

ORDINANCE NO. O-2-15

AN ORDINANCE TO AMEND CHAPTER 24, ARTICLE I, ENTITLED, "IN GENERAL", § 24-1, AND ARTICLE V, ENTITLED, "SITE DEVELOPMENT PLANS", § 24-172A(b), ENTITLED "MINOR AMENDMENT REQUESTS"

**Text Amendment CTAM-6191-2014**

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 V, is amended to read as follows:

Chapter 24

**ZONING**

**ARTICLE I. IN GENERAL**

**Sec. 24-1. Definitions.**

\* \* \* \*

*Gross floor area.* The sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls and from the centerline of walls separating two (2) buildings. The term "gross floor area" shall include basements, elevator shafts and stairwells at each story, floor space used for mechanical equipment (with structural headroom of six (6) feet, six (6) inches or more), penthouses, attic space (whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more), interior balconies and mezzanines. The term "gross floor area" shall not include cellars, outside balconies ~~which do not exceed a projection of six (6) feet beyond the exterior walls of the building~~, covered parking, or rooftop mechanical structures.

\* \* \* \*

**ARTICLE V. SITE DEVELOPMENT PLANS**

\* \* \* \*

**Sec. 24-172A(b). *Minor amendment requests.***

- (1) Requests for minor amendment shall be filed with the planning director or designee. Minor amendment requests shall be those requests specified in this subsection and shall be acted upon by the planning director or his/her designee.

- (2) The applicant for a minor amendment shall provide, by mail or personal delivery, written notice in a form approved by the city planning department to owners of property abutting and confronting the property that is the subject of the amendment request within two (2) business days of filing the request, and shall certify the same to the planning department.
- (3) Requests for minor amendment include:
  - (a) Resiting or relocation of buildings or structures including, but not limited to, garages and accessory structures on not more than three (3) contiguous lots, including moving or rotation of a building or structure's footprint, provided such moving or rotation does not shift a building or structure's footprint more than ten (10) feet in any direction.
  - (b) Resiting of a lot with a house type previously approved by the city planning commission.
  - (c) Approval of retaining walls/fences and other enclosures.
  - (d) Minor revisions to building elevation and site plan details which do not add onto buildings or expand footprints of previously approved buildings (other than items (b) and (e) of this subsection).
  - (e) Minor revisions to a single-family detached, semi-detached or attached dwelling that do not increase the square footage of a dwelling as originally constructed on any and/ or all floors by more than fifteen (15) percent and that have been approved by the homeowners' association of the subject property, if applicable.
  - (f) Minor signage changes or additions.
  - (g) Minor landscaping, parking layout, and ~~or~~ pedestrian and sidewalk access revisions.
  - (h) Addition of easements and parking areas or correction of easement and parking area locations.
  - (i) Revisions to forest conservation plan.
  - (j) Revisions or amendments delegated by the city planning commission.

(k) Parking waivers of up to ten (10) percent of the required parking for a site, with consideration of the criteria listed in Section 24-222A(1).

(l) Shared parking chart amendments in conformance with Section 24-219(c)

(4) Public reviews of the planning commission are not required for a minor amendment, provided, however, the planning director or designee shall, upon request, meet with the applicant and interested parties or consider written comments on the amendment.

(5) A minor amendment may only be granted if:

(a)

The amendment does not violate the development standards of the property's zoning or increase the lawful nonconformity of any lot or building; and

(b)

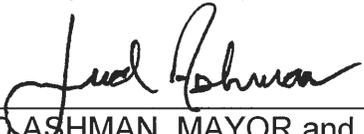
The amendment is in general harmony with the architectural and site design characteristics of the approved site development plan; and

(c)

The amendment will not substantially impair the intent, purpose or integrity of the neighborhood or the planning documents for the applicable area.

(d) The decision of the planning director (or designee) may be appealed to the city planning commission if filed with the planning department, in writing, within fifteen (15) days after the decision is mailed by the planning director. The planning commission, in its discretion, may hold a public review on the decision of the planning director, or order written statements and oral argument in lieu of a public review. The planning commission may approve, approve with modification, or disapprove the requested amendment(s) and shall state the reasons for its action in writing.

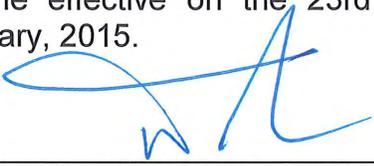
ADOPTED by the City Council this 2nd day of February, 2015.

  
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JUD ASHMAN, MAYOR and  
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg this 2nd day of February, 2015. APPROVED by the Mayor of the City of Gaithersburg this 2nd day of February, 2015.

  
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JUD ASHMAN, MAYOR

THIS IS TO CERTIFY, that the foregoing Ordinance was adopted by the City Council of the City of Gaithersburg, in public meeting assembled on the 2nd day of February, 2015; and that the same was APPROVED by the Mayor of the City of Gaithersburg on the 2nd day of February, 2015. This Ordinance will become effective on the 23rd day of February, 2015.

  
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Tony Tomasello, City Manager