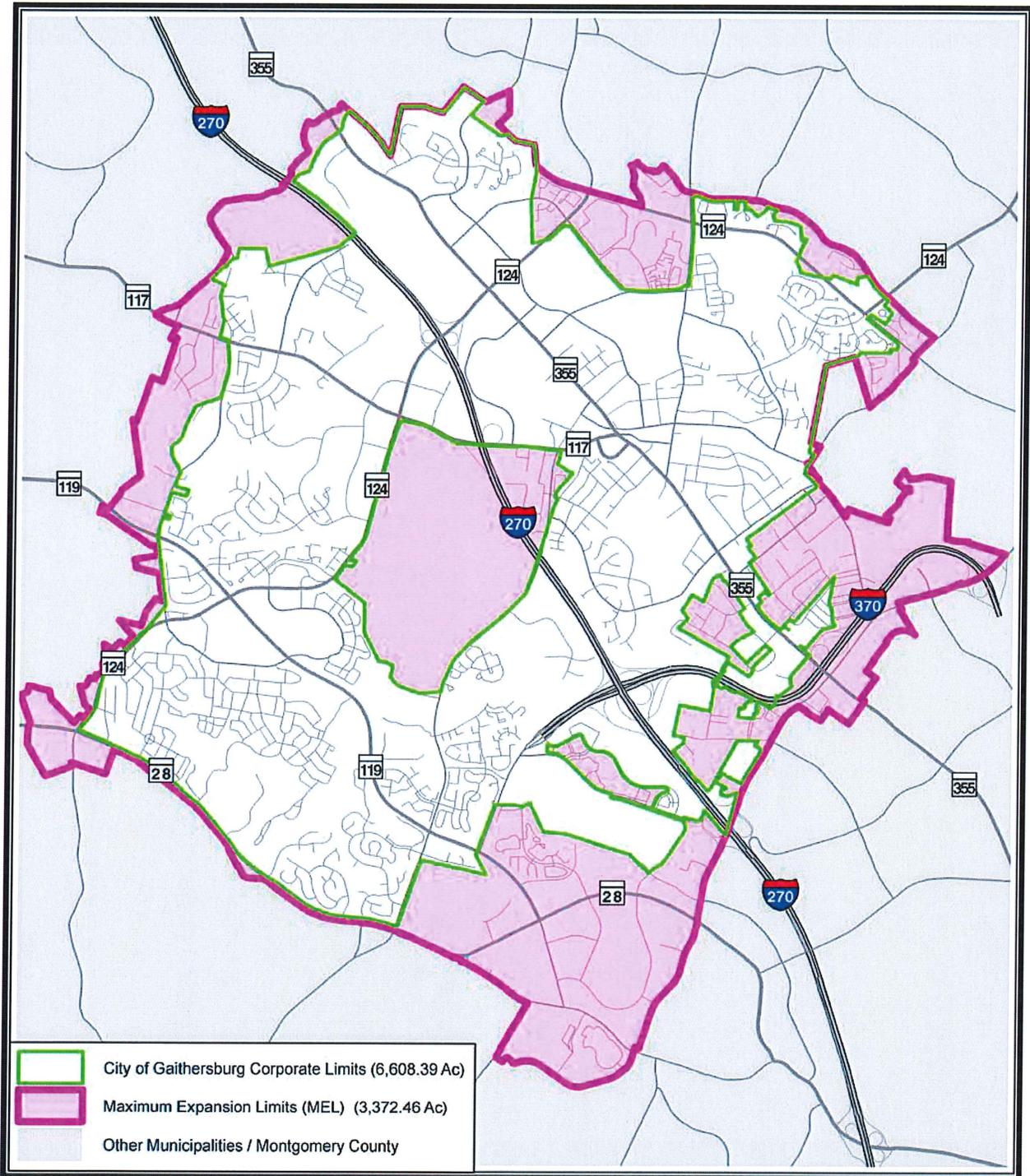
- D. **Conclusion.** I conclude that Maryland law and recent Federal decisions would permit a municipal impact fee on developments which is targeted for public

schools. But such a fee must be reasonable and must meet the “rational nexus” test between the revenue raised and the intended school benefit. Because municipalities in Maryland cannot control how independent County Boards of Education would expend such revenues, such a fee could only be imposed under certain conditions, including the following five:

1. **Impose Only For Significant Overcrowding (140 to 150%).** Because there is already a County school impact fee, I would only advise such an “additional” fee for the municipality where it is evident that the existing County fee is insufficient – such as, where school overcrowding has reached a level well beyond capacity, such as 140% to 150%. This would help demonstrate both the need and targeted direction of the fees, as well as whether the fees are “reasonable,” based, of course, on the actual fees to be charged.
2. **Impose in Coordination with Montgomery County.** Such a fee should only be imposed in coordination with Montgomery County, as referenced in Md. Local Government Code Ann., §5-102(b), which requires the municipality to remit the fee to the county. Imposing a fee without such coordination with the County would not only make it susceptible to challenge, but may also make it more difficult to address how the revenues are actually spent, as outlined below.
3. **Impose under MOU with Board of Education.** Such a fee should only be imposed under an agreement, such as a Memorandum of Understanding, with the Board of Education directly to commit to expend the funds for the schools impacted by the new development. That will help demonstrate both the “rational nexus” intent and impact. And while the *Herron* court noted “rational nexus,” under the Supreme Court’s *Dolan* decision, did not require a stringent demonstration that fees were only used to address specific development impacts, the “rough proportionality” test may be more stringent because it is in addition to County impact fees which are already imposed. Without such an arrangement, the fees may be more subject to challenge on the “rational basis” test as a constitutional taking, especially given the existing County fees already imposed. Such an MOU with the Board of Education could also be a joint agreement with the County, rather than two separate agreements.
4. **Specificity on Impact Areas for Capital Improvements.** Within any agreement with the Board of Education (or joint agreement as noted above), I would advise some specificity in delineating in any MOU where the fees should be used. It may not be feasible to require (or expect any agreement) specific expenditures within schools. And even if expenditures on specific schools (or for specific new schools) can’t be achieved, at minimum an agreement to use the funds for expenditures within the area impacted by the development would be needed. Such an agreement could focus on requiring expenditures for capital construction within certain feeders to middle and high schools. This would specify how the fees are intended to be used, thus helping the City meet the “rational nexus” test.

5. **Six-Year Refund Provision if Revenue Is Not Used.** I would also include the same six-year refund provision as approved in *Herron*, under which the fees would be refunded to current property owners if not used for capital projects within the impacted school area. That provision clearly helped demonstrate the fees were not to benefit the public-at-large in *Herron*, but in conjunction with some specificity as to the targeted use of the funds, such a “spend or refund” provision would also practically help ensure that the revenues are actually thusly expended.

Map 2: Maximum Expansion Limits (MEL) for Gaithersburg



Please refer to Appendix A for more detailed maps of properties within the MEL.



City of Gaithersburg

31 South Summit Avenue
Gaithersburg, Maryland 20877

DRAFT

Mayor and City Council Regular Session Minutes City Hall - Council Chambers Monday, May 18, 2015

I. CALL TO ORDER

A Mayor and City Council regular session was called to order at 7:30 p.m. with Mayor Ashman presiding. Council Members present: Drzyzgula, Harris, Marraffa, Sesma, and Spiegel. Staff present: City Manager Tomasello, Deputy City Manager Enslinger, City Attorney Board, Planning and Code Administration Director Schlichting, Senior Recreation Program Supervisor Rosati, Aquatics Superintendent Mogus, Recreation Facility Coordinator Simpson, Long Range Planning Manager Robinson, Community Planning Director Schwarz, Planner Seiden, Planner Mann and Municipal Clerk Stokes. Planning Commission members present for joint public hearing: Hopkins, Lanier and Kaufman.

VII. PUBLIC COMMENTS

4. Joe Allen, *641B Main Street*, referenced an upcoming agenda item scheduled to address a change of use in the Kentlands Market Square. He stated that the mixed use nature of the Kentlands downtown is important and request that it go through a public hearing process.

VIII. JOINT PUBLIC HEARING

- A. **CTAM-6979-2015: An Ordinance to Amend Chapter 24 (City Zoning Ordinance), Article I, Entitled, "In General, "§24-1, Entitled "Definitions, Article III, Entitled "Regulations Applicable to Particular Zones, "Article IV, Entitled "Supplementary Zone Regulations," §24-167A(b), Entitled "Minor Amendment Requests"**

Planner Seiden joined by Community Planning Manager Schwarz, presented the above for joint public hearing. The hearing was duly advertised in the *Gaithersburg Gazette* on April 29 and May 6, 2015, and posted on the City's website. A joint work session was held on March 23, 2015. The proposed text amendment incorporated the input received during the work session from the

C. **An Ordinance to Amend Chapter 24 (City Zoning Ordinance), Article XV, Entitled, "Adequate Public Facilities," § 24-246, Entitled, "Adequacy of School Capacity"**

Planning and Code Administration Director Schlichting joined by Long Range Planning Manager Robinson, presented an Ordinance to Amend Chapter 24 of the Zoning Ordinance, Article XV, Entitled, "Adequate Public Facilities," § 24-246, Entitled, "Adequacy of School Capacity" for introduction/sponsorship. The draft ordinance was prepared in accordance with the direction received during the April 13, 2015 Mayor and City Council Work Session. During said session, there was consensus for Option 4, retaining the individual school-based test, increasing the moratorium threshold from 110%, 120% with a waiver to 150% based on an individual school basis. It also provides for fees to be charged at 105% of capacity or greater. He clarified that Montgomery County already charges a school impact tax within the City of Gaithersburg for all new residential construction. Said fee would be in addition to that particular impact fee based on the individual school. He noted that the proposed ordinance is to mirror the County, but propose a school-based test as oppose to a cluster-based test. The ordinance was drafted to have the ability to charge a fee that is set by the Mayor and City Council of Gaithersburg, not the County. The administration and process for collecting fees and implementing would be in a formal City regulation, allowing the process to be amended separate from the ordinance. A series of possibilities for fee collection exceptions proposed in the ordinance could be included or removed during the hearing process. The possible exceptions (i.e. annexations, properties identified in the Olde Towne Plan and Commercial District Special Study, property within 1/4 mile from an existing or proposed transit, potential projects that provides 30% or greater affordable housing, and a project that contributes land for a school site or library, public/civic use benefitting the City) are granted at the sole discretion of the City Council.

The incorporating of exception (h)(i), property within the maximum expansion limits (MEL) was questioned. It was written in the draft ordinance in accordance with the City's adopted Municipal Growth Element, which will cover a potential exception for future annexations. To avoid confusion with the Montgomery County Facility Payment Fee language, it was suggested to possibly change the City's collection fee name. It was noted that funds collected is 100% dedicated to Montgomery County Public Schools construction for new schools. The assurance that funds collected, would be used within the geographic region intended was questioned. Staff responded that as part of the regulations, and agreement on implementing the fee would be handled through the process as stated in subsection (f) of the draft ordinance.

Staff was applauded on the drafted ordinance, but concerns were expressed with the affordable housing option, subsidized housing impacting area schools, and the guaranteed that the fee collected will be allocated properly and benefit City schools. It was announced that a joint public hearing had been tentatively scheduled for June 15th. Staff was directed to change the joint public hearing date for Monday, July 6th.

Motion was made by Cathy Drzyzgula, seconded by Henry F. Marraffa, that an Ordinance to Amend Chapter 24 (City Zoning Ordinance), Article XV, Entitled, "Adequate Public Facilities," § 24-246, Entitled, "Adequacy of School Capacity", be sponsored and introduced.

Vote: 5-0

* * * * *

XVI. ADJOURNMENT

There being no further business to come before this session of the City Council, the meeting was duly adjourned at approximately 10:16 p.m.

Respectfully submitted,

Doris Stokes, Municipal Clerk

DRAFT



June 15, 2015

Sherry Sanderson
The Montgomery Sentinel

Dear Ms. Sanderson:

Please publish the following legal advertisement in the **JUNE 18** and **JUNE 25, 2015** issues of the Montgomery Sentinel.

Sincerely,

Rob Robinson, Long Range Planning Manager
Planning & Code Administration

ASSIGN CODE: **CTAM-7036-2015**

NOTICE OF JOINT PUBLIC HEARING

The Mayor and City Council and the Planning Commission of the City of Gaithersburg, Maryland, will conduct a joint public hearing on Zoning Ordinance Text Amendment CTAM-7036-2015 on

**MONDAY
JULY 6, 2015
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The amendment proposes to amend Chapter 24 (city zoning ordinance), Article XV, entitled, "adequate public facilities," § 24-246, entitled, "adequacy of school capacity," so as to define applicability of and establish a Gaithersburg Montgomery County Schools Facilities Payment Fee and waiver provisions of section

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday, or visit the City's website at www.gaithersburgmd.gov.

Rob Robinson, Long Range Planning Manager
Planning and Code Administration

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2038
301-258-6300 • FAX 301-948-6149 • cityhall@gaitersburgmd.gov • www.gaithersburgmd.gov

MAYOR
Jud Ashman

COUNCIL MEMBERS
Cathy Drzyzgula
Neil Harris
Henry F. Marraffa, Jr.
Michael A. Sesma
Ryan Spiegel

CITY MANAGER
Tony Tomasello

Joint Hearing - MCC & PC
CTAM-7036-2015



31 South Summit Avenue
Gaithersburg, Maryland 20877
Telephone: 301-258-6330

NOTICE OF JOINT PUBLIC HEARING

The City of Gaithersburg Mayor and Council and Planning Commission will conduct a public hearing at the time and place noted below.

Meeting: **MAYOR AND CITY COUNCIL**
Application Type: **TEXT AMENDMENT**
File Number: **CTAM-7036-2015**
Day/ Date/Time: **MONDAY, JULY 6, 2015 AT 7:30 P.M.**
Place: **COUNCIL CHAMBERS, GAITHERSBURG CITY HALL
31 SOUTH SUMMIT AVENUE**

*****IMPORTANT *****

The amendment proposes to amend Chapter 24 (city zoning ordinance), Article XV, entitled, "adequate public facilities," § 24-246, entitled, "adequacy of school capacity," so as to define applicability of and establish a Gaithersburg Montgomery County Schools Facilities Payment Fee and waiver provisions of section (a copy of the draft ordinance can be viewed at www.gaithersburgmd.gov.) This is an opportunity to publicly participate, other than providing written testimony which must be submitted before the public hearing record closes. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

View Mayor and City Council and Planning Commission meetings live on Gaithersburg Television, Comcast Channel 13, RCN Channel 13, and Verizon FiOS Channel 25 within the City limits and County wide on Comcast Channel 190. Please check the City's website at www.gaithersburgmd.gov/tv to watch live or click on archived meetings. Meetings are rebroadcast for two weeks on television, and are archived within 24 hours for viewing at any time on the City's website.

CITY OF GAITHERSBURG

By: John Schlichting, Director,
Planning & Code Administration

NOTICE POSTED TO THE CITY'S WEBSITE THIS 16th DAY OF JUNE, 2015 IN ACCORDANCE WITH § 24-196, AND SUBSEQUENTLY MAILED TO:

Applicant and interested parties

(A list of interested parties and agencies is available in the file in the Planning and Code Administration.)