

ORDINANCE NO. O-8-15

AN ORDINANCE TO AMEND CHAPTER 24 (CITY ZONING ORDINANCE), OF THE CITY CODE, ARTICLE VIII, ENTITLED, "AMENDMENT PROCEDURE," § 24-198(c) AND (d) ENTITLED, "OPTIONAL METHOD OF APPLICATION FOR LOCAL MAP AMENDMENTS," SO AS TO DEFINE WHEN AMENDMENTS TO CONCEPT PLANS, SKETCH PLANS, AND SCHEMATIC DEVELOPMENT PLANS ARE REQUIRED

Text Amendment CTAM-7035-2015

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 VIII, § 24-198 is amended to read as follows:

ARTICLE VIII. AMENDMENT PROCEDURE

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Sec. 24-198. Optional method of application for local map amendments.

(a) In addition to the other requirements contained in this article and notwithstanding subsection (c) of section 24-196 of this Code, an applicant for a local map amendment to any zoning district except the R-A Zone and the MXD Zone may select an optional method for such application by so indicating on the appropriate application form and submitting a schematic development plan as part of the rezoning application. The schematic development plan shall be for the purpose of limiting a development standard or standards to less than the maximum permitted in the requested zone and/or limiting the land use of the applicant's subject property to one or more of the permitted uses in the zone. Approval by the council shall not be for a manner of development or use other than that for which has been applied. A schematic development plan shall be submitted consisting of the requirements listed in section 24-169(b).

(b) All applications filed under the optional method of application for local map amendment shall also include a proposed covenant, suitable for filing in the land records of the county, which shall indicate in specific language that the property which is the subject of the application is restricted in its use and/or development standards to the schematic development plan and any accompanying or qualifying text material submitted with such plan, as such plan may be approved or modified by the planning commission at the time of final site plan review. The covenant to be filed in the land records shall also indicate that such restrictions shall be in effect

Boldface
Underlining
~~Single strikethrough~~
Double underlining
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* * *

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.

until such time as the property may be rezoned, at which time such restrictions shall be removed.

Upon approval of such application, the covenant shall be immediately recorded and certification thereof shall be submitted to the planning commission at the time of submission for final site plan review.

(c) *Amendments to concept plans, sketch plans, and schematic development plans:*

- (1) The concept plan, sketch plan or schematic development plan must be amended when:
 - a. Change in use involved.
 - b. Changes other than to use:
 - (i) Increases the height of building or signage by the (10) feet or more, or
 - (ii) Materially changes the orientation or siting of buildings, parking accessory uses, or
 - (iii) Increases nonresidential building floor area by more than ten (10) percent or five thousand (5,000) square feet whichever is greater, or
 - (iv) Increases by more than ten (10) percent or five (5) units the number of residential dwelling units whichever is greater, or
 - (v) Removes more than five (5) percent of area designated for conservation or other environmental preservation purposes.
 - ~~c. No change in use involved. When sections (a) and (b) are not applicable to the proposed amendment, the schematic development plan may be amended by submission to the planning commission for evaluation and approval in accordance with article V of this chapter.~~
- (2) For amendments involving change in use or changes other than to use, plans may be amended at any time as follows:
 - a. At any time before review and recommendation by the planning commission.
 - b. At any time after planning commission review and prior to council action by resubmission to the planning commission for further review and recommendation.
 - c. Subsequent to council action to approve as follows:
 - (i) Filing of a new application in accordance with section 24-160D.9.

- (ii) Resubmission of the previous application to the mayor and city council for a courtesy review of the application, presented by the city planning staff, prior to action by the planning commission. The council shall either:
 - 1. Find that the application has a minor effect and thereby direct the planning commission to make a final decision on the amendment in accordance with the procedure set forth above in subsection 24-198(c)(1).
 - 2. Direct that the amendment be referred to the planning commission for further evaluation, public hearing and recommendation. The council shall thereafter approve or disapprove the recommendation of the planning commission without the necessity of public hearing, no later than forty-five (45) days after receipt of the commission's recommendation or may on its own motion, extend such time limit.

(d) The A final site plan as required by Article V of this chapter must be in conformance with the schematic development plan as approved by the council, with the exception of amendments or modifications to said final site plan not involving a change in use requested pursuant to subsection (c)(~~3~~ 1) of this section.

ADOPTED by the City Council this 8th day of September, 2015.



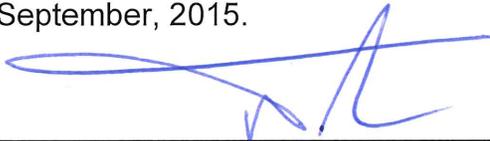
JUD ASHMAN, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg this 8th day of September, 2015. APPROVED by the Mayor of the City of Gaithersburg this 8th day of September, 2015.



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 8th day of September, 2015; and that the same was APPROVED by the Mayor of the City of Gaithersburg on the 8th day of September, 2015. This Ordinance will become effective on the 28th day of September, 2015.



Tony Tomasello, City Manager