

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE, ENTITLED "ZONING," SO AS TO AMEND SECTION 24-152, ENTITLED "PERFORMANCE STANDARDS," AMEND SECTION 24-153, ENTITLED "OUTDOOR STORAGE," AMEND SECTION 24-157, ENTITLED "YARD REQUIREMENTS," AMEND SECTION 24-158, ENTITLED "HEIGHT RESTRICTIONS," AND AMEND SECTION 24-160C, ENTITLED "DEVELOPMENT STANDARDS AND REQUIREMENTS."

Text Amendment CTAM-7245-2016

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, in public meeting assembled, that Chapter 24 of the City Code entitled "Zoning," is hereby amended to read as follows:

Chapter 24

ZONING

ARTICLE III. REGULATIONS APPLICABLE TO PARTICULAR ZONES

* * * * *

DIVISION 17. E-1 ZONE, URBAN EMPLOYMENT

* * * * *

Sec. 24-152. ~~Performance Standards.~~ Reserved.

All uses in the E-1 Zone shall comply with the performance standards in section 24-150.

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Sec. 24-153. Outdoor Storage.

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(h) Any development requiring approval by the planning commission for uses developed under section 24-153 shall not be subject to the height limitations stipulated in section ~~9-3~~ 24-167 of the City Code.

Joint Hearing - MCC & PC
CTAM-7245-2016
Ex. 1

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Sec. 24-157. Yard Requirements.

The following yard requirements shall apply in the E-1 Zone:

* * * * *

(b) Rear and side yards. Twenty (20) feet, except that; provided, that one foot shall be added for each foot of building height over thirty (30) feet. one (1) foot shall be added for each foot of building height over forty-five (45) feet to any individual rear or side yard(s) abutting a residential zone property as defined by Chapter 24, Article III, Divisions 1-8.

* * * * *

Sec. 24-158. Height Restrictions.

The maximum ~~building height of any building~~ in the E-1 Zone ~~shall be~~ must not exceed forty-five (45) feet eighty-five (85) feet, exclusive of any mechanical or other equipment placed upon the rooftop.

* * * * *

DIVISION 18. E-2 ZONE, MODERATE INTENSITY INDUSTRIAL PARK

* * * * *

Sec. 24-160C. Development Standards and Requirements.

All uses in the E-2 Zone shall comply with the development standards and requirements set forth in section ~~24-152~~ 24-153 through and including section 24-160, inclusive of this Code. Provided, however, the Traditional Neighborhood Design (TND) option may be used as an alternative method of development, subject to compliance with the standards set forth in section 24-22.3 of Chapter 24 of this Code.

ADOPTED this ____ day of _____, 2016 by the City Council of Gaithersburg, Maryland.

JUD ASHMAN, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this ____ day of _____, 2016. APPROVED by the Mayor of the City of Gaithersburg, this ____ day of _____, 2016.

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 _____, 2016 and that the same was approved by the Mayor of the city of Gaithersburg on the ____ day of _____, 2016. This ordinance will become effective in accordance with the provisions of this ordinance.

Tony Tomasello, City Manager

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

PLANNING AND CODE ADMINISTRATION

City of Gaithersburg · 31 South Summit Avenue · Gaithersburg, Maryland 20877 · Telephone: (301) 258-6330 · Fax: (301) 258-6336
plancode@gaitthersburgmd.gov · www.gaithersburgmd.gov

TEXT AMENDMENT APPLICATION

All information must be complete to initiate processing of application

APPLICANT

Name Gregory Mann

Street Address 31 South Summit Avenue

City Gaithersburg State MD Zip Code 20877

Telephone Numbers: Work 301-258-6330 Cell _____ E-mail Address gmann@gaitthersburgmd.gov

REQUESTED SPONSOR

Mayor and City Council Planning Commission

This change involves Article Chap 24, Article III, Section See Below of the City Code.

REASON FOR REQUEST

Mayor & City Council sponsored a text amendment to:
AMEND CHAPTER 24 OF THE CITY CODE, ENTITLED "ZONING," SO AS TO AMEND SECTION 24-152, ENTITLED "PERFORMANCE STANDARDS," AMEND SECTION 24-153, ENTITLED "OUTDOOR STORAGE," AMEND SECTION 24-157, ENTITLED "YARD REQUIREMENTS," AMEND SECTION 24-158, ENTITLED "HEIGHT RESTRICTIONS," AND AMEND SECTION 24-160C, ENTITLED "DEVELOPMENT STANDARDS AND REQUIREMENTS."

SUBMISSION REQUIREMENTS

- Draft Ordinance of Proposed Change
- Supporting Material (*optional*)

MEMORANDUM

To: Mayor & City Council
Planning Commission

From: Economic & Business Development Committee

Via: Tom Lonergan, Director

Date: 2/25/2016

Re: Proposed Text Amendment CTAM-7245-2016 – Modifications of the Height Restriction in the E-1 and E-2 Zones

With a vote on the following motion, the **Economic & Business Development Committee** endorses the above-referenced change to the City's zoning ordinance:

To support modifying, by zoning text amendment, the maximum allowable building height in the E-1 (Urban Employment) and E-2 (Moderate Intensity Industrial Park) zones to 85 feet; and that such a change will:

- Encourage redevelopment of properties within these zones
- Support denser development of land, which is a limited resource within the City
- Create opportunity for greater job creation

The committee wishes to convey to the Planning Commission and Mayor & City Council that such a change is consistent with the City's economic development objectives.

MEMORANDUM

TO: Mayor & City Council
Planning Commission

FROM: Gregory Mann, Planner II

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

RE: Proposed Text Amendment CTAM-7245-2016

DATE: February 26, 2016

During the Mayor and City Council's February 16, 2016 regular session, Staff received sponsorship for a proposed Text Amendment to Chapter 24 of the City Code, subsequently designated as CTAM-7245-2016. Specifically, Staff is proposing to amend Article III, entitled "Regulations Applicable to Particular Zones," Division 17, entitled "E-1 Zone, Urban Employment," § 24-152, entitled "Performance Standards," § 24-153, entitled "Outdoor Storage," § 24-157, entitled "Yard Requirements," § 24-158, entitled "Height Restrictions," and Division 18, entitled "E-2 Zone, Moderate Intensity Industrial Park," § 24-160C, entitled "Development Standards and Requirements".

The purpose of the proposed amendment is to increase the maximum building height in the E-1 (Urban Employment) Zone from forty-five (45) feet to eighty-five (85) feet. As a result of cross-referencing, this amendment will also increase the height limit in the E-2 (Moderate Intensity Industrial Park) Zone. Staff notes that the current forty-five (45) foot height limitation may not accommodate a newly constructed four story building. Additionally, during the review of the E-1 and E-2 Zones, Staff has noted minor "housekeeping" items, including incorrect Code cross-references, which will also be corrected with this amendment.

The City is forecast to continue to grow over the next 10 years. As such, barring annexations, most growth will be in the form of redevelopment of existing parcels. Additionally, most E-1 and E-2 properties are reaching the end of their usable and marketable life cycle and thus are ready for redevelopment opportunities. As such, to encourage redevelopment of these older properties and to facilitate the uses desired in the E-1 and E-2 Zones, the proposed amendment would increase the maximum building height to eighty-five (85) feet from the current forty-five (45) feet. Eighty-five (85) feet is a building height that could accommodate a typical six story building. It is important to note, if approved, the new maximum building height would be by-right as both the E-1 and E-2 are Euclidean zones. The following reflects the proposed changes to Section 24-158:

The maximum ~~building~~ height of any building in the E-1 Zone ~~shall be~~ must not exceed forty five (45) feet eighty-five (85) feet exclusive of any mechanical or other equipment placed upon the rooftop.

The existing E-1 and E-2 Zones neighbor both commercial, and most notably, residential properties. In response, this amendment requires buildings over forty-five (45) feet to provide additional side and/or rear yard setbacks when abutting a residential zone. The following reflects the proposed changes to section 24-157:

* * * * *

(b) Rear and side yards. Twenty (20) feet, ~~except that ;provided, that one foot shall be added for each foot of building height over thirty (30) feet. one (1) foot shall be added for each foot of building height over forty-five (45) feet to any individual rear or side yard(s) abutting a residential zone property as defined by Chapter 24, Article III, Divisions 1-8.~~

To put this into perspective, when abutting residential zones, an eighty-five (85) foot tall building would need to provide a sixty (60) foot rear or side yard as applicable. Staff is of the opinion this is sufficient to protect adjacent residential properties, since in realty the distance between buildings is actually far greater; typically between seventy (70) and ninety (90) feet. The chart below illustrates the required residential zone setbacks and what the distances between face of buildings would be for an eighty-five (85) foot tall building abutting residential.

Zone	Setback	Maximum Building to Building Distance
R-A	Rear Yard: 30 Feet Side Yard: 15 Feet	Rear Yard: 90 Feet Side Yard: 75 Feet
R-90	Rear Yard: 30 Feet Side Yard: 10 Feet	Rear Yard: 90 Feet Side Yard: 70 Feet
R-90C	20 Feet external boundary	80 Feet
R-20	Rear Yard: 30 Feet Side Yard: 20 Feet	Rear Yard: 90 Feet Side Yard: 80 Feet
RP-T	20 feet outside boundary line	80 Feet
R-6	20 feet outside boundary line	80 Feet
R-18	20 feet outside boundary line	80 Feet

Lastly, in review of the E-1 and E-2 zones, Staff has noted some minor “housekeeping” items. The proposed changes are listed below.

Sec. 24-152. Performance Standards.

Performance standards were repealed by Ordinance O-8-92. As such, Section 24-152 should have been removed as part of Ordinance O-8-92. Staff is proposing to keep Section 24-152 in reserve.

Sec. 24-153. Outdoor Storage.

Section 24-153(h) had an incorrect cross-reference to Section 9-3. Chapter 9 changed from, “Fences, Walls, Hedges and Trees”, to “Excavation of Underground Utility Facilities” with Ordinance O-15-89. More specifically, Section 9-3 referenced maximum height of fences, walls and hedges. This amendment fixes the cross-reference to reference Section 24-167, “fences walls and hedges”. Staff is proposing the following changes to Section 24-153(h):

* * * * *

(h) Any development requiring approval by the planning commission for uses developed under section 24-153 shall not be subject to the height limitations stipulated in section ~~9-3~~ 24-167 of the City Code.

Sec. 24-160C. Development Standards and Requirements.

Section 24-160C requires the E-2 Zone to comply with the development standards and requirements set forth in the E-1 Zone. As discussed earlier, with the removal of Section 24-152 “Performance Standards”, the current cross-reference is incorrect. This amendment proposes to fix that cross-reference. Staff is proposing the following changes to Section 24-160C:

All uses in the E-2 Zone shall comply with the development standards and requirements set forth in section ~~24-152~~ 24-153 through and including section 24-160, inclusive of this Code. Provided, however, the Traditional Neighborhood Design (TND) option may be used as an alternative method of development, subject to compliance with the standards set forth in section 24-22.3 of Chapter 24 of this Code.



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Joint Hearing - MCC & PC
CTAM-7245-2016
Ex.5

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-7245-2016 on

**MONDAY
MARCH 21, 2016
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), of the City Code, Article III, entitled "Regulations Applicable to Particular Zones," Division 17, entitled "E-1 Zone, Urban Employment," § 24-152, entitled "Performance Standards," § 24-153, entitled "Outdoor Storage," § 24-157, entitled "Yard Requirements," § 24-158, entitled "Height Restrictions," and Division 18, entitled "E-2 Zone, Moderate Intensity Industrial Park," § 24-160C, entitled "Development Standards and Requirements." The purpose of the text amendment is to modify the height restriction and general "housekeeping" updates in the E-1 and E-2 Zones.

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:

<http://www.gaithersburgmd.gov/government/city-projects>.

Gregory Mann, Planner
planning@gaithersburgmd.gov
Planning and Code Administration