

Ordinance No. O-25-10

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE (CITY ZONING ORDINANCE), ARTICLE III, ENTITLED, "REGULATIONS APPLICABLE TO PARTICULAR ZONES," DIVISION 22, ENTITLED, "CD ZONE, CORRIDOR DEVELOPMENT," § 24-160G.5, ENTITLED, "WAIVER OF DEVELOPMENT STANDARDS," SO AS TO ALLOW FOR AN ADDITIONAL INCREASE IN BUILDING HEIGHTS IN THE COMMERCIAL AND EMPLOYMENT DISTRICTS

Text Amendment T-400

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, entitled, "Regulations Applicable to Particular Zones," Division 22, entitled, "CD Zone, Corridor Development," Section 24-160G.5., entitled, "Waiver of Development Standards," be amended to read as follows:

ARTICLE III. REGULATIONS APPLICABLE TO PARTICULAR ZONES

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DIVISION 22. CD ZONE, CORRIDOR DEVELOPMENT

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Sec. 24-160G.5. Waiver of development standards.

(a) The city council may, by resolution, waive the building and structure height requirements [in any district] in the corridor development zone (CD zone) as follows:

- (1) For a residential district to allow a height not to exceed four (4) stories, or forty-eight (48) feet.
- (2) For a commercial district between Summit Avenue and Odendhal Avenue to allow a height not to exceed five (5) stories, or sixty (60) feet.
- (3) For a commercial district between Odendhal Avenue and Montgomery Village Avenue to allow a height not to exceed ten (10) stories or 135 feet.
- (3)(4) For an employment district to allow a height not to exceed eight (8) stories, or ninety (90) feet ~~ten (10) stories or 135 feet.~~

(b) The granting of such waiver shall be based on a finding that:

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>

- (1) The applicant will provide either on-site or off-site public amenities to further enhance the corridor development zone and the purposes of the CD zone; and
- (2) The additional height is necessary to implement the master plan and a specific land use plan for Gaithersburg or attract an appropriate and compatible type or caliber of user; and
- (3) The additional height will be compatible with existing and proposed adjacent land uses and would not detrimentally impact those uses or public facilities serving a specific corridor.

(c) The city council may, by resolution, waive setback requirements in the CD zone, upon a finding that:

- (1) The applicant will provide either on-site or off-site public amenities to further enhance the specified corridor and the purposes of the CD zone; and
- (2) The reduced setback is necessary to implement the master plan and a specific corridor plan for Gaithersburg or attract an appropriate and compatible type or caliber of user; and
- (3) The reduced setback will not detrimentally impact light and air to adjacent buildings.

ADOPTED by the City Council of Gaithersburg, Maryland, this 1st day of November, 2010.

SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland this 1st day of November, 2010. APPROVED by the Mayor of the City of Gaithersburg, Maryland this 1st day of November, 2010.

SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the 1st day of November, 2010, and the same was APPROVED by the Mayor of the City of Gaithersburg on the 1st day of November, 2010. This Ordinance will become effective on the 22nd day of November, 2010.

ANGEL L. JONES, City Manager