

Ordinance No. 14-21

ORDINANCE: To grant Text Amendment Application No. TXT2021-00258, as amended, Mayor and Council of Rockville, Applicant

WHEREAS, the Mayor and Council of Rockville, 111 Maryland Avenue, Rockville, Maryland, filed Text Amendment Application TXT2021-00258 for the purpose of amending Chapter 25 of the Rockville City Code, "Zoning," so as to revise Chapter 25 for the purpose of implementing the policies of the North Stonestreet Area and Park Road North/South Stonestreet Area Comprehensive Plan Amendments; and

WHEREAS, the Planning Commission reviewed the proposed text amendment at its meetings of April 28 and May 12, 2021, and recommended approval of the proposed amendment to the Mayor and Council on June 23, 2021, with certain comments; and

WHEREAS, pursuant to the Land Use Article of the Annotated Code of Maryland, the Mayor and Council of Rockville gave notice that a hearing on said text amendment would be held virtually by the Mayor and Council via WebEx on September 13, 2021, at 7:00 p.m., or as soon thereafter as it may be heard; and

WHEREAS, on September 13, 2021, said application came on for hearing at the time and place provided for in said advertisement; and

WHEREAS, the Mayor and Council, having considered the text amendment application and the entire file pertaining thereto, said Mayor and Council have decided that the granting of this application, in the form set forth below, would promote the health, safety and welfare of the citizens of the City of Rockville.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

**I. Amend the Table of Contents as follows:****Article 11 – Residential Medium Density Zones**

- 25.11.01 – Purpose
- 25.11.02 – Zones Established
- 25.11.03 – Land Use Tables
- 25.11.04 – Development Standards
- 25.11.05 – Special ~~Regulations~~ Provisions for Development in the RMD-~~10~~ Infill Zone
- ~~25.11.06 – Special Provisions for Townhouse Development in the RMD Zones~~
- 25.11.~~06~~7 – Process for Approval
- 25.11.~~07~~8 – Accessory Uses and Structures
- 25.11.~~08~~9 – Nonconformities
- 25.11.~~09~~10 – Parking and Loading Requirements
- 25.11.~~10~~11 – Landscaping and Buffer Requirements
- 25.11.~~11~~12 – Signs

**II. Amend Article 3 - “Definitions, Terms of Measurement and Calculations”, as follows:****25.03.02 – Words and Terms Defined**

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Artisanal Craft Production: The manufacture and production of specialty products by entrepreneurs which involve a substantial degree of hand work. Examples of such products include, but are not limited to, pottery, art glass, custom furniture, jewelry, food, drink and and similar products.

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*Dwelling Unit* - A building or portion ...

\* \* \*

6. Dwelling, Two Unit Detached - A building containing two (2) single dwelling units on one lot. The building is entirely separated from any other building or structure on all sides. The units must share a common wall or common floor/ceiling. The term does not include accessory apartments.

~~6~~7. Dwelling, Townhouse - One (1) of a group of three (3) or more single unit dwellings separated from each other by a party wall extending from the basement floor to the highest point of the roof with no openings. Each dwelling unit must have two (2) separate entrances from the outside.

8. Dwelling, Rowhouse - One (1) of a group of three (3) or more single unit dwellings separated from each other by a party wall extending from the basement floor to the highest point of the roof with no openings. Rowhouses must front on a public street and must not contain any vehicular parking or access to the front yard.

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### III. Amend Article 7, “Procedures for Site Plans and Project Plans, Special Exceptions and Other Permits”

#### 25.07.01 –Site Plan, Project Plan, and Special Exception Approval Required

##### a. Site Plan Approval

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##### 2. Exceptions

Site plan approval is not required for:

- (a) Single unit detached or semi-detached residential dwellings and related accessory uses on a record lot in the Single Dwelling Unit Residential Zones; ~~or~~
- (b) Residential single unit, two unit, and multiple-unit dwellings of three units or less and related accessory uses on a single record lot in the RMD-Infill Zone; or
- ~~(b)~~ (c) Uses allowed by a temporary use permit issued by the Chief of Inspection Services.

### IV. Amend Article 11, “Residential Medium Density Zones”, as follows:

#### 25.11.02 – Zones Established

Type of Zone	Distinguishing Feature	Name of Zone
<u>Residential single unit (detached and semi-detached only), two unit detached, and multiple-unit dwellings</u>	<u>Allows single unit (detached and semi-detached only) detached dwellings, two unit detached dwellings, and multiple-unit residential dwellings of one unit per 2,000 square feet of tract area, up to a maximum of four dwelling units per lot.</u>	<u>Residential Medium Infill (“RMD-Infill”)</u>
Residential single unit, <u>two unit</u> , and multiple-unit dwellings	20,000 square feet minimum tract area; Allows single-unit detached, semi-detached, <del>and</del> townhouses, <u>two unit</u> , and multiple-unit <u>residential dwellings</u> up to 10 d.u./ac.	Residential Medium-Density (“RMD-10”)
Residential single unit, <u>two unit</u> , and multiple-unit dwellings	1-acre minimum tract area; Allows detached, attached, <u>two unit</u> , and <del>multi</del> <u>multiple-unit</u> residential dwellings up to 15 d.u./ac.	Residential Medium-Density (“RMD-15 ”)
Residential single unit, <u>two unit</u> , and multiple-unit dwellings	2-acre minimum tract area; Allows detached, attached, <u>two unit</u> , and <del>multi</del> <u>multiple-unit</u> residential dwellings up to 25 d.u./ac.	Residential Medium-Density (“RMD-25”)

#### 25.11.03 – Land Use Tables

The uses permitted in the Residential Medium Density Zones are shown in the table below. Uses are subject to applicable conditions of site plan approval, and all special exceptions are subject to the requirements of Article 15.

	Uses	Zones				Conditional requirements or related regulations
		<u>Residential Medium Density RMD-Infill</u>	<u>Residential Medium Density RMD-10</u>	<u>Residential Medium Density RMD-15</u>	<u>Residential Medium Density RMD-25</u>	
<b>a. Residential uses</b>	Dwelling, attached	N	<del>N</del> P	P	P	
	Dwelling, semi-detached	P	P	P	P	
	Dwelling, single unit detached	<u>C</u>	C	C	C	Conditional use subject to the development standards of the R-60 Zone; Conditional use subject to the development standards in Section 25.11.04
	Dwelling, two unit detached	<u>C</u>	P	P	P	Conditional use subject to the development standards in Section 25.11.05
	Dwelling, multiple-unit	<u>C</u>	<del>N</del> P	P	P	Conditional use subject to the development standards in Section 25.11.05
	<u>Dwelling, rowhouse</u>	<u>C</u>	N	N	N	Conditional use subject to the development standards in Section 25.11.05
	Dwelling, Townhouse	<u>N</u>	P	P	P	
<b>b. Swimming pool, accessory</b>		P	P	P	P	
<b>c. Home-based business enterprise</b>	No impact	P	P	P	P	
	Major	<u>S</u>	S	S	S	See Secs 25.09.07 and 25.15.02.h
<b>d. Institutional uses</b>	Adult day care	<u>S</u>	S	S	S	
	Charitable or philanthropic office	<u>S</u>	S	S	S	See Sec. 25.15.02.e
	Child care home up to 8 children	P	P	P	P	
	Child care center:					Special exception subject to Sec. 25.15.02.f
	9 – 12 children	<u>S</u>	P	P	P	
	More than 12 children	<u>S</u>	S	S	S	
	Educational institution, private	<u>S</u>	S	S	S	See Sec. 25.15.02.g

	Uses	Zones				Conditional requirements or related regulations
		<u>Residential Medium Density RMD-Infill</u>	<u>Residential Medium Density RMD-10</u>	<u>Residential Medium Density RMD-15</u>	<u>Residential Medium Density RMD-25</u>	
	Housing for senior adults and persons with disabilities	<u>S</u>	S	P	P	Special exception subject to Sec. 25.15.02.j
	Life care facility	<u>S</u>	S	S	S	See Sec. 25.15.02.k
	Nursing home	<u>S</u>	S	S	S	See Sec. 25.15.02.i
	Places of worship	<u>P</u>	P	P	P	
	Private club	<u>N</u>	S	N	N	
<b>e. Miscellaneous uses</b>	Public utility building and structure	<u>S</u>	S	S	S	See Sec. 25.15.02.n
	Publicly-owned or publicly-operated building and use, excluding sanitary landfill	<u>C</u>	C	C	C	Conditional use subject to a Level <del>32</del> Site Plan (Sec. 25.07.05)
<b>Miscellaneous uses (con't)</b>	Wireless communication facility entirely within an existing building or on the roof or side of a building, or attached to an existing structure	<u>C</u>	C	C	C	Conditional use subject to the requirements of Sec. 25.09.08
	Wireless communication facility not located entirely within an existing building or on the roof or side of a building, or attached to an existing structure, including, but not limited to antennas on a freestanding ground mounted antenna support structure	<u>S</u>	S	S	S	See Secs. 25.09.08 and 25.15.02.s
<b>f. Temporary uses</b>	Christmas tree sales	<u>C</u>	C	C	C	Conditional use subject to the requirements of Sec. 25.09.04
	Garden produce	<u>C</u>	C	C	C	
	Portable Storage Units	<u>C</u>	C	C	C	
	Temporary building or yard for construction materials or equipment	<u>C</u>	C	C	C	
	Temporary carnival	<u>C</u>	C	C	C	
	Temporary office or model home	<u>C</u>	C	C	C	
<b>g. Accessory uses</b>		<u>P</u>	P	P	P	See Secs. 25.09.01, 02 & 03
<b>h. Commercial uses</b>	Consumable goods to be used in the home	<u>N</u>	N	C	C	Conditional use permitted only in multi-unit buildings with at least 150 dwelling units. Uses must be primarily for the residents, and no direct entrance from the outside is permitted.
	Wearing apparel service	<u>N</u>	N	C	C	
	Medical practitioner's office in a multiple unit dwelling	<u>N</u>	N	C	C	See Sec. 25.11.04.d

Key: P = Permitted Use; S = Special Exception; C = Conditional Use; N = Not Permitted

**25.11.04 –Development Standards**

- a. *Table of Development Standards* – The following table provides the development standards for the Residential Medium Density Zones:

Zone	Maximum Density – DU/Acre	Tract Area –Min. Minimum Area	Minimum Tract Lot Frontage	Maximum Building Coverage Minimum Open Area (percent of tract lot site area)	Minimum Front Setbacks	Minimum Side and Rear Setbacks	Maximum Height	Additional Regulations
Residential Medium Density (RMD-Infill)	<u>Min. 2,000 square feet per tract area per DU, but no more than 4 units per lot</u>	<u>Min. Lot Area of 4,000 square feet</u>	<u>40 ft.</u>	<u>40% for lots less than 6,000 square feet; otherwise 50%</u>	<u>20 feet or the established setback, whichever is less.</u>	<u>Side: 8 ft. Rear: 20 ft.</u>	<u>35 ft.</u>	<u>Development must comply with any Neighborhood Conservation District regulations; See Sec. 25.11.05 for additional regulations</u>
Residential Medium Density (RMD-10)	<u>Max. 10 DU/Acre</u>	<u>Min. Tract Area of 20,000 sq.ft.; 10 acres max. unless otherwise recommended in the Plan</u>	<u>50 60 ft.</u>	<u>25 40%</u>	<u>20 feet or the established setback, whichever is less. 25 feet from a public street or tract boundary, except 50 feet from a roadway of arterial or greater designation. Setback from a public street may be reduced where recommended in the Master Plan.</u>	<u>Side: 8 ft. Rear: 20 ft.</u>	<u>35 ft.</u>	<u>Accessory buildings limited to 15 feet building height. Development must comply with any Neighborhood Conservation District regulations; See Sec. 25.11.06 for additional regulations.</u>
Residential Medium Density (RMD-15)	<u>Max. 15 DU/Acre</u>	<u>Minimum Tract Area of 1 acre</u>	<u>50 ft.</u>	<u>30%</u>	<u>15 feet or the established setback, whichever is less. 25 feet from a public street or tract boundary, except 50 feet from a roadway of arterial or greater designation. Setback from a public street may be reduced where recommended in the Master Plan.</u>	<u>Side: 8 ft. Rear: 15 ft.</u>	<u>40 ft.</u>	<u>Accessory buildings limited to 15 feet building height. Development must comply with any Neighborhood Conservation District regulations; See Sec. 25.11.06 for additional regulations.</u>

<b>Residential Medium Density (RMD-25)</b>	<u>Max. 25 DU/Acre</u>	<u>Min. Tract Area of 2 acres</u>	100 ft.	0%	<p>25 feet from a public street or tract boundary, plus 3 feet for each 1 foot of building height above 45 feet.</p> <p>Main buildings must be set back from each other ½ the height of the building, plus 3 feet for each 1 foot of building height above 45 feet.</p>	<p>Side: 10' or one-half the height of the building, whichever is greater.</p> <p>Rear: 15' or one-half the height of the building, whichever is greater</p>	75 ft.	<p><del>Accessory buildings limited to 15-foot building height.</del></p> <p>Where the tract adjoins property within any Park Zone or within any residential zone where single unit detached or semi-detached development exists, building height must not exceed a 30 degree proximity slope that begins at the common property boundary</p> <p>See Sec. 25.17.06 regarding building shadow regulations.</p> <p><u>See Sec. 25.11.06 for additional regulations.</u></p>
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- b. *Moderately Priced Dwellings* – The Mayor and Council in approving a Project Plan application, may authorize an increase in the maximum number of dwelling units herein permitted where moderately priced dwelling units are included in the development in excess of the mandatory requirements as specified in Article 13.5 of this Code.
- c. *Yard Requirement* - The following standards apply:
1. Each single unit detached or single unit semidetached dwelling unit must have a private yard; and
  2. Notwithstanding Sec. 25.11.04.a., townhouses, rowhouses or attached dwellings are not required to provide a side yard, except as follows:
    - a. A minimum side yard setback of eight (8) feet is required from any side where there is no shared party wall along the common lot line with a contiguous residentially zoned property.
- d. *Medical Practitioner's Office in a Multiple-Unit Dwelling* – The conditional use must meet the following standards:
1. The exterior of the building must not be altered except for display of a sign;
  2. No office can be located on a floor above the highest ground floor entry, and the interior office entrance must be located so as to minimize the distance to the exterior entry; and
  3. Off-street parking must be provided in accordance with Article 16 in addition to those spaces required for the residential portion of the building.

- e. Each record lot for a townhouse or attached dwelling unit, if provided, must front on a public street, private street, or a common open space.
- f. Single Unit Detached Dwellings - Single unit detached residential development must comply with the R-60 Zone qualifying undersized lot standards as set forth in Section 25.10.05 and applicable design guidelines as set forth in Section 25.10.14.

#### **~~25.11.05 – Special Regulations for Development in the RMD-10 Zone~~**

~~Development in the RMD-10 Zone must comply with the density recommendations of the Plan or relevant Neighborhood Plan~~

#### **~~25.11.06 – Special Provisions for Townhouse Development in the RMD Zones~~**

~~The following applies to residential townhouse developments:~~

- ~~1. No more than eight (8) townhouse units can be in any one (1) attached row;~~
- ~~2. Townhouse groups must be set back 25 feet from each other;~~
- ~~3. Building front setbacks must be 18 feet from a public street right of way internal to the site;~~
- ~~4. Not more than two (2) contiguous townhouse units can have the same front building lines. All townhouse units required to be offset must be offset horizontally at least two (2) feet;~~
- ~~5. Record lots for each dwelling unit, if provided, must front on a public street, private street, or a common open space; and~~
- ~~6. At least 50 percent of the development area must be open area.~~

#### **25.11.05 - Special Provisions for Development in the RMD-Infill Zone**

The following applies to two unit, rowhouse or multiple-unit dwellings:

- a. Height - Building height must be measured as provided in Section 25.10.09.
- b. Impervious Surface - A maximum of 40% percent impervious surface is permitted in the front yard. For a corner lot, the maximum front yard impervious surface limits are a maximum of 20%.
- c. Front Yard Setbacks for Corner Lots - On corner lots, the minimum front yard requirement along a side street is reduced to fifteen (15) feet.



- d. Minimum Open Area - The minimum open area may be calculated across contiguous lots subject to the same site plan if such open space is provided as common open space.
- e. Architectural Standards - The following standards apply:
  - 1. On interior lots, the main building common entrance, or each individual entrance to ground floor units, must be accessed directly from and face the street;
  - 2. On corner lots, dwellings must be designed so that:
    - (a) Street facing façades have substantially consistent architectural elements including, but not limited to, windows, materials, and details; and
    - (b) For dwellings containing three (3) or four (4) dwelling units, entrances shall be located on both street frontages.
  - 3. A single plane of a façade must not be greater than forty (40) feet in width.
  - 4. Attached garages or carports must be placed a minimum of five (5) feet behind the front façade of the main building.
  - 5. Two-unit and multiple unit dwellings must comply with applicable design guidelines as set forth in Section 25.10.14.
- f. Side Yard Setbacks – Side yard setbacks may be reduced from the normal requirement of five feet, provided that the sum of both side setbacks is a minimum of ten feet.

#### **25.11.06 – Special Provisions for Development in the RMD-10, RMD-15 and RMD-25 Zones**

- a. Transition Height – In the RMD-25 Zone, building height is limited to 45 feet within 10 feet of the subject property's minimum side setback from any adjoining property in any residential zone where single unit detached, semi-detached, attached, or townhouse development exists.
- b. Single Unit Detached Dwellings - Single unit detached residential development must comply with the R-60 Zone lot standards as set forth in Section 25.10.05 and applicable design guidelines as set forth in Section 25.10.14.

#### **25.11.07 – Process for Approval**

Applications for approval of development in the RMD Zones must be in accordance with the provisions of Section 25.07.02 of this Chapter.

#### **25.11.08 – Accessory Uses and Structures**

All accessory uses and structures within Residential Medium Density Zones must comply with the provisions of Article 9 of this Chapter.

#### **25.11.09 – Nonconformities**

All nonconforming uses and structures within Residential Medium Density Zones are subject to the provisions of Article 8.

#### **25.11.10 – Parking and Loading Requirements**

Parking, access, and loading requirements within Residential Medium Density Zones must not be waived, but may be modified in the following respects subject to the procedures set forth below:

1. *Access to Dwelling Units* – Access to each dwelling ...
2. *Quantity of Parking Spaces Required* – Parking must be provided ...
3. *Separation of Parking Area or Interior Driveway* – No parking space ...
4. *Distance from Parking Area to Dwelling Unit* – Surface parking ...
5. *Separation of Parking Spaces* – Not more than ...
6. *RMD-Infill Zone Special Requirements* - In the RMD-Infill Zone, the following additional requirements apply to two unit, rowhouse or multiple-unit dwellings:
  - (c) Parking must be accessed from a functioning alley, if one exists or is proposed to be constructed. For corner lots, if no functional alley exists or is proposed, parking must be accessed from a side street.
  - (d) Off-street surface parking must be located in the side or rear yard.
  - (e) Where surface parking of between three (3) and six (6) contiguous parking spaces is provided, screening must be provided around the entire perimeter of the surface parking area. The screening must be evergreen hedges or evergreen trees that are thickly planted and maintained, and at least forty-two (42) inches in height when planted. For parking facilities, the landscaping standards of Section 4.d of the Landscaping, Screening, and Lighting Manual apply.

#### **25.11.11 – Landscaping and Buffer Requirements**

All landscaping and buffering within Residential Medium Density Zones must comply with the provisions of Article 17 of this Chapter and, where applicable, the Forest and Tree Preservation Ordinance.

**25.11.12 – Signs**

All signs within Residential Medium Density Zones must comply with the provisions of Article 18 of this Chapter.

**V. Amend Article 12, “Industrial Zones”, as follows:****25.12.03 – Land Use Tables**

The uses permitted in the Industrial zones are shown in the table below. Uses are subject to applicable conditions of site plan approval. All special exceptions are subject to the requirements of Article 15.

	Uses	Zones		Conditional requirements or related regulations
		Light Industrial I-L	Heavy Industrial I-H	
* * *				
g. Industrial and service uses	<u>Artisanal Craft Production</u>	P	P	<u>Items produced may be sold at retail on the premises</u>
	Alcoholic beverage production	C	P	Conditional use must not adjoin or confront a residential use in a residential zone.
	Alcoholic beverage production, limited	C	P	Conditional use must not adjoin or confront a residential use in a residential zone.
	Heavy industrial use	N	P	
	Light industrial use	P	P	
	Lumberyard	C	P	Conditional use shall not adjoin a Single Unit Development Residential Zone
	Service industrial use	P	P	
	Warehouse, self-storage	C	C	Not permitted on a lot within 250 feet of any lot on which a public school is located

**VI. Amend Article 13, “Mixed-Use Zones”, as follows:****25.13.03 – Land Use Tables**

	Zones									
	Uses	Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	Conditional requirements or related regulations
	* * *									
<b>j. Industrial and service uses</b>	<u>Artisanal Craft Production</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>Items produced may be sold at retail on the premises</u>
	Light industrial use	N	N	P	N	N	N	N	N	
	* * *									

**VII. Amend Article 13, “Mixed-Use Zones”, as follows:****Section 25.13.05.b - Development Standards Table:**

...

**2. Building Height**

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- (b) *MXNC Zone* - Building height may be increased up to a maximum of 65 feet ~~when found suitable~~ in accordance with the Plan. If the Plan makes no other recommendation, development between 45 feet and 65 feet must provide 15 percent open area, of which 10 percent must be public use space.

**VIII. Amend Article 16 - Parking and Loading, as follows:****Section 25.16.03 - Number of Spaces Required**

		Auto Parking Spaces		Bicycle Parking Spaces			
Use Category	Use	Unit Measure	Base Number Required	Unit Measure	Short Term Space	<u>Long Term Space</u>	Additional Regulations
<b>Residential</b>	Dwelling, single unit detached	Per dwelling unit	2	Dwelling unit	0	0	

	Dwelling, single unit semi- detached	Per dwelling unit	2	Dwelling unit	0	0	
	<u>Dwelling, rowhouse</u>	<u>Per dwelling unit</u>	1.5	Dwelling unit	0	0	
	Dwelling, townhouse	Per dwelling unit	2	Dwelling unit	0	0	
	<u>Dwelling, two unit detached</u>	<u>Per dwelling unit</u>	1	<u>Dwelling unit</u>	<u>0</u>	<u>0</u>	
	Dwelling, single unit attached	Per dwelling unit	2	Dwelling unit	0	0	
	Dwelling, multiple- unit	For 0 (zero) bedrooms	1	Dwelling unit	1 per 50	1 per 3	<u>In the RMD-Infill Zone, a multiple-unit dwelling must only</u>

		For 1 bedroom	1				<u>provide a minimum of 2 vehicular parking spaces.</u>
		For 2 or more bedrooms	1.5				
	* * *						

**IX. Amend Article 16 - Parking and Loading, as follows:**

**Section 25.16.06 - Parking Design Standards**

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a. *Entrance and Exit Driveway*

1. Driveways for single-unit residential or duplex buildings, or buildings containing four (4) dwelling units or less in the RMD-Infill zone, must have a width of not less than ten (10) feet.

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I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of September 27, 2021.

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Sara Taylor-Ferrell, City Clerk/Director of Council Operations