

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE, ENTITLED, "ZONING," ARTICLE III, ENTITLED, "REGULATIONS APPLICABLE TO PARTICULAR ZONES," DIVISION 22, ENTITLED, "CD ZONE, CORRIDOR DEVELOPMENT," SECTION 24-160G.5, ENTITLED, "WAIVER OF DEVELOPMENT STANDARDS," TO MODIFY SECTION 24-160G.5(a) TO ADD THAT THE CITY COUNCIL MAY WAIVE HEIGHT REQUIREMENTS IN THE RESIDENTIAL DISTRICT AS WELL AS IN THE EMPLOYMENT DISTRICT

**Text Amendment T-378**

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 III, is amended as follows:

DIVISION 22. CD ZONE, CORRIDOR DEVELOPMENT

\* \* \*

**Sect. 24-160G.5. Waiver of development standards**

(a) The city council may, by resolution, waive the building and structure height requirements in the corridor development zone (CD zone) [for an employment district only, and allow a height not to exceed eight (8) stories, or ninety (90) feet, upon a finding that] as follows:

- (1) [The applicant will provide either on-site or off-site public amenities to further enhance the corridor development zone and the purposes of the CD zone; and] For a residential district to allow a height not to exceed four (4) stories, or forty-eight (48) feet.
- (2) [The additional height is necessary to implement the master plan and a specific corridor plan for Gaithersburg, or attract an appropriate and compatible type or caliber of user; and] For an employment district to allow a height not to exceed eight stories, or ninety (90) feet.
- [(3) The additional height will be compatible with existing and proposed adjacent land uses and would not detrimentally impact those uses or public facilities serving a specific corridor.]

**Boldface**

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

\* \* \*

*Heading or defined term.*

*Added to existing law by original bill.*

*Deleted from existing law by original bill.*

*Added by Amendment.*

*Deleted from existing law or the bill by amendment.*

*Existing law unaffected by bill.*

- (b) The granting of such waiver shall be based on a finding that:
- (1) The applicant will provide either on-site or off-site public amenities to further enhance the corridor development zone and the purposes of the CD zone; and
- (2) The additional height is necessary to implement the master plan and a specific corridor plan for Gaithersburg, or attract an appropriate and compatible type or caliber of user; and
- (3) The additional height will be compatible with existing and proposed adjacent land uses and would not detrimentally impact those uses or public facilities serving a specific corridor.

[b] (c) The city council may, by resolution, waive setback requirements in the CD zone, upon a finding that:

\* \* \*

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by the City Council of Gaithersburg, Maryland.

\_\_\_\_\_  
SIDNEY A. KATZ, Mayor and  
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this 19<sup>th</sup> day of December, 2005. APPROVED/VETOED by the Mayor of the City of Gaithersburg this 19<sup>th</sup> day of December, 2005

\_\_\_\_\_  
SIDNEY A. KATZ, Mayor

THIS IS TO CERTIFY that the foregoing ordinance as adopted by the City Council of

<b>Boldface</b>	<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>

Gaithersburg, in public meeting assembled, on the \_\_\_ day of \_\_\_\_\_, 2006, and that the same was approved/vetoed by the Mayor of the City of Gaithersburg on the \_\_\_ day of \_\_\_\_\_, 2006. This Ordinance will become effective on the \_\_\_ day of \_\_\_\_\_, 2006.

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David B. Humpton, City Manager

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