

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**  
**April 7, 2008**

**CALL TO PODIUM:**

**Greg Ossont**

**RESPONSIBLE STAFF:**

**Greg Ossont, Director,  
 Planning and Code  
 Administration**

**Trudy Schwarz, Community  
 Planning Director**

**AGENDA ITEM:**

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
<b>X</b>	Joint Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	3/19/2008
	3/26/2008
Hearing Date	4/07/2008
Record Held Open	
Policy Discussion	

**TITLE: Text Amendment T-384**

**JOINT PUBLIC HEARING – T-384** – This is a proposal to amend Chapter 24 of the City Code (City Zoning Ordinance), entitled “Zoning,” Article IV, entitled, “Supplementary Zone Regulations,” §24-167b, entitled, “**Bed and Breakfast,**” to amend §§ 24-167B(4) and 24-167B(7) so as to allow serving meals other than breakfast and hosting business meetings or receptions for non-guests by Special Exception.

**SUPPORTING BACKGROUND:**

Staff received a request to review the section of the zoning ordinance that applies to Bed and Breakfast establishments.

Specifically, staff was asked to review the time restrictions for serving meals [§ 24-167B(7)] as well as potential ancillary uses under the Bed and Breakfast use. Upon review, staff noted that permitting events or functions such as afternoon teas or similar gatherings would necessitate a text amendment to the existing code.

At the March 3, 2008, meeting, the Mayor and City Council directed staff to prepare a text amendment and schedule a public hearing. Staff has prepared a memorandum concerning the draft text amendment, please see Exhibit #8.

*Attachments: Draft Ordinance, Index of Memoranda and Exhibits*

**DESIRED OUTCOME:**

**Conduct Public Hearing**

**Staff recommends the Planning Commission hold the record until 5 PM on April 25, 2008 (18 days) with anticipated recommendation on May 7, 2008.**

**Staff recommends the City Council hold the record open until 5 PM on May 9, 2008 (32 days) with anticipated policy discussion on May 19, 2008.**

Ordinance No. \_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE, ENTITLED, "ZONING," ARTICLE IV, ENTITLED, "SUPPLEMENTARY ZONE REGULATIONS," §24-167B, ENTITLED, "BED AND BREAKFAST," TO AMEND §§ 24-167B(4) AND 24-167B(7) SO AS TO ALLOW SERVING MEALS OTHER THAN BREAKFAST AND HOST BUSINESS MEETINGS OR RECEPTIONS FOR NONGUESTS BY SPECIAL EXCEPTION

**Text Amendment T-384**

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 IV, § 24-167B is amended as follows:

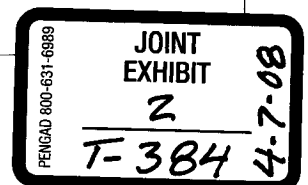
**Sec. 24-167B. Bed and breakfast.**

A bed and breakfast use may be established in any single-family detached dwelling units in any zoning district, subject to the following requirements:

- (1) The building containing such use must either be designated as a historic site or located within a historic district and/or listed on the city's inventory of historic resources. Additions or changes to the exterior which are not detrimental to the historic character or appearance of a building or its appurtenances or streetscape may be approved by the historic district commission.
- (2) The minimum area of the lot or parcel must be nine thousand (9,000) square feet, but not less than the minimum lot or parcel area of the zone.
- (3) Where the use contains not more than two (2) guest bedrooms, the use shall be deemed a home occupation, subject to the standards and requirements in Article X of this chapter, with the exception that signage shall conform to paragraph (8) below, and either consent shall be evidenced from all abutting and confronting property owners, or where such consent cannot be obtained, the use may be established as a special exception pursuant to subsection (4) of this section.
- (4) Where the use contains more than two (2) guest bedrooms, and serves light meals, coffees or teas past 12:00 p.m., and/or hosts small gatherings such as business meetings or receptions for nonguests, the use shall be

**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.*



established as a special exception, subject to approval by the city board of appeals pursuant to the procedures and requirements contained in Article VII of this chapter relating to special exceptions. Provided, however, where no exterior building modifications are proposed and only minor external site modifications are requested, the board or its designee may waive the requirements for filing of a site plan and/or exterior elevation drawings. Fees for this special exception shall be established by resolution of the city council. All applicable building and fire code requirements shall apply.

- (5) A guest must not remain in a bed and breakfast lodging for more than fourteen (14) days within a thirty-day period. In order to preclude adverse neighborhood impact, the city manager or his designee, in the case of a home occupation use, or the board of appeals in the case of a special exception use, may limit the number of guests who may be accommodated at any one time or the number of visits in any one-month period.
- (6) The owner of the premises must maintain a register of all guests, listing the guests' names, dates of arrival and departure, room number and number of occupants per room. If requested, this register must be made available to appropriate city officials.
- (7) Breakfast is the only meal that may be served to a guest, and it must not be served later than 12:00 noon, and it must not be served to any other nonresident of the premises, except as approved by special exception. Food service shall, where applicable, be subject to health regulations and inspection. No separate cooking areas or appliances shall be maintained other than in the main kitchen.
- (8) One nonilluminated sign, not exceeding three (3) square feet in size, may be placed on the property. Limited indirect lighting must be approved by the city manager or his designee. Signs in excess of three (3) square feet may only be approved by the commission. No window signs shall be permitted.
- (9) Off-street parking must be provided in accordance with the requirements of section 24-219; provided, however, in the case of a home occupation or special exception, the city manager or the board of appeals, as the case may be, may allow the use of on-street parking upon finding that:
  - (a) Such on-street parking will not have an adverse impact on neighboring residents; and

<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>
[[Double underlining]]	<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>

- (b) The creation of required off-street parking would be detrimental to the historic character of the residential building, its environmental appurtenances, or the historic district.

ADOPTED, this \_\_\_ day of \_\_\_\_\_, 2008, by the City Council of Gaithersburg, Maryland.

\_\_\_\_\_  
, Mayor and  
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this \_\_\_ day of \_\_\_\_\_, 2008. Approved by the Mayor of the City of Gaithersburg this \_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
SIDNEY A. KATZ, 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 \_\_\_\_\_, 2008, and that the same was approved by the Mayor of the City of Gaithersburg on the \_\_\_ day of \_\_\_\_\_, 2008. This Ordinance will become effective on the \_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
JAMES D. ARNOULT, Acting City Manager

<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>

**INDEX OF MEMORANDA**

**T-384**

1. Application
2. Draft Ordinance
3. Mayor and City Council Cover sheet- Staff Guidance- March 3, 2008
4. Memorandum with attachments, dated February 27, 2008, from Greg Ossont, Director of Planning and Code Administration to the Mayor and City Council re: Proposed Text Amendment
5. Letter to *Gaithersburg Gazette* dated March 13, 2008, requesting a Legal Ad for March 19 and 26, 2008, issues. Fax and email printed communications are same
6. Notice of April 7, 2008, joint public hearing to interested parties on March 20, 2008. Labels for parties notified
7. Certified copy of the Notice of Public Hearing as it appeared in the March 19 and 26, 2008, issues of the *Gaithersburg Gazette*
8. Memorandum, dated April 2, 2008, from Greg Ossont, Director of Planning and Code Administration to the Mayor and City Council & Planning Commission re: Proposed Text Amendment
9. Mayor and Council Cover Sheet for April 7, 2008, Joint Public Hearing
10. *Transcript of the April 7, 2008 Joint Public Hearing*
11. *Minutes of the March 3, 2008, Mayor & City Council Meeting*
12. *Minutes of the April 7, 2008, Mayor & City Council Meeting*
13. *Planning Commission Cover Sheet*
14. *CPC – Planning Commission Recommendation from May 7, 2008, Planning Commission Meeting*

# TEXT AMENDMENT TO THE ZONING ORDINANCE

In accordance with Article VIII,  
Section 24-194, 195, 197, and 198 of the City Code

Application Number	T-384
Filing Date	3/05/08
P.C. Hearing	JTPH
M&C Hearing	4-07-08
Decision	
Decision Date	

Application is hereby made to the

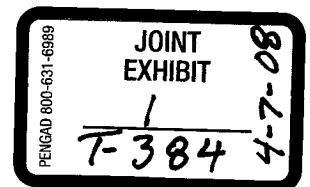
- City Planning Commission, or
- Mayor and City Council

for a change in the text of the Zoning Ordinance of the City of Gaithersburg, Maryland.

This change involves Article IV, Section 24-167(B)(4) & 24-167(B)(7)  
to be amended per the attached ordinance.

Applicant/Staff Person Greg Ossont/Trudy Schwarz Date 3/05/07

Address 31 S. Summit Avenue



# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

March 3, 2008

**CALL TO PODIUM:**

**Greg Ossont**

**RESPONSIBLE STAFF:**

**Greg Ossont, Director  
Planning and Code Administration**

**Lauren Pruss, Planning Director**

**Trudy Schwarz, Community Planning  
Director**

**AGENDA ITEM:**

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Joint Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input checked="" type="checkbox"/>	Other:

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item is a public hearing)

Introduced	N/A
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

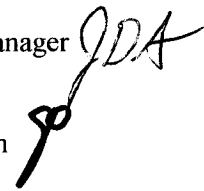
**TITLE: Staff Guidance**  
Staff Guidance on Preparing a Draft Text Amendment to be Advertised for Public Hearing

**SUPPORTING BACKGROUND:**  
Please see the attached memorandum from Planning and Code Administration Director Greg Ossont.

**DESIRED OUTCOME:**  
Staff Guidance.

PENGAD 800-631-6999  
 JOINT EXHIBIT  
 3  
 T-384  
 4-7-08

MEMORANDUM TO: Mayor and City Council  
VIA: James D. Arnoult, Acting City Manager  
FROM: Greg Ossont, Director  
Planning and Code Administration  
DATE: February 27, 2008  
SUBJECT: Proposed Text Amendment



Staff recently received a request to review the section of the zoning ordinance that applies to bed and breakfast establishments. Section 24-167B of the City Code establishes bed and breakfast uses under certain requirements. A copy of the existing code section is attached for your review.

Specifically, staff was asked to review the code as it relates to the time restrictions for serving meals (Section 24-167B(7)) as well as potential ancillary uses under the bed and breakfast use. Upon review, staff noted that permitting events or functions such as afternoon teas or similar gatherings would necessitate a text amendment to the existing code.

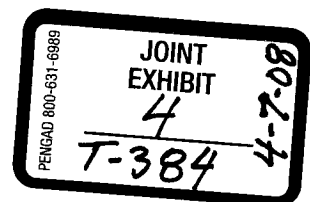
If it meets with the Mayor and Council's approval, staff could prepare a text amendment to be advertised for public hearing to allow for these types of ancillary uses associated with bed and breakfast uses. Staff will be at the regular meeting March 3, 2008 to receive guidance on this matter.

If you have any questions, please contact me directly at 301-258-6330 or [gossont@gaitthersburgmd.gov](mailto:gossont@gaitthersburgmd.gov)

Attachment

*Distribution:*

- F. Felton
- L. Pruss
- T. Schwarz
- L. Board



with a telecommunications facility must be removed at the cost of owner of the facility when the telecommunications facility is no longer in use by any telecommunication carrier.

Due to the extensive and prolonged review by regulatory agencies of applications for licenses to operate commercial radio or television broadcasting stations, the establishment of such use may be initiated for up to five (5) years from the date of the decision of the city council, or from the date of a final decision of any appeal filed therefrom. Appeals may be filed to any decision of the city council under this subsection (C) of section 24-167A in the same manner as provided generally from appeals to decisions of the board of appeals under section 24-193 of this Code.

(Ord. No. O-3-84, 2-21-84; Ord. No. O-3-88, 3-28-88; Ord. No. O-3-90, 3-5-90; Ord. No. O-21-97, 11-17-97; Ord. No. O-6-01, 3-19-01)

**Sec. 24-167B. Bed and breakfast.**

A bed and breakfast use may be established in any single-family detached dwelling units in any zoning district, subject to the following requirements:

- (1) The building containing such use must either be designated as a historic site or located within a historic district and/or listed on the city's inventory of historic resources. Additions or changes to the exterior which are not detrimental to the historic character or appearance of a building or its appurtenances or streetscape may be approved by the historic district commission.
- (2) The minimum area of the lot or parcel must be nine thousand (9,000) square feet, but not less than the minimum lot or parcel area of the zone.
- (3) Where the use contains not more than two (2) guest bedrooms, the use shall be deemed a home occupation, subject to the standards and requirements in Article X of this chapter, with the exception that signage shall conform to paragraph (8) below, and either consent shall be evidenced from all abutting and confronting property owners, or where such consent cannot be obtained, the use may be established as a special exception pursuant to subsection (4) of this section.

(4) Where the use contains more than two (2) guest bedrooms, the use shall be established as a special exception, subject to approval by the city board of appeals pursuant to the procedures and requirements contained in Article VII of this chapter relating to special exceptions. Provided, however, where no exterior building modifications are proposed and only minor external site modifications are requested, the board or its designee may waive the requirements for filing of a site plan and/or exterior elevation drawings. Fees for this special exception shall be established by resolution of the city council.

- (5) A guest must not remain in a bed and breakfast lodging for more than fourteen (14) days within a thirty-day period. In order to preclude adverse neighborhood impact, the

city manager or his designee, in the case of a home occupation use, or the board of appeals in the case of a special exception use, may limit the number of guests who may be accommodated at any one time or the number of visits in any one-month period.

- ~~\*~~
- (6) The owner of the premises must maintain a register of all guests, listing the guests' names, dates of arrival and departure, room number and number of occupants per room. If requested, this register must be made available to appropriate city officials.
  - (7) Breakfast is the only meal that may be served to a guest, and it must not be served later than 12:00 noon, and it must not be served to any other nonresident of the premises. Food service shall, where applicable, be subject to health regulations and inspection. No separate cooking areas or appliances shall be maintained other than in the main kitchen.
  - (8) One nonilluminated sign, not exceeding three (3) square feet in size, may be placed on the property. Limited indirect lighting must be approved by the city manager or his designee. Signs in excess of three (3) square feet may only be approved by the commission. No window signs shall be permitted.
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    - (a) Such on-street parking will not have an adverse impact on neighboring residents; and
    - (b) The creation of required off-street parking would be detrimental to the historic character of the residential building, its environmental appurtenances, or the historic district.

(Ord. No. O-17-93, 11-15-93)

**Sec. 24-167C. Pawnshops.**

- (1) *Findings, intent and purpose of regulations.*
  - (a) The city council, based upon land use, economic, safety and welfare considerations, finds that pawnshops require special supervision from public safety and land use regulatory agencies to protect and preserve the health, safety, welfare and economic wellbeing of the citizens, property owners and visitors to the city.
  - (b) The city council desires and intends to minimize the adverse effects associated with pawnshops and thereby adopt zoning regulations to protect citizens from increased crime, preserve the quality of life and property values and the character of surrounding neighborhoods, and deter the spread of urban blight.
  - (c) Evidence exists that pawnshops have a deleterious effect on existing businesses located around them and in surrounding residential and retail commercial areas adjacent thereto, resulting in an enhanced potential for crime, reduced property values and other adverse economic and community impacts.



**Gaithersburg**  
A CHARACTER COUNTS! CITY

March 13, 2008

Ashby Tanner  
Law Section  
The Gaithersburg Gazette  
P.O. Caller 6006  
Gaithersburg, Maryland 20884

Dear Ms. Tanner:

Please publish the following legal advertisement in the **March 19 and 26, 2008**, issues of the *Gaithersburg Gazette*.

Sincerely,

Greg Ossont, Director  
Planning and Code Administration

ASSIGN CODE: T-384 Acct# 133649

**NOTICE OF PUBLIC HEARING**

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on T-384, filed by Greg Ossont on behalf of the Mayor and City Council, on

**MONDAY  
APRIL 7, 2008  
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 application requests an amendment to Chapter 24 of the City Code (City Zoning Ordinance), entitled, "Zoning," Article IV, entitled, "Supplementary Zone Regulations," §24-167b, entitled "Bed And Breakfast," to amend §§ 24-167B(4) and 24-167B(7) so as to allow serving meals other than breakfast and host business meetings or receptions for nonguests by Special Exception.

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 at [www.gaithersburgmd.gov](http://www.gaithersburgmd.gov).

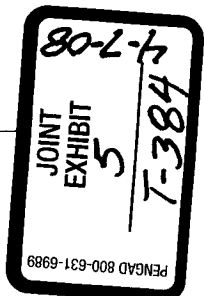
Greg Ossont, Director  
Planning and Code Administration

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098  
tws 301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitersburgmd.gov • www.gaithersburgmd.gov

MAYOR  
Sidney A. Katz

COUNCIL MEMBERS  
Jud Ashman  
Cathy C. Drzyzgula  
Henry F. Marraffa, Jr.  
Ryan Spiegel  
Michael A. Sesma

ACTING CITY MANAGER  
James D. Arnoult



MODE = MEMORY TRANSMISSION

START=MAR-13 10:20

END=MAR-13 10:21

FILE NO.=025

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	<11>	GAZ LEG	002/002	00:00:41

-THE CITY OF GAITHERSBURG -

\*\*\*\*\* -PLAN AND CODE - \*\*\*\*\* 3012586336- \*\*\*\*\*



March 13, 2008

Ashby Tanner  
 Law Section  
 The Gaithersburg Gazette  
 P.O. Caller 6006  
 Gaithersburg, Maryland 20884

Dear Ms. Tanner:  
 Please publish the following legal advertisement in the **March 19 and 26, 2008**, issues of the *Gaithersburg Gazette*.

Sincerely,

Greg Ossont, Director  
 Planning and Code Administration

ASSIGN CODE: T-384 Acct# 133649

### NOTICE OF PUBLIC HEARING

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on T-384, filed by Greg Ossont on behalf of the Mayor and City Council, on

**MONDAY**  
**APRIL 7, 2008**  
**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 application requests an amendment to Chapter 24 of the City Code (City Zoning Ordinance), entitled, "Zoning," Article IV, entitled, "Supplementary Zone Regulations," §24-167b, entitled "Bed And Breakfast," to amend §§ 24-167B(4) and 24-167B(7) so as to allow serving meals other than breakfast and host business meetings or receptions for nonguests by Special Exception.

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Greg Ossont, Director  
 Planning and Code Administration

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098  
 tws 301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitersburgmd.gov • www.gaithersburgmd.gov

MAYOR  
 Shirley A. Katz

COUNCIL MEMBERS  
 Ted Asimian  
 Cathy C. Diazzajala  
 Henry F. Marzella, Jr.  
 Ryan Spiegel  
 Michael A. Seema

ACTING CITY MANAGER  
 James D. Annett



CITY OF GAITHERSBURG  
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:** T-384  
**Applicant:** GREG OSSONT FOR MAYOR & CITY COUNCIL  
**Day/ Date/Time:** MONDAY, APRIL 7, 2008, AT 7:30 P.M.  
**Place:** COUNCIL CHAMBERS, GAITHERSBURG CITY HALL  
31 SOUTH SUMMIT AVENUE

**\*\*\*IMPORTANT\*\*\***

This is a proposal to amend Chapter 24 of the City Code (City Zoning Ordinance), entitled "Zoning," Article IV, entitled, "Supplementary Zone Regulations," §24-167b, entitled, "**Bed and Breakfast**," to amend §§ 24-167B(4) and 24-167B(7) so as to allow serving meals other than breakfast and hosting business meetings or receptions for non-guests by Special Exception. (A copy of the draft ordinance can be viewed at [www.gaithersburgmd.gov](http://www.gaithersburgmd.gov).) This is an opportunity to publicly participate, other than providing written testimony that 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 within the City limits, or via streaming video at [www.gaithersburgmd.gov/tv](http://www.gaithersburgmd.gov/tv). Meetings are rebroadcast for one week on television, and are archived within 24 hours for viewing at any time on the City's website.

CITY OF GAITHERSBURG

By

Greg Ossont, Director  
Planning and Code Administration



**NOTICES SENT THIS 20<sup>TH</sup> DAY OF MARCH, 2008, TO:**

**APPLICANT AND INTERESTED PARTIES**

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

**MAYOR AND COUNCIL**

**PLANNING COMMISSION**

**CITY STAFF**

James D. Arnoult, Acting City Manager

Frederick J. Felton, Assistant City Manager

Tony Tomasello, Assistant City Manager

Lynn Board, City Attorney

Britta Monaco, Public Information Director

Doris Stokes, Administrative Assistant

Jeff Baldwin, City Web Administrator (via email)

REGIONAL PLANNER  
MD DEPT OF PLANNING  
301 W PRESTON ST  
BALTIMORE MD 21201-2305

MARYLAND MUNICIPAL LEAGUE  
1212 WEST STREET  
ANNAPOLIS MD 21401

EXECUTIVE DIRECTOR  
GGCC  
4 PROFESSIONAL DR STE 132  
GAITHERSBURG MD 20879

SUE EDWARDS  
M-NCPPC  
8787 GEORGIA AVE  
SILVER SPRING MD 20910

MONTGOMERY CO MARYLAND  
101 MONROE ST  
ROCKVILLE MD 20850

MD STATE HWY ADMIN  
9300 KENILWORTH AVE  
GREENBELT MD 20770

Neil Harris  
KENTLANDS CITIZENS ASSEMBLY  
349 MAIN ST.  
GAITHERSBURG MD 20878

Carol Blum-Gordon  
ROSEMONT CITIZENS ASSOC.  
9200 ROSEMONT DRIVE  
GAITHERSBURG MD 20877

Rich Brancato  
LAKELANDS MAIN ST. CONDOS  
647-A MAIN STREET  
GAITHERSBURG MD 20878

Paul Cassidy  
GREENS OF WARTHER  
178 BENT TWIG LANE  
GAITHERSBURG MD 20878

James Crank  
PARK SUMMIT CONDOMINIUM  
303 PALMSRING DRIVE  
UNIT #11  
GAITHERSBURG MD 20878

Kathy Donnelly  
NO. 8 RUSSELL AVE. CONDOMINIUMS  
8 RUSSELL AVENUE  
UNIT # 202  
GAITHERSBURG MD 20877

Jan Erickson  
BENNINGTON COMM. ASSOC.  
29 GOODPORT LANE  
GAITHERSBURG MD 20878

Mark Hackman  
SHADY GROVE III COMM.ASSOC.  
64 APPLESEED LANE  
GAITHERSBURG MD 20878

Ron Heckman  
NEWPORT ESTATES SEC.I  
8 MICHAEL COURT  
GAITHERSBURG MD 20877

Jed Ivory  
FIRESIDE CONDOMINIUM  
110 DUVALL LANE  
UNIT #101  
GAITHERSBURG MD 20877

Tom Armstrong  
JOAN'S HILL  
108 LONGDRAFT ROAD  
GAITHERSBURG MD 20878

Andrew Bove  
BRIGHTON HOA  
157 BRALAN LANE  
GAITHERSBURG MD 20877

Troy Carbaugh  
VILLAGE OVERLOOK IIB  
435 CHRISTOPHER AVENUE  
UNIT # 22  
GAITHERSBURG MD 20879

Cynthia Changuris  
VILLA RIDGE CONDOMINIUM  
414 GIRARD STREET  
GAITHERSBURG MD 20877

Michelle Maher  
SHADY GROVE VILLAGE COMM. COUNCIL  
CORP.  
138 GOLD KETTLE DRIVE  
GAITHERSBURG MD 20878

Stuart Dross  
MUDDY BRANCH HOA  
326 ALDERWOOD DRIVE  
GAITHERSBURG MD 20878

Glynn Fox  
KENTLANDS VIEW CONDOMINIUM  
304 RIDGEPPOINT PLACE  
UNIT #22  
GAITHERSBURG MD 20878

Donna Hanner  
CROSS GREEN CONDO'S.  
334 B CROSS GREEN ST.  
GAITHERSBURG MD 20878

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GAITHERSBURG MD 20879

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CAROLANN COURTS CONDO  
22 TRENTO COURT  
GAITHERSBURG MD 20877

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GAITHERSBURG MD 20878

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226 KENTLANDS BOULEVARD  
UNIT #102  
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GAITHERSBURG MD 20878

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GAITHERSBURG MD 20878

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GAITHERSBURG MD 20878

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GAITHERSBURG MD 20878

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GAITHERSBURG MD 20878

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UNIT #404  
GAITHERSBURG MD 20878

Nina Mall  
KENTLANDS RIDGE CONDOMINIUM  
152 KENDRICK PLACE  
UNIT #22  
GAITHERSBURG MD 20878

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STRATFORD MEWS CONDO  
577 WEST DIAMOND AVENUE  
GAITHERSBURG MD 20877

Thomas O'Connor  
GREENS OF WARTHER  
111 BENT TWIG LANE  
GAITHERSBURG MD 20878

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BOZZUTO CONDOMINIUMS  
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GAITHERSBURG MD 20878

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GAITHERSBURG MD 20878

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201 HIGH GABLES DRIVE  
UNIT#307  
GAITHERSBURG MD 20878

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QUINCE ORCHARD PARK  
449 WINTER WALK DRIVE  
GAITHERSBURG MD 20878

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300 HIGH GABLES DRIVE  
#406  
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GAITHERSBURG MD 20878

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NORTH POTOMAC MD 20878

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GAITHERSBURG MD 20878

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GAITHERSBURG MD 20878

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GAITHERSBURG INN  
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GAITHERSBURG MD 20877

# The Gazette

9030 Comprint Court, Gaithersburg, Maryland

## CERTIFICATE

This is to certify that the annexed Legal Advertising Department  
Newspapers for the number of insertions

**PUBLIC HEARING: T-384**

**Copy of Ad attached**

Ad Order Number: 0010753305 - 14

Dates: Start: 03/19/08 End:

### NOTICE OF PUBLIC HEARING

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on T-384, filed by Greg Ossont on behalf of the Mayor and City Council, on

**MONDAY  
APRIL 7, 2008  
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 application requests an amendment to Chapter 24 of the City Code (City Zoning Ordinance), entitled, "Zoning," Article IV, entitled, "Supplementary Zone Regulations," §24-167b, entitled "Bed And Breakfast," to amend §§ 24-167B(4) and 24-167B(7) so as to allow serving meals other than breakfast and host business meetings or receptions for nonguests by Special Exception.

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 at [www.gaithersburgmd.gov](http://www.gaithersburgmd.gov).

Greg Ossont, Director  
Planning and Code Administration  
tws

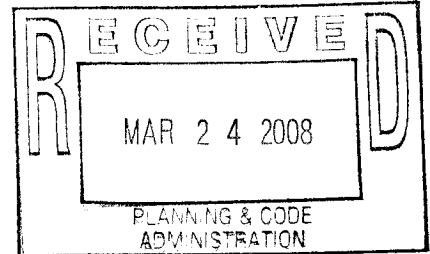
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(3-19,3-26-08)

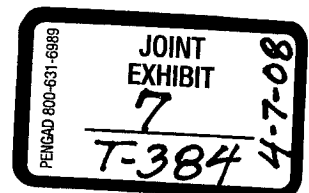
The Gazette Legal Advertising Department

Notary



[Seal]

Ashby Elizabeth Tanner  
Notary Public, State of Maryland  
Montgomery County  
My Commission Expires April 6, 2010



MEMORANDUM TO: Mayor and City Council  
Planning Commission

VIA: James Arnoult, Acting City Manager *JDA*

FROM: Greg Ossont, Director  
Planning and Code Administration *JP*  
Trudy Schwarz, Community Planning Director *TWS*

DATE: April 2, 2008

SUBJECT: T-384 - Proposed Text Amendment – Bed and Breakfast

As you know, City staff was requested to review § 24-167B of the City Code which establishes the use of a Bed and Breakfast establishment. Staff evaluated the time restrictions for serving meals and considered expansion of the use to allow afternoon teas, receptions and other functions. Knowing that if the expansion of additional functions is considered as a use by right and with the understanding that neither staff nor the Planning Commission cannot set restrictions concerning function time, number of persons, etc., staff has proposed in Text Amendment T-384 that these additional uses would be regulated as a Special Exception petition by the Board of Appeals.

This would permit the Board to evaluate concerns of the neighborhood of a proposed use and establish time restrictions and numbers of people based on the actual facility. Please note however, should the Mayor and City Council and Planning Commission, consider this too restrictive, the ordinance can be revised to be less restrictive and to make the additional functions a use by right without the need to conduct a public hearing for approval.

The public hearing for T-384 is scheduled for April 7, 2008. If you have any questions, please contact me directly at [gossont@gaitthersburgmd.gov](mailto:gossont@gaitthersburgmd.gov) or 301-258-6330.

tws

Distribution:  
*F. Felton*  
*L. Board*  
*L. Pruss*

