

MEMORANDUM

TO: Mayor and City Council
Planning Commission

FROM: Caroline Seiden, Planner
Martin Matsen, Planning Chief
Trudy Schwarz, Community Planning Manager

VIA: John Schlichting, Director, Planning and Code Administration

RE: November 3, 2014 Consolidated Joint Public Hearing for CTAM-6190-2014
and CTAM-6191-2014

DATE: October 17, 2014

The November 3, 2014 Consolidated Joint Public Hearing of the Mayor and City Council and the Planning Commission regarding text amendments CTAM-6190 and CTAM-6191-2014 is the culmination of a year-long effort by staff, City committees, the Planning Commission and the Mayor and Council to review and revise the City’s off-street parking requirements and the approval process for those requirements. The City’s parking ordinance has not been comprehensively revised since 1993. Updating the parking ordinance is one of the Action Items of the City’s Planning and Development Strategic Plan.

After a kick-off presentation to the Mayor and City Council in May 2013, staff spent several months comparing the City’s parking ordinance to those of surrounding jurisdictions, compiling feedback from City staff and analyzing the effect of proposed changes. Revisions were proposed in multiple areas of the ordinance including parking ratios for various uses, the approval process for minor changes to parking charts, a moratorium on parking requirements in Olde Towne, and other comprehensive changes.

Once the Planning staff’s recommended changes were complete, meetings were held with the Gaithersburg-Germantown Chamber of Commerce and several City committees to give preliminary recommendations and to gather feedback. Staff finalized its recommendations in the form of two draft text amendments and held additional public meetings with the Mayor and City Council and Planning Commission to review the final recommendations. The Council then voted to sponsor both text amendments at its October 6, 2014 meeting.

Text amendment CTAM-6191-2014 proposes amendments to Chapter 24 (City Zoning Ordinance), Article I, entitled, “In General,” § 24-1, entitled, “Definitions,” Article V, entitled “Site Development Plans,” § 24-172A.(b), entitled “Minor Amendment Requests” so as to allow staff to grant minor parking waivers and changes to parking requirements.

Joint Hearing - MCC & PC
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Exhibit #4

Text amendment CTAM-6190-2014 proposes an Ordinance of the Mayor and City Council to repeal and re-enact with amendments Chapter 24, Article XI of the Gaithersburg City Code, entitled, “Off-Street Parking and Loading,” §§ 24-218 through 24-222A so as to comprehensively revise the City’s off-street parking requirements.

The following is a summary of the proposed changes to Chapter 24, listed by Section:

CTAM-6191-2014 (CTAM-6191-2014, Exhibit #2)

§ 24-1 – *Definitions*. The ordinance proposes to change the definition of “Gross Floor Area” to exclude balconies of all depths from a gross floor area calculation.

§ 24-172A(b) – *Minor amendment requests*. Proposed changes to this section would establish a method, under the Staff Approval process, whereby staff may grant parking waivers of up to ten (10) percent of the required parking for a site and approve changes to shared parking charts in conformance with Section 24-219(c).

CTAM-6190-2014 – Repeal and Re-enact Article XI (CTAM-6190-2014, Exhibit #2)

§ 24-218(a). - *General requirements*. The ordinance proposes to remove the ten (10) foot wide “high turnover stall,” leaving the standard stall width at nine (9) feet and a “low turnover stall” of eight and one-half (8 ½) feet wide.

§ 24-218(d). – *General requirements*. The ordinance proposes to increase the distance that required parking may be from a lot from “not more than 300 feet” to “not more than 600 feet,” thereby providing additional opportunity to maximize the use of underutilized parking in the vicinity of a site that demands more parking.

§ 24-219(a) – *Special computation requirements*. Restaurant Classes A, B and C are proposed to be eliminated in the parking ordinance altogether and restaurants are proposed to be parked at the same ratios as other commercial establishments devoted to retail sales, service, trade and merchandising.

Three additions to this section are proposed:

1. A minimum of one bicycle space for each 25 parking spaces is required.
2. For lots with more than 50 parking spaces, a minimum of two percent (2%) of the spaces shall be designated for motorcycles/scooters.
3. In the Olde Towne District, as defined in Section 24-161, no on-site parking shall be required for either change in use or the redevelopment of improved property, effective for five years after the effective date of the ordinance.

§ 24-219(b) – *Parking Schedule*. The ordinance proposes adding maximum parking ratios that are ten percent (10%) more than the minimum parking requirements, unless otherwise

indicated, or by approval of the Planning Commission. The maximum for a restaurant use is suggested to be 1 per 100 sf of gross floor area, rather than ten percent (10%) more than the minimum.

One major goal was to simplify the chart by consolidating land use categories and eliminating ratios for certain land uses altogether. Consolidating land use categories should allow vacant spaces to fill more quickly and provide more predictability to businesses considering commercial space in the City.

§ 24-219(c)(1) - *Shared parking for development containing a mix of uses.* – This section was updated to reflect changes in recommended restaurant parking requirements, and to add additional uses to the chart. Additionally, the “Night Time” column was eliminated since that time period is irrelevant in determining the highest number of parking spaces.

§ 24-219(c)(2) – This section was re-ordered at the suggestion of the Planning Commission in order that the language be better aligned with the Planning Commission approval process.

§ 24-220(b) – *Construction, maintenance, screening, drainage and lighting requirements.* At the suggestion of Public Works, the paving standard changed from one and one half (1 ½) inches to two (2) inches of bituminous concrete surface course over three (3) inches of bituminous concrete base course over six (6) inches of crushed stone graded aggregate base course on approved subgrade.

§ 24-222A(1) – *Parking waivers.* An additional criterion is proposed for consideration of a parking waiver:

“Additional parking cannot reasonably be provided on site.”

§ 24-222A(2) and (4) – *Parking waivers.* These sections were added to provide criteria for waiving maximum parking requirements, and to address the status of current parking waivers under the new ordinance.

In addition to the attachments referenced in this memorandum, a copy of the existing Parking Ordinance is attached for your reference (**CTAM-6190-2014, Exhibit #8**).

chs/CHS

Attachments

Index of Memoranda CTAM-6190-2014
Exhibits for CTAM-6190-2014

Index of Memoranda CTAM-6191-2014
Exhibit for CTAM-6191-2014

**INDEX OF MEMORANDA
CTAM-6191-2013**

1. Application for CTAM-6191-2014
2. Draft Text Amendment – CTAM-6191-2014
3. Draft Minutes of the October 6, 2014 Mayor and City Council Meeting
4. Memorandum to Mayor and City Council and Planning Commission, October 17, 2014
5. Letter to Gaithersburg Gazette dated October 7, 2014, requesting a Legal Ad in the October 15 and 22, 2014, issues
6. Notice of Joint Public Hearing, as shown on City of Gaithersburg web site, October 10, 2014
7. PowerPoint Presentation for November 3, 2014 Consolidated Joint Public Hearing for CTAM-6190-2014 and CTAM-6191-2014



PLANNING AND CODE ADMINISTRATION

City of Gaithersburg · 31 South Summit Avenue · Gaithersburg, Maryland 20877 · Telephone: (301) 258-6330 · Fax: (301) 258-6336
plancode@gaitersburgmd.gov · www.gaithersburgmd.gov

TEXT AMENDMENT APPLICATION

All information must be complete to initiate processing of application

APPLICANT

Name Caroline Seiden

Street Address 31 S. Summit Avenue

City Gaithersburg State MD Zip Code 20877

Telephone Numbers: Work 301-258-6330 Cell _____ E-mail Address cseiden@gaitersburgmd.gov

REQUESTED SPONSOR

Mayor and City Council Planning Commission

This change involves Article I and V, Section 24-1 and 24-172A(b) of the City Code.

REASON FOR REQUEST

Amend Article I and V of Chapter 24 (Zoning Ordinance) in order to update the parking requirements and approval processes for minor parking waivers, changes to parking lots and parking charts.

SUBMISSION REQUIREMENTS

- Draft Ordinance of Proposed Change
- Supporting Material *(optional)*

Joint Hearing - MCC & PC
CTAM-6191-2014
Exhibit #1

Ordinance No. _____

AN ORDINANCE TO AMEND CHAPTER 24 (CITY ZONING ORDINANCE), 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

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
Single strikethrough	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by Amendment.</i>
Double boldface strikethrough	<i>Deleted from existing law or the bill by amendment.</i>
***	<i>Existing law unaffected by bill.</i>

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.

(6)

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 of the City of Gaithersburg, this XX day of XX, 2014.

SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED, to the Mayor of the City of Gaithersburg, this XX day of XX, 2014. APPROVED, by the Mayor of the City of Gaithersburg, this XX day of XX, 2014.

SIDNEY A. KATZ, 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 this XX day of XX, 2014 and the same was APPROVED, by the Mayor and City Council of the City of Gaithersburg, on this XX day of XX, 2014. This Ordinance will become effective on the XX day of XX, 2014.

Tony Tomasello, City Manager

XIII. STAFF GUIDANCE

A. Sponsorship of an Ordinance to Amend Chapter 24 (City Zoning Ordinance), Article I, Entitled "In General," § 24- 1, Entitled "Definitions," and Article V, Entitled "Site Development Plans," § 24-172A.(b), Entitled "Minor Amendment Requests"

Planner Seiden presented the draft text amendment submitted for sponsorship. On July 14, 2014, the Mayor and City Council and Planning Commission received planning staff's initial recommendations regarding updates to the City's parking ordinance. A follow-up presentation was made during the Mayor and City Council regular session on September 15, 2014. The proposed text amendment includes amendments to the Zoning Ordinance (Chapter 24 of the City Code) outside of Article XI, specifically the sections referenced above. Staff sought sponsorship of the text amendment and direction to schedule a joint public hearing for November 3, 2014.

Motion was made by Cathy Drzyzgula, seconded by Ryan Spiegel, that an Ordinance to Amend Chapter 24 (City Zoning Ordinance), Article I, Entitled "In General," § 24- 1, Entitled "Definitions," and Article V, Entitled "Site Development Plans," § 24-172A.(b), Entitled "Minor Amendment Requests", be introduced.

Vote: 5-0

B. Sponsorship of an Ordinance to Repeal and Reenact with Amendments Chapter 24 (City Zoning Ordinance), Article XI, Entitled, "Off-Street Parking and Loading," §§ 24-218 Through 24-222A

Planner Seiden presented the draft text amendment submitted for sponsorship related to off-street parking. On July 14, 2014, the Mayor and City Council and Planning Commission received planning staff's initial recommendations regarding updates to the City's parking ordinance. A follow-up presentation was made during the Mayor and City Council regular session on September 15, 2014. The recommended text amendment proposed to repeal and re-enact Article XI of the Chapter 24 (City Zoning Ordinance) of the City Code. Staff sought sponsorship of the text amendment and direction to schedule a joint public hearing for November 3, 2014.

Clarification was requested on the difference between parking spots allocated for single family homes being two spaces and townhomes being two and a half. Staff responded that townhomes with garages are not always used for parking and that the garage is classified as a half parking space. Staff noted that said text amendment does not address residential parking.

Motion was made by Michael Sesma, seconded by Jud Ashman, to sponsor an Ordinance to Repeal and Reenact with Amendments Chapter 24 (City Zoning Ordinance), Article XI, Entitled, "Off-Street Parking and Loading," §§ 24-218 Through 24-222A, be introduced.

Vote: 5-0

Joint Hearing - MCC & PC
CTAM-6190-2014
Exhibit #3

Joint Hearing - MCC & PC
CTAM-6191-2014
Exhibit #3



October 7, 2014

Mark Johnson,
Legal Advertising Manager
The Gazette Newspaper
2-A North Market Street
Frederick, Maryland 21701

Dear Mr. Johnson:

Please publish the following legal advertisement in the **October 15 and October 22, 2014**, issues of the *Gaithersburg Gazette*.

Sincerely,

Caroline Seiden, Planner
Planning and Code Administration

ASSIGN CODE: CTAM-6191-2014

NOTICE OF JOINT PUBLIC HEARING

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on CTAM-6191-2014, filed by Caroline Seiden, on

**MONDAY
NOVEMBER 3, 2014
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 (City Zoning Ordinance), Article I, Entitled, "In General," § 24-1, Entitled, "Definitions," Article V, entitled "Site Development Plans," § 24-172A.(b), Entitled "Minor Amendment Requests" so as to provide changes to the process whereby parking requirements are approved.

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 visit the City's website at www.gaithersburgmd.gov.

Caroline Seiden, Planner
Planning and Code Administration

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MAYOR
Sidney A. Katz

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

Joint Hearing - MCC & PC
CTAM-6191-2014
Exhibit #5



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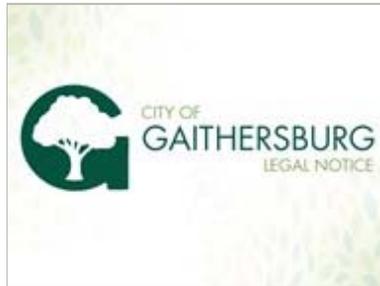
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Joint Public Hearing Notice: Parking Minor Amendment Requests, 11/3/2014

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Posted: October 14, 2014



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: **CTAM-6191-2014**

Applicant: **Caroline Seiden for Mayor and City Council**

Day/Date/Time: **Monday, November 3, 2014, at 7:30 P.M.**

Place: **Council Chambers, Gaithersburg City Hall, 31 South Summit Avenue**

The application requests an amendment to Chapter 24 (City Zoning Ordinance), Article I, Entitled, "In General," § 24-1, Entitled, "Definitions," Article V, entitled "Site Development Plans," § 24- 172A.(b), Entitled "Minor Amendment Requests" so as to

Joint Hearing - MCC & PC
CTAM-6191-2014
Exhibit #6

provide changes to the process whereby parking requirements are approved ([a copy of the draft ordinance can be viewed here](#)). This is an opportunity to publicly participate, other than providing written testimony which must be submitted before the public hearing record closes. Contact the Planning and Code Administration if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

Location

City Hall

[31 South Summit Avenue](#)
[Gaithersburg, Maryland 20877-2038](#)

Contact Information

Planning Commission

Staff Liaison
[Martin Matsen](#)

301-258-6330



Consolidated Joint Public Hearing

CTAM-6190 and 6191-2014

Joint Hearing - MCC & PC
CTAM-6190-2014
Exhibit #7

Joint Hearing - MCC & PC
CTAM-6191-2014
Exhibit #7

Proposed Changes

- Consolidate Uses and Categories
- Require Maximums (10% > Minimums)
- Extend Off-Site Parking to 600 Feet
- Require Bicycle and Motorcycle/
Scooter Parking
- Streamline Process and Allow Staff Approval for:
 - ✓ 10% parking waiver
 - ✓ Modifications to Shared Parking Chart
- 5-Year Moratorium on Parking Requirements in
Olde Towne

Section 24-172A(b)

- *(3) Requests for minor amendments include:*
 - *(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)*

Section 24-218

- *(a) Remove 10 foot wide “high-turnover stall”*
- *(d) “Parking spaces as required in this article shall be on the same lot with the main building or structure, or for buildings other than dwellings, located not more than 600 feet therefrom.”*

Section 24-219(a)(4)

“In the Olde Towne District, as defined in Section 24-161, no on-site parking shall be required for either change in use or the redevelopment of improved property, effective for five years after (ENTER DATE OF ORDINANCE ADOPTION).”

Section 24-219(a)

Additional Changes

- (5) *A minimum of one bicycle space for each 25 parking spaces is required*
- (6) *For parking facilities with more than 50 parking spaces, a minimum of 2% of the spaces shall be designated for motorcycles/scooters*

Section 24-219(b)

- *“Parking ratios for commercial uses are minimums. Maximum commercial parking permitted is 10% more than required minimums, unless otherwise indicated, or by approval of the Planning Commission.”*

Section 24-219(b)

Proposed Ratios

Use	Current	Proposed
Hotel	1/guest room + 1/400 sf assembly	1/guest room + 1/400 sf assembly/restaurant
Office	1/300 GFA	1/300 GFA
Medical/Dental	4/practitioner + 1 per 2 employees	1/300 GFA
Commercial	1/180 GFA	1/225 GFA
Commercial Centers	4.5/1000 under 250K 5/1000 (250K - 400K) 5.5/1000 400K – 1M	1/225 GFA Allow 10% reduction in centers over 200K
Restaurant	Class A: 13/1000 Class B: 16/1000 Class C: 16/1000	1/225 GFA Allow Maximum of 1/100 GFA

Section 24-219(c)

Shared Use Parking

Use	Weekday		Weekend	
	Day 6 a.m.— 6 p.m.	Evening 6 p.m.— Midnight	Day 6 a.m.— 6 p.m.	Evening 6 p.m.— Midnight
Industrial/office/warehouse	100%	10%	10%	5%
General retail/Service/Restaurant	50%	90%	100%	70%
Hotel/motel	70%	100%	75%	100%
Club/Dance Hall	50%	100%	100%	100%
Education	100%	50%	50%	50%
Theaters	40%	100%	80%	100%
Religious Assembly	25%	50%	100%	50%
All Other	100%	100%	100%	100%

Section 24-222A(2)

- *In granting **increases to the maximum number of parking spaces** permitted, the planning commission may consider the following criteria:*
 - *The development site is located in an area with minimum or no proximity to transit alternatives*
 - *The development provides parking for the general public above the parking required for on-site uses*

Section 24-222A(2) – cont'd

- *The applicant adequately demonstrates that financing for the development is contingent upon the requested number of parking spaces*
- *A parking agreement with adjacent property owners requires an additional number of parking spaces*
- *The unit mix or type of use has unique characteristics that requires additional parking*

Section 24-222A(3)

“In cases where a parking waiver request constitutes 10% or less of the required minimum or maximum number of parking spaces, a parking waiver may be granted by staff in compliance with Section 24-172A(b).”

Goals of Proposed Parking Ordinance Amendments

- Assist in City's Economic Development Goals
- Streamline Approval Process
- Reduce Inefficiencies in Parking Requirements
- Promote Shared Parking Across Uses and Properties
- Encourage Alternative Means of Transportation