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June 16, 2015

By Email

Gaithersburg Mayor and Council  
31 South Summit Avenue  
Gaithersburg, Maryland 20877-2038

Gaithersburg Planning Commission  
31 South Summit Avenue  
Gaithersburg, Maryland 20877-2038

Re: Text Amendment CTAM-7034-2015  
Amendments To Section 24-1 and Section 24-160D.3 (the "Text Amendment")

To the Mayor and Council and to the Planning Commission:

I am sending this letter in support of the proposed Text Amendment, on behalf of two City of Gaithersburg property owners, Equus Properties ("Equus")<sup>1</sup> and 30 West Watkins Mill Road LLC ("West Watkins"),<sup>2</sup> whose properties are located in the Metropolitan Grove area, have access to West Watkins Mill Road, and are within walking distance of the MARC station and the future CCT station.

Equus and West Watkins are interested in having the MXD zone allow Integrated light manufacturing uses. They are considering submitting a MXD/Sketch Plan application to reposition their properties so as to accommodate users that would be able operate in a more modern and flexible MXD zone, as contemplated by the proposed text amendment. They support many of the observations made during the May 20, 2015 Planning Commission meeting, and those of the Planning Staff and the Economic and Business Development Committee, as reflected in the June 15, 2015 memoranda that are included with the proposed Text Amendment.

We respectfully request your consideration of the following explanations that support our proposal to add more uses to the list of uses in "Integrated light manufacturing, which additional uses are illustrated by our enclosed redline of recommended changes. We believe that such additional uses would refine the Text Amendment, improve the legislation and strengthen Gaithersburg's economy. Further, as explained below, we support the Planning Staff's proposed elimination of one of the special exception uses, for the reasons explained below, and as illustrated in our redline as well.

<sup>1</sup> Equus Properties is the owner representative of 2 West Watkins Mill Road, and 1201 Clopper Road, both of which properties are located at or near the corner of West Watkins Mill Road and Clopper Road.

<sup>2</sup> Boland Trane Services, Inc. operates its headquarters from 30 West Watkins Mill Road.

1) Adding More Uses to the List of Uses in "Integrated Light Manufacturing

We acknowledge that the definition already reads that "Uses defined as Integrated Light Manufacturing include, *but are not limited to:* . . . ." Such language allows for flexibility in considering uses not specifically identified for their inclusion in the MXD zone. As noted during the Planning Commission's May 20, 2015 session, the definition focuses on the *impact* of the proposed use and does not endeavor to include every conceivable use that might fall within the definition. Nonetheless, we believe it would be prudent to add some currently well-known uses to augment the list of intended uses, without limiting the provision's intent to include as yet undefined but similar uses with similarly low impacts, etc.

We recommend adding: (1) Biomechanical; (2) Biomedical; (3) Biopharmaceutical; (4) Genetic research, testing, engineering; (5) Life sciences; (6) Pharmaceuticals; and (7) Prosthetics.

The proposed additional uses are encompassed in the existing proposed text amendment language, we acknowledge; however, adding them would cause the statute to be more "user friendly." A prospective user, considering relocating to Gaithersburg, could more easily and readily identify their use and have more confidence that they would be allowed to locate in the MXD Zone in Gaithersburg.

2) Eliminating Similar Uses from the Special Exception Approvals.

We support eliminating one category currently listed among the special exception uses, "Assembling from prepared materials of electronic devices and electrical appliances," under Section 24-160D.3.(d), "Special Exception Uses." The use category appears to be one that would be allowed under the "Integrated light manufacturing" exception to the heavy manufacturing prohibition, (if the text amendment is enacted). The assembly of "prepared materials of electronic devices" could be considered "electronics," which is one of the uses under Integrated light manufacturing use. Thus, we support eliminating the use from the uses requiring a special exception.

Thank you for considering our explanations and our attached redline illustrating our recommended changes. Please call with your comments, questions and instructions.

Very truly yours,



Timothy Dugan

Enclosure: Redline of Recommended Changes

cc:

Mr. Tony Tomasello  
Mr. Robert Robinson  
Mr. Martin Matsen  
Mr. John Schlicting  
Mr. Thomas Lonergan  
Ms. Trudy Schwarz

Mr. Brian Fitzgerald  
Mr. James M. Boland  
Mr. Lawrence J. Cain  
Robert G. Brewer, Jr., Esq.  
Ms. Jennifer Russel  
Mr. Luis Gonzalez

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Ordinance No. \_\_\_\_\_  
AN ORDINANCE TO AMEND CHAPTER 24 (CITY ZONING ORDINANCE),  
OF THE CITY CODE, ARTICLE I, ENTITLED, "IN GENERAL,"  
§ 24-1, ENTITLED, "DEFINITIONS," ARTICLE III, ENTITLED,  
"REGULATIONS APPLICABLE TO PARTICULAR ZONES," DIVISION 19,  
ENTITLED, "MXD ZONE, MIXED USE DEVELOPMENT,"  
§ 24-160D.3, ENTITLED, "USES PERMITTED,"  
SO AS TO DEFINE INTEGRATED LIGHT MANUFACTURING USES IN THE MXD  
ZONE

**Text Amendment CTAM-7034-2015**

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 I, § 24-1, Article III, Division 19, § 24-160D.3 is amended to read as follows:

**ARTICLE I. IN GENERAL**

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

\* \* \* \*

*Integrated light manufacturing.* The manufacturing, compounding, assembly, and/or processing of articles in a building, unit or floor thereof where the operations, emission, and by-products, such as external excessive noise, particulate matter, vibration, smoke, dust, gas, fumes, odors, radiation and/or other adverse effects or nuisances are neither created nor present outside the enclosed building, unit or floor thereof. Integrated Light Manufacturing uses must be low impact and compatible with residential uses. Integrated Light Manufacturing should be located within a business park/campus, retail center or transit oriented development with additional retail, office, or research & development uses. Uses defined as Integrated Light Manufacturing include, but are not limited to:

- Chocolatier / Specialty Gourmet
- Craft Brewery / Small Batch Distillery
- Pottery / Artisanal
- Electronics
- Precision Instruments
- Additive Manufacturing (3D printing)
- Medical Supplies and Devices
- Molecular Engineering / Nanotechnology
- Mechanical Equipment and Micro-manufacturing

- Cyber Security Technologies
- Biomechanical
- Biomedical
- Biopharmaceutical
- Genetic research, testing, engineering
- Life sciences
- Pharmaceuticals
- Prosthetics

\* \* \* \*

### ARTICLE III. REGULATIONS APPLICABLE TO PARTICULAR ZONES

\* \* \* \*

#### DIVISION 19. MXD ZONE, MIXED USE DEVELOPMENT

\* \* \* \*

##### **Sec. 24-160D.3. Uses permitted.**

\* \* \* \*

(b) *Commercial/employment/industrial*: All uses allowed by right in any of the following zone: R-B, C-B, C-1, C-2, C-3, E-1, E-2 and I-3 Zones are permitted uses. The following uses are specifically prohibited:

adult-oriented business.

Automobile paint and body repair shops.

Body piercing establishments

Drive-in theaters.

Fortune telling business.

Hotel, extended stay.

Manufacture, compounding, and processing of goods or articles, with the exception of Integrated Light Manufacturing uses.

(d) Special exception uses. The following uses shall be special exception uses in the MXD zone subject to approval by the city board of appeals notwithstanding the fact that

REDLINE OF RECOMMENDED CHANGES  
FROM EQUUS AND WEST WATKINS

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such use may be allowed as a permitted use in any other zones referred to in the above subsections (a) and (b):

Amusement center, whether operated separately or in conjunction with any other permitted or special exception use.

[Proposed to be deleted: Assembling from prepared materials of electronic devices and electrical appliances.]

Boarding homes.

Care homes.

Cemeteries.

\* \* \* \*

ADOPTED by the City Council of Gaithersburg, Maryland, this \_\_\_\_ day of \_\_\_\_\_, 2015.

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JUD ASHMAN, MAYOR and  
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this \_\_\_\_ day of \_\_\_\_\_, 2015. APPROVED by the Mayor of the City of Gaithersburg, Maryland, this \_\_\_\_ day of \_\_\_\_\_, 2015.

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JUD ASHMAN, 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 \_\_\_\_\_, 2015, and the same was APPROVED by the Mayor of the City of Gaithersburg on the \_\_\_\_ day of \_\_\_\_\_, 2015. This Ordinance will become effective on the \_\_\_\_ of \_\_\_\_\_, 2015.

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TONY TOMASELLO, City Manager

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## MEMORANDUM

To: Mayor & City Council  
Planning Commission

From: Economic & Business Development Committee

Via: Tom Lonergan, Director, Economic Development

Date: 6/23/2015

Re: Proposed Text Amendment CTAM-7034-2015

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With a 8-0-2 vote on the following motion the Economic & Business Development Committee supports the above-referenced change to the City's zoning ordinance:

To modify, by zoning text amendment, the MXD (Mixed Use Development) zone to allow "Integrated Light Manufacturing" uses

The committee wishes to convey to the Planning Commission and Mayor & Council that such a change furthers the City's efforts in attracting and retaining employers.

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# Certificate of Publication

State Of Maryland }  
County of Montgomery } SS

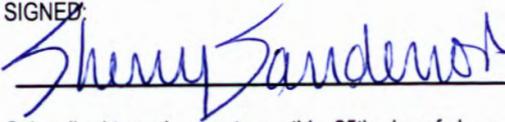
Sherry Sanderson, being duly sworn, says:

That she is Legal Advertising Representative of The Montgomery County Sentinel, a weekly newspaper of general circulation, published in Rockville, Montgomery County, Maryland; that the publication, a copy of which is attached hereto, was published in the said newspaper on

June 18, 25, 2015

That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Subscribed to and sworn to me this 25th day of June 2015,

01108697 00019958

CITY OF GAITHERSBURG  
31 SOUTH SUMMIT AVENUE  
GAITHERSBURG, MD 20877-2038

**NOTICE OF JOINT PUBLIC HEARING**  
The Mayor and City Council and the Planning Commission of the City of Gaithersburg, Maryland, will conduct a joint public hearing on Zoning Ordinance Text Amendment CTAM-7034-2015 on

**MONDAY  
JULY 6, 2015  
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 amendment proposes to amend Chapter 24 (city zoning ordinance), of the city code, Article I, entitled, "in general," § 24-1, entitled, "definitions," Article III, entitled, "regulations applicable to particular zones," Division 19, entitled, "MXD Zone, mixed use development," §§ 24-160d.3(b) and (d), entitled, "uses permitted," so as to define integrated light manufacturing uses in the MXD Zone

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

Rob Robinson, Long Range Planning Manager  
Planning and Code Administration  
00019958 2t 06/25/15

Joint Hearing - MCC & PC  
CTAM-7034-2015

*CTAM-7034-2015*  
*Integrated Light*  
*Manufacturing: MXD Zone*



Gaithersburg

JULY 6, 2015

Joint Hearing - MCC & PC  
CTAM-7034-2015

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# Current Code

Section 24-160D.3.(b) Uses Permitted includes:

“...The following uses are specifically prohibited:

\*\*\*

Manufacture, compounding, and processing of goods  
or articles”

- Original intent namely to prohibit traditional “heavy” industrial uses, but may be applied to uses beyond what was the original intent

# Current Code

- “Manufacture,” “Compounding,” and “Processing” uses are allowed by-right or in some form in the City’s traditional Euclidean zones
- These zones however prohibit other uses, such as residential or stand-alone retail.
- These zones are often typified by parcels having a single-use development



# Integrated Light Manufacturing

- The local commercial real estate market continues to evolve, with a decline in inquires for single use – single tenant spaces and an increase in requests for multi-tenanted locations in settings proximate to restaurants, shopping and housing
- By amending the City’s ordinance to allow low-impact manufacturing uses in MXD areas, the City would be positioned to retain and attract employers, while creating opportunity for redevelopment of aging business parks and freestanding industrial facilities.
  - ▣ Enhance the variety of workplace settings available to new and expanding light industrial employers, who desire amenities just as office tenants do
  - ▣ Acknowledge the contemporary changes in modern manufacturing, including a greater dependence on technology and a move away from “smokestack” activities
  - ▣ Accommodate Research & Development activities, as well as support innovation and build upon the assets of the community, especially the City’s proximity to NIST
- Gaithersburg can optimize its location by supporting new investment in development patterns that are compatible with the market’s demand for mixed use.

# Proposed Text Amendment

Three Parts:

□ PART I: § 24-160D.3.(b) to now read:

*“...The following uses are specifically prohibited:*

**\*\*\***

*Manufacture, compounding, and processing of goods or articles, **with the exception of Integrated Light Manufacturing uses.**”*

# Proposed Text Amendment

## □ PART II: § 24-1 to read:

**Integrated light manufacturing.** The manufacturing, compounding, assembly, and/or processing of articles in a building, unit or floor thereof where the operations, emission, and by-products, such as external excessive noise, particulate matter, vibration, smoke, dust, gas, fumes, odors, radiation and/or other adverse effects or nuisances are neither created nor evident outside the enclosed building, unit or floor thereof. Integrated Light Manufacturing uses must be low impact and compatible with residential uses. Integrated Light Manufacturing should be located within a business park/campus, retail center or transit oriented development with additional retail, office, or research & development uses.

# Proposed Text Amendment

“Integrated Light Manufacturing” as it relates to the MXD Zone:

- Reflects and accommodates new business models/practices of the 21<sup>st</sup> Century economy not envisioned when the MXD Zone was first enacted
- Creates a site/situation locational standard (business park/campus, retail center or transit oriented development) that would afford new (re)development opportunities for those properties, some of which were comprehensively rezoned to MXD from the I-3 Zone
- Reinforces the purpose and objectives of the MXD Zone by emphasizing compatibility with other uses and expanding employment opportunities proximate to residential
- Precludes external emissions or “nuisance” by-products; those typically associated with “heavy” industry.

# Proposed Text Amendment

□ PART III: § 24-160D.3(d) to read:

“Special exception uses. The following uses shall be special exception uses in the MXD zone subject to approval by the city board of appeals notwithstanding the fact that such use may be allowed as a permitted use in any other zones referred to in the above subsections (a) and (b):

\*\*\*

~~Assembling from prepared materials of electronic devices and electrical appliances.”~~

# Next Steps

- Staff recommends that the Planning Commission hold their record open until 5PM Monday July 27, 2015 (21 days) with anticipated recommendation August 5, 2015.
- Staff recommends that the Mayor & City Council hold their record open until 5PM Friday August 21, 2015 (46 days) with anticipated Policy Discussion September 8, 2015.

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

AN ORDINANCE TO AMEND CHAPTER 24 (CITY ZONING ORDINANCE), OF THE CITY CODE, ARTICLE I, ENTITLED, "IN GENERAL," § 24-1, ENTITLED, "DEFINITIONS," ARTICLE III, ENTITLED, "REGULATIONS APPLICABLE TO PARTICULAR ZONES," DIVISION 19, ENTITLED, "MXD ZONE, MIXED USE DEVELOPMENT," §§ 24-160D.3(b) AND (d), ENTITLED, "USES PERMITTED," SO AS TO DEFINE INTEGRATED LIGHT MANUFACTURING USES IN THE MXD ZONE

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**ARTICLE I. IN GENERAL**

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

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Integrated light manufacturing. The manufacturing, compounding, assembly, and/or processing of articles in a building, unit or floor thereof where the operations, emission, and by-products, such as external excessive noise, particulate matter, vibration, smoke, dust, gas, fumes, odors, radiation and/or other adverse effects or nuisances are neither created nor present outside the enclosed building, unit or floor thereof. Integrated Light Manufacturing uses must be low impact ~~and compatible with residential uses.~~ Integrated Light Manufacturing should be located within a business park/campus, ~~retail~~ **commercial** center or transit oriented development with additional **residential**, retail, office, or research & development uses, **but these uses should be compatible with and may be included in predominately residential developments, should the zoning allow.** Uses defined as Integrated Light Manufacturing include, but are not limited to:

- Chocolatier / Specialty Gourmet
- Craft Brewery / Small Batch Distillery
- Pottery / Artisanal
- Electronics
- Precision Instruments

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

- Additive Manufacturing (3D printing)
- Medical Supplies and Devices
- Molecular Engineering / Nanotechnology
- Mechanical Equipment and Micro-manufacturing
- Cyber Security Technologies

\* \* \* \*

### ARTICLE III. REGULATIONS APPLICABLE TO PARTICULAR ZONES

\* \* \* \*

#### DIVISION 19. MXD ZONE, MIXED USE DEVELOPMENT

\* \* \* \*

#### Sec. 24-160D.3. Uses permitted.

\* \* \* \*

(b) *Commercial/employment/industrial:* All uses allowed by right in any of the following zone: R-B, C-B, C-1, C-2, C-3, E-1, E-2 and I-3 Zones are permitted uses. The following uses are specifically prohibited:

adult-oriented business.

Automobile paint and body repair shops.

Body piercing establishments

Drive-in theaters.

Fortune telling business.

Hotel, extended stay.

Manufacture, compounding, and processing of goods or articles, with the exception of Integrated Light Manufacturing uses.

(d) *Special exception uses.* The following uses shall be special exception uses in the MXD zone subject to approval by the city board of appeals notwithstanding the fact that such use may be allowed as a permitted use in any other zones referred to in the above subsections (a) and (b):

Amusement center, whether operated separately or in conjunction with any other permitted or special exception use<sup>1</sup>.

Assembling from prepared materials of electronic devices and electrical appliances.

Boarding homes.

Care homes.

Cemeteries.

Child or elderly care facilities in dwelling units other than single-family detached or duplexes accommodating not more than eight (8) individuals.

Child or elderly care facilities for accommodating more than eight (8) individuals.

Clinics.

Commercial parks and other outdoor places of amusements, including miniature golf courses, driving ranges, carnivals and fairs.

Funeral parlors and undertaking establishments.

Group residential facilities operated by nonprofit or public entities.

Hospitals.

Nursing and care homes.

Private clubs.

Public utilities uses, such as electric substations and offices, excluding the storage of material and trucks and repair facilities.

Radio and television broadcasting stations, towers and accessory structures.

Telecommunications facilities, subject to the requirements of section 24-167A(D)(2).

Towers, poles, antennas, buildings or other structures intended for use in connection with the operation of a commercial radio or television broadcasting station.

ADOPTED by the City Council of Gaithersburg, Maryland, this \_\_\_\_ day of \_\_\_\_\_, 2015.

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JUD ASHMAN, MAYOR and  
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this \_\_\_\_ day of \_\_\_\_\_, 2015. APPROVED by the Mayor of the City of Gaithersburg, Maryland, this \_\_\_\_ day of \_\_\_\_\_, 2015.

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JUD ASHMAN, MAYOR

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TONY TOMASELLO, City Manager