
STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: February 7, 2007

TEXT AMENDMENT: **T-373**

TITLE: **AMEND CHAPTER 24 OF THE CITY CODE, ARTICLE V, ENTITLED, "SITE DEVELOPMENT PLANS," §24-68, ENTITLED "WHEN REQUIRED," SO AS TO REVISE WHEN SITE PLANS ARE REQUIRED.**

REQUEST: **DISCUSSION ITEM**

ADDRESS: N/A

ZONE: R-90 (Medium Density Residential) Zone et al

APPLICANT/REPRESENTATIVE/ATTORNEY/DEVELOPER: (as applicable)

STAFF PERSON: Greg Ossont, Director
Planning and Code Administration

Enclosures:

Exhibit 1: §24-168 of Gaithersburg City Code
Exhibit 2: Portion of Power Point Presented at Joint Work Session: 2/13/06

(2) *Existing pawnshops regulation thereof.* Any pawnshops lawfully operating within the city as of the effective date of this section shall be subject to the following additional requirements and restrictions:

- (a) All existing pawnshops located within the city shall, by not later than September 1, 2001, be located only on property zoned I-3 and shall conform to the requirements of section 24-144 of this Code.
 - (b) Any pawnshop not conforming to the requirements of section 24-167C(2)(a) above shall cease operations and shall not be a lawful nonconforming use.
 - (c) Pawnshops in existence on land zoned other than in the I-3 Zone after the expiration of the period provided in section 24-167C(2)(a) above shall be subject to the enforcement procedures and penalties provided in section 24-184 of this Code.
- (Ord. No. O-4-98, 4-6-98)

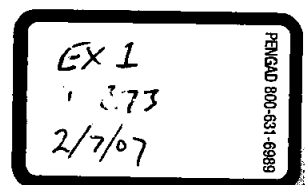
ARTICLE V. SITE DEVELOPMENT PLANS

Sec. 24-168. When required.

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. This requirement shall not apply to the use of any single-family dwelling for residential purposes.

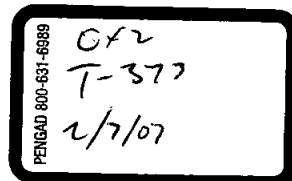
Notwithstanding the foregoing, no site development plan shall be required to be submitted or approved where the city manager or his designee, upon reviewing an application for use and occupancy permit, is satisfied that the proposed use is a permitted use in the zone and is substantially similar to the 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, yards, height limits or minimum lot size. Notwithstanding the foregoing, no site development plan shall be required to be submitted or approved where the city manager or his 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 increase the exterior dimensions of the building or substantially increase the usable space within the building.

(Res. No. R-19-66; Ord. No. O-3-73; Ord. No. O-6-79, § 2; Ord. No. O-1-88, 1-4-88)



Site Development Plans

- **A number of neighborhoods in the City do not have site development plans.**
- **As a result, modifications, alterations or additions to single family homes in these neighborhoods do not require Planning Commission review.**
- **In the past, this has caused concern among residents and interested parties because it does not provide an opportunity for public comment on the proposed project.**



Examples of Neighborhoods that Do Not Have Site Development Plans

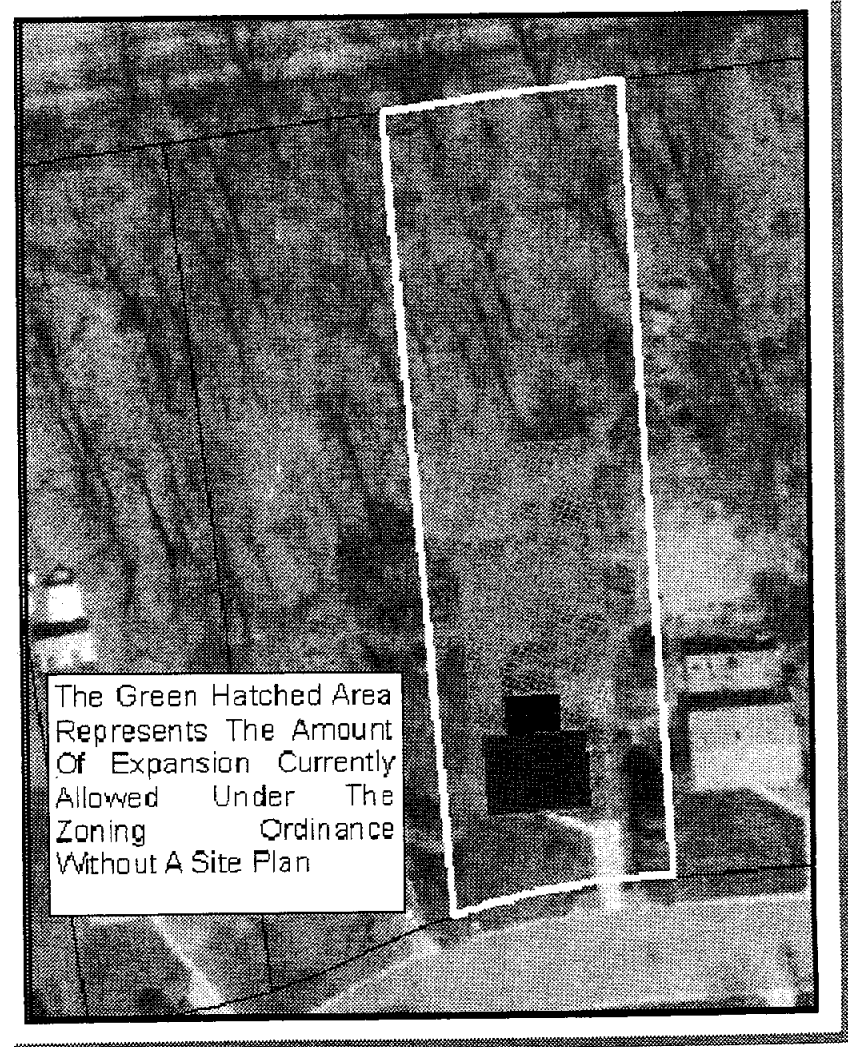
- Brighton East
- Realty Park
- Whetstone Run
- West Riding
- Observatory Heights
- Deer Park
- Westleigh
- Rosemont
- Brown's Addition
- Russell/Brooks Addition
- Walker's Addition

Current Requirements for Properties without Site Plans

- Residential additions and alterations require nothing more than a residential building permit
- Residential buildings permits require basic zoning and code compliance
 - Height limits
 - Setbacks
 - Lot coverage
 - Green space requirements
 - Residential building code requirements

Example of Residential Addition in the R-90 Zone

- May not exceed 35 feet in height
- Maximum lot coverage of 30%
- Rear and Front yard setbacks of 30 feet
- Side yard setbacks of 10 feet
- Green space requirement of 50%



Policy Issue

Should residential addition or alteration applications for properties not currently under the purview of a site development plan require the creation of a site plan and subsequent Planning Commission review?

Should there be a threshold that requires a site development plan for these properties?