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**STAFF COMMENTS FOR PLANNING COMMISSION**

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**MEETING DATE:** July 16, 2008

**TEXT AMENDMENT: T-386**

**TITLE:** AN ORDINANCE TO AMEND ARTICLE III, ENTITLED "REGULATIONS APPLICABLE TO PARTICULAR ZONES" §24-160F.3 ENTITLED "MINIMUM LOCATIONAL REQUIREMENTS," SO AS TO AMEND §24-160F.3. TO MODIFY MINIMUM LOCATIONAL REQUIREMENTS WITHIN THE CENTRAL BUSINESS DISTRICT ZONE.

**REQUEST:** **RECOMMENDATION TO M&CC**

**ADDRESS:** N/A

**ZONE:** CBD (Central Business District) Zone

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

**STAFF PERSON:** Greg Ossont, Director  
Planning and Code Administration

**Enclosures:**

Staff Comments  
Draft Ordinance

## **STAFF COMMENTS**

A joint public hearing, on T-386, was held on July 7, 2008. The Planning Commission held the record open until 12 PM on July 11, 2008 (4 days). There are seven (7) exhibits in the record including background material from the joint public hearing.

This is a proposed ordinance to amend Chapter 24 of the City Code (City Zoning Ordinance), Article III, entitled "Regulations Applicable to Particular Zones" §24-160F.3 entitled "Minimum locational requirements," so as to amend §24-160F.3. to modify minimum locational requirements within the Central Business District Zone.

On June 16, 2008, the Mayor and City Council conducted a policy discussion on zoning map amendment application Z-308(o), a request to rezone 2.14 acres of land from the R-20 (Medium Density Residential) Zone to the CBD (Central Business District) Zone. During the policy discussion, the Mayor and Council determined that it was desirable to expand the CBD Zone to include the subject 2.14 acres. Accordingly, staff has revised the Section to incorporate the land encompassed in the Z-308(o) map amendment request.

The text amendment also includes the metes and bounds description of a property that was rezoned to CBD in 2003.

This item is on your agenda for a transmittal of a recommendation to the Mayor and Council. There have been no additions to the record since the joint public hearing.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE, ENTITLED "ZONING," ARTICLE III, ENTITLED "REGULATIONS APPLICABLE TO PARTICULAR ZONES," DIVISION 21 ENTITLED "CBD ZONE, CENTRAL BUSINESS DISTRICT," SECTION 24-160F.3 ENTITLED "MINIMUM LOCATIONAL REQUIREMENTS," TO MODIFY SECTION 24-160F.3 TO EXPAND THE BOUNDARIES OF THE CENTRAL BUSINESS DISTRICT.

**Text Amendment T-\_\_\_\_\_**

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 III, is amended as follows:

DIVISION 21.                    CBD ZONE, CENTRAL BUSINESS DISTRICT

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**Section 24-160F.3. Minimum locational requirements**

No land shall be classified in the central business district unless the land is within the following described areas:

Beginning at a point being the intersection of the north right-of-way line of Brooks Avenue with the west right-of-way line of Park Avenue, said point being further described as the southeast corner of Lot 1, Block 7, "Russell and Brookes Addition to Gaithersburg," thence

1.        Running in a northeasterly direction with the west right-of-way line of Park Avenue, Extended, to intersect the east right-of-way line of North Summit Avenue; thence

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<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>

22. Running in a southwesterly direction with the northwesterly line of the aforementioned Lot 83 – Observatory Heights Addition to Gaithersburg, Spring Hollow Townhouses and the northeasterly line of Lot 1A – Lilac Gardens Condominium, to a point described as the southeasterly corner of P238; thence

23. Running in a northeasterly direction with the easterly line of said P238 to a point described as the southwesterly corner of P185; thence

24. Running in a northwesterly direction with the common line between said P238 and P185 to a point described as the southeasterly corner of P184; thence

25. Running in a northwesterly direction with the common line between said P238 and P184 to a point on the easterly right of way of Water Street; thence

~~22.~~ 26. Running in a northerly direction with the common line between Parcel 185 and the MHSA Service Road right of way northeasterly direction with the common line between said P184 and Water Street to a point where it intersects the south line of Parcel A, Meem’s Addition; thence

~~23.~~ 27.

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~~34.~~ 38. Continuing in a southerly direction with the east line of said Lot 18 to the point where it intersects the north line of a 15’ alley, said alley being shown on a plat titled as “Russell and Brookes Addition to Gaithersburg,” Plat B-40 a point described as the northwest corner of Parcel “A” Block 1 of the Russell and Brookes Addition, as shown on Plat 15646; thence

39. Running in an easterly direction with the north property line of said Parcel “A” Block 1 to a point described as the southwest corner of Lot 20 Block 1 of the Russell and Brookes Addition, as shown on Plat 23261; thence

40. Running in a northerly direction with the west property line of Lot 20 Block 1 to a point described as the northwest corner of Lot 20 Block 1; thence

41. Running in an easterly direction with the north property line of Lot 20 Block 1 to a point where it intersects the east right-of-way line of Russell Avenue, said point also being located on the west property line of Lot 1 Block 2 of the Russell and Brookes Addition, as shown on Plat B-40; thence

42. Running in a southerly direction along the west property line of Lot 1 Block 2 to a point described as the southwest corner of Lot 1 Block 2, said point also being located on the northern right-of-way-line of an alley shown on plat B-40; thence

**Boldface**

Underlining

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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.*

~~35.~~ 43. Running in an easterly direction with the north right-of-way of said alley, continuing across ~~Russell Avenue~~ to the west line of Lot 4, Block 7, Russell and Brookes Addition; thence

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~~38.~~ 46. Running in a northerly direction with the ~~east~~ west right-of-way line of Park Avenue, continuing across Brookes Avenue to the point of beginning.

In addition, to the above-described area, land identified with a street address of 16 Park Avenue shall be included within the Central Business District.

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***	<i>Existing law unaffected by bill.</i>

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by the City Council of Gaithersburg, Maryland.

\_\_\_\_\_  
SIDNEY A. KATZ, MAYOR and  
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this \_\_\_\_\_ day of \_\_\_\_\_, 2008. APPROVED/VETOED by the Mayor of the City of Gaithersburg this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing ordinance as adopted by the City Council of Gaithersburg, in public meeting assembled, on the \_\_\_ day of \_\_\_\_\_, 2008, and that the same was approved/vetoed by the Mayor of the City of Gaithersburg on the \_\_\_\_\_ day of \_\_\_\_\_, 2008. This Ordinance will become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
James D. Arnoult, Acting City Manager

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