

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE,
ENTITLED, "ZONING," ARTICLE XV, ENTITLED,
"ADEQUATE PUBLIC FACILITIES," § 24-246, ENTITLED,
"ADEQUACY OF SCHOOL CAPACITY," TO AMEND
SUBSECTIONS §§ 24-246(c), 24-246(d), AND
24-246(d)(i) THROUGH 24-246(d)(iii)

Text Amendment T-404

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 XV, § 24-246 is amended to amend subsections §§ 24-246(c), 24-246(d), and 24-246(d)(i) through 24-246(d)(iii), as follows:

ARTICLE XV. ADEQUATE PUBLIC FACILITIES

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Sec. 24-246. Adequacy of school capacity.

With the exception of age restricted development, schematic development plan or preliminary site plan for residential development shall not be approved if the subject property is within the attendance area of a Montgomery County Public School that is forecasted to have a student population that exceeds one hundred ten (110) percent of Montgomery County Public Schools Program Capacity ~~two (2)~~ five (5) years in the future subject to the following:

- (a) The program capacity for each school attended by Gaithersburg residents is determined annually by the Superintendent of Montgomery County Public Schools and reported to the board of education in the communities facilities master plan and capital improvements program.
- (b) Capacity shall be reviewed individually for each elementary school, middle school, and high school. Sharing of capacity between schools shall not be permitted.
- (c) Upon review of the current communities facilities master plan and capital improvements program, the city manager shall determine on the first business day of each fiscal year whether or not each public school

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<u>Underlining</u>	<i>Added to existing law by original bill.</i>
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***	<i>Existing law unaffected by bill.</i>

attended by Gaithersburg residents is forecasted to exceed one hundred ten (110) percent of programming capacity ~~two (2)~~ five (5) years in the future.

(d) Notwithstanding the foregoing, the City Council may approve, by resolution, a schematic development or preliminary plan that does not exceed one hundred twenty (120) percent of programming capacity ~~two (2)~~ five (5) years in the future upon finding that the project is compatible with existing and proposed adjacent land uses; and:

- ~~i. the project is necessary to implement the master plan or strategic directions and attract an appropriate and compatible type or caliber of user;~~
- ~~ii. the project is compatible with compatible with existing and proposed adjacent land uses; and~~
- ~~iii. the number of students generated by the development project, as determined by Montgomery County Public Schools, does not exceed the number of students associated with the existing development and projected number of students associated with proposed future development at the (development) site included in the school population forecasts two (2) years in the future.~~
- i. the project is necessary to implement the master plan or strategic directions and attract an appropriate and compatible type or caliber of user; or
- ii. the number of students generated by the development project, as determined by Montgomery County Public Schools, does not exceed the number of students associated with the existing development and projected number of students associated with proposed future development at the (development) site included in the school population forecasts five (5) years in the future.

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ADOPTED, this 19th day of March, 2012, by the City Council of Gaithersburg, Maryland.

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this 19th day of March, 2012. Approved by the Mayor of the City of Gaithersburg this 19th day of March, 2012.

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 19th day of March, 2012, and that the same was approved by the Mayor of the City of Gaithersburg on the 19th day of March, 2012. This Ordinance will become effective on the 9th day of April, 2012.

ANGEL L. JONES, City Manager

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