MAYOR AND COUNCIL

MEETING NO. 02-20
Monday, January 13, 2020 – 7:00 PM

AGENDA

Agenda item times are estimates only. Items may be considered at times other than those indicated.

Any person who requires assistance in order to attend a city meeting should call the ADA Coordinator at 240-314-8108.

5:30-6:15 PM – Drop-In with Mayor Newton and Councilmember Ashton

7:00 PM **1. Convene**

2. Pledge of Allegiance

3. Agenda Review

7:05 PM **4. City Manager's Report**

7:10 PM **5. Proclamation**

A. Proclamation Declaring Lunar New Year and Lantern Festival Celebrations

7:15 PM **6. Community Forum**

Any member of the community may address the Mayor and Council for 3 minutes during Community Forum. Unless otherwise indicated, Community Forum is included on the agenda for every regular Mayor and Council meeting, generally between 7:00 and 7:30 pm. Call the City Clerk/Director of Council Operation's Office at 240-314-8280 to sign up to speak in advance or sign up in the Mayor and Council Chamber the night of the meeting.

7. Mayor and Council's Response to Community Forum

8. Mayor and Council Announcements

7:35 PM **9. Consent**

A. Economic Incentive Grant Agreement with Aronson, LLC

7:40 PM **10. FY 2021 Budget Public Hearing**

8:25 PM **11. Board of Education Operating Budget Hearing Testimony**

8:40 PM **12. Discussion and Instructions: Short-Term Residential Rentals**

9:10 PM **13. Authorization to File Zoning Text Amendment Application to Amend Section 25.21.21 of the Zoning Ordinance to Modify the Tree Planting Requirements for New Residential Lots Containing Townhouses, Duplexes and Other Attached Units**

9:55 PM **14. Discussion and Instructions on the City Charter Review**

10:15 PM **15. Update on the Rockville Volunteer Program**

10:30 PM **16. Review and Comment - Mayor and Council Action Report**

A. Action Report

17. Review and Comment - Future Agendas

A. Future Agendas

18. Old/New Business

10:45 PM **19. Adjournment**

The Mayor and Council Rules and Procedures and Operating Guidelines establish procedures and practices for Mayor and Council meetings, including public hearing procedures. They are available at: http://www.rockvillemd.gov/mcguidelines.

Mayor & Council Meeting Date: January 13, 2020
Agenda Item Type: Proclamation
Department: City Clerk/Director of Council Operations Office
Responsible Staff: Jacqueline Mobley

Subject

Proclamation Declaring Lunar New Year and Lantern Festival Celebrations

Recommendation

Staff recommends that the Mayor and Council read, approve and present the proclamation to Mr. John Lin, Chair of the Asian Pacific American Task Force and Mr. Sean Lin, Chair of the Rockville Sister City Corporation's Jiaxing Committee.

Discussion

The Lunar New Year usually takes place at the end of January or beginning of February and is predominantly celebrated by many Asian cultures. This year, the Lunar Year occurs on January 25, 2020. The event marks the arrival of spring and is based on the lunar calendar. People celebrate the Lunar New Year by visiting their relatives, temples and attending festivals where they let go of the troubles of the past year and hope for a better new year. Celebratory features of the Lunar New Year can also be seen in the forms of dragon and lion dances, firecrackers, pageantry, songs, games, food and of course, the giving and spending of money. The Spring Festival marks a new year on the lunar calendar and represents the desire for a new life. Red is the main color for the festival, as red is believed to be an auspicious color. Red lanterns hang in streets; red couplets are pasted on doors; banks and official buildings are decorated with red New Year pictures depicting images of prosperity.

The Lantern Festival marks the conclusion of Lunar New Year and will fall on February 8, 2020. There are many different beliefs about the origin of the Lantern Festival, however, its roots date back more than 2,000 years. The Lantern Festival is the first major feast after the Lunar New Year. During the Lantern Festival, it is considered good luck to light and release a sky lantern, as many believe that they symbolize the worries from the previous year floating away.

Mayor and Council History

This is the first time this item has been brought before the Mayor and Council.

Public Notification and Engagement

Public Notification and Engagement: The Asian Pacific American Task Force assists Rockville with a celebration of the occasion with multicultural performances, interactive displays and refreshments at Rockville High School on February 1, 2020 at 1 p.m. The Rockville Sister City Corporation facilitates and maintains Rockville's Sister City relationships as well as offers an array of cultural events throughout the year, which are free to the public. One of these events is the Rockville Lantern Festival, which includes diverse cultural performances, food, interactive lantern craft activities and cultural displays. The Rockville Lantern Festival will be held at Rockville's F. Scott Fitzgerald Theatre on February 15, 2020 from 11 a.m. to 2 p.m.

Attachments

Attachment 5.A.a: 2020 Proclamation Declaring Lunar New Year and Lantern Festival Celebrations (PDF)

Sara Taylor-Ferrell, City Clerk/Director of Council Operations 1/13/2020

Proclamation

ROCKVILLE · MARYLAND

WHEREAS Rockville is home to a large Asian community who add to the richness and diversity of our great City; and

WHEREAS, the Lunar New Year and the Lantern Festival, are special holidays for family reunions, thanksgiving, and well-wishing, is one of the most significant celebrations for Asian communities around the world and here in Rockville; and

WHEREAS, the lunar calendar is based on a combination of lunar and solar movements. The second new moon after the winter solstice marks the beginning of the New Year and it is determined to occur on January 25, this year and the Lantern Festival occurs fifteen days after on February 8 this year; and

WHEREAS, the City of Rockville is committed to recognizing Asian culture as an important part of the City and its strong, inclusive community; and

WHEREAS, this year is called the "Year of the Rat," the first of all zodiac animals and represents wealth and surplus; and

WHEREAS, the Asian Pacific American Task Force assists Rockville with a celebration of the occasion with multicultural performances, interactive displays and refreshments at on February 1, 2020 at 1 p.m. at Rockville High School; and

WHEREAS, the Rockville Sister City Corporation facilitates and maintains Rockville's Sister City relationships and sponsors the Rockville Lantern Festival, which includes diverse cultural performances, food, interactive lantern craft activities and cultural displays on February 15, 2020 from 11 a.m. to 2 p.m. at Rockville's F. Scott Fitzgerald Theatre on; and

NOW, THEREFORE, THE MAYOR AND COUNCIL OF ROCKVILLE, do hereby proclaim January 25 - February 8, 2020, as Rockville's Celebration of the Lunar New Year and Lantern Festival and call upon all the residents of Rockville to join in this worthy observance.

Bridget Donnell Newton

Bridget Donnell Newton, Mayor

Monique Ashton

Monique Ashton, Councilmember

Beryl L. Feinberg

Beryl L. Feinberg, Councilmember

David E. Myles

David Myles, Councilmember

Mark Pierzchala

Mark Pierzchala, Councilmember

January 13, 2020

Attachment 5.A.a: 2020 Proclamation Declaring Lunar New Year and Lantern Festival Celebrations (2943 : Proclamation Declaring Lunar New

Mayor & Council Meeting Date: January 13, 2020
Agenda Item Type: Authorization
Department: City Manager's Office
Responsible Staff: Jenny Kimball

Subject

Economic Incentive Grant Agreement with Aronson, LLC

Recommendation

Staff recommends that the Mayor and Council authorize the City Manager to execute an Economic Incentive Grant Agreement, in a form acceptable to the City Attorney, with Aronson, LLC.

Discussion

Aronson, LLC requested financial assistance from the City of Rockville, the State of Maryland and Montgomery County to retain their headquarters within the Rockville city limits, specifically in vacant space in Rockville Town Center.

Aronson, LLC is an independently-owned public accounting firm specializing in financial audit, tax and management consulting services. Aronson leased 75,500 square feet of space at 895 King Farm Boulevard in Rockville, prior to moving the company headquarters to 111 Rockville Pike in Town Center. The move to Town Center retained 206 full-time permanent jobs in the city and will result in the addition of approximately 40 new full-time permanent jobs over five years. The current average salary of Aronson employees is $87,502.

Supporting this major employer's relocation to Town Center supplements activities underway to enhance the economic vitality of the area. It reduces vacant office space, increases the daytime population utilizing the downtown retail and service establishments, and encourages after-work eating, shopping and entertainment in Rockville's downtown. Expanding the portfolio of private companies and relying less on government workforce and residential tenants will help to maintain the high-quality transit-oriented downtown. The future relocation of many Montgomery County employees from Rockville to Wheaton makes the addition of daytime workers in Town Center even more important.

The Mayor and Council included $50,000 in the FY20 Adopted Budget for this financial incentive. In addition, the State of Maryland is in the process of executing an agreement with Aronson for a $50,000 conditional loan and Montgomery County for a $15,000 conditional grant. The three-part public investment shows a commitment to economic development in

Rockville's downtown, and is an important piece of a larger proactive approach to stabilizing the area.

An Economic Incentive Grant Agreement between the Mayor and Council of Rockville and Aronson LLC is provided in Attachment A. Staff recommends that the Mayor and Council authorize the City Manager to execute the Grant Agreement with Aronson, which includes the following conditions on the company:

- Complete the headquarters relocation to 111 Rockville Pike,
- Provide a copy of the fully-executed ten-year lease,
- Use its best efforts to utilize local businesses within and around the Rockville Town Center to meet its operational, administrative, food service and purchasing needs,
- Not construct its own cafeteria for food service for a period of at least five (5) years, and
- Submit annually, through January 31, 2025, a report of the Company's full-time employees, their respective salaries, and position titles.

Upon execution of the Agreement and submission of the lease referenced above, the $50,000 grant will be distributed in a one-time, lump sum payment. Staff will monitor the additional conditions through January 31, 2025, at which time the Agreement shall cease to be in effect.

Mayor and Council History

The Mayor and Council discussed and approved grant funding to retain Aronson in the Rockville city limits, specifically in Town Center, during deliberations on the FY20 operating budget. The Mayor and Council revisited the $50,000 grant on December 9, 2019 to confirm continued support for the grant, following decisions by Montgomery County and the State of Maryland to reduce the amount of the county and state conditional loan/grant to Aronson. The Mayor and Council voted unanimously to proceed with the City of Rockville Economic Incentive Grant to Aronson for $50,000.

The Mayor and Council has historically been a signatory on county and state economic incentive agreements that provided conditional grants and/or loans to support local businesses. In this case, the county and state agreements include conditions regarding the specific number of employees currently employed by Aronson and the number to be employed by December 31, 2024. The Mayor and Council's vote to provide a grant to Aronson required reporting on the number of employees, but did not require a specific number of employees. As a result, the city is executing its own Agreement.

Fiscal Impact

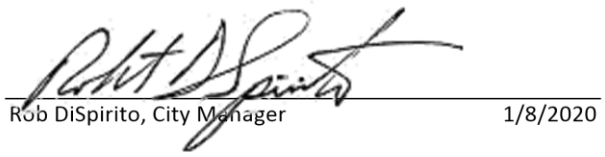
The $50,000 financial incentive for Aronson is included in the FY20 Outside Agency Grants. While the company did not participate in the grant process, the incentive represents financial support to benefit the Rockville community through an organization outside the city government.

Next Steps

Staff will execute the Agreement, obtain the required lease document and process the payment to Aronson.

Attachments

Attachment 9.A.a: Economic Incentive Grant Agreement - Aronson LLC 1-3-20 (PDF)



Rob DiSpirito, City Manager 1/8/2020

Attachment 9.A.a: Economic Incentive Grant Agreement - Aronson LLC 1-3-20 (2896 : Economic Incentive Grant Agreement with Aronson LLC)

ECONOMIC INCENTIVE GRANT AGREEMENT

THIS ECONOMIC INCENTIVE GRANT AGREEMENT ("Agreement") is made this _____day of _____, 20___ by and between the **MAYOR AND COUNCIL OF ROCKVILLE**, a municipal corporation of the State of Maryland ("City"), located at 111 Maryland Avenue, Rockville, Maryland 20850, and **ARONSON, LLC** ("Company"), a Maryland Limited Liability Company, located at 111 Rockville Pike, Rockville, Maryland, 20850.

WHEREAS, the Company has sought to retain its headquarters within the City corporate limits by utilizing previously unoccupied office space in the Rockville Town Center; and

WHEREAS, the Company requested financial assistance from the City in the form of an economic incentive grant to assist the Company in retaining its headquarters within the City limits; and

WHEREAS, the City desires to promote smart and reasonable development that will further the economic growth of the City; and

WHEREAS, the City views the Company's utilization of office space in the Rockville Town Center to retain the Company's headquarters within the City corporate limits as smart and reasonable development that should further the economic growth of the City; and

WHEREAS, the City desires to assist the Company in its retention of its headquarters within the City's corporate limits in the form of an economic incentive grant.

NOW, THEREFORE, in accordance with the mutual promises contained herein, the City and the Company agree as follows:

1. The City will disburse to the Company, a one-time, lump-sum economic incentive grant payment of $50,000.00 ("Grant") upon execution of this Agreement. The Grant will be disbursed to the Company upon the Company's satisfaction of the following conditions:

   a. The Company will complete the relocation of its headquarters from 805 King Farm Boulevard, Rockville, Maryland, 20850, to 111 Rockville Pike, Rockville, Maryland, 20850.

   b. The Company will provide to the City a copy of the fully executed lease between the Company and its landlord for the Company's commercial leasing of at least 49,800 square feet of office space in the Rockville Town Center located at 111 Rockville Pike, Rockville, Maryland, with a lease term of at least ten (10) years. The copy of the lease shall be delivered electronically or by hand delivery to the City Manager's Office.

   c. The Company's execution of this Agreement, by which the Company expressly agrees to the following obligations:

Attachment 9.A.a: Economic Incentive Grant Agreement - Aronson LLC 1-3-20 (2896 : Economic Incentive Grant Agreement with Aronson LLC)

i. the Company shall, at all times and in good faith, use its best efforts to utilize local businesses within and around the Rockville Town Center to meet its operational, administrative, food service and purchasing needs; and

ii. the Company shall not, for a period of at least five (5) years, construct its own cafeteria for food service; and

iii. from January 31, 2021 through January 31, 2025, the Company shall annually submit to the City Manager a report showing the Company's full-time employees, their respective salaries, and position titles (for this report the Company may submit the same employment and salary reporting documentation the Company submits to Montgomery County as required by the Company's November 25, 2019 Agreement with the State of Maryland Department of Commerce and Montgomery County).

2. Upon the Company fulfilling its obligations listed in Section 1.c., and upon receipt by the City Manager of the Company's Maryland Unemployment Insurance Quarterly Contribution Report filings, or other documents acceptable to Montgomery County showing the full-time employees on the Company's payroll in the County for period ending January 31, 2025, this Agreement shall cease to be in effect.

3. Any notices required to be provided under this Agreement shall be sent by certified or registered mail, return receipt requested; by recognized overnight delivery service, receipt requested; or, by hand-delivery by courier service, receipt requested, to the parties at the following addresses, and any such notice shall be deemed delivered upon receipt or refusal thereof:

If to the City:
Attn: City Manager
City of Rockville
111 Maryland Ave.
Rockville, MD 20850

With a copy to:

Attn: City Attorney
City of Rockville
111 Maryland Ave.
Rockville, MD 20850

Attachment 9.A.a: Economic Incentive Grant Agreement - Aronson LLC 1-3-20 (2896 : Economic Incentive Grant Agreement with Aronson LLC)

If to the Company:
Attn: Mr. Jim D. Fennel
Mr. Larry A. Davis
Aronson, LLC
111 Rockville Pike
Rockville, MD 20850

4. This Agreement shall be governed by the laws of the State of Maryland. Any and all suits for any claims arising out of this Agreement shall be brought and maintained in a court of competent jurisdiction in Montgomery County, Maryland.

5. This Agreement shall be binding on and shall inure solely to the benefit of the City and the Company. Nothing herein creates any rights in any third parties to receive the benefits of or to enforce the provisions of this Agreement.

6. This Agreement may not be amended, altered or modified except in writing executed by both the City and the Company.

7. This Agreement represents the entire agreement and understanding between the City and the Company related to the subject matter hereof and supersedes all prior or contemporaneous proposals, negotiations, agreements and understandings related to the subject matter hereof.

IN WITNESS WHEREOF, the parties have duly executed this Economic Incentive Grant Agreement.

MAYOR AND COUNCIL OF ROCKVILLE

By: _____
Robert DiSpirito
City Manager

Date: _____

ARONSON, LLC

By: _____
Larry A. Davis
Managing Partner

Date: _____

Mayor & Council Meeting Date: January 13, 2020
Agenda Item Type: Public Hearing
Department: Finance
Responsible Staff: Stacey Webster

Subject

FY 2021 Budget Public Hearing

Recommendation

Staff recommends that the Mayor and Council conduct the public hearing and keep the record open until April 17, 2020.

Discussion

The goal of this public hearing is to solicit community input early in the development of the FY 2021 Operating Budget and Capital Improvements Program (CIP). There are two additional public hearings scheduled for March 2nd and March 23rd.

In addition to testifying at a public hearing, the public can also submit comments about the budget via an online form located on the City's website at www.rockvillemd.gov/budget.

Mayor and Council History

Date	Action Item
December 9, 2019	Mayor and Council Budget Worksession
December 16, 2019	Budget Public Hearing

Public Notification and Engagement

This is the second of four public hearings related to the FY 2021 budget. In addition to these public hearings, the public can submit comments about the budget via an online form located on the City's website at www.rockvillemd.gov/budget.

The FY 2021 budget public record closes on April 17, 2020.

Fiscal Impact

There is no fiscal impact associated with this agenda item; however, the FY 2021 Operating Budget and CIP will establish the annual City budget and the programs that the City will fund starting on July 1, 2020.

Next Steps

The Mayor and Council will discuss their budget survey results and priorities on January 27, 2020. The City Manager's proposed budget will be presented on February 24, 2020. Additional budget public hearings and worksessions will take place in March and April. The budget is scheduled to be adopted by the Mayor and Council on May 4, 2020.

Rob DiSpirito, City Manager 1/6/2020

Mayor & Council Meeting Date: January 13, 2020
Agenda Item Type: Approval
Department: City Manager's Office
Responsible Staff: Linda Moran

Subject

Board of Education Operating Budget Hearing Testimony

Recommendation

Discuss, edit, and approve draft testimony for the Board of Education Operating Budget Public hearing on January 15, 2020.

Discussion

On January 6, 2020, the Mayor and Council approved Rockville's participation in the January 15, 2020 Montgomery County Board of Education (BOE) Operating Budget Public Hearing, and instructed that the content of the testimony be discussed on agenda at the January 13, 2020 meeting.

Dr. Jack Smith, MCPS Superintendent, released his Recommended FY21 Operating Budget on December 18, 2019. There are operating budget-related needs in MCPS schools that serve Rockville residents, which will be highlighted in the testimony.

In accordance with Mayor and Council direction, draft testimony will be shared with the Mayor and Council in advance for discussion during the January 13, 2020 meeting. It will be posted on the City's web site with other agenda materials and will be available in hard copy at the dais.

Mayor and Council History

This is the first time that the Mayor and Council have discussed draft testimony for the FY21 Board of Education Operating Budget public hearing.

Next Steps

With Mayor and Council approval of the testimony, staff will forward it to the Board of Education. Staff reserved space for the Mayor and Council on the January 15, 2020 hearing at 6:00 pm. Staff notified the BOE staff that the Mayor and Council may have two representatives who will share the speaking slot.

Rob DiSpirito, City Manager 1/8/2020

Mayor & Council Meeting Date: January 13, 2020
Agenda Item Type: Discussion and Instructions
Department: PDS - Comprehensive Planning
Responsible Staff: Larissa Klevan

Subject

Discussion and Instructions: Short-Term Residential Rentals

Recommendation

Receive a presentation on short-term rentals and provide direction to staff

Change in Law or Policy

The current City Code does not contain regulations governing short-term residential rentals. Adopting regulations requires amendments to the Zoning Ordinance to establish short-term rentals as a use and establish standards for their operation. Chapter 22 Article VII, Hotel Rental Tax, will also need to be amended. Chapter 12, Licenses, Permits and Miscellaneous Business Regulations, and Chapter 18, Rental Facilities and Landlord-Tenant Relations, will also need to be amended.

Discussion

The purpose of this Discussion and Instructions session is for the Mayor and Council to determine if they want to pursue allowing short-term (transient) residential rentals in Rockville and, if so, begin the discussion of establishing regulations for them. In this report, staff will provide background on short-term rentals, the advantages of regulating them, how similar jurisdictions address the challenge, and potential regulations for consideration.

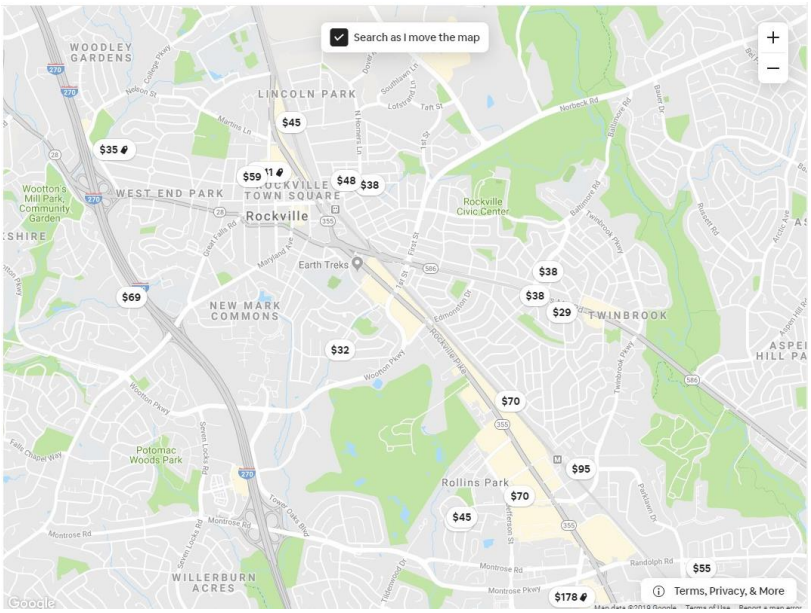
Background

Short-term rentals are typically defined as the rental of a dwelling unit, or part of a dwelling unit, for a brief period, usually less than thirty consecutive days. For operators, they provide income through a business model that allows them to have significant autonomy, determining when their property will be rented and at what rate. While the City of Rockville does require rental licenses for a home to be rented, the existing rental license structure is not applicable to short-term rentals. Currently, all rental licenses must be offered initially for a full year term, while short-term rentals are for significantly shorter periods of time.

Short-term rentals also differ from Bed and Breakfast lodging, which is allowed in Rockville by Special Exception in all residential zones except R-40. Per the Special Exception conditions, the

owner must live in the building and up to three guest rooms are allowed on any lot or parcel less than 2 acres. Bed and Breakfast establishments must be in a single unit detached dwelling. Guests may stay up to two weeks in any one visit and the Bed & Breakfast customarily provides breakfast in addition to lodging.

Usually, short-term rentals are coordinated through third-party companies like AirBnb, HomeAway or Vacation Rentals by Owner (VRBO) and their prevalence varies by location. In July of 2018, the City of Washington D.C. was estimated to have approximately 7,000 rentals, a number which has mostly likely grown since then.[1] The scale of short-term rentals in Washington D.C. is striking in comparison to the estimated 600-800 rentals in Montgomery County, MD in 2018, as estimated by the Maryland-National Capital Park and Planning Commission[2], and the 370 properties registered as short-term rentals in Alexandria, VA. [3]



Screen capture of available rentals from AirBnb in Rockville for 12.23.19-12.27.19 (12.17.19)

Advantages of Regulation

Even though there are no current laws in the City of Rockville concerning short-term rentals, they are occurring. The lack of regulations regarding short-term rentals can lead to detrimental effects to Rockville's neighborhoods, residents and guests. Currently, individuals offer their property, in whole or in part, for transient rental without any regulations regarding the condition of the proposed rental or the potential impact on its neighbors. A concern must be the safety of renters, who currently have no guarantee that their rental meets code and safety

[1] Martin Austermuhle, WAMU American University Radio, July 2, 2018, https://wamu.org/story/18/07/02/new-regulations-mean-airbnb-operators-loudoun-montgomery-counties/.
[2] Ibid.
[3] Beth Lawton, Alexandria Living, Feb 21, 2019, https://alexandrialivingmagazine.com/home-and-garden/city-of-alexandria-profits-from-airbnb-rentals/.

requirements. By adopting regulations, regular inspections of these properties can be mandated. Regulations can also guide which types of properties are appropriate for rental and which are not, the length of guest stays, the number of guests permitted, and a requirement that adequate parking be provided, all of which can help mitigate potential impacts on the surrounding properties.

While the potential negative impacts of short-term rentals are often highlighted, there are also benefits that they can provide to residents and the City of Rockville if regulated appropriately. Without regulations, the City loses the opportunity to collect revenue from the fees and taxes short-term rentals could generate. Adopting regulations also creates regulatory equality for all lodging uses. Currently, uses such as hotels and Bed & Breakfast establishments are held to a legal standard that short-term rentals are not. In addition, with regulations, there is a structure for feedback from the citizens of Rockville and an avenue to address issues that may arise with short-term rentals.

Local Examples

Staff examined the following three local jurisdictions to identify best practices from some of our peers to help develop proposed regulations for the City of Rockville. Other jurisdictions, both locally and nationally, regulate short-term rentals in varying ways. Montgomery County, Gaithersburg, MD, and Alexandria, VA were chosen for in-depth study as they combine common elements among local regulations, as well as some different ideas that can guide this discussion. Attachments 1 through 7 are examples of ordinances and regulations for the following jurisdictions regarding short-term residential rentals.

<u>Montgomery County, MD</u>

Montgomery County has regulated short-term rentals since October 2017. If a property has an accessory apartment or is a farm tenant dwelling, the entire property is ineligible to be used as a short-term rental. Montgomery County allows a property to be rented for one hundred and twenty days per year if the owner or their agent is not present at the residence. However, if the owner or the owner's agent is present, there is no limit on the number of days the short-term rental can be rented. The total number of guests over the age of eighteen is limited to six, with a maximum of two per bedroom. Short-term rental providers must apply for a license that can be renewed yearly for a fee of $150. The operator is also responsible for the 7% Montgomery County Hotel Tax and can be subject to fines for non-compliance. Their license can be denied, revoked or suspended.

Other regulations are as follows:

- Short-term rental: unit or room that is rented for fewer than thirty consecutive days
    - Dwelling units used as short-term rentals must be the primary residence of the owner or the owner's agent
- Annual license required
- Registry of guests required

- One off-street parking space per rental contract or the listing must note that vehicle parking is prohibited
- Notification requirements for nearby neighbors and ownership entities and associations when the license is issued
- Operators self-certify that they meet the requirements in the regulations
- Permitted in all zoning districts, provided they meet the use specific standards, except for industrial zoning districts (where they are prohibited)

Gaithersburg, MD

Gaithersburg began regulating short-term rentals in October 2019. Short-term rentals may not operate in an approved affordable housing unit, in order to protect its affordability. In Gaithersburg, a rental may only be under contract for one hundred and twenty days per year, regardless of whether the owner or agent is present. The number of guests over the age of eighteen is limited to two per bedroom, but there is no maximum number of guests identified in the regulations. The renter is responsible for both the 2% Hotel Tax in Gaithersburg and the 7% Montgomery County Hotel Tax.

The short-term rental license in Gaithersburg differs in a few significant ways from the license in Montgomery County. Operators in Gaithersburg are required to maintain a minimum of $1,000,000 of short-term rental liability insurance, which includes the City of Gaithersburg as an additional insured. Also, while both Montgomery County and Gaithersburg have notification requirements, Gaithersburg requires written approval, when applicable, from a Homeowners Association or Condominium Association for an operator to obtain a license.

Other regulations are as follows:

- Short-term rental: rental of a residential dwelling unit or accessory building for fewer than thirty consecutive days
    - Short-term rental must be accessory to the primary use (residential household living)
- Annual license required
- Registry of guests required
- One off-street parking space per rental contract, or the listing must note that vehicle parking is prohibited
- Notification requirements for nearby neighbors and applicable ownership entities when the license is issued
- Inspection by the City of Gaithersburg required
- Permitted in residential zoning districts, either by right or as a special exception, and in other zoning districts with approved residential uses

Alexandria, VA

Alexandria, VA has regulated short-term rentals since November 2017. There are unique elements of Alexandria, VA's short-term rental process that are noteworthy. The first is the stringency of their short-term rental registration. An annual registration must be completed with the Department of Finance for each rental property within thirty days of offering the rental. Failure to register a property within the required time results in a $500 fine. If an operator violates the registry requirements multiple times, he or she may be banned from offering that property as a short-term rental. An operator can also be prohibited from renting a particular property if he or she violates short-term rental regulations on more than three occasions.

Other regulations are as follows:

- Short-term rental: use of a room or a space for dwelling or lodging purposes, in exchange for a fee, for fewer than thirty consecutive days
- Annual certificate required
- Registry of guests required

Lessons for Rockville

As the City of Rockville considers regulations for short-term rentals, there is the opportunity to address common issues that other jurisdictions have faced when implementing and enforcing their regulations. Short-term rentals have proven very challenging to monitor as they are usually offered through third-party sites. Accurate information concerning what properties, or portions of properties, are being rented, as well as the length and price of rentals, is key to proper enforcement. Many jurisdictions use a company focused on scanning the internet to keep track of the location of short-term rentals to assist with regulating them.

Prior to the passage of regulations, staff will develop a system for different City agencies to communicate with one another regarding short-term rentals; and allocate both funds and staff for enforcement and permitting. Additionally, carefully considering where short-term rentals are permitted and how they are regulated can help alleviate concerns about maintaining housing affordability, adequate rental stock, protect existing residential neighborhoods, and address the potential safety concerns associated with short-term rentals. A study of the financial impacts regarding the fees, taxes and staffing associated with these proposed regulations will need to be completed prior to their passage.

Proposed Regulations and Options to Consider

Staff proposes that the Mayor and Council consider the following short-term rental regulations, and potential options, based on research collected, for the City of Rockville for discussion and to provide enough direction to staff so that legislation can be drafted for the Mayor and Council's review:

- A short-term rental is defined as the rental of all or a portion of a dwelling unit for fewer than thirty consecutive days. *This is a common definition in many jurisdictions.*
- An individual must be an owner of the dwelling unit to apply for a short-term rental license. *Although some jurisdictions allow an agent of the owner to operate a short-term rental, staff recommends limiting this requirement to the owner in order to streamline enforcement and permitting.*
- Short-term rentals are permitted in all zones where residences are permitted (Residential and Mixed-Use zones). *Other options would be to limit short-term rentals to residential-only zones or to allow only by Special Exception in certain zones.*
- The short-term rental license will be a two-year license for a fee of $200.
    - The license can be renewed for additional two-year terms
    - An operator's license may be revoked after 3 violations
    - License can be reapplied for in one year's time after its revocation. *An additional option is to provide the City with the ability to permanently prohibit operators who have violated the regulations, or ban certain properties from being offered as short-term rentals.*
- All applications must comply with the following submittal requirements:
    - All applicable City, County, State and Federal Laws
    - Must remit all local taxes and required fees
    - Each bedroom in the short-term rental must have working smoke and carbon monoxide detectors/alarms
    - Must submit written approval from the Home Owners Association or Condominium Association, if applicable, and that fees are no more than 30 days past due
    - Applicant must not have not been found in violation of these requirements in the past twelve months
    - Notification must be made to properties that are adjoining and confronting (directly opposite each other, and separated only by public right-of way) at the time of the application
- All short-term rental properties must be inspected at the issuance of the first license and at the time of each license renewal, or as needed.
- The short-term rental must be the primary residence of the applicant. *This is a standard requirement for many jurisdictions.*
- If the owner is present during the short-term rental, there is no limit on the number of days the dwelling may be rented within a year. If the owner is absent, the dwelling may only be rented for up to 120 days each year that the owner is absent. *This timeframe mirrors similar jurisdictions. However, this number could be reduced during the initial implementation of short-term rentals.*
- Owners must maintain a registry of their guests, their length of stay, and the amount paid. The registry must always be submitted annually and available for inspection.
- A maximum of six adult guests (18 years or older) are permitted per rental with a maximum of two adults per bedroom.

- Short-term rental operators are responsible to remit both the 7% Montgomery County Hotel Rental Tax and the 2% Rockville Hotel Rental Tax.
- One off-street parking space must be provided for each rental contract, or the listing must explicitly state that vehicle parking is prohibited. *The regulations could also restrict the renter to one vehicle.*
- The owner (or their representative) must always be available by telephone for the entire length of the rental contact. *Another option could be that the owner, or a property manager, must be within a certain distance from the property during the entire rental period to address maintenance issues and complaints.*
- A copy of the license with the appropriate contact information must be conspicuously posted in each rental.
- Any signage must conform to the Rockville Sign Ordinance. *This regulation helps to maintain the residential character of the neighborhood.*
- A maximum of one rental contract is permitted at any time.

The above regulations and options are proposed by staff in order to receive direction from the Mayor and Council. At the January 13th meeting, staff will present options and seek direction from the Mayor and Council so staff can draft proposed regulations for future consideration.

Mayor and Council History

This is the first time that the Mayor and Council are reviewing short-term rentals.

Public Notification and Engagement

If the Mayor and Council choose to proceed with authorization to file a zoning text amendment application at a future meeting, the process will include opportunities for public input, including public outreach meetings and notifications, public hearings with the Planning Commission and the Mayor and Council.

Boards and Commissions Review

The Planning Commission will review the proposed legislation and make a recommendation to the Mayor and Council following the Mayor and Council's authorization to file for a text amendment.

Fiscal Impact

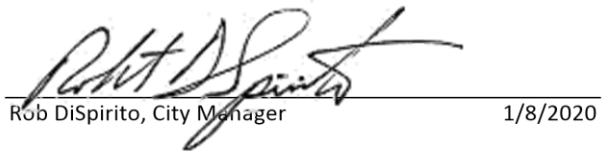
The decisions made with respect to these potential regulations may have significant cost and revenue impacts, including potential staffing impacts, that have yet to be determined.

Next Steps

Staff will need direction on the options outlined above on how these rentals should be regulated. Following this direction, staff will develop regulations for short-term rentals based on the Mayor and Council's direction, return with drafted language for authorization to file a zoning text amendment application.

Attachments

Attachment 12.a: Montgomery County, Ordinance No. 18.30, Zoning Text Amendment No. 17.03, Concerning Accessory Residential Uses Short Term Rental (PDF)
Attachment 12.b: Excerpt Montgomery County Bill No. 2.16, Concerning Transient Housing Licensing and Registration (PDF)
Attachment 12.c: Gaithersburg Ordinance No. O.7.19, Text Amendment CTAM.8244.2019 An Ordinance to Amend Chapter 24 (City Zoning Ordinance) (PDF)
Attachment 12.d: Gaithersburg Ordinance No. O.8.19, Hotel Rental Tax (PDF)
Attachment 12.e: Gaithersburg Ordinance No. O.9.19, Rental Housing License (PDF)
Attachment 12.f: Gaithersburg Regulation No. 4.19, Regulations for Short Term Rentals (PDF)
Attachment 12.g: Alexandria Sec.3.2.152 Short Term Residential Rental Registry (PDF)



Rob DiSpirito, City Manager 1/8/2020

Ordinance No.: 18-30
Zoning Text Amendment No.: 17-03
Concerning: Accessory Residential Uses – Short-Term Rental
Draft No. & Date: 3 – 10/10/17
Introduced: June 13, 2017
Public Hearing: September 12, 2017
Adopted: October 10, 2017
Effective: July 1, 2018

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the request of the Planning Board

---

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- modify the definition of "Household Living";
- define "Short-Term Residential Rental";
- establish limited use standards for short-term residential rental; and
- generally amend provisions allowing for short-term residential rentals

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59.1.4.	"Defined Terms"
Section 59.1.4.2.	"Specific Terms and Phrases Defined"
DIVISION 59-3.1.	"Use Table"
Section 59-3.1.6.	"Use Table"
DIVISION 59.3.3.	"Residential Uses
Section 59.3.3.3.	"Accessory Residential Uses"
DIVISION 59-3.5.	"Commercial Uses"
Section 59-3.5.6.	"Lodging"
DIVISION 8.2.	"Residential Floating Zones"
Section 8.2.3.	"Use Table for the RT and R-H Zones"
DIVISION 8.3.	"Planned Unit Development Zones"
Section 8.3.2.	"PD Zone"

And adding the following section:

Section 3.3.3.I.	"Short-Term Residential Rental"

Attachment 12.a: Montgomery County, Ordinance No. 18.30, Zoning Text Amendment No. 17.03, Concerning Accessory Residential Uses Short

EXPLANATION:	***Boldface*** *indicates a Heading or a defined term.* *Underlining indicates text that is added to existing law by the original text amendment.* ***[****Single boldface brackets****]*** *indicate text that is deleted from existing law by original text amendment.* *Double underlining indicates text that is added to the text amendment by amendment.* ***[[****Double boldface brackets****]]*** *indicate text that is deleted from the text amendment by amendment.* * * * *indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment No. 17-03 was introduced on June 13, 2017 to allow for short-term residential rental under certain circumstances, including a requirement for a short-term rental license under Bill 2-16.

In its report to the Council, the Montgomery County Planning Board recommended approval as introduced with the approval of Bill 2-16 as revised.

The County Council held a public hearing on September 19, 2017 to receive testimony concerning the proposed text amendment. Some wanted the issuance of a license to be predicated on a statement from the appropriate association that the short-term rental was allowed. In addition, they request a provision to bar a license if HOA dues are in arrears.

Hotel owners do not want short-term residential rentals to have a competitive advantage. The hotel industry supported the proposed ZTA as offering a more even regulatory playing field. Hotels are currently subject to taxes, licensing, and inspections. Hotels would favor an additional requirement that any advertisement for a short-term residential rental include the owner's state and local license number.

The Apartment and Office Building Association (AOBA) requested the opportunity for landlords to rent some units on a short-term basis. The Association also asked for more enforcement authority for the administering department, including subpoena power among other recommendations.

The most critical testimony came from people and civic organizations who thought that the current illegal status of short-term rentals was satisfactory. The testimony stated a concern that short-term residential rentals will:

- create nuisances (noise, traffic, underage drinking, litter, public urination, drugs, and other illegal activities);
- bring an influx of strangers to the neighborhood on a regular basis;
- be unsafe because they do not meet fire and safety standards;
- destabilize and disrupt communities by driving out long-term residents;

Attachment 12.a: Montgomery County, Ordinance No. 18.30, Zoning Text Amendment No. 17.03, Concerning Accessory Residential Uses Short

Attachment 12.a: Montgomery County, Ordinance No. 18.30, Zoning Text Amendment No. 17.03, Concerning Accessory Residential Uses Short

- reduce the availability of affordable housing;
- be an enforcement problem;
- turn into party houses;
- create parking problems; and
- be overconcentrated in unincorporated areas of the County.

The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held worksessions on September 18, 2017 and September 25, 2017 to review the text amendment. On September 25, 2017, the Committee (3-0) recommended approval of ZTA 17-03 with revisions to Subsection 59.3.3.3.I.2.b and c as follows:

b. The dwelling unit used as a Short-Term Rental must be the **[[**applicant's**]]** property owner's or owner-authorized resident's primary residence, regardless of dwelling unit type.

c. If the **[[**applicant**]]** property owner or owner-authorized resident is not present in the residence, the property can be used as a Short-Term Residential Rental for a maximum of 90 days in a calendar year. If the **[[**applicant**]]** property owner or owner-authorized resident is physically present **[[**in**]]** and occupies the residence during the rental stay, there is no limitation on the number of days the property can be used as a Short-Term Residential Rental.

The Committee in all other respects agreed with the Planning Board recommendation to include the following limitations on short-term residential rental:

- Allow only on sites without either a farm tenant dwelling or an accessory apartment.
- Allow only if the site is the primary resident of the applicant.
- Limit the maximum rentals in a calendar year to 90 days, counting only when the owner or authorized resident is absent.
- Limit the total number of adult overnight guests to six.
- Limit the total number of adult overnight guests per bedroom to two.
- Require one off-street parking space for each rental contract, unless the online listing indicates that vehicle parking is prohibited.

The District Council reviewed Zoning Text Amendment No. 17-03 at a worksession held on October 10, 2017. The Council agreed with the Committee's recommendation to approve ZTA 17-03 as amended, with one exception. The Council changed the limit on the number of days a short-term rental unit could be rented without an owner or owner-authorized renter occupying the unit from 90 days to 120 days.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 17-03 will be approved as amended.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59.1.4 is amended as follows:

Division 59.1.4. Defined Terms

* * *

Section 59.1.4.2. Specific Terms and Phrases Defined

In this Chapter, terms that are not specifically defined have their ordinary meaning. The following words and phrases have the meanings indicated.

* * *

Shooting Range (Outdoor): See Section 3.5.10.J.1

Short-Term Residential Rental: See Section 3.3.3.I

* * *

Sec. 2. DIVISION 59-3.1 is amended as follows:

* * *

Section 3.1.6. Use Table

The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.

Attachment 12.a: Montgomery County, Ordinance No. 18.30, Zoning Text Amendment No. 17.03, Concerning Accessory Residential Uses Short

USE OR USE GROUP	Definitions and Standards	Ag	Rural Residential			Residential												Commercial/ Residential			Employment				
						Residential Detached							Residential Townhouse			Residential Multi-Unit									
		AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	
* * *																										
RESIDENTIAL																										
* * *																										
ACCESSORY RESIDENTIAL USES	3.3.3.																									**;
* * *																										
Short-Term Residential Rental	3.3.3.I	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
* * *																										

Sec. 3. **DIVISION 59.3.3 is amended as follows:**

DIVISION 59.3.3. Residential Uses

Section 3.3.1. Household Living

A. Defined, In General

Household Living means the residential occupancy of a dwelling unit by a household [on a monthly or longer basis] for 30 consecutive days or longer.

* * *

Section 59-3.3.3. Accessory Residential Uses

* * *

I. Short-Term Residential Rental

1. Defined

Attachment 12.a: Montgomery County, Ordinance No. 18.30, Zoning Text Amendment No. 17.03, Concerning Accessory Residential Uses Short

Short-Term Residential Rental means the residential occupancy of a dwelling unit for a fee for less than 30 consecutive days. Short-Term Residential Rental is not a Bed and Breakfast.

2. Use Standards

Where Short-Term Residential Rental is allowed as a limited use, it must satisfy the following standards:

a. Short-Term Residential Rental is prohibited in a Farm Tenant Dwelling or on a site that includes an Accessory Apartment.

b. The dwelling unit used as a Short-Term Rental must be the **[[**applicant's**]]** property owner's or owner-authorized resident's primary residence, regardless of dwelling unit type.

c. If the **[[**applicant**]]** property owner or owner-authorized resident is not present in the residence, the property can be used as a Short-Term Residential Rental for a maximum of **[[**90**]]** 120 days in a calendar year. If the **[[**applicant**]]** property owner or owner-authorized resident is physically present **[[**in**]]** and occupies the residence during the rental stay, there is no limitation on the number of days the property can be used as a Short-Term Residential Rental.

d. The use must be licensed under Chapter 54.

e. The maximum number of occupants is limited by Chapter 26, Section 5; however, the total number of overnight guests in the Short-Term Residential Rental who are 18 years or older is limited to six, and the total number of overnight guests over 18 years of age per bedroom is limited to two.

Attachment 12.a: Montgomery County, Ordinance No. 18.30, Zoning Text Amendment No. 17.03, Concerning Accessory Residential Uses Short

f. One off-street parking space must be provided for each rental contract unless the online listing indicates that vehicle parking is prohibited.

* * *

Sec. 4. DIVISION 59-3.5 is amended as follows:

Division 3.5. Commercial Uses

* * *

Section 3.5.6. Lodging

A. Defined, In General

Lodging means a building, dwelling unit, or a portion of a dwelling unit used for the short-term overnight accommodation of paying guests.

B. Bed and Breakfast

1. Defined

Bed and Breakfast means a detached house that is owner-occupied with no more than 5 guest rooms for rent and customarily serves breakfasts to guests. A Bed and Breakfast is not a Short-Term Residential Rental.

* * *

Sec. 5. DIVISION 59-8.2 is amended as follows:

Division 8.2. Residential Floating Zones

* * *

Section 8.2.3. Use Table for the RT and R-H zones

A. Section 3.1.1 through Section 3.1.4 apply to the Use Table in Section 8.2.3.

B. The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.

Attachment 12.a: Montgomery County, Ordinance No. 18.30, Zoning Text Amendment No. 17.03, Concerning Accessory Residential Uses Short

USE OR USE GROUP	Definitions and Standards	RT-6.0	RT-8.0	RT-10.0	RT-12.5	RT-15.0	R-H
* * *							
RESIDENTIAL							
* * *							
Accessory Residential Uses	3.3.3						
* * *							
Short-Term Residential Rental	3.3.3.I	L	L	L	L	L	L
* * *							

Sec. 6. DIVISION 59-8.3 is amended as follows:

Division 8.3. Planned Unit Development Zones

* * *

Section 8.3.2. PD Zone

* * *

B. Uses

1. Residential Uses

* * *

c. Short-Term Residential Rental is allowed as a limited use under Section 3.3.3.I.

* * *

Sec. 7. Effective date. This ordinance becomes effective on July 1, 2018.

This is a correct copy of Council action.

Linda M. Lauer

Linda M. Lauer, Clerk of the Council

Attachment 12.a: Montgomery County, Ordinance No. 18.30, Zoning Text Amendment No. 17.03, Concerning Accessory Residential Uses Short

Bill No. 2-16
Concerning: Transient Housing – Licensing and Registration
Revised: 9/25/17 Draft No. 9
Introduced: February 2, 2016
Enacted: October 10, 2017
Executive:
Effective:
Sunset Date: None
Ch. ____, Laws of Mont. Co. ____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Riemer
Co-Sponsor: Councilmember Rice

AN ACT to:

(1) define a bed and breakfast and hotel establishment;
(2) limit the transient housing allowed to a bed and breakfast and a hotel;
(3) require only hotels to comply with most current licensing provisions for transient housing;
(4) revise the requirement for resident hotel management;
(5) delete the requirement for annual hotel inspections;
(6) add a requirement for hotel inspections upon complaint;
(7) establish a licensing system for bed and breakfast establishments;
(8) amend provisions to make them more precise, concise, and decisive; and
(9) generally amend Chapter 54 of the County Code.

By amending
Montgomery County Code
Chapter 54, Transient Lodging Facilities
Sections 54-1, 54-2, 54-3, 54-4, 54-5, 54-6, 54-7, 54-8, 54-9, 54-10, 54-11, 54-12, 54-13, 54-14, 54-15, 54-16, 54-17, 54-18, 54-19, 54-20, 54-21, 54-22, 54-23, 54-24, 54-25, 54-26, 54-27, 54-28, 54-29, 54-30, 54-31, 54-32, 54-33, 54-34, 54-35, 54-36, 54-37, 54-38, 54-39, 54-40, and 54-41

By adding:
Montgomery County Code
Chapter 54, Transient Lodging Facilities
Sections 54-22A, 54-42, 54-43, 54-44, 54-45, 54-46, 54-47, 54-48, and 54-49

Boldface	*Heading or defined term.*
Underlining	*Added to existing law by original bill.*
[Single boldface brackets]	*Deleted from existing law by original bill.*
Double underlining	*Added by amendment.*
[[Double boldface brackets]]	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

The County Council for Montgomery County, Maryland approves the following Act:

Attachment 12.b: Excerpt Montgomery County Bill No. 2.16, Concerning Transient Housing Licensing and Registration (2918 : Discussion and

[establishment] hotel is located. Every owner or operator [shall be] is responsible for maintaining the [establishment] hotel in good repair.

54-41. Inspections and report of violations of article.

The Department [of Health and Human Services] is responsible for making all necessary inspections [of the establishments] regulated under this Article and must report to the Director any violations of this Division.

Article III. [Reserved] Bed and Breakfast and Short-Term Residential Rental.

54-42. License required.

A person must not operate a bed and breakfast or short-term residential rental in the County without a license issued by the Director. After the initial issuance of a license, the license must be renewed once a year.

54-43. Certification for a License.

An application for a bed and breakfast license or short-term residential rental or a license renewal for either use must be signed by the applicant and include the State Sales Tax and Use Registration number. The applicant must certify that:

(a) the building in which the bed and breakfast or short-term residential rental is located complies with all applicable zoning standards under Chapter 59 of this Code;

(b) [[the overnight occupants of each dwelling unit will satisfy the definition of one household]] the total number of overnight guests in the short-term residential rental who are 18 years or older is limited to 6, and the total number of overnight guests over 18 years of age per bedroom is limited to 2;

(c) only habitable rooms will be used by guests;

(d) smoke detectors in all units and carbon dioxide detectors in all units using natural gas operate as designed;

Attachment 12.b: Excerpt Montgomery County Bill No. 2.16, Concerning Transient Housing Licensing and Registration (2918 : Discussion and

(e) sanitation facilities operate as designed;

(f) the applicant has not been found guilty of a violation of this Chapter in the past 12 months;

(g) all local taxes and required fees are paid in full;

(h) the dwelling unit where the bed and breakfast or short-term residential rental is located is the primary residence of the applicant; **[[and]]**

(i) the applicant is the owner or owner-authorized agent of the facility;

(j) the applicant posted rules and regulations inside the rental, including contact information for a representative designated for emergency purposes;

(k) the designated representative resides within 15 miles of the unit and be accessible for the entirety of any contract where the primary resident is not present;

(l) a record of all overnight visitors will be maintained and readily available for inspection;

(m) where applicable, the following parties were notified:

in a single-unit or attached unit, abutting and confronting neighbors,

in a multi-unit building, neighbors living across the hall and those that share a ceiling, floor, and walls with the applicant's unit,

the municipality in which the residence is located,

any applicable home owner association, condominium, housing cooperative, and the owner of the unit or the owner's rental agent, if the applicant is not the owner;

(n) the application is not prohibited by any Home Owner's Association or condominium document, or a rental lease;

(o) the common ownership community fees for the dwelling unit are no more than 30 days past due;

Attachment 12.b: Excerpt Montgomery County Bill No. 2.16, Concerning Transient Housing Licensing and Registration (2918 : Discussion and

(p) except for persons visiting the primary resident, only registered guests will be allowed on the property; and

(q) any on-line rental listing will include the short-term residential rental license number.

54-44. Applications.

The Director must establish an electronic method of submitting, issuing, renewing, denying, and revoking an application for a license through the internet.

54-45. License Approval and Renewal.

The Director must:

(a) accept the self-certification of the applicant after verifying compliance by reviewing available records; [[and]]

(b) approve or deny a license or a license renewal within 15 working days after receipt of the application and all required fees unless the Director receives a challenge to the certifications under Section 54-47[[.]]; and

(c) issue the license for a term of one year, renewable for additional one-year terms, subject to payment of the license fee and compliance with all applicable laws and certifications required for the license.

54-46. Challenge to Certifications.

(a) A challenge to any required certification made by the applicant may be filed with the Director within 30 days after the application is filed by:

(1) a resident or owner of real property located within 300 feet of a licensed or proposed [[bed and breakfast]] license;

(2) [[a civic or homeowner's association comprised of property owners located within 300 feet of a licensed or proposed bed and breakfast]] the municipality in which the residence is located;

Attachment 12.b: Excerpt Montgomery County Bill No. 2.16, Concerning Transient Housing Licensing and Registration (2918 : Discussion and

(3) any applicable homeowners association, condominium, housing cooperative; or

(4) the owner of the unit or the owner's rental agent, if the applicant is not the owner.

(b) The Director must, within 60 days after receipt of the challenge:

(1) provide notice of the challenge to the applicant;

(2) provide an opportunity for the applicant to respond to the challenge;

(3) investigate the question of fact raised by the challenge; and

(4) revoke or deny the license if the Director finds that one or more facts certified by the applicant is false.

54-47. Suspension

(a) The license must be suspended for any applicant receiving at least three complaints that are verified as a violation of the license or of the County Code within any 12-month period.

(b) Renewal or reinstatement of licenses must follow procedures established by the Director.

54-48. Appeals.

Any person aggrieved by an approval, denial, revocation or suspension of a bed and breakfast license may appeal the decision to the Board of Appeals. The Board of Appeals must hold a hearing on the appeal within 30 days after the notice of appeal has been filed, and must act on the appeal within 30 days after the hearing.

[[54-48.]] 54-49. Effect of a revocation.

For a period of 3 years after a license is revoked, the Director must not issue a bed and breakfast or short-term residential rental license to:

(a) the former licensee or a member of the former licensee's household; or

Attachment 12.b: Excerpt Montgomery County Bill No. 2.16, Concerning Transient Housing Licensing and Registration (2918 : Discussion and

(b) any applicant for a license to use the same dwelling unit where the license was revoked.

Sec. 2. Effective date.

This Bill becomes effective on July 1, 2018.

Attachment 12.b: Excerpt Montgomery County Bill No. 2.16, Concerning Transient Housing Licensing and Registration (2918 : Discussion and

BILL No. 2-16

Approved:

Roger Berliner, President, County Council — Date 10/12/17

Approved:

Isiah Leggett, County Executive — Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council — Date

Attachment 12.b: Excerpt Montgomery County Bill No. 2.16, Concerning Transient Housing Licensing and Registration (2918 : Discussion and

ORDINANCE NO. O-7-19

AN ORDINANCE TO AMEND CHAPTER 24 (CITY ZONING ORDINANCE), ARTICLE I, ENTITLED, "IN GENERAL," ARTICLE III, ENTITLED, "REGULATIONS APPLICABLE TO PARTICULAR ZONES," ARTICLE IV, ENTITLED, "SUPPLEMENTARY ZONE REGULATIONS," ARTICLE V, ENTITLED, "SITE DEVELOPMENT PLANS," ARTICLE XII, ENTITLED, "PRESERVATION OF HISTORIC RESOURCES'" AND ARTICLE XIII, ENTITLED, "LANDSCAPING STANDARDS"

Text Amendment CTAM-8244-2019

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), Articles I, III, IV, and VII, are amended to read as follows:

Chapter 24

ZONING

ARTICLE I. IN GENERAL

Sec. 24-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

* * * *

Bed and breakfast. A private owner-occupied, ~~one~~-single-family detached residential building containing as the primary use, an aggregate of lodging rooms offered for rent with breakfast service to transient guests.

* * * *

~~*Dwelling.* A building or portion thereof arranged or designed to provide living facilities for one or more families, excepting trailers and mobile homes.~~

~~*Dwelling, detached.* A building arranged or designed as a dwelling entirely separated from any other building or structure by space on all sides.~~

Boldface	*Heading or defined term.*
Underlining	*Added to existing law by original bill.*
~~Single strikethrough~~	*Deleted from existing law by original bill.*
Double underlining	*Added by Amendment.*
~~Double boldface strikethrough~~	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

Attachment 12.c: Gaithersburg Ordinance No. O.7.19, Text Amendment CTAM.8244.2019 An Ordinance to Amend Chapter 24 (City Zoning

~~*Dwelling, multiple family.* A building designed for or occupied for residential purposes by three (3) or more families with separate housekeeping and cooking facilities for each which is not organized, created and subject to a condominium regime under the "Maryland Condominium Act," Title 11, Real Property Article, Maryland Code Annotated.~~

~~*Dwelling, multiple family, condominium.* A building designed for or occupied for residential purposes by three (3) or more families with separate housekeeping and cooking facilities for each organized, created and subject to a condominium regime under the "Maryland Condominium Act," Title 11, Real Property Article, Maryland Code Annotated.~~

~~*Dwelling, multiple-group.* A group of two or more multiple family dwellings or multiple family condominium dwellings or any combination of the same, occupying a parcel of land.~~

~~*Dwelling, seasonal.* A dwelling occupied for not more than six (6) months of any year.~~

~~*Dwelling, semidetached.* One of two (2) buildings, arranged or designed as dwellings located on abutting lots, separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof along the dividing lot line and separated from any other building or structure by space on all sides.~~

~~*Dwelling, single-family.* A detached residence, townhouse, or duplex designed for or occupied by one family only, excluding trailers and mobile homes.~~

~~*Dwelling, two-family.* A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.~~

~~*Dwelling unit.* A group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes.~~

Dwelling Unit. A building or portion thereof providing complete living facilities for not more than one (1) family, including, at a minimum, a kitchen, and facilities for sanitation and sleeping.

Dwelling, Single Unit (Family) Attached. One (1) of a group of three (3) or more single dwelling units sharing common party walls or floors. Each dwelling unit must have one (1) direct entrance from the outside. This term does not include townhouses.

Dwelling, Multiple-Unit (Family). A building containing three (3) or more dwelling units which may or may not share a common entry. This term includes apartment buildings, condominiums and cooperatives.

Attachment 12.c: Gaithersburg Ordinance No. O.7.19, Text Amendment CTAM.8244.2019 An Ordinance to Amend Chapter 24 (City Zoning

Dwelling, Single Unit (Family) Semidetached (Duplex). One (1) of two (2) single unit attached dwellings located on abutting lots meeting the following criteria:

(a) The dwellings are joined by a party wall along the common lot line and extending from the basement floor to the highest point of the roof with no openings; and

(b) No other buildings or structures adjoin either dwelling unit.

Dwelling, Single Unit (Family) Detached. A building designed and intended for use as a single dwelling and entirely separated from any other building or structure on all sides.

Dwelling, Single Unit (Family) Townhouse. One of a group of three (3) or more dwelling units in the same building, each of which units is separated from any adjacent unit by a continuous vertical party wall without openings extending from the lowest floor level of the unit to the highest point of the roof along the party wall division line, and each of which dwelling units has its own entrance directly from the outside.

* * * *

Guest ~~room~~ unit. A single ~~room~~ accommodation ~~which~~ that is intended for occupancy by one or more transient guests, but not including short-term rentals, school or college dormitories, or fraternity or sorority houses.

* * * *

Home based business. A use subject to the provisions of Article X of Chapter 24 conducted within a residential dwelling, dwelling unit or accessory building or structure for profit, charitable or philanthropic purpose by a resident or residents of the dwelling where such use is clearly incidental and subordinate to the primary use of the dwelling or dwelling unit for residential purposes. A home based business does not include a bed and breakfast establishment, a boardinghouse, a short-term rental, a private educational institution for more than eight (8) pupils, or the repair or maintenance of motor vehicles or gasoline powered equipment, or other uses specifically defined and regulated elsewhere in this zoning ordinance.

* * * *

Hotel. Any building containing ten (10) or more guest ~~rooms~~ units where, for compensation, lodging, meals or both are provided for ten (10) or more guests, excluding a fraternity or sorority house, school or college dormitory, ~~tourist home~~, motel or hotel-apartment as defined herein.

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~~*Hotel apartment*~~ *Hotel, apartment.* ~~Any building or portion thereof~~ A building designed for or containing both guest ~~rooms~~ units for transient guests and multiple family dwelling units and that maintains an inner lobby through which all guests and tenants must pass to gain access to dwelling or guest units.

Hotel, extended stay. A building or group of buildings containing ten (10) or more guests units where for compensation a majority of the guest units are intended to be used or hired for use by long term transient guests wherein the units contain sleeping and living accommodations including an equipped kitchen or kitchenette. Extended stay hotels may provide a public dining room or common breakfast room area or other public areas which are open and available to persons who are not guests of the establishment. Long-term transient guests are defined as guests whose stays are for a period of one continuous week or longer. An extended stay hotel is not a full service hotel, motel, inn or bed and breakfast, dormitory or rooming house or boarding house.

Hotel, full service. A building or group of buildings where for compensation ten (10) or more guest units are provided with sleeping accommodation and daily maid service for transient visitors. Full service hotels provide a public dining room and room service and may contain meeting rooms, retail shops, business centers and recreational facilities. A full service hotel is not an extended stay hotel, motel, inn, bed and breakfast, dormitory, fraternity or sorority house or rooming house or boarding house.

Hotel, limited service. A hotel offering room accommodations with limited amenities which may include breakfast and limited congregate meeting space supported by fewer employees than a full service facility. Individual rooms would not have kitchens or kitchenettes.

House, farm tenant. A detached dwelling that is intended principally for occupancy by farm families who pay rent in the form of labor or a share in the crops produced on the farm.

~~*House, guest.* A detached dwelling that is intended, arranged or designed for occupancy by transient, nonpaying visitors.~~

* * * *

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. Iintegrated light manufacturing should be located within a business park/campus, commercial center or transit oriented development with additional residential, retail, office, or research and development uses, but should be compatible with and may be included in predominately

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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
- Additive manufacturing (3D printing)
- Medical supplies and devices
- Molecular engineering/nanotechnology
- Mechanical equipment and micro-manufacturing
- Cyber security technologies

* * * *

Motel. Any group of guest ~~rooms~~ units, combined or separated, used for the commercial purpose of housing ~~short-term~~ transient guests, each unit of which is provided with its own toilet and washroom facilities, but do not include kitchen or kitchenette facilities or equipment in the guest units.

* * * *

Roominghouse. A dwelling in which lodging is furnished for compensation to at least three (3) but not more than five (5) guests. Any roominghouse lawfully established on October 1, 1985, under regulations previously in effect as to the permissible number of guests, may continue to operate under the requirements in force prior to October 1, 1985, and shall not be considered a nonconforming use.

* * * *

Short-term rental. The offering of lodging accommodations in a residential dwelling unit or accessory building for periods of less than 30 consecutive days to transient guests. A short-term rental must be accessory and secondary to the primary use of a dwelling unit for residential household living purposes and shall conform to all applicable requirements set forth in the short-term rental regulations adopted pursuant to section 2-10 of the city code.

* * * *

~~*Tourist cabin camp.* Any lot, parcel or tract of land, together with such open spaces as are required under the provisions of this chapter, upon which there are located one or more cottages or cabins used, designed, maintained or held out for the accommodation of transient guests, whether or not a charge is made therefor.~~

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~~*Tourist cabin, plot.* A section of ground within a tourist cabin camp upon which is located only one cottage or cabin, the same having not less than the minimum dimensions and area required under the provisions of this chapter.~~

~~*Tourist home.* A dwelling in which, for compensation, lodging only is provided or offered to not more than twelve (12) transient guests. A tourist home shall not be deemed a home occupation.~~

Tower. A tower has the same meaning as the term as used in Federal Communications Commission regulations, including 47 C.F.R. § 1.40001, and consists of any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site, except that it does not include monopoles.

~~*Townhouse.* One of a group of three (3) or more dwelling units in the same building, each of which units is separated from any adjacent unit by a continuous vertical party wall without openings extending from the lowest floor level of the unit to the highest point of the roof along the party wall division line, and each of which dwelling units has its own entrance directly from the outside.~~

* * * *

Urban cottage. A subordinate <u>accessory</u> dwelling unit, either freestanding or part of another structure on a lot, that because of its size, facilities or usage is secondary to the primary dwelling unit located on the lot.

* * * *

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ARTICLE III. REGULATIONS APPLICABLE TO PARTICULAR ZONES

DIVISION 1A. GENERALLY

Sec/ 24-22. Permitted and special exception uses.

* * * *

(b) R-6 Zone.

Use	*Zone R-6*
Accessory structures and uses [1]	P
Bed and breakfast subject to the requirements contained in section 24-167B	P
Family day care facilities in single-family dwellings accommodating not more than eight (8) individuals	P
Family day care facilities in single-family dwellings accommodating more than eight (8) but no more than twelve (12) individuals	SE
Dwellings, ~~one-family~~ single unit detached	P
Dwellings, ~~one-family~~ semidetached	P
Home based business [2]	P/SE
Public uses	P
Public utility buildings [3]	SE
Satellite television antennas and towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals or both, subject to the provisions of section 24-167A	P
Swimming pools, community	SE
Swimming pools, private	P
Small cell telecommunications facility [6]	P
Telecommunications facility [5]	SE

1 Subject to the provisions of article IV, section 24-163 and section 24-24(5).
2 Subject to the provisions of article X.
3 This use shall have the exterior appearance and approximate size and scale of a residential building. Examples of such uses include telephone dial centers, buildings housing switching equipment, regulators, transformers and similar devices.
4 Reserved.
5 Subject to the requirements of section 24-167A(D)(2).
6 Subject to the requirements of section 24-167A(E).

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(c) *Buffer zones.*

Use	*Zone RB*	*Zone CB*
Accessory structures and uses	P [1]	P [1]
Antique shops	~~P~~ [5]	P
Appliance repair shops		SE
Banks and financial institutions, excluding drive-in or walk-up window teller facilities		SE
Barber and beauty shops	~~P~~ [5] and SE	P
Bed and breakfast subject to the requirements contained in section 24-167B	P	P
Bookstores, excluding printing or binding	~~P~~ [5]	P
Boarding homes	SE	
Care home for up to 8 individuals	SE	SE
Child and/or adult day care centers serving not more than twelve (12) individuals	SE	SE
Family day care facilities in single-family dwellings accommodating not more than eight (8) individuals	P	P
Family day care facilities in dwelling units other than single-family dwellings accommodating not more than eight (8) individuals	SE	SE
Family day care facilities in single-family dwellings accommodating more than eight (8) but no more than twelve (12) individuals	SE	SE
Clinics		SE
Dry cleaning and laundry establishments, pick-up only and no work for similar institutions		P
Dwellings, ~~one-family~~ single unit detached	P	P
Dwellings, ~~one-family~~ semidetached	P	P
Educational institutions, private		SE
Eleemosynary and philanthropic institutions	SE	SE
Florist shops	~~P~~ [5]	P
Funeral parlors and undertaking establishments	SE	SE
Gift shops	P [2]	P
Jewelry stores	~~P~~ [5]	P

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Home based business	P/SE [2]	P/SE [2]
Housing for the elderly	SE	SE
Laboratories, provided such use meets all federal, state and local safety regulations	SE	SE
Multiple-family dwellings which are part of buildings intended for other permitted or special exception uses within the CB zone		SE
Multiple-family dwellings		P [4]
Offices, professional and business	P	P
Off-street parking of motor vehicles in connection with any off-site use permitted in the zone	SE	SE
Pharmacies, selling and dispensing only drugs and medical supplies		SE
Photographic and art supply stores	~~P~~ [5]	P
Photography and artist studios	~~P~~ [5]	P
Public uses	P	P
Public utility buildings	SE [3]	SE [3]
Satellite television antennas and towers, poles, antennas, or other structures intended for use in connection with transmission or receipt of radio or television signals or both, subject to the provisions of section 24-167A	P	P
Signs, subject to article IX of this chapter		P
Shoe repair shops	~~P~~ [5]	P
Small cell telecommunications facility [7]	P	P
Specialty and craft shops	~~P~~ [5]	P
Tailoring and dressmaking shops	P	P
Telecommunications facility [6]	SE	SE
~~Tourist homes~~ Short-term rentals within an existing residential structure	SE	P
Trade, artistic and technical schools	SE	SE

1 Accessory structures in these zones are subject to the provisions of section 24-24(5) and section 24-163, and shall not exceed twenty (20) percent of the maximum allowable building coverage.
2 Subject to the provisions of article X.
3 Subject to the provisions in footnote 3 to subsection (b) of this section.
4 Subject to the following restrictions on such use:

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a. Such use shall be permitted only on a lot/parcel containing a minimum of five (5) acres but not more than twenty (20) acres;

b. The minimum distance between main buildings shall be twenty-five (25) feet; provided that such distance shall be increased by one foot for each foot of building height over thirty (30) feet;

c. A minimum of forty (40) percent of the lot, parcel or tract shall be devoted to green area;

d. Such use shall be prohibited in the Olde Towne District, as defined in section 24-161(a);

e. The type and amount of recreational amenities associated with said use shall be at the discretion of the planning commission during site plan review, taking into account the sensitivity of existing vegetation and the topography of the site.

[5] Uses permitted only within the "Olde Towne District," subject to the provisions of section 24-161.
[6] Subject to the requirements of section 24-167A(D)(2).
[7] Subject to the requirements of section 24-167A(E).

* * * *

DIVISION 1. R-A ZONE, LOW DENSITY RESIDENTIAL

* * * *

Sec. 24-24. Uses permitted by right.

The following uses are permitted by right:

(1) Single-family detached dwellings.

* * * *

(5) Accessory uses:

(a) The renting of rooms to not more than two (2) persons by the occupant of a dwelling <u>for 30 or more consecutive days</u>.

(b) Home based businesses authorized pursuant to article X.

(c) Family day care facilities in single-family dwellings accommodating not more than eight (8) individuals.

(d) Private swimming pool.

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(e) Any use on the same lot or parcel as the primary use which is customarily incidental and subordinate to the principal or primary use.

(f) Short-term rentals

* * * *

Sec. 24-26. - Dimensional restrictions.

(a) The minimum area of a lot shall be one hundred thousand (100,000) square feet; provided, that the minimum area of a lot whose principal use is for a single-family detached dwelling shall be twenty thousand (20,000) square feet.

(b) The depth of each front yard and rear yard shall be no less than thirty (30) feet. The depth of each side yard shall be no less than fifteen (15) feet.

(c) No building on a lot less than one hundred thousand (100,000) square feet in area shall exceed thirty-five (35) feet in height. On lots one hundred thousand (100,000) square feet or more in area there shall be no height limit ~~except as provided in section 24-23(4)~~.

(d) No more than twenty-five (25) percent of a lot shall be covered by buildings, including accessory buildings.

(e) No less than forty (40) percent of the lot shall be devoted to green space.

* * * *

DIVISION 2. R-90 ZONE, MEDIUM DENSITY RESIDENTIAL

* * * *

Sec. 24-28. Uses permitted by right.

The following uses are permitted by right in the R-90 Zone:

(1) All uses permitted by right in the R-A Low Density Residential Zone.

(2) Single~~One~~-family detached dwellings and accessory dwellings in compliance with the standards set forth in section 24-22.2.

(3) Public parks and playgrounds.

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(4) Churches, temples and related religious facilities such as seminaries and convents.

(5) Accessory uses:

(a) The renting of rooms to not more than two (2) persons by the occupant of a dwelling <u>for 30 or more consecutive days.</u>

(b) Home based businesses authorized pursuant to article X, chapter 24 of this Code.

(c) Family day care facilities in single-family dwellings accommodating not more than eight (8) individuals.

(d) Greenhouses, provided that no products are sold.

(e) Private swimming pools.

(f) Any use on the same lot or parcel as the primary use which is customarily incidental and subordinate to the principal or primary use.

(g) <u>Short-term rentals</u>

(6) Accessory structures must conform to requirements of section 24-163 of this Code.

(7) Housing for the elderly, included in a conceptual plan as part of an approved annexation agreement with the city, subject to the following conditions:

* * * *

c. Except as otherwise provided herein, the requirements of section 24-29(4) shall not apply to projects which meet the conditions set forth in subsection ~~(6)a~~ <u>(7)</u>.

* * * *

DIVISION 4. RP-T ZONE, MEDIUM DENSITY RESIDENTIAL

* * * *

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Sec. 24-43. Permitted uses.

The following uses shall be permitted:

(1) Dwellings including single ~~family~~unit attached and detached, ~~two family~~ townhouse, ~~semi detached~~semidetached, and multiple family ~~and multiple family condominium dwellings~~.

(2) Playgrounds and parks.

(3) Accessory uses:

1. Home based businesses authorized pursuant to article X, chapter 24 of this Code.

2. Family day care facilities in single family dwellings accommodating not more than eight (8) individuals.

3. Community swimming pools.

4. Noncommercial recreation facilities primarily for use of residents of the project in which they are located.

5. Any use on the same lot or parcel as the primary use which is customarily incidental and subordinate to the principal or primary use.

6. Short-term rentals

* * * *

Sec. 24-44. Sec. 24-44. - Density requirements.

~~Except as provided in section 24-54A,~~ There shall be no more than nine (9) dwelling units per gross acre. The dedication of streets to public use within the project shall not be construed to reduce the permissible density.

Sec. 24-45. - Setback requirements.

(a) ~~Except as provided in section 24-54A,~~ No building shall be built within thirty-five (35) feet of any street line or proposed street line of any public street which constitutes an outside boundary of the project, or any public street within the project other than a residential tertiary, residential secondary or residential primary street as these terms are defined in Chapter 19 of this Code.

(b) No building shall be built within twenty (20) feet of any outside boundary line of the project other than a street line.

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Sec. 24-46. - Height limit.

~~Except as provided in section 24-54A,~~ B~~b~~uilding height shall not exceed thirty-five (35) feet.

* * * *

Sec. 24-48. - Open space.

(a) ~~Except as provided in section 24-54A,~~ A~~a~~t least fifty (50) percent~~um~~ of the land area of any project in this zone remaining after the dedication of streets to public use shall be devoted to open space. In calculating open space, patio slabs and pedestrian walkways and recreation areas not contained in buildings may be included, but not off-street parking spaces or private driveways.

(b) ~~Except as provided in section 24-54A,~~ O~~o~~f the minimum required open space, at least one thousand (1,000) square feet per dwelling unit within the project shall be located so as to permit and encourage its use in common by the occupants of the project in leisure activities.

* * * *

DIVISION 5. R-20 ZONE, MEDIUM DENSITY RESIDENTIAL

* * * *

Sec. 24-56. - Uses permitted by right.

The following uses are permitted by right in the R-20 Zone:

(1) All uses permitted in the RP-T Zone.

(2) ~~Two family dwellings,~~ M~~m~~ultiple-family ~~and multiple family condominium~~ dwellings.

(3) Boardinghouses and rooming houses.

(4) Fraternity and sorority houses.

(5) Accessory uses:

(a) The renting of rooms to not more than two (2) persons by the occupant of a dwelling for 30 or more consecutive days.

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(b) Home based businesses authorized pursuant to article X, chapter 24 of this Code.

(c) Family day care facilities in single-family dwellings accommodating not more than eight (8) individuals.

(d) Business office, accessory to the main use, for the administration of multiple-family dwellings containing more than twenty-four (24) dwelling units.

(e) Swimming pools for the exclusive use of the residents of the dwelling or dwellings located on the same parcel or lot.

(f) Any use on the same lot or parcel as the primary use which is customarily incidental and subordinate to the principal or primary use.

(g) Short-term rentals

* * * *

DIVISION 6. R-18 ZONE, MEDIUM DENSITY PLANNED RESIDENTIAL

* * * *

Sec. 24-66. Permitted uses.

The following uses shall be permitted in the R-18 Zone:

(1) Multiple-family ~~and multiple family condominium~~ dwellings.

(2) Townhouses.

(3) Public buildings and public uses.

(4) Churches and temples, but no related religious facilities such as seminaries and convents.

(5) Accessory uses:

(a) Home based businesses authorized pursuant to article X.

(b) Family day care facilities in single-family dwellings accommodating not more than eight (8) individuals.

(c) Temporary sales office and permanent management office for project.

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(d) Swimming pools, private or community, bath houses and community buildings.

(f) Any use on the same lot or parcel as the primary use which is customarily incidental and subordinate to the principal or primary use.

(g) Short-term rentals

* * * *

DIVISION 7. R-H ZONE, HIGH DENSITY RESIDENTIAL

Sec. 24-75. Permitted uses.

The following uses shall be permitted in the R-18 Zone:

(1) Multiple-family ~~and multiple family condominium~~ dwellings.

(2) Townhouses.

(3) Public buildings and public uses.

(4) Churches and temples, but no related religious facilities such as seminaries and convents.

(5) Accessory uses:

(a) Home based businesses authorized pursuant to article X.

(b) Family day care facilities in single-family dwellings accommodating not more than eight (8) individuals.

(c) Temporary sales office and permanent management office for project.

(d) Swimming pools, private or community, bath houses and community buildings.

(e) Any use on the same lot or parcel as the primary use which is customarily incidental and subordinate to the principal or primary use.

(f) Short-term rentals

* * * *

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DIVISION 11. C-1 ZONE, LOCAL COMMERCIAL

* * * *

~~**Sec. 24-115.1. Traditional Neighborhood Design (TND) option.**~~

~~The Traditional Neighborhood Design (TND) option may be used as an alternate method of development, subject to compliance with the standards set forth in section 24-22.3 of Chapter 24 of this Code.~~

* * * *

DIVISION 12. C-2 ZONE, GENERAL COMMERCIAL

* * * *

Sec. 24-118. Uses permitted as special exceptions.

The following uses are permitted in the C-2 Zone as special exceptions after approval by the board of appeals in accordance with the provisions of section 24-189, or by the city council in accord with section 24-167A(C) as to subparagraph (9) below:

(1) Dwelling units which are part of buildings intended for and serve as an accessory to a commercial use; provided, that:

(a) Rear yards shall be provided in accordance with requirements in the R-20 Zone.

(b) Appropriate fire separation between use groups, and the installation of sprinklers as approved by the Montgomery County Fire Marshal in accordance with the 13 Sprinkler System, and required secondary egress must be provided pursuant to other standards set forth by the BOCA Building Code.

(c) Parking spaces for residential units shall be reserved for each dwelling unit on the same lot.

* * * *

~~**Sec. 212.1. Traditional Neighborhood Design (TND) Option.**~~

~~The Traditional Neighborhood Design (TND) option may be used as an alternate method of development, subject to compliance with the standards set forth in section 24-22.3 of Chapter 24 of this Code.~~

* * * *

DIVISION 14. I-1 ZONE, LIGHT INDUSTRIAL

Sec. 24-136. Uses permitted by right.

The following uses are permitted by right in the I-1 Zone:

* * * *

D. RETAIL AND WHOLESALES:

(1) Aircraft parts and service.

(2) Antiques.

(3) Building material sales yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, and contractors' equipment storage yard and plant.

(4) Bakers, including the retail sale of goods baked on the premises, ~~provided such use is located within the Olde Towne District, as defined in section 24-161 of this Code~~.

(5) Computers and accessories.

(6) Furniture.

(7) Home improvement suppliers and distributors, selling or distributing hardware, plumbing supplies, paint, wallpaper, lighting fixtures, carpet, garden supplies, plant nursery products and furniture.

(8) Personal services for employees.

(9) Pet/livestock feeds.

* * * *

~~**Sec. 24-141C. - Traditional Neighborhood Design (TND) option.**~~

~~The Traditional Neighborhood Design (TND) option may be used as an alternate method of development, subject to compliance with the standards set forth in section 24-22.3 of Chapter 24 of this Code.~~

* * * *

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DIVISION 15. I-3 ZONE, INDUSTRIAL AND OFFICE PARK

* * * *

Sec. 24-143. Uses Permitted by right.

The following uses are permitted by right in the I-3 Zone:

(1) All uses permitted by right in the E-1 Zone.

(2) Public buildings and uses subject to the following requirements:

(a) No on-site parking or storage of trucks, either within a building or on the exterior, or motor vehicles other than automobiles for employees and customers of the facility are allowed.

(b) No public distribution uses are allowed. For the purpose of this section "distribution uses" is defined as the primary use of the property for the collection and transfer or dispensing of personal property or equipment to public or private recipients.

(3) Office buildings for professional and general business offices.

(4)

* * * *

~~**Sec. 24-150. - Traditional Neighborhood Design (TND) option.**~~

~~The Traditional Neighborhood Design (TND) option may be used as an alternate method of development, subject to compliance with the standards set forth in section 24-22.3 of Chapter 24 of this Code.~~

* * * *

DIVISION 16. I-4 ZONE, GENERAL INDUSTRIAL

* * * *

~~**Sec. 150C. Traditional Neighborhood Design (TND) option.**~~

~~The Traditional Neighborhood Design (TND) option may be used as an alternate method of development, subject to compliance with the standards set forth in section 24-22.3 of Chapter 24 of this Code.~~

* * * *

DIVISION 17. E-1 ZONE, URBAN EMPLOYMENT

* * * *

~~**Sec. 160.1. Traditional Neighborhood Design (TND) option.**~~

~~The Traditional Neighborhood Design (TND) option may be used as an alternate method of development, subject to compliance with the standards set forth in section 24-22.3 of Chapter 24 of this Code.~~

* * * *

DIVISION 19. MXD ZONE, MIXED USE DEVELOPMENT

* * * *

~~**Sec. 160D.13. Traditional Neighborhood Design (TND) option.**~~

~~In addition to the procedural requirements contained in this division, the Traditional Neighborhood Design (TND) option may be used as an alternate method of development, subject to compliance with the standards set forth in section 24-22.3 of Chapter 24 of this Code.~~

* * * *

DIVISION 20. H-M ZONE, HOTEL-MOTEL

* * * *

~~**Sec. 160E.5. Traditional Neighborhood Design (TND) option.**~~

~~The Traditional Neighborhood Design (TND) option may be used as an alternate method of development, subject to compliance with the standards set forth in section 24-22.3 of Chapter 24 of this Code.~~

* * * *

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DIVISION 21. - CBD ZONE, CENTRAL BUSINESS DISTRICT

* * * *

Sec. 24-160F.3. - Minimum locational requirements.

No land shall be classified in the central business district unless the land is identified for such zoning in an approved and adopted City Master Plan. ~~within the following described area:~~

~~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~~

2. ~~Running in a northerly direction with the east right-of-way line of North Summit Avenue to intersect with the south right-of-way line of Girard Street; thence~~

3. ~~Running in an easterly direction with the south right-of-way line of Girard Street to a point described as the northeast corner of Lot 2, Section Two, Woodwinds Park; thence~~

4. ~~Running in a southerly direction with the east line of Lot 2, Section Two, Woodwinds Park; Lot 2, Crestwood Terrace; and Parcels 671, 723 and 832 to a point described as the southwest corner of the Board of Education property, Law 7813, Parcel P862; thence~~

5. ~~Continuing in a southeasterly direction to a point described as the common corner of the north line of a 20′ alley and the Board of Education property; thence~~

6. ~~Leaving said corner and crossing the Board of Education property in an easterly direction to a point, being further described as the southwest corner of Teachers Way, a 70′ right-of-way as shown on Plat No. 10669, Plat Book 96; thence~~

7. ~~Continuing in an easterly direction with the south right-of-way line of Teachers Way to the point where it intersects with the west right-of-way line of Girard Street; thence~~

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8. Running in an southerly direction with the west right-of-way line of Girard Street and the east line of Parcel 1-C, Victory Farm, to a point opposite the northeast corner of Parcel 2-A, Victory Farm; thence

9. Leaving said point and crossing Girard Street in an easterly direction and running with the north line of Parcel 2-A, Victory Farm, to the northeast corner of said Parcel 2-A; thence

10. Continuing with the east property line of Parcel 2-A to the point where it intersects with the north property line of Lot 1, Victory Farm; thence

11. Continuing in an easterly direction with the north line of Lot 1, Victory Farm, crossing East Diamond Avenue to a point where it intersects the west line of the corporate limits of the Town of Washington Grove; thence

12. In a southern direction with the west line of the corporate limits of Washington Grove projected to a point where it intersects the north right-of-way line of the B&O Railroad right-of-way, Map V25.1/8 (CSX Transportation, Inc.), said point being further described as the southeast corner of Parcel P303; thence

13. Running in a westerly direction with the common line between the north right-of-way line of the said B&O Railroad Map V25.1/8 (CSX Transportation, Inc.) and Parcels P303, P290, P117, Parcel A-East Diamond Service Mall, Parcel B-East Diamond Service Mall, Lot 1 Fliegel's 2nd Addition to Gaithersburg, Parcel A-McCarthy's Addition to Gaithersburg, Lots 1 and 2-Trunnell's Subdivision, Lots 4 and 5-Kahler Subdivision, Parcels P30, P79 and P78, Lot 1-Lai's Addition to Deer Park Subdivision, and Lot 1-Winkler Property, to a point, said point being determined by projecting the east property line of the Gaithersburg City Hall property and the west line of the Lynpark Subdivision, crossing Railroad Avenue and the B&O Railroad right-of-way to intersect the northern right-of-way line of the B&O Railroad (CSX Transportation, Inc.); thence

14. Leaving said point and crossing the B&O Railroad right-of-way and Railroad Avenue in a southerly direction running with the east property line of the Gaithersburg City Hall property to the southeast corner of said property; thence

15. Continuing in a westerly direction with the south property line of the Gaithersburg City Hall property to a concrete monument where said line intersects with the east right-of-way line of South Summit Avenue; thence

16. Running in a northerly direction with the east right-of-way line of South Summit Avenue to a point opposite the common front corner of Lots 2 and 3, Maddox Addition to Gaithersburg; thence

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17. Leaving said point and crossing South Summit Avenue in a westerly direction with the south line of Lot 2, Maddox Addition to Gaithersburg, to a concrete monument, being the common corner of Lot 3, Maddox Addition to Gaithersburg, and Lot 1, Saint Martins Addition to Gaithersburg; thence

18. Running in a southwesterly direction with the south line of Lot 3, Maddox Addition to Gaithersburg, to a point where said line intersects with the north right-of-way line of South Frederick Avenue; thence

19. Running in a northwesterly direction with the north right-of-way line of South Frederick Avenue projected, to a point being opposite the northeast corner of Parcel B, Executive Garden Apartments; thence

20. Leaving said point and crossing South Frederick Avenue in a southwesterly direction with the north common property line of Parcels B and A, and the M.S.H.A. Service Road right-of-way line, to a point described as the northwest corner of Parcel A, Executive Garden Apartments; thence

21. Running in a northwesterly direction with the common line between the M.S.H.A. Service Road right-of-way and Parcels P296, P295 and Lots 87, 86, 85, 84, 83 - Observatory Heights Addition to Gaithersburg, Spring Hollow Townhouses, to a point described as the southeast corner of Parcel P185; thence

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

26. Running in a 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

27. Running in an easterly direction with the south line of said parcel to a point described as the southeast corner of said Parcel A; thence

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28. ~~Continuing in a northerly direction with the common line between Parcel A, Meem's Addition and Lot 2, Block C, Meem's Addition, to the point where it intersects the north right-of-way line of the B&O Railroad (CSX Transportation, Inc.); thence~~

29. ~~Running in a westerly direction with the common line of the north right-of-way line of the B&O Railroad (CSX Transportation, Inc.) and the south line of Parcel A, a subdivision of Rockville Fuel and Feed Company, to a point where it intersects the east right-of-way line of Chestnut Street; thence~~

30. ~~In a northeasterly direction running with the common line between the easterly right-of-way line of Chestnut Street and Parcel A, a subdivision of Rockville Fuel and Feed Company, Parcels A and B Federline's Subdivision of Gaithersburg, and Parcel P886 to the point where it intersects the north right-of-way line of North Frederick Avenue, further described as the common front corner of Parcels P833 and P842; thence~~

31. ~~Continuing in a northeasterly direction with the south line of Parcel P833 to a point described as the northeast corner of Parcel P834; thence~~

32. ~~Running in a southerly direction with the east line of Parcel P834, crossing Walker Avenue and projecting across Parcel A, Grace United Methodist Church, to a point where it intersects the north line of Parcel A, Block 4, Russell and Brookes Addition to Gaithersburg; thence~~

33. ~~In an easterly direction with the north line of said Parcel A to a point described as the northeast corner of Parcel A, Block 4, Russell and Brookes Addition to Gaithersburg; thence~~

34. ~~Continuing in an easterly direction with the east line of Parcel A to a point described as the southeast corner of said Parcel A; thence~~

35. ~~Continuing in a westerly direction with the south line of said Parcel A to a point described as the northwest corner of Lot 32, Block 4, Russell and Brookes Addition to Gaithersburg; thence~~

36. ~~Running in a southerly direction with the common line between Parcel A, Block 4, and Lots 32 and 34, Block 4, Russell and Brookes Addition to Gaithersburg, crossing Brookes Avenue and running with the west line of Lot 4, Russell and Brookes Addition, to the point where it intersects with the north line of Lot 18, Russell and Brookes Addition; thence~~

37. ~~Running in a northeasterly direction with the north line of said Lot 18 to a point described as the northeast corner of said Lot 18; thence~~

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38. Continuing in a southerly direction with the east line of said Lot 18 to 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

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

44. Running in a northerly direction with the west property line of Pt. Lot 6, N875, Russell and Brookes Addition; thence

45. Running in an easterly direction with the northern property line of Parcel N875, to intersect with the west right-of-way line of Park Avenue; thence

46. Running in a northerly direction with the 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.

* * * *

Sec. 24-160F.9. - Traditional Neighborhood Design (TND) option.

Subject to the procedural requirements set forth in this division, an applicant may request the Traditional Neighborhood Design (TND) option, which may be used as an alternate method of development, subject to compliance with the standards set forth in section 24-22.3 of Chapter 24 of this Code.

* * * *

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ARTICLE IV. SUPPLEMENTARY ZONE REGULATIONS

* * * *

Sec. 24-167B. - Bed and breakfast.

A bed and breakfast use may be established in any single-family detached dwelling units in any zoning district, subject to the following requirements:

~~(1) The building containing such use must either be designated as a historic site or located within a historic district and/or listed on the city's inventory of historic resources. Additions or changes to the exterior which are not detrimental to the historic character or appearance of a building or its appurtenances or streetscape may be approved by the historic district commission.~~

(1) ~~(2)~~ The minimum area of the lot or parcel must be nine thousand (9,000) square feet, but not less than the minimum lot or parcel area of the zone.

(2) ~~(3)~~ Where the use contains not more than two (2) guest bedrooms, the use shall be deemed a home occupation, subject to the standards and requirements in Article X of this chapter, with the exception that signage shall conform to paragraph (8) below, and either consent shall be evidenced from all abutting and confronting property owners, or where such consent cannot be obtained, the use may be established as a special exception pursuant to subsection (4) of this section.

(3) ~~(4)~~ Where the use contains two (2) or more guest bedrooms, ~~and serves light meals, coffees or teas past 12:00 p.m., and/or hosts small gatherings such as business meetings or receptions for non-guests~~, the use shall be established as a special exception, subject to approval by the city board of appeals pursuant to the procedures and requirements contained in Article VII of this chapter relating to special exceptions. Provided, however, where no exterior building modifications are proposed and only minor external site modifications are requested, the board or its designee may waive the requirements for filing of a site plan and/or exterior elevation drawings. Fees for this special exception shall be established by resolution of the city council. All applicable building and fire code requirements shall apply.

(4) ~~(5)~~ A guest must not remain in a bed and breakfast lodging for more than fourteen (14) days within a thirty-day period. In order to preclude adverse neighborhood impact, the city manager or his designee, in the case of a home occupation use, or the board of appeals in the case of a special exception use, may limit the number of guests who may be accommodated at any one time or the number of visits in any one-month period.

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(5) ~~(6)~~ The owner of the premises must maintain a register of all guests, listing the guests' names, dates of arrival and departure, room number and number of occupants per room. If requested, this register must be made available to appropriate city officials.

(6) ~~(7)~~ Breakfast is the only meal that may be served to a guest, and it must not be served later than 12:00 noon, and it must not be served to any other nonresident of the premises, ~~except as approved by special exception.~~ Food service shall, where applicable, be subject to health regulations and inspection. No separate cooking areas or appliances shall be maintained other than in the main kitchen.

(7) ~~(8)~~ One non-illuminated sign, not exceeding three (3) square feet in size, may be placed on the property. Limited indirect lighting must be approved by the city manager or his designee. Signs in excess of three (3) square feet may only be approved by the commission. No window signs shall be permitted.

(8) ~~(9)~~ Off-street parking must be provided in accordance with the requirements of section 24-219; provided, however, in the case of a home occupation or special exception, the city manager or the board of appeals, as the case may be, may allow the use of on-street parking upon finding that:

(a) Such on-street parking will not have an adverse impact on neighboring residents; and

(b) The creation of required off-street parking would be detrimental to the historic character of the residential building, its environmental appurtenances, or the historic district.

* * * *

Attachment 12.c: Gaithersburg Ordinance No. O.7.19, Text Amendment CTAM.8244.2019 An Ordinance to Amend Chapter 24 (City Zoning

ARTICLE V. SITE DEVELOPMENT PLANS

* * * *

Sec. 24-169. - Submission; fee; requirements of plan.

Each proposed site development plan shall be submitted to the city planning commission on forms provided by the city and shall be accompanied by such fee as shall be hereafter determined by the city council by resolution. A proposed site development plan shall include the following:

(a) For a concept site development plan submission:

(1) A concept stormwater management plan, in accordance with chapter 8 of the City Code, approved by the department of public works.

(2) An approved natural resources inventory and forest stand delineation pursuant to chapter 22 and section 20-9 of the City Code.

(3) A statement demonstrating compliance with the city's adequate public facilities ordinance.

(4) A "Green Building" Statement ~~checklist~~ ~~pursuant to~~ reflecting the requirements of chapter 5, ~~section 3110 [subsection 5-3(59)]~~ of the City Code.

* * * *

ARTICLE XII. PRESERVATION OF HISTORIC RESOURCES

* * * *

Sec. 24-231. - Demolition procedures for non-designated buildings and structures.

* * * *

(b) Prior to issuance of each demolition permit, the historic district commission shall review each structure or building fifty (50) years old or older ~~more than fifty (50) years old~~ for potential historic or architectural significance under the criteria specified in section 24-226. The historic district commission shall schedule and conduct a public meeting on the application, giving notice pursuant to subsection (c).

* * * *

Attachment 12.c: Gaithersburg Ordinance No. O.7.19, Text Amendment CTAM.8244.2019 An Ordinance to Amend Chapter 24 (City Zoning

ARTICLE XIII. LANDSCAPING STANDARDS

* * * *

Sec. 24-237. - Street trees.

Street tree plans, developed in conjunction with a proposed development or redevelopment, must meet the requirements of the city's urban forestry plan and city forest conservation technical manual ~~and must be reviewed by the city beautification committee, which shall send its committee recommendation to the appropriate city agency or department.~~

Street trees are to be provided for all public streets within and adjacent to any proposed development where insufficient street trees presently exist. This requirement can be waived by the city planning commission.

* * * *

ADOPTED by the City Council this 21st day of October, 2019.

JUD ASHMAN, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg this 21st day of October, 2019. APPROVED by the Mayor of the City of Gaithersburg this 21st day of October, 2019.

JUD ASHMAN, MAYOR

THIS IS TO CERTIFY, that the foregoing Ordinance was adopted by the City Council of the City of Gaithersburg, in public meeting assembled on the 21st day of October, 2019; and that the same was APPROVED by the Mayor of the City of Gaithersburg on the 21st day of October, 2019. This Ordinance will become effective on the 10th day of November, 2019.

Tony Tomasello, City Manager

ORDINANCE NO. O-8-19

AN ORDINANCE TO AMEND CHAPTER 3A OF THE CITY OF GAITHERSBURG CODE, SECTION 3-1, ENTITLED, "DEFINITIONS," TO INCLUDE SHORT-TERM RENTALS

Chapter 3A

HOTEL RENTAL TAX

Sec. 3-1. Definitions.

The following words and phrases when used in this chapter have the following meanings:

(1) *Transient*: Any person who actually occupies sleeping accommodations in any hotel providing sleeping accommodations for which a transient charge is made and when it is the intention of the parties that the occupancy will be temporary for less than 30 consecutive days.

(2) Hotel: Any public or private hotel, inn, hostelry, ~~tourist home or house~~, motel, ~~cottage, apartment~~, rooming house, boardinghouse or other lodging place including short-term rentals within the city, offering sleeping accommodations ~~for ten (10) or more persons at any one time~~, that for compensation furnishes sleeping accommodations to any transient as defined in paragraph (1) of this subsection.

(3) Room rental: The total charge made by any hotel for sleeping accommodations or space furnished any transient for a period not exceeding four (4) consecutive months. It does not include any hotel charge for services or for accommodations other than sleeping accommodations. If the charge made by a hotel includes any charge for services or accommodations in addition to that for the use of sleeping space, then the portion of the total charge as represents only room rental shall be distinctly set out and billed by the hotel as a separate item.

(4) Director: Director of finance and administration or designee.

Boldface	*Heading or defined term.*
Underlining	*Added to existing law by original bill.*
~~Single strikethrough~~	*Deleted from existing law by original bill.*
Double underlining	*Added by Amendment.*
~~Double boldface strikethrough~~	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

Attachment 12.d: Gaithersburg Ordinance No. O.8.19, Hotel Rental Tax (2918 : Discussion and Instructions: Short-Term Residential Rentals)

ADOPTED by the City Council this 21st day of October, 2019.

JUD ASHMAN, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg this 21st day of October, 2019. APPROVED by the Mayor of the City of Gaithersburg this 21st day of October, 2019.

JUD ASHMAN, MAYOR

THIS IS TO CERTIFY, that the foregoing Ordinance was adopted by the City Council of the City of Gaithersburg, in public meeting assembled on the 21st day of October, 2019; and that the same was APPROVED by the Mayor of the City of Gaithersburg on the 21st day of October, 2019. This Ordinance will become effective on the 10th day of November, 2019.

Tony Tomasello, City Manager

Attachment 12.d: Gaithersburg Ordinance No. O.8.19, Hotel Rental Tax (2918 : Discussion and Instructions: Short-Term Residential Rentals)

ORDINANCE NO. O-9-19

AN ORDINANCE TO AMEND CHAPTER 18AA OF THE CITY OF GAITHERSBURG CODE, SECTION 18AA-2. ENTITLED, "DEFINITIONS," TO REFLECT DEFINITIONS IN CHAPTER 24, "ZONING"; ESTABLISH SECTION 18AA-3.1 SHORT-TERM RENTAL LICENSING; AND SECTION 18AA-5. TO INCLUDE SHORT-TERM RENTALS

Chapter 18

RENTAL HOUSING LICENSING

* * * *

Sec. 18AA-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Boarding house. A dwelling in which, for compensation, lodging and meals are furnished to at least three (3) but not more than five (5) guests. A boarding house shall not be deemed a home occupation. Any boarding house lawfully established on October 1, 1985, under regulations previously in effect as to the permissible number of guests, may continue to operate under the requirements in force prior to October 1, 1985, and shall not be considered a nonconforming use.

Common ownership community. A development subject to a declaration enforced by a homeowners' association, a condominium, and a cooperative housing project, as those terms are used in state law.

Common ownership community fees. Fees charged by the entity authorized to impose a fee on the owner or occupant of a dwelling unit in a common ownership community for services or the benefit of common areas in the community.

City manager. The city manager or his designee.

Dormitory. A building or portion thereof used for sleeping purposes in connection with a school or college or other institution.

Boldface	*Heading or defined term.*
Underlining	*Added to existing law by original bill.*
~~Single strikethrough~~	*Deleted from existing law by original bill.*
Double underlining	*Added by Amendment.*
~~Double boldface strikethrough~~	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

Attachment 12.e: Gaithersburg Ordinance No. O.9.19, Rental Housing License (2918 : Discussion and Instructions: Short-Term Residential

~~*Dwelling.* A building or portion thereof arranged or designed to provide living facilities for one or more families, excepting trailers and mobile homes.~~

~~*Dwelling unit*. A group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes.~~

~~*Dwelling, multiple-family*. A residence designed for or occupied by three (3) or more families with separate housekeeping and cooking facilities for each.~~

~~*Dwelling, single-family*. A detached residence designed for or occupied by one family only, excluding trailers and mobile homes.~~

~~*Dwelling, two-family*. A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.~~

Dwelling Unit. A building or portion thereof providing complete living facilities for not more than one (1) family, including, at a minimum, a kitchen, and facilities for sanitation and sleeping.

Dwelling, Single Unit Attached. One (1) of a group of three (3) or more single dwelling units sharing common party walls or floors. Each dwelling unit must have one (1) direct entrance from the outside. This term does not include townhouses.

Dwelling, Multiple-Unit (Family). A building containing three (3) or more dwelling units which may or may not share a common entry. This term includes apartment buildings, condominiums and cooperatives.

Dwelling, Semidetached (Duplex). One (1) of two (2) single unit attached dwellings located on abutting lots meeting the following criteria:

(a) The dwellings are joined by a party wall along the common lot line and extending from the basement floor to the highest point of the roof with no openings; and

(b) No other buildings or structures adjoin either dwelling unit.

Dwelling, Single Unit Detached. A building designed and intended for use as a single dwelling and entirely separated from any other building or structure on all sides.

Dwelling, Townhouse. One of a group of three (3) or more dwelling units in the same building, each of which units is separated from any adjacent unit by a continuous vertical party wall without openings extending from the lowest floor level of the unit to the highest point of the roof along the party wall division line, and each of which dwelling units has its own entrance directly from the outside.

Family. One or more persons occupying a single housekeeping unit and using common cooking facilities; provided, that unless all members are related by blood or marriage, no such family shall contain over five (5) persons.

Attachment 12.e: Gaithersburg Ordinance No. O.9.19, Rental Housing License (2918 : Discussion and Instructions: Short-Term Residential

Attachment 12.e: Gaithersburg Ordinance No. O.9.19, Rental Housing License (2918 : Discussion and Instructions: Short-Term Residential

Guest unit. A single accommodation that is intended for occupancy by one or more transient guests, but not including short-term rentals, school or college dormitories, or fraternity or sorority houses.

Hotel. Any building containing ten (10) or more guest ~~rooms~~ units where, for compensation, lodging, meals or both are provided for ten (10) or more guests, excluding a fraternity or sorority house, school or college dormitory, tourist home, motel or hotel-apartment as defined herein.

Hotel, apartment. A building designed for or containing both guest units for transient guests and multiple family dwelling units and which maintains an inner lobby through which all guests and tenants must pass to gain access to dwelling or guest units.

Mobile home. A moveable or portable dwelling built on a chassis connected to utilities and designed without permanent foundation for year-round living.

Owner. Any person, firm, partnership, association, company or corporation having a legal or equitable interest in the rental facility, including, but not limited to, a mortgagee and an assignee of rents. It shall also mean any person who, alone or jointly or severally with others, shall have the charge, care or control of any structure as executor, administrator, trustee or guardian of the estate of the owner. Any person, firm, company, association or corporation whose name appears on the property tax bills shall be deemed to be owner of the rental property.

Rental housing unit. Any space in any building which for a consideration is made available to a person or persons for dwelling or lodging purposes and, in any building containing three (3) or more rental housing units, spaces within the building used for access, storage, trash disposal, cleaning, utilities or recreational purposes. Rental housing units may be contained within single~~-family~~units, ~~two-family~~ semidetached, and multiple~~-family~~unit dwellings, townhouses, urban cottages, mobile homes, rooming house, boarding house, dormitory, ~~tourist home~~, hotel, motel and apartment-hotel as defined herein, provided they are otherwise allowed by Chapter 24 of this Code.

Roominghouse. A dwelling in which lodging is furnished for compensation to at least three (3) but not more than five (5) guests. Any roominghouse lawfully established on October 1, 1985, under regulations previously in effect as to the permissible number of guests, may continue to operate under the requirements in force prior to October 1, 1985, and shall not be considered a nonconforming use.

Short-term rental. The offering of lodging accommodations in a residential dwelling unit or accessory building for periods of less than 30 consecutive days to transient guests. A short-term rental must be accessory and secondary to the primary use of a dwelling unit for residential household living purposes and shall conform to all applicable requirements set forth in the short-term rental regulations adopted pursuant to section 2-10 of the city code.

~~*Townhouse.* One of a group of three (3) or more dwelling units in the same building, each of which units is separated from any adjacent unit by a continuous vertical party wall without openings extending from the lowest floor level of the unit to the highest point of the roof along the party wall division line, and each of which dwelling units has its own entrance directly from the outside.~~

Urban cottage. A subordinate accessory dwelling unit, either freestanding or part of another structure on a lot, that because of its size, facilities or usage is secondary to the primary dwelling unit located on the lot.

* * * *

Sec. 18AA-3.1 Short-term rental license—Required.

All owners of any occupied short-term rental units shall have a valid, unrevoked license issued by the city manager pursuant to this chapter and are subject to the requirements of Sections 18AA-4 through 18AA-12 and to any applicable requirements set forth in the short-term rental regulations adopted pursuant to section 2-10 of the city code. As part of the license, a short-term rental host must:

(a) Provide documentation and a signed declaration of compliance attesting to compliance with subsections (b) through (i)

(b) Comply with all applicable City, State, and Federal laws.

(c) Ensure that all dwelling units have approved working smoke alarms and carbon monoxide alarms in every bedroom and on every level of the home as required by Chapter 11.

(d) Post the following information in a conspicuous place within each dwelling unit used as a short-term rental:

1. Emergency contact information
2. Contact information for the short term rental host or authorized agent
3. Street address
4. Floor plan indicating fire exits and escape routes
5. Neighborhood Services Division contact information
6. City and Association rules regarding parking, noise, and trash.

(e) Maintain a minimum short-term rental liability insurance policy of at least $1,000,000, which names the City as an additional insured.

Attachment 12.e: Gaithersburg Ordinance No. O.9.19, Rental Housing License (2918 : Discussion and Instructions: Short-Term Residential

(f) Maintain and keep readily available for inspection, a guest registry that includes at a minimum:

1. The name of each guest

2. Check in/out dates

3. Rent paid

(g) Post valid license number on all listings advertising the short-term rental dwelling unit.

(h) Remit all local taxes and required fees.

(i) Submit written approval of short-term rental from Home Owners Association or Condominium Association, if applicable, indicating that the common ownership community fees are no more than 30 days past due.

* * * *

Sec. 18AA-5. - Same—Issuance.

(a) Upon receipt of a properly completed application and the required fee, the city manager or designee shall issue a rental housing or short-term rental license and shall cause an inspection to be made of the premises described in the application. The license shall be posted in a conspicuous place on the premises or maintained in the custody of the property manager.

~~(b) If the application is for premises less than two (2) years old at the time of application, a final license shall be issued promptly after the satisfactory completion of all inspections required by other applicable laws, ordinances or regulations and rental application has been filed with the city manager.~~

~~(c)~~ (b) All multi-family apartment houses shall be issued a final license upon receipt of a completed application form and fee which shall be established by resolution of the city council.

Attachment 12.e: Gaithersburg Ordinance No. O.9.19, Rental Housing License (2918 : Discussion and Instructions: Short-Term Residential

ADOPTED by the City Council this 21st day of October, 2019.

JUD ASHMAN, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg this 21st day of October, 2019. APPROVED by the Mayor of the City of Gaithersburg this 21st day of October, 2019.

JUD ASHMAN, MAYOR

THIS IS TO CERTIFY, that the foregoing Ordinance was adopted by the City Council of the City of Gaithersburg, in public meeting assembled on the 21st day of October, 2019; and that the same was APPROVED by the Mayor of the City of Gaithersburg on the 21st day of October, 2019. This Ordinance will become effective on the 10th day of November, 2019.

Tony Tomasello, City Manager

Attachment 12.e: Gaithersburg Ordinance No. O.9.19, Rental Housing License (2918 : Discussion and Instructions: Short-Term Residential

REGULATION NO. Reg-4-19

ADOPTION OF REGULATIONS FOR SHORT-TERM RENTALS LOCATED WITHIN THE INCORPORATED CITY LIMITS OF GAITHERSBURG AS PROVIDED BY CHAPTER 2 OF THE CITY CODE ENTITLED "ADMINISTRATION"

WHEREAS, Chapter 2 of the Gaithersburg City Code, entitled "Administration," authorizes the City Council to enact regulations to implement or carry out the provisions of any law or ordinance on any subject matter provided for in the City Charter, the City Code of Gaithersburg or laws of Maryland; and

WHEREAS, the Mayor and City Council have determined that regulations for short-term rental accessory uses in residential dwellings within the incorporated City limits is in the public interest; and

WHEREAS, Chapter 2, Article II, Section 2-10 requires approval of said rules and regulations by the Gaithersburg City Council:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of the City of Gaithersburg, that the Regulations for Short-Term Rentals within the incorporated City limits of Gaithersburg as attached hereto, are hereby adopted by the Mayor and City Council and shall be effective on October 21, 2019.

ADOPTED by the City Council this 21st day of October, 2019.

JUD ASHMAN, MAYOR and
President of the Council

THIS IS TO CERTIFY, that the foregoing Resolution was adopted by the City Council, in public meeting assembled on the 21st day of October, 2019.

Tony Tomasello, City Manager

Short-Term Rental Regulations

I. Purpose.

It is the intent of these regulations to recognize the desire of some property owners to rent their dwelling on a short-term basis and establish appropriate regulations to mitigate the disruption that short-term rentals may have on a community. Chapter 24, Zoning, of the City Code defines short-term rentals as:

"*The offering of lodging accommodations in a residential dwelling unit or accessory building for periods of less than 30 consecutive days to transient guests. A short-term rental must be accessory and secondary to the primary use of a dwelling unit for residential household living purposes and shall conform to all applicable requirements set forth in the short-term rental regulations adopted pursuant to section 2-10 of the city code.*"

These regulations shall govern the interpretation and operation of short-term rentals. These regulations are not intended to prevent a common ownership community's ability to enforce the community's covenants, by-laws and rules. These regulations do not supersede more restrictive individual rental lease, Home Owners Association, or condominium association agreements, covenants or bylaws that further limit or prohibit short-term rentals.

II. License Required.

Any person desiring to rent their dwelling unit as a short-term rental shall make an application for a license (License) pursuant to these regulations and pay the administrative fee established by the City Council by resolution. A License obtained under these regulations shall be effective for one year (365 days), and shall expire one-year from the date established by the License issuance. The License is applied for and must be renewed annually. Proof of common ownership community documents or lease terms permitting short-term rentals is required at License application when applicable.

Upon annual License approval by the City to operate as a short-term rental, the licensee is to provide, in writing, neighbor notification to adjoining and confronting properties or dwelling units of the approval. Copies of the notifications sent are to be provided to the City within ten (10) business days of License issuance. The City Manager or designee may suspend or revoke such license at any time for confirmed violations of these regulations or verified community complaints.

Short-term rentals are prohibited from operating in any City or Montgomery County, including Housing Opportunity Commission, approved and administered affordable housing units.

III. Regulations for Operations.

The following conditions shall apply to approved License applications for short-term rentals:

Attachment 12.f: Gaithersburg Regulation No. 4.19, Regulations for Short Term Rentals (2918 : Discussion and Instructions: Short-Term

Short-Term Rental Regulations

A. The applicant for a License must be a permanent resident (resides there for at least 185 days during each year) and/or owner of the property hosting the short-term lodging use. Permanent residency must be demonstrated at the time of License application. The permanent resident and/or property owner must designate an Authorized Agent who shall be available 24 hours per day, seven days per week, for the purposes of:

(a) Responding within one hour to complaints regarding the condition, operation, or conduct of occupants of the short-term rental; and

(b) Taking remedial action to resolve any such complaints.

The name, address, and telephone contact number of the permanent resident and/or property owner and the local Authorized Agent shall be kept on file with the city and posted in the short-term rental. The failure to provide the contact information, failure to keep the contact information current, failure to respond in a timely manner to complaints, or the occurrence of repeated verified complaints may result in the suspension or revocation of the License and/or civil penalties.

B. It is prohibited for any short-term rental to rent, or offer to rent, by the hour or for any period fewer than an overnight stay.

C. A short-term rental property may not accommodate more than one rental contract per unit at any one time.

D. A short-term rental may not host more than two adult (18+) guests per bedroom.

E. A short-term rental property's annual rentals cannot exceed 120 days total during the License term.

F. An operator shall not permit any other individuals to utilize the short-term rental other than registered/contracted short-term rental guests.

G. A rental guest(s) may not use a short-term rental for a purpose not commonly incidental to its use for lodging or sleeping purposes. Private and/or commercial events and activities including but not limited to luncheons, banquets, parties, weddings, meetings, fund raising or any other gathering of persons other than the authorized guests are prohibited in association with any short-term rental.

H. Short-term rentals must comply with all applicable laws, codes, ordinances, and regulations including, but not limited to, to those related to Noise Regulations and Nuisances.

I. A short-term rental unit is required to provide one (1) off-street parking space per rental contract unless the online listing indicates that vehicle parking is prohibited.

J. No outdoor advertising signs related to the short-term rental shall be allowed on the property.

Attachment 12.f: Gaithersburg Regulation No. 4.19, Regulations for Short Term Rentals (2918 : Discussion and Instructions: Short-Term

Sec. 3-2-152 - Short-term residential rental registry.

(a) The following words and phrases when used in this section shall, for the purposes of this section, have the following respective meanings, except where the context clearly indicates a different meaning:

(1) *Operator.* The proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term residential rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

(2) *Short-term residential rental.* The provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

(b) There is hereby established a short-term residential rental registry. Upon offering any short-term residential rentals, all operators shall register with the department of finance. This shall be an annual registration for each property offered for short-term residential rental and shall require the operator to provide the complete name of the operator and the address of each property in the city offered for short-term residential rental by the operator.

(c) *Registry exemptions.* The following shall not be required to register pursuant to this section if such person is (i) licensed by the Commonwealth of Virginia Real Estate Board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act (§ 55-360 et seq.) of the Code of Virginia, 1950, as amended; (iii) licensed or registered with the Commonwealth of Virginia Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the city, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.

(d) *Penalties.* Failure to register a property within 30 days of being offered for short-term residential rental shall result in a penalty to be paid by the operator in the amount of $500. The director may waive such penalty if the failure to register was due to no fault of the operator. Until such time as the operator pays the penalty and registers such property, the operator may not continue to offer such property for short-term residential rental. Upon repeated violation of the registration requirement as it relates to a specific property, and upon notice, the operator shall be prohibited from registering said property and from offering that property for short-term residential rental. Such prohibition may, for good cause, be appealed to the director.

(e) *Multiple violations of other laws.* An operator required to register a property may be prohibited by the city from offering a specific property for short-term residential rental within the city, upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term residential rental.

(f) *Non-contravention.* Except as provided in this section, nothing herein shall be construed to

Attachment 12.g: Alexandria Sec.3.2.152 Short Term Residential Rental Registry (2918 : Discussion and Instructions: Short-Term Residential

prohibit, limit, or otherwise supersede existing local authority to regulate the short-term residential rental of property through general land use and zoning authority. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants; the provisions of condominium instruments of a condominium created pursuant to the Condominium Act (§ 55-79.39 et seq.) of the Code of Virginia, 1950, as amended; the declaration of a common interest community as defined in § 55-528 of the Code of Virginia, 1950, as amended; the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55-424 et seq.) of the Code of Virginia, 1950, as amended; or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55-508 et seq.).

(g) *Administration.* Notwithstanding any other provision of this article, the director may enter into agreements, subject to local law, with computer platform hosts of short-term residential rentals, and with data-analytic vendors for short-term residential rentals, to facilitate the efficient collection of the transient lodging tax pursuant to this article. (Ord. No. 5091, 11/18/17, Sec. 2, eff. 1/1/18)

Attachment 12.g: Alexandria Sec.3.2.152 Short Term Residential Rental Registry (2918 : Discussion and Instructions: Short-Term Residential

Mayor & Council Meeting Date: January 13, 2020
Agenda Item Type: Authorization
Department: PDS - Zoning Review & Other
Responsible Staff: Jim Wasilak

Subject

Authorization to File Zoning Text Amendment Application to Amend Section 25.21.21 of the Zoning Ordinance to Modify the Tree Planting Requirements for New Residential Lots Containing Townhouses, Duplexes and Other Attached Units

Recommendation

Staff recommends that the Mayor and Council authorize the filing of the Zoning Text Amendment after providing direction on the available options.

Change in Law or Policy

The proposed Zoning Text Amendment will modify the tree planting requirements on new residential lots containing semi-detached (duplex) units, attached units and townhouse units.

Discussion

The proposed Zoning Text Amendment is a result of an internal review of recent development applications that contain townhouse units, as well as a lack of clarity of the existing requirements. The current Zoning Ordinance requirement in Section 25.21.21, Tree Planting, requires that the subdivider plant a minimum of one tree in the front yard and two trees in the rear yard of every residential lot. The code section does not distinguish among types of residential lots, so this section has been applied to single unit detached as well as attached (townhouse) lots as part of the subdivision process.

In practice, new lots containing single unit detached dwellings can easily accommodate this requirement, while it is difficult for townhouse lot developers to meet this requirement on individual lots, as most townhouse lots are not large enough to support three trees. Most townhouse lots do not have enough space for large trees to meet their full canopy size without interfering with the residence or possibly adjacent street trees. This may lead to severe pruning of limbs as the tree matures. As an alternative, developments containing townhouse lots have been granted waivers of this requirement at the time of subdivision in order to provide these trees in the aggregate, within the boundaries of the project. This has permitted the total amount of required trees per lot to be provided within each development, but not necessarily on individual townhouse lots.

Note that waivers of requirements of the subdivision regulations (Article 21 of the Zoning Ordinance) are granted by the Planning Commission if the Commission finds that undue hardship will result from strict compliance with the requirement, such that the public health, safety, aesthetics and general welfare will be protected, and the waiver will not be contrary to the intent and purpose of the Plan and the Zoning Ordinance.

Staff has found that the urban style of townhouse lots/units that are now proposed and developed in Rockville have even less lot area to plant trees than townhouse lots developed years before. With the current requirement, developers of projects such as the Shady Grove Neighborhood Center must request a waiver of this requirement for tree planting, as it is not possible to meet this requirement on the individual townhouse lots. One of the Mayor and Council's approved conditions of the Shady Grove Neighborhood Center project plan supported a reduction of the trees per lot requirement from 3 to 1.5 trees per lot in the aggregate, including trees required by the FTPO, within the entire project.

Background

The requirement for tree planting on residential lots has been in the Zoning Ordinance since at least 1980. At the time, the intent of the requirement was to provide tree cover within newly-developed residential neighborhoods, which were in addition to the requirements for street tree planting (one tree per 40 feet of frontage). The requirements of the Forest and Tree Preservation Ordinance (FTPO) became effective upon adoption in 1992, which significantly added to the forestry requirements of residential subdivisions.

Other Jurisdictions

Staff surveyed other local jurisdictions for a similar requirement for townhouse lots, including Montgomery, Howard, Anne Arundel, Frederick and Prince George's counties, the cities of Annapolis, Frederick, Gaithersburg and Laurel in Maryland, as well as Arlington, Fairfax and Prince William counties and the city of Alexandria in Virginia.

Some of these jurisdictions have no minimum tree planting requirement of any type for newly-subdivided residential lots, including Montgomery County, Frederick County, Gaithersburg and Annapolis. Jurisdictions with a tree-per-lot requirement include that requirement in an adopted landscape manual, rather than within the Zoning Ordinance. Those standards for tree planting in townhouse developments are as follows:

- Howard County requires one shade tree per townhouse unit, but allows the trees to be located on residential lots or on open space lots or other on-site locations. Small deciduous or evergreen trees may be substituted for shade trees at a 2:1 ratio for up to 50% of the shade trees required. Requirements for the City of Laurel mirror these.

- Prince George's County requires 1.5 shade trees per dwelling and 1 ornamental or evergreen tree per dwelling. Trees may be located on the residential lots or on common open space lots.
- Anne Arundel County requires 2 shade trees per dwelling, but allows the trees to be planted on individual lots or on common area. Small deciduous or evergreen trees may be substituted for shade trees at a ratio of 2:1 for up to 1/3 of the shade trees.
- The City of Frederick requires that one tree be planted on a lot for each 3,000 square feet of lot area, or part of lot, in excess of 1,000 square feet.

Staff also looked at other jurisdictions around the country. While most do not have a tree planting requirement for townhouse lots, some have a tree planting requirement for residential lots that is based on the existing lot area. This type of requirement is most commonly found in Florida and other states with significant sunshine where the primary intent appears to be ensuring an adequate amount of shade is distributed across the lot. Staff found jurisdictions that require one tree to be planted for lots less than 5,000 square feet, which would be relevant to the City of Rockville, as the vast majority of lots accommodating townhouses in the city are below 5,000 square feet. Staff conducted an analysis of townhouse lot areas within the city and found lot sizes ranging from 833 square feet to 5,778 square feet. The average lot size for a typical townhouse unit in the city is approximately 1,950 square feet.

Options for Consideration

Staff has developed the following three options for the Mayor and Council's consideration:

1. *Delete the requirement for planting trees on residential lots containing townhouse, attached and semi-detached units, and retain the requirement for single-unit detached lots.* While this would put the City in line with many other jurisdictions, tree cover in neighborhoods is a hallmark of city neighborhoods that should be retained, in staff's opinion. Limiting tree cover to street trees and trees required by the Forest and Tree Preservation Ordinance (FTPO), which are necessarily in common areas or public parks, would not afford the distribution of trees throughout the neighborhood intended by the trees-per-lot requirement.

2. *Reduce the tree planting requirement to one (1) tree per lot for residential lots containing townhouse, attached and semi-detached units, and retain the existing requirement for single-unit detached lots.* This requirement would achieve additional tree cover within residential townhouse lots primarily with ornamental trees, in addition to street trees and trees required by the FTPO, which would primarily be shade trees. It would include flexibility to allow for the trees to be planted in either the front or rear yard of such lots, but not outside of the residential lots. This would result in fewer subdivision waivers for tree planting, but would still allow for the granting of subdivision waivers if a hardship can be determined. In addition, this requirement would be more in line with the number of trees per lot supported by the Mayor and Council for the Shady Grove Neighborhood Center project plan, which has yielded less than one tree per lot

on the individual townhouse lots while providing 1.5 trees in the aggregate within the first phase of the project, currently under review.

3. *Retain the existing requirement of three trees per townhouse lot, but build flexibility into the code to allow for tree planting not within the townhouse lots.* Currently, a subdivision waiver is required to reduce the three trees-per-lot requirement, and to plant those trees outside of the residential lots. This option would allow for the planting of trees outside the residential townhouse lots as a matter of right rather than requiring a subdivision waiver, and would add location flexibility by allowing trees to be provided outside of the townhouse lots. This still recognizes that it is difficult for townhouse builders within a dense, urban community to achieve three trees on the actual lots, given the small lot areas of townhouse and other attached units.

Staff is open for additional options that the Mayor and Council desire to consider.

Staff Recommendation

Staff recommends that the tree planting requirement for townhouse, attached and semi-detached units be reduced to one (1) tree per lot from the current requirement of three trees per lot. The requirement for single-unit detached lots would remain at three trees per lot.

Along with this reduction, staff also recommends that the location of the tree not be specified for the front or rear yard in order to provide flexibility based on the style of townhouse units proposed. The recommended text amendment also specifies the minimum dimensions that are required to support the viability of the trees planted on the residential lots. This area cannot be encumbered by utilities and easements.

Staff finds that providing one tree per lot for townhouse lots is more achievable than three trees per lot, which is more appropriately required for lots with single-unit detached homes. This would allow for less subdivision waivers for tree planting, but would still allow for the granting of waivers if a hardship is determined. In addition, this requirement would be more in line with the number of trees per lot supported by the Mayor and Council for the Shady Grove Neighborhood Center project plan, which has yielded less than one tree per lot on the individual townhouse lots, while providing 1.5 trees in the aggregate.

Staff is open to the Mayor and Council's direction and guidance on the proposed regulations and the options. If the Mayor and Council requests changes to the proposed Zoning Text Amendment, staff will bring a revised proposed Zoning Text Amendment back to the Mayor and Council at a later date for the Mayor and Council's authorization to file the text amendment.

The proposed text amendment (Attachment 1) reflects staff recommendations and may be changed based upon the Mayor and Council's direction.

Mayor and Council History

This is the first time this item has been considered by the Mayor and Council.

Public Notification and Engagement

Upon the Mayor and Council's authorization to file the text amendment, staff will notify and engage civic and homeowners' associations, appropriate boards and commissions, and the development community regarding the proposed changes to provide opportunities for input.

Boards and Commissions Review

Upon authorization to file, the proposed text amendment will be referred to the Planning Commission for its review and recommendation after the notification and engagement is completed.

Next Steps

If the proposed Zoning Text Amendment is authorized by the Mayor and Council, staff will file the application with the City Clerk and refer it to the Planning Commission for a recommendation. The Commission will review the text amendment and make a recommendation at a public meeting. The Zoning Ordinance requires that the Mayor and Council hold a public hearing on zoning text amendments prior to acting.

If the Mayor and Council requests changes to the proposed Zoning Text Amendment, staff will bring a revised proposed Zoning Text Amendment back to the Mayor and Council at a later date.

Attachments

Attachment 13.a: Proposed Text Amendment (PDF)

Rob DiSpirito, City Manager 1/7/2020

December 23, 2019

ATTACHMENT TO APPLICATION
TO THE CITY OF ROCKVILLE FOR A
TEXT AMENDMENT TO THE ZONING ORDINANCE

Applicant: Mayor and Council of Rockville

The applicant proposes to amend the zoning ordinance adopted on December 15, 2008, and with an effective date of March 16, 2009, by inserting and replacing the following text (underlining indicates text to be added; ~~strikethroughs~~ indicate text to be deleted; * * * indicates text not affected by the proposed amendment). Further amendments may be made following citizen input, Planning Commission review and Mayor and Council review.

Amend Article 21, "Plats and Subdivision Regulations" as follows:

25.21.21 – Tree Planting

a. The subdivider shall plant at least one (1) street tree per 40 feet of lot frontage within the public right-of-way or if approved by the Approving Authority, adjacent to the public right-of-way. The species, location and method of planting to be approved by the ~~City Forester~~ Chief of Zoning.

b. Tree Planting on Residential Lots

1. Single Unit Detached Residential Lots:

(a) The subdivider shall plant a minimum of one (1) tree in the front yard and two (2) trees in the rear yard of every residential lot as approved by the ~~City Forester~~ Chief of Zoning.

2. Semi-detached, Attached, and Townhouse Residential Lots:

(a) The subdivider shall plant a minimum of one (1) tree on each lot, supplemented with shrub plantings, as shown on the approved landscape plan.
(b) Each lot shall provide a minimum tree planting area of 7 feet in length by 7 feet in width and a minimum 200 cubic foot tree pit for each tree.
(c) The tree planting area shall not be encumbered by utilities or easements.

c. Tree planting must be done in accordance with the provisions of Chapter 10.5 of the City Code, "Forest and Tree Preservation".

* * *

Attachment 13.a: Proposed Text Amendment (2859 : Authorization to File Text Amendment-Tree Planting Requirements)

Mayor & Council Meeting Date: January 13, 2020
Agenda Item Type: Discussion and Instructions
Department: City Clerk/Director of Council Operations Office
Responsible Staff: Sara Taylor-Ferrell

Subject

Discussion and Instructions on the City Charter Review

Recommendation

Mayor and Council will hold a discussion and provide staff direction on the City Charter Review and appointment process for the re-established Charter Review Commission.

Discussion

At the Mayor and Council's meeting on December 9, 2019, the Mayor and Council requested to hold a discussion on the Charter Review Commission.

Mayor and Council History

The Mayor and Council will discuss and provide direction to re-establish a Charter Review Commission for 2020.

Resolution No. 6-12 was adopted on April 30, 2012, to establish a Charter Review Commission composed of 11 Rockville residents to review and make recommendation to the Mayor and Council on certain provisions related to elections contained in the Charter of the Rockville City Code.

Attached is a copy of Resolution 6-12 and the Charter Review Commission Report of December 12, 2012.

Next Steps

Mayor and Council will provide direction to staff on next steps.

Attachments

Attachment 14.a: Resolution No. 06-12 (PDF)
Attachment 14.b: 2012 FINAL CHARTER REVIEW COMMISSION REPORT_ 12_19_12 (PDF)

Sara Taylor-Ferrell, City Clerk/Director of Council Operations 1/8/2020

Resolution No. 6-12

RESOLUTION: To establish a Charter Review Commission to review and make recommendations to the Mayor and Council on certain provisions related to elections contained in the Charter of the City of Rockville.

WHEREAS, the Mayor and Council are resolved to further perfect Rockville's form of government; and

WHEREAS, the form that the City's elected body takes and the schedule by which it is elected are of keen interest to the City's citizenry; and

WHEREAS, the Mayor and Council have identified three areas of the Rockville Charter regarding the election and service of the members of the Mayor and Council that they wish to have examined; and

WHEREAS, the Mayor and Council desire to establish a Charter Review Commission for the purpose of reviewing Article II, "The Mayor and Council," Section 1, "Number, Selection, Term, Qualification, and Payment," Part (a), and Article III, "Registration, Nominations and Elections," Section 4, "Election of Mayor and Council," of the City Charter, as well as any additional provisions of the City Charter and Rockville City Code related to these topics; and

WHEREAS, the Mayor and Council desire that the Charter Review Commission solicit citizen input, deliberate with all due care, prepare a report with its recommendations, and deliver that report to the Mayor and Council.

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

1. That a Charter Review Commission is hereby established as follows:

    a. The Charter Review Commission shall be comprised of no more than eleven members, all of whom shall be residents of the City.

    b. The City shall solicit applications for the Charter Review Commission from eligible members of the public according to the appointment procedures prescribed in the Mayor and Council's "Guidelines And Procedures For Citizen Boards and Commissions," adopted March 12, 2012.

    c. Each member of the Mayor and Council may choose one member to serve on the Charter Review Commission. The Mayor and Council shall select and approve five additional members.

    d. The Chair of the Supervisors of Elections shall additionally serve as a non-

Attachment 14.a: Resolution No. 06-12 (2893 : Discussion and Instructions on the City Charter Review)

voting *ex officio* representative to the Charter Review Commission.

e. The Mayor shall nominate and the Council shall approve an additional member to serve as the Chair of the Charter Review Commission.

2. That the Charter Review Commission has the following duties and responsibilities:

   a. To review and evaluate Article II, Section 1(a), and Article III, Section 4, of the City Charter regarding the following issues:

      i. the length of the elected terms of the Mayor and Council;

      ii. the number of members of the City Council; and

      iii. the schedule by which elections for the Mayor and Council are held.

   b. To review and evaluate any additional provisions of the City Charter and Rockville City Code related to the topics in 2.a. that the Commission believes are appropriate.

   c. To solicit citizen input regarding these issues by public forums or other processes.

   d. To prepare a final report and deliver it to the Mayor and Council no later than December 15, 2012, setting forth the findings, recommendations, and any proposals for amendments to the Charter, or changes to the Code, of the City of Rockville.

3. That the Mayor and Council shall carefully consider the recommendations of the Charter Review Commission and vote on whether to place such recommendations on the November 2013 City ballot as advisory referenda, as prescribed by Section 8-23 of the Rockville City Code.

****

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Mayor and Council at its meeting of April 30, 2012.

Douglass A. Barber, City Clerk/Treasurer

Attachment 14.a: Resolution No. 06-12 (2893 : Discussion and Instructions on the City Charter Review)

CITY OF ROCKVILLE, MARYLAND

REPORT OF THE 2012
CHARTER REVIEW COMMISSION

DECEMBER 19, 2012

MAYOR AND COUNCIL

Phyllis R. Marcuccio, Mayor
John F. Hall, Jr.
Tom Moore
Bridget Donnell Newton
Mark Pierzchala

Attachment 14.b: 2012 FINAL CHARTER REVIEW COMMISSION REPORT_ 12_19_12 (2893 : Discussion and Instructions on the City Charter

REPORT OF THE 2012 CHARTER REVIEW COMMISSION

City of Rockville Charter Review Commission Members

Steven VanGrack, Chair
Wilma Bell - resigned
Laura Berthiaume
John Britton
David Celeste – ex officio
Margaret Chao
Donald Hadley
Susan Hoffmann
Joseph Jordan
Charles Littlefield
Virginia Onley
Rev. Jane Wood

City of Rockville Staff

Doug Barber, City Clerk/Treasurer
Brenda Bean, Deputy City Clerk
Marylou Berg, Communications Manager
Debra Yerg Daniel, City Attorney
Sara Taylor- Ferrell, Assistant to the City Clerk

Attachment 14.b: 2012 FINAL CHARTER REVIEW COMMISSION REPORT_ 12_19_12 (2893 : Discussion and Instructions on the City Charter

2012 ROCKVILLE CHARTER REVIEW COMMISSION REPORT

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Attachment 14.b: 2012 FINAL CHARTER REVIEW COMMISSION REPORT_ 12_19_12 (2893 : Discussion and Instructions on the City Charter

Attachment 14.b: 2012 FINAL CHARTER REVIEW COMMISSION REPORT_12_19_12 (2893 : Discussion and Instructions on the City Charter

INTRODUCTION AND AUTHORIZATION

The Mayor and Council of Rockville unanimously approved the establishment of a Charter Review Commission (Commission) to review and make recommendations concerning elections. The Commission was instructed to review the provisions of the Charter on "Number, Selection, Term, Qualification, and Payment; Registration, Nominations and Elections; and Election of Mayor and Council".

The Mayor and Council passed Resolution No. 6-12 (Exhibit A), on April 10, 2012 which created the Commission, established the method of selecting Commissioners, and directed the following issues be specifically addressed:

1. The length of the elected terms of the Mayor and Council;
2. The number of members of the City Council; and
3. The schedule by which elections for the Mayor and Council are held.

The Mayor and Council also asked the Commission to review and evaluate additional provisions of the Charter as they relate to elections. The Commission was instructed to solicit citizen input and to prepare a final report to the Mayor and Council.

The Mayor and Council shall consider the recommendations of the Commission and shall decide whether to place these recommendations on the November, 2013 City ballot as advisory referenda.

The Mayor and Council are to be commended for undertaking a review of the Charter. The election process is a fundamental part of our City and democracy. It is extremely important to the operation of government that there be trust of the citizens to that government. A periodic review of the election process should be performed at all levels of government - local, state, and federal.

The Commission, as selected by the Mayor and Council, is comprised of citizens with diverse backgrounds, interest and experience, all of whom are committed to making Rockville the best City it can be. The Commission reflects an incredible amount of experience in Rockville, for which we all have dedication and commitment to this truly All America City.

PROCESS

A. RECENT CHARTER REVIEWS

The 2012 Commission reviewed many of the previous Charter Reviews reports. We focused our attention on the 1986 Election Task Force Final Report and on the 2002 Charter Review Commission Report. These were the two most recent Charter reviews/revisions.

B. CORDIALITY

The Commission adopted and acted without deviation from Guidelines which we believe enhanced our efforts. This concept should be adopted and acted upon without deviation at all levels of government (Exhibit B).

C. GOALS

With unanimous support of all Commissioners, the Commission adopted a Statement of Goals, which served as its guiding principles. These goals were considered to be such an important part of our process that they are included in the body of this report in their entirety.

Goals of the 2012 Charter Review Commission

To advance recommendations to the Mayor and Council regarding the provisions of the City Charter as to the electoral process and conditions of holding office that will:

A. Increase citizen participation at all levels of City government, in particular in the election of the Mayor and Council ["Participation"],
B. Promote City governance that listens, represents, responds and is accountable to the citizens and communities of the City ["Responsiveness"],
C. Effectuate City governance that reflects and serves the needs of a growing and diverse community within a growing and diverse region, in an equitable and inclusive manner ["Effectiveness"], and
D. Encourage, bring forth, develop and facilitate civic leadership ["Leadership"].

D. TOWN HALL MEETINGS

The Commission held four Town Hall Meetings on October 2, 9, 17, and 24, at locations throughout the City (Exhibit C-1 and C-2). These meetings were promoted in Rockville Reports, Rockville Channel 11 TV, posters placed around the City, and press releases. The meetings were less formal than normal Rockville hearings. There was extensive questions and answers among the speakers and the Commissioners. Former Rockville City Councilmembers, former city clerks, former candidates for elected office in Rockville, and Rockville activists explained their views. Some citizen activists brought written documents with extensive analyses of Rockville Elections.

A number of citizens communicated with the Commission via the postal service and email.

Attachment 14.b: 2012 FINAL CHARTER REVIEW COMMISSION REPORT_ 12_19_12 (2893 : Discussion and Instructions on the City Charter

E. MARYLAND MUNICIPAL GOVERNMENTS

The Commission extended an invitation to elected officials in other Maryland municipalities, primarily in Montgomery County, to advise us on how they hold elections. We met directly with some and received written statements from others.

F. STUDIES

The Commission reviewed information about all 157 incorporated municipalities in Maryland, as well as several political studies and articles. While helpful in some cases, this information did not guide the Commission's overall analysis. Instead, the studies helped the Commission on Rockville's uniqueness. In particular, the Commission found that no two city governments in Maryland were identical—each city maintains (or modifies) its system of government based on its own unique demographics, political and social characteristics.

G. RECOMMENDATIONS

The Commission reviewed many provisions of the Charter to which we made no recommendations for change. These provisions will not be reviewed in this report.

While the recommended changes to the Charter correlate and complement each other, they are presented individually and should not be under consideration by the Mayor and Council as a package.

Attachment 14.b: 2012 FINAL CHARTER REVIEW COMMISSION REPORT_ 12_19_12 (2893 : Discussion and Instructions on the City Charter

TERMS OF OFFICE

The City of Rockville currently elects its Mayor and all four Councilmembers to two year terms of office. The Commission was asked to examine whether two year terms best serve the City or if the terms of office should be lengthened.

One of the Commission's goals was to find ways to improve the effectiveness of overall governance in the City, taking into account Rockville's growing population and increasing diversity and their associated demands. Another goal established by the Commission was to encourage, bring forth and facilitate civic leadership. Both of these goals were examined as they relate to the capacity and responsibility of the City's elected officials who are not only committed to public service, but also invest considerable time, energy and other resources in carrying out their responsibilities. Based on this analysis, the Commission believes that longer terms—specifically four-year terms—will improve overall governance in the City.

A longer term would allow newly elected officials a greater time period to gain and exercise experienced judgment. Individuals would experience a learning curve as they adapted to new and complex information and protocols, as well as administrative and operational processes between elected officials and City staff.

In particular, the Commission recognizes the benefit that longer terms can have on the annual City budget process. With the current two year terms, a newly elected official only participates fully in one budget cycle, since the on-going budget cycle is well underway when they take office in November. With four-year terms, newly elected Councilmembers will have the opportunity to weigh in effectively on three budgets. The annual budget is one of the key responsibilities of elected officials, and the ability to provide input with maximum insight and expertise is highly desirable.

Four-year terms would allow for a greater "return" on time invested in relationship-building among Councilmembers, City staff, other cities, county/state government, community and business leaders, etc. The overall effect would be to enhance the City's governance, and also the negotiation and networking capacity of its elected representatives. The Commission received testimony from elected officials of other cities similar in size to Rockville, through which it was made clear that four years in office allows for much more effective relationship-building and networking. Rockville is the third largest City in Maryland and the county seat of the most populated county in the state; its ability to build strong relationships with its peers, and with other levels of government, is absolutely essential to the City's long-term success.

The Commission discussed the politicization that occurs during election years. Less politicization might result in more substantive discussions of the issues without the need to "campaign" from the dais. The Commission recognized that this conduct has proven disruptive in the past, and has possibly dissuaded some residents from getting more civically involved due to the unpleasant, contentious atmosphere.

The Commission discussed that the need to campaign every two years means that our elected body is back on the campaign trail every 18 months, knocking on doors and raising money, and may be seen as another dissuading factor. It also has been suggested that the inability to settle into one's office and govern, without the need to stand for election so soon again, is an impediment for some who may want to run, but are not inclined to engage in the process. There is enough anecdotal evidence to support these concerns, as well. Four year terms would eliminate this issue.

RECOMMENDATION

The Commission recommends that the length of terms for the Mayor and Councilmembers be extended from two years to four years.

Attachment 14.b: 2012 FINAL CHARTER REVIEW COMMISSION REPORT_ 12_19_12 (2893 : Discussion and Instructions on the City Charter

Attachment 14.b: 2012 FINAL CHARTER REVIEW COMMISSION REPORT_ 12_19_12 (2893 : Discussion and Instructions on the City Charter

SCHEDULE OF ELECTIONS

The Charter Review Commission was asked to review and evaluate the schedule by which Rockville City Elections for the Mayor and Council are held. The current practice is to select a Mayor and four Councilmembers to serve two year terms in November of every odd-numbered year.

One of the Commission's goals was to look for ways to increase citizen participation in the Election of the Mayor and Council. This is an issue and concern that is raised after every City Election, yet the turnout continues to be low. Another goal of the Commission was to create governance that reflects and serves the needs of a growing and diverse community. The consistently low voter turnout in Rockville City Elections hinders this goal.

There is little doubt that moving the City Election to an even year schedule would have a significant and positive effect on voter participation. In the recent 2012 Presidential Elections, turnout in Montgomery County approached 70%, while the recent 2011 City Election in Rockville achieved a turnout of only 16.9%. Clearly, turnout in even year Presidential Elections represents more than a four-fold difference compared to stand-alone, odd year City Elections.

Moving to even year elections would eliminate most, if not all, the expense of running odd year elections. An estimate from a former City Clerk put that cost at approximately $50,000. There no longer would be a need to recruit election judges, arrange for polling locations, or establish unique voting districts. City Elections would benefit from any enhanced voting methods the County now uses, such as early voting, or would institute in the future.

The predominant argument against holding City Elections in even years has been that of quantity versus quality. In other words, while voter turnout is low, those that do vote are the best informed and most concerned citizens of Rockville. This thinking has resulted in a somewhat limited system of voting. It fosters an environment where candidates for elected office need to reach out to only a small part of the electorate, based on voting records from previous years. Holding City Elections in even years would bring more citizens into the process and those elected would be more representative of the City as a whole. This greater participation and inclusiveness addresses both goals highlighted above: participation and effectiveness.

Elsewhere in this document, the Commission recommends changing the term of office from two years to four years. When considering changing to an even year election, the fact that there are various jurisdictional elections every two years must be taken into account. Presidential Elections and mid-term (Gubernatorial) Elections are both conducted on even year, four year cycles, but not in the same year – they alternate.

Presidential Elections tend to be less "cluttered" with other jurisdictional elections. On the other hand, local mid-term elections have many more offices to consider on the ballot, including Gubernatorial, State legislators, County Executive, County Council, Board of Education, Judges, Courthouse, etc. If the City Elections were held on the mid-term cycle, candidates would be at the bottom of a relatively long ballot.

RECOMMENDATION

The Commission recommends changing the scheduling of Rockville City Elections to be held every four years and to coincide with the Federal Presidential Election.

Attachment 14.b: 2012 FINAL CHARTER REVIEW COMMISSION REPORT_ 12_19_12 (2893 : Discussion and Instructions on the City Charter

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COUNCILMEMBERS

Resolution No. 6-12 that established the Charter Review Commission specifies that the Commission is to review and evaluate the number of members of the City Council. Council size has not been adjusted since the City Charter was enacted. Council size was last reviewed by the 2002 Charter Review Commission. That Commission recommended against changing the number of Councilmembers. In 2002, the City's population had remained fairly stable for the prior 25 years ranging between 43,000 and 45,000. In the decade since that Commission's report was published, the City's population has increased by almost a third. As of July 2011, Rockville's population is 62,334 (U.S. Census Bureau). Much of this growth is attributed to the new developments of King Farm, Fallsgrove, and Town Center coming online. It is anticipated that further growth of this magnitude is not likely in the foreseeable future due to a lack of undeveloped space. With the population somewhat stabilized at about a third higher than it was only a decade ago, the Commission believes that the time is upon us to create a smaller proportion of the population per representative to meet the goal of a more inclusive and a more responsive City Government.

The Commission reviewed information regarding the size of City councils, invited testimony from current and former officials from many jurisdictions, and solicited testimony and other input from the citizens of Rockville. The Commission found a wide range of opinions on this matter. What did emerge from this research was a clear understanding that the size of Rockville's Council is one of the smallest in the Metropolitan Washington region, and indeed in the nation, especially for a City of our size. According to Bruce Calvin, National League of Cities (August, 2012), councils can range in size from 5 to 51 across the nation, although the national average is 6. This is further demonstrated by data provided by the Maryland Municipal League that, of the 157 municipalities incorporated in Maryland, Rockville's Council size is among those with the lowest number of Councilmembers.

Except for Baltimore, which is treated as equivalent to a county under Maryland's system of government, the City of Rockville has the highest number of constituents per elected official in the entire state (15,302 per Councilmember). Numerically speaking, this high ratio suggests that it may be more difficult for our City's Councilmembers to engage with individual residents, and that--conversely--it may be more difficult for residents to engage effectively with their elected representatives. Adding two additional Councilmembers would improve this ratio, thus placing Rockville's level of representation in a range closer to other sizable cities such as Frederick, Gaithersburg, Bowie and Hagerstown.

The Commission heard a wide variety of opinions on the appropriate number of Councilmembers from citizens and from officials from other jurisdictions. While other local jurisdictions have as many as 11 Councilmembers, input from Rockville citizens indicated that remaining the same to an increase of two members would be appropriate. For example, seven citizens expressed opinions on council size at the Town Hall meetings. Five felt that increasing the Council size by two would be appropriate. One wanted to increase the size of the Council but did not indicate by how many. One felt that the Council size should remain at four.
An increase in the size of the City Council would come with what the Commission believes is a modest cost. Estimates from City staff indicate that one Council position costs approximately $27,000 for salary and benefits only.

Estimates for associated operating costs vary. It is understood that the Council hearing room now can accommodate two more seats as it does during Planning Commission meetings. Given this information, it appears that this increase in Council size would cost less than $70,000.

RECOMMENDATION

The Charter Review Commission recommends that the number of members of the City Council be increased from four to six.

Attachment 14.b: 2012 FINAL CHARTER REVIEW COMMISSION REPORT_ 12_19_12 (2893 : Discussion and Instructions on the City Charter

Attachment 14.b: 2012 FINAL CHARTER REVIEW COMMISSION REPORT_ 12_19_12 (2893 : Discussion and Instructions on the City Charter

ENHANCED VOTING

In the analysis of Rockville Elections, the Commission identified several areas of enhanced voting which would automatically be implemented should the Even-year Election recommendation be followed. However, if it is not followed, these concepts should be considered.

AN IMPORTANT GOAL IS TO INCREASE CITIZEN PARTICIPATION AT ALL LEVELS OF CITY GOVERNMENT, IN PARTICULAR, THE ELECTION OF THE MAYOR AND COUNCIL.

The most powerful, yet simplest mode of citizen participation comes with the casting of one's vote. Many of the recommendations of the Commission are affected by the need to significantly increase the number of people who vote.

We must understand that the importance of building faith in government with our citizens comes when they have participated in the electoral process. We need to guarantee that every Rockville citizen is able to exercise his or her right to vote with an efficient and effective voting system.

There are several areas of enhanced voting to be considered.

Early Voting – The Montgomery County Election process has recently added Early Voting. This has been well received. Should the Charter be amended to provide for elections on the even Presidential years, then early voting would become a part of the City Election process. Should the Charter not be so amended, then the Commission recommends Early Voting in City Elections. Early Voting could be expanded to allow voting as early as 10 days proceeding Election Day.

Polling Places – The Commission heard several citizens' complaints about the confusion of voting in one place for county/state/federal elections and having another polling place for City elections. Should the Charter be amended to include elections in the even Presidential years, then one polling place in each precinct would become a part of the City Election process.

Weekend Voting – The concept of weekend voting is likely to improve voter participation. While the concept is sound, the County is not likely to include this voting enhancement in its elections and the expense would be too much for the City to undertake on its own at this time. However, the Commission recommends the Mayor and Council consider this in the future.

Voting by Mail – The concept of voting by mail is likely to improve voter participation. While the concept is sound, the County is not likely to include this voting enhancement in its elections and the expense would be too large for the City. However, the Commission recommends the Mayor and Council consider this in the future.

Online Registration/Voting – Flexible voter registration is important and should include online registration. The use of online voting has begun to appear in municipalities in our country and abroad. While it is likely to improve voter participation, there is concern that the technology is unproven at this time. The Commission recommends the Mayor and Council consider this in the future.

Contributors

Mayor and Council

Phyllis Marcuccio, *Mayor*
John Hall, Jr., *Councilmember*
Tom Moore, *Councilmember*
Bridget Newton, *Councilmember*
Mark Pierzchala, *Councilmember*

Charter Review Commissioners

Steven VanGrack, *Chair*
Wilma Bell *(resigned)*
Laura Berthiaume
John Britton
David Celeste *(ex officio)*
Margaret Chao
Donald Hadley
Susan Hoffmann
Joseph Jordan
Charles Littlefield
Virginia Onley
Rev. Jane Wood

Staff Support

Doug Barber, *City Clerk/Treasurer*
Brenda Bean, *Deputy City Clerk*
Marylou Berg, *Communications Manager*
Debra Yerg Daniel, *City Attorney*
Sara Taylor-Ferrell, *Assistant to the City Clerk*

Invited Guests/Experts

Kay Daniels-Cohen, *Councilmember, Takoma Park*
Cathy Drzyzgula, *Councilmember, Gaithersburg*
Claire Funkhouser, *former Rockville City Clerk*
Sidney Katz, *Mayor, Gaithersburg*
Barbara Matthews, *City Manager, Rockville*
Lewis C. Metzner, *Councilmember, Hagerstown*
Paula Perry, *Councilmember, Hyattsville*

Speakers at Public Forums, October 2, 9, 17 and 24, 2012

Sushil Birla
Marika Brown
Piotr Gajewski, *former Rockville Councilmember*
Beryl Feinberg, *member Board of Supervisors of Elections*
Helen Heneghan, *former Rockville City Clerk*
Jim Marrinan, *former Rockville Councilmember*
Brigitta Mullican
Sima Osdoby
Roald Schrack
Robert Wright, *former Rockville Councilmember*

Written Comments

Terry Baker
Cheryl Camillo
Tina Carter
Allan Fisher, Jr.
R. Flygar
James Goheen
Teresa Harn
Jack Martinelli
Leta Mach, *Councilmember, Greenbelt*
Caleb Michaud
Raymond Mountain
Thomas Reynolds
Frederick Schultz, *Councilmember, Takoma Park*

Exhibit A

Resolution No. 6-12

RESOLUTION: To establish a Charter Review Commission to review and make recommendations to the Mayor and Council on certain provisions related to elections contained in the Charter of the City of Rockville.

WHEREAS, the Mayor and Council are resolved to further perfect Rockville's form of government; and

WHEREAS, the form that the City's elected body takes and the schedule by which it is elected are of keen interest to the City's citizenry; and

WHEREAS, the Mayor and Council have identified three areas of the Rockville Charter regarding the election and service of the members of the Mayor and Council that they wish to have examined; and

WHEREAS, the Mayor and Council desire to establish a Charter Review Commission for the purpose of reviewing Article II, "The Mayor and Council," Section 1, "Number, Selection, Term, Qualification, and Payment," Part (a), and Article III, "Registration, Nominations and Elections," Section 4, "Election of Mayor and Council," of the City Charter, as well as any additional provisions of the City Charter and Rockville City Code related to these topics; and

WHEREAS, the Mayor and Council desire that the Charter Review Commission solicit citizen input, deliberate with all due care, prepare a report with its recommendations, and deliver that report to the Mayor and Council.

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

1. That a Charter Review Commission is hereby established as follows:

    a. The Charter Review Commission shall be comprised of no more than eleven members, all of whom shall be residents of the City.

    b. The City shall solicit applications for the Charter Review Commission from eligible members of the public according to the appointment procedures prescribed in the Mayor and Council's "Guidelines And Procedures For Citizen Boards and Commissions," adopted March 12, 2012.

    c. Each member of the Mayor and Council may choose one member to serve on the Charter Review Commission. The Mayor and Council shall select and approve five additional members.

Attachment 14.b: 2012 FINAL CHARTER REVIEW COMMISSION REPORT_ 12_19_12 (2893 : Discussion and Instructions on the City Charter

d. The Chair of the Supervisors of Elections shall additionally serve as a non-voting *ex officio* representative to the Charter Review Commission.

e. The Mayor shall nominate and the Council shall approve an additional member to serve as the Chair of the Charter Review Commission.

2. That the Charter Review Commission has the following duties and responsibilities:

a. To review and evaluate Article II, Section 1(a), and Article III, Section 4, of the City Charter regarding the following issues:

i. the length of the elected terms of the Mayor and Council;

ii. the number of members of the City Council; and

iii. the schedule by which elections for the Mayor and Council are held.

b. To review and evaluate any additional provisions of the City Charter and Rockville City Code related to the topics in 2.a. that the Commission believes are appropriate.

c. To solicit citizen input regarding these issues by public forums or other processes.

d. To prepare a final report and deliver it to the Mayor and Council no later than December 15, 2012, setting forth the findings, recommendations, and any proposals for amendments to the Charter, or changes to the Code, of the City of Rockville.

3. That the Mayor and Council shall carefully consider the recommendations of the Charter Review Commission and vote on whether to place such recommendations on the November 2013 City ballot as advisory referenda, as prescribed by Section 8-23 of the Rockville City Code.

****

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Mayor and Council at its meeting of April 30, 2012.

Douglass A. Barber

Douglass A. Barber, City Clerk/Treasurer

Attachment 14.b: 2012 FINAL CHARTER REVIEW COMMISSION REPORT_ 12_19_12 (2893 : Discussion and Instructions on the City Charter

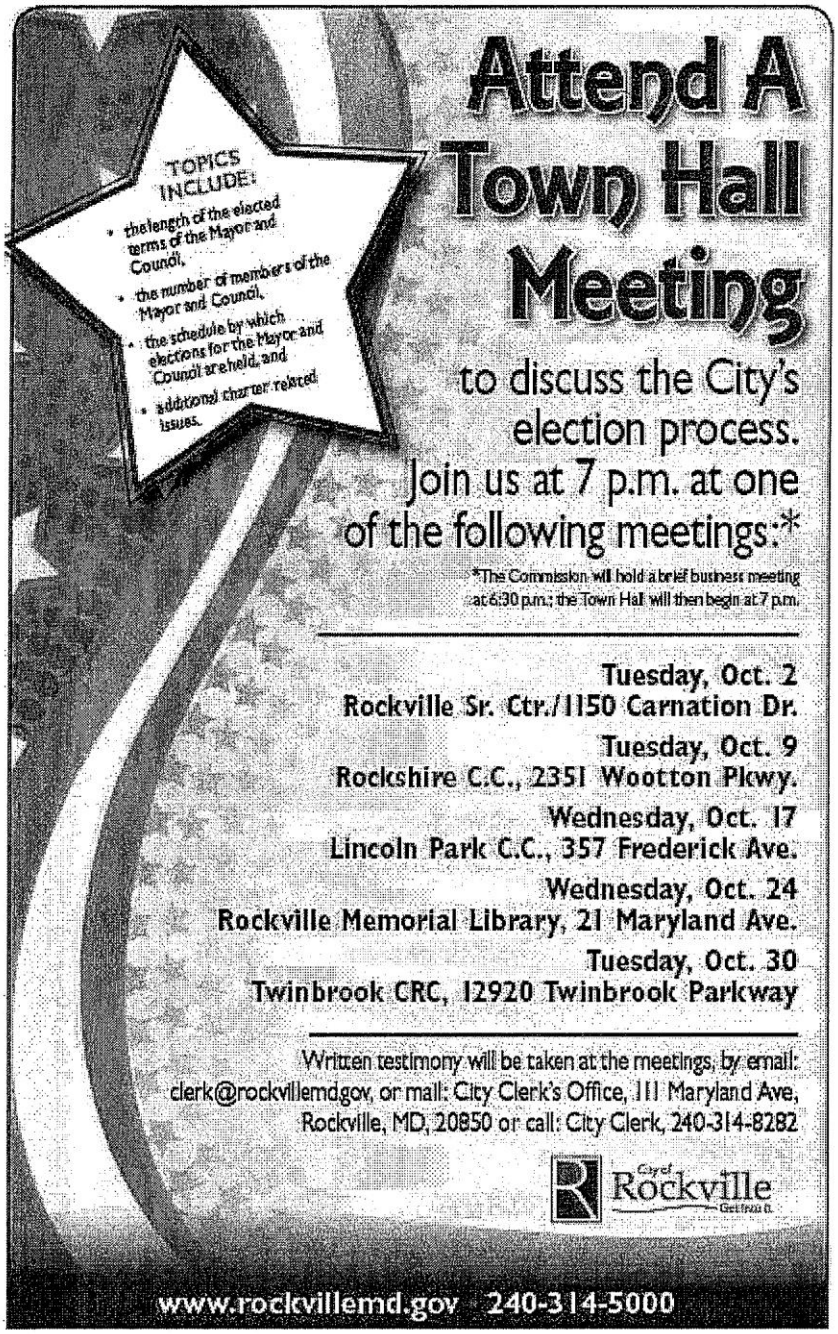
Exhibit B

Proposed Meeting Guidelines
Charter Review Commission
June, 2012

1. Have fun!
2. Start on time and end on time
3. Regularly attend meetings and be on time
4. Cell phones off or on vibrate
5. Follow the agenda
6. Actively participate and listen in each meeting
7. Be open to new ideas by respecting the opinions of others
8. Treat each other with respect
9. Be concise so everyone has an opportunity to participate
10. Only one person talks at a time
11. Assume good will
12. All will share ideas in order
13. Questions may be asked to clarify ideas
14. No one may criticize another
15. Discussions are about positions, not personalities
16. Celebrate accomplishments
17. Decision will be made by majority rule

Attachment 14.b: 2012 FINAL CHARTER REVIEW COMMISSION REPORT_12_19_12 (2893 : Discussion and Instructions on the City Charter

Exhibit C-1



Attachment 14.b: 2012 FINAL CHARTER REVIEW COMMISSION REPORT_12_19_12 (2893 : Discussion and Instructions on the City Charter

Exhibit C-2

GOOD EVENING

Thank you for coming!

CHARTER

The City of Rockville Charter is the “Constitution” for the City of Rockville and serves as the basic set of rules for our City’s government.

The Mayor and Council have appointed an 11-member body of Rockville residents to review the City’s Charter, with a focus on examining City elections.

ISSUES

The Charter Review Commission would like your opinion on possible changes to the Charter, including the following issues:

1. Should elected officials in Rockville continue to be elected for 2-year terms, or would residents prefer longer terms, such as 3-year or 4-year terms? What would be the main reason(s) for changing the length of terms, or leaving them as they are?

2. Would you prefer that Rockville continue to hold elections in "odd years," (2011, 2013, etc.) or would you prefer that elections be held in even years so that they coincide with state and national elections? What would be the benefits to changing Rockville's election schedule or leaving it as is?

3. Do you think the number of councilmembers is adequate, or would you prefer increasing the number? What considerations should be taken into account when analyzing the number of councilmembers Rockville should have?

4. Does our present system of non-partisan, at-large representation serve the City best, or would another system work better?

5. What are your views on allowing new types of voting in the City of Rockville, such as early voting and online/Internet voting?

Attachment 14.b: 2012 FINAL CHARTER REVIEW COMMISSION REPORT_ 12_19_12 (2893 : Discussion and Instructions on the City Charter

PROCEEDINGS

The Charter Review Commission is most concerned that you provide us with your ideas and opinions. However, we ask that you be considerate of others so that everyone can be heard in a timely manner. The Chair reserves the right to establish time limits if necessary. Members of the Charter Review Commission will be allowed to engage in questions to the presenters.

THANK YOU.

The City of Rockville is appreciative of the time and effort you have given to this endeavor.

Attachment 14.b: 2012 FINAL CHARTER REVIEW COMMISSION REPORT_ 12_19_12 (2893 : Discussion and Instructions on the City Charter

Mayor & Council Meeting Date: January 13, 2020
Agenda Item Type: Discussion
Department: City Manager's Office
Responsible Staff: Jenny Kimball

Subject

Update on the Rockville Volunteer Program

Recommendation

Staff recommends that the Mayor and Council receive an update on the City's Volunteer Program.

Discussion

The Mayor and Council's initial discussion about enhancing Rockville's volunteer program was held on January 28, 2019. Since that time, staff has implemented changes that the Mayor and Council discussed and directed. The last update on the program, and the report of volunteer data for Fiscal Year 2019, was shared by memo on September 30, 2019. This agenda item provides additional information and a report on hours of volunteer service devoted to the City during the first half of Fiscal Year 2020 (July 1, 2019 and December 31, 2019.)

Recruitment and Education:

Developing Rockville's strategy and messaging around volunteer recruitment is a high priority. By messaging the value of volunteerism generally, the City shows that our residents and other stakeholders value giving back to build a stronger community. Sharing information about volunteer opportunities in a wide variety of places to capture more attention and interest is important. These 'multiple doors' into Rockville's volunteer program range from word of mouth to postings on the Montgomery County Volunteer Center site, and everything in between.

Recent recruitment efforts included a brief article in the January issue of Rockville Reports encouraging volunteerism and noting several specific opportunities, including serving as mentor to youth, serving on a board or commission, and participating in stream cleanups. A follow up article about volunteering is planned for the February edition of Rockville Reports. Volunteer opportunities are also regularly advertised through social media, outreach to schools in Rockville, and through partner organizations in the community.

Improvements to the volunteer web page at www.rockvillemd.gov/volunteer were implemented in August 2019. The goal is to drive potential volunteers to this page for a comprehensive look at the volunteer opportunities that the City of Rockville has to offer. This

main page or landing page for the Volunteer Program was viewed 1,023 times since August 2019. Of those views, 483 were direct entrances (accessed by searching from a search engine, such as Google.) Since August 2019, 29 volunteers have signed up through the website. In addition, there were 826 clicks on the Montgomery County Volunteer Website link on www.rockvillemd.gov/volunteer since August. The number of visits to the Volunteer page since August is consistent with the numbers of visits in previous six month periods.

The County's online volunteer database is another opportunity to attract attention to Rockville's volunteer opportunities. The following opportunities are continuously posted at that location:

- Mentoring volunteers,
- Adopt-A-Stream volunteers,
- Croydon Creek Nature Center Trail Maintenance volunteers and program volunteers, and
- Swim Center Learn-to-Swim volunteers.

Other opportunities are posted on the County site when they are timely. For example, the opportunity to volunteer at the City's Martin Luther King Jr. event is on the County site during January of each year.

Community Ambassadors:
Community ambassadors are neighborhood-based volunteers who connect with new neighbors, share City information relevant to the neighborhood and notify the City of neighborhood needs/questions. In many cases, neighborhood leaders and civically-active residents already serve this role informally. One new volunteer stepped up to formally take on the community ambassador role and will serve as a model for other future ambassadors. These formal and informal leaders will be engaged over the coming months specifically in community outreach about the 2020 Census.

As suggested by the Mayor and Council, staff reached out to the three active Rockville Villages. As a first step in their engagement, the Villages were invited to volunteer during the 2020 Martin Luther King Jr. event. Staff will continue to reach out to the Villages to engage them in educating their neighbors about the 2020 Census. By engaging the Villages in an ambassador role, staff hopes to also increase awareness in the community of the Villages program.

Student Engagement:
Students can serve as a liaison between their school community and the City of Rockville. During the fall, staff engaged students from each of the three high schools in outreach about the first vote-by-mail City election. Next, the students will be engaged in sharing the importance of participating in the 2020 Census within their school communities and families, and in outreach about the Rockville Goes Purple initiative.

The Human Rights Commission has developed a student ambassador program that will also serve to link school communities with the city government. Students selected to participate from each high school in the city limits will perform outreach in their schools on priority City topics and initiatives through the school year.

Data Collection:
The data report provided in Attachment A captures volunteer data for the first half of FY 2020. It includes the value of the volunteer hours based on a standard valuing of $20 per hour. The busy spring volunteer season is not captured in these figures, and will appear in the FY20 year-end report, which will be provided to the Mayor and Council after July 1. Staff is also collecting, for the year end report, information about how volunteers get information about City of Rockville volunteer opportunities.

Mayor and Council History

The Mayor and Council received a briefing about Rockville's volunteer program on January 28, 2019. It provided information about how the City recruits volunteers, how volunteers apply to serve, how Rockville coordinates with the Montgomery County Volunteer Center, and some volunteer program best practices. The Mayor and Council discussed and provided direction on enhancements to the City's volunteer program.

The Mayor and Council received a follow up briefing on program enhancements during the June 3, 2019 Mayor and Council meeting. A September 20, 2019 memo provided volunteer data and another update about the ongoing development of the City's volunteer program.

Boards and Commissions Review

The Boards and Commissions Task Force noted in their final report the importance and value of volunteers who serve on Rockville boards, commissions, committees and task forces. The Task Force recognized a need to invest even more effort in showing Rockville residents the myriad of rewarding opportunities to serve on these specific groups, finding ways to get more people to apply to serve, and recognizing current board and commission volunteers for their efforts.

The Task Force presented their report to the Mayor and Council on October 21, 2019 and held a follow up discussion with the Mayor and Council on December 16, 2019. Staff will reflect follow up on the Task Force recommendations for increasing volunteerism on boards and commissions in future updates to the Mayor and Council regarding Rockville's overall volunteer program.

Next Steps

At the end of FY 2020, staff will share a data report on volunteerism for the entire fiscal year and other volunteer program updates.

Attachments

Attachment 15.a: MidYear FY20 Volunteer Data Report pdf (PDF)

Rob DiSpirito, City Manager 1/8/2020

Mid-Year Volunteer Data Report
July - December 2019

		Total Number of Volunteers	Total Number of Volunteer Hours*
Recreation and Parks Department			
	Recreation Services (e.g., special events, coaches)	50	640
	Community Centers, Nature Center and F. Scott Fitzgerald Theatre	261	1,720
	Senior Services	74	5,430
	Community Services	408	2,312
	Other (e.g., Eagle Scout projects)	64	497
	Subtotal	857	10,599
Public Works Department - Environment (e.g., Adopte A		229	466
City Manager's Office - Community Engagement (e.g., MLK,		9	19
Rockville City Police Department - Administrative Services		2	390
Boards and Commissions		134	1,116
Task Forces and Committees		33	411
Total		**1,264**	**13,001**
Value of Volunteer time at $20 per hour			**$ 260,020**

* The number of volunteer hours is based on the average hours invested by each participant in the volunteer activity. The hours invested by each participant varies depending on the nature of the volunteer activity.

Attachment 15.a: MidYear FY20 Volunteer Data Report pdf (2897 : Discussion of Volunteer Program)

Mayor & Council Meeting Date: January 13, 2020
Agenda Item Type: Review and Comment
Department: City Manager's Office
Responsible Staff: Jenny Kimball

Subject
Action Report

Recommendation
Staff recommends that the Mayor and Council review and comment on the Action Report.

Attachments
Attachment 16.A.a: MC Action Report Master 2020 _REVISED (PDF)

Jenny Kimball
Jenny Kimball, Deputy City Manager 1/8/2020

Attachment A

Blue - new items to the list.
Red - latest changes.

Mayor and Council Action Report

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2014-23	9/8/11	R&P	Future agenda	**King Farm Farmstead** **Status: The Mayor and Council discussed the King Farm Farmstead on May 20, 2019 and directed staff to prepare a request for information (RFI) on potential future uses of the Farmstead. RFI #06-20 was posted online (https://www.rockvillemd.gov/bids.aspx?bidID=586), with responses due November 22, 2019. The submission deadline has been extended to Friday, January 17, 2020. Staff will report to the Mayor and Council on the responses received.**	January 2020
2015-14	7/13/15	CMO	Future agenda	**Purchasing Study Response** **Status: An update on the Procurement Action Plan was shared on May 13, 2019, the next update will be on January 27, 2020.**	Ongoing
2016-12	9/26/16	HR	Future agenda	**Vacancy Report** Provide a Vacancy Report to the Mayor and Council at the end of each Quarter. **Status: The Fiscal Year 2020 first quarter report was shared on October 21, 2019 meeting. The next report will be shared with the Mayor and Council on the January 27, 2020 agenda.**	January 27, 2020
2016-16	10/10/16	PDS	Future agenda	**Global Issues on BRT** Schedule another discussion on BRT with the City of Gaithersburg and Montgomery County, to include broader issues such as governance and finance. Consider holding the meeting in Gaithersburg. **Status: County transportation is studying alternatives to identify a recommended alternative for design of the MD 355 route. A recommended alternative for the Viers Mill route was selected. The project is funded for preliminary design in the County Budget for FY23.**	Ongoing
2016-18	10/24/16	PDS	Future agenda	**FAST – Faster, Smarter, More Transparent (Site Plan/Development Review Improvements)** Provide regular updates on the status of the work. **Status: A FaST update was provided to the Mayor and Council on November 18, 2019. PDS staff is working on a follow up memo to present to Mayor and Council at a future meeting.**	Ongoing

Attachment 16.A.a: MC Action Report Master 2020 _REVISED (2934 : Action Report)

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2017-6	2/27/17	CMO	Email	**Minority-, Female- & Disabled-Owned Businesses** Provide updates on the Procurement Division's activities to engage and support minority-, female- and disabled-owned businesses. **Status: An update was shared on May 13, 2019. The next update will be on February 3, 2020.**	Ongoing
2017-11	6/12/17	R&P	Agenda item	**Deer Population in Rockville** Continue to monitor the deer population. Consider action steps and gather community input. **Status: The Mayor and Council directed staff to implement the pilot deer culling program. Staff will bring required changes to the City Code for Mayor and Council for approval.**	September-November 2020
2018-1	1/22/18	Finance	Action Report	**Utility Billing System** Provide updates on the replacement of the Velocity Payment System, powered by Govolution. **Status: Contracts are in place, a kick off meeting was held and implementation underway, with estimated completion in July 2020.**	July 2020
2018-7	6/18/18	CMO	Agenda Item	**LGBTQ Initiatives** Identify and implement Mayor and Council suggestions. **Status: R-zone signs were installed and all employees have completed "The Respectful Workplace" training.** **An update on the status of gender-neutral bathroom installation was emailed to the Mayor and Council on August 13. Staff provided the Mayor and Council a prioritized list of outstanding gender-neutral bathroom installations, and comments about a timeline for those installations, by e-mail on November 21.**	Ongoing

Attachment 16.A.a: MC Action Report Master 2020 _REVISED (2934 : Action Report)

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2018-8	6/18/18	CMO/RCPD /R&P	Town Meeting	**Opioid Town Meeting** Schedule a Town Meeting on the opioid crisis, to include prevention, enforcement and treatment. **Status: Rockville Goes Purple Committee members met with high school principals on November 6, 2019 to gather input on Rockville Goes Purple collaborating with the schools on prevention efforts. A Rockville Goes Purple Committee meeting was held to discuss the principals' input on December 3. A subset of the committee will work on a strategic plan for the coming year.**	Ongoing
2018-11	8/1/18	PDS	Agenda Item	**Neighborhood Shopping Centers** Discuss mechanisms to encourage neighborhood shopping center revitalization and explore additional zoning and uses	Summer 2020
2018-15	10/8/18	PDS	Future Agenda	**Short-Term Residential Rentals** Discuss how to manage short-term residential rentals' (e.g., Airbnb) impact on city neighborhoods and explore options for taxing users. **Status: Short-term residential rentals will be discussed on January 13 and February 24.**	April 2020
2018-19	10/15/18	HR	Future Agenda	**Volunteer Program** Discuss whether the Mayor and Council want to direct the City Manager to create a centralized volunteer program. **Status: A report on the number of volunteers and volunteer hours for the first half of FY20 will be provided on the January 13, 2020 agenda.**	January 13, 2020
2019-1	10/29/18	PDS	Future Agenda	**Accessory Structures** **Status: The Mayor and Council authorized the filing of a Zoning Text Amendment on April 8. A workshop was held on May 29th for the public to learn more about these proposed regulations. A public hearing was held on July 15 and October 7, 2019. Discussion and Instruction was held on September 16, 2019. Mayor and Council and staff determined that there are outstanding issues to continue flushing out and to discuss further at a future meeting. This topic will be discussed at the February 24, 2020 meeting.**	February 24, 2020

Attachment 16.A.a: MC Action Report Master 2020 _REVISED (2934 : Action Report)

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2019-2	2/25/19	R&P/PDS	Agenda Item	**RedGate Golf Course Property** On June 17, 2019, the Mayor and Council instructed staff to bring a scope of work for a master planning consultant, to be considered in conjunction with the Recreation & Parks strategic plan report. The Mayor and Council can then decide whether to proceed with an RFP for master planning of the Redgate site. **Status: Staff will have the Recreation & Parks strategic plan in January 2020 and to bring the plan and the topic of master planning the site before the Mayor and Council on February 3, 2020. The City Attorney's Office will provide an update to Mayor and Council on outstanding Billy Casper Golf items.**	February 3, 2020
2019-3	10/29/18	CAO	Memo	**Ethics** Provide list of the companies that the City does business with, so that the Mayor and Council can complete required financial disclosures by April 30, 2019 **Status: The Mayor and Council adopted amendments to Chapter 16 – Public Ethics on January 6, 2020. Staff will provide a list of City vendors each February for reference in completing Financial Disclosure Statements.**	Completed
2019-4	3/25/19	PDS	Future Agenda	**Business Improvement Districts (BIDs) and Tax Increment Financing (TIF)** Discussion of potential City uses of BIDs and TIFs **Status: This item will be included on a May or June Mayor and Council agenda.**	May/ June 2020
2019-7	4/1/19	R & P	Memo	**Child Care Services** Discuss city provision of child care services (history of the current program, community need for the service, private sector market, expansion to additional Rockville locations). **Status: This item was discussed on September 9, 2019. Staff answered questions about child care cost recovery by email the week of October 14, 2019. A worksession discussion occurred on November 25, 2019. Additional information was provided via e-mail to the Mayor and Council on November 26, 2019. Staff is preparing a strategy to follow up on the worksession discussion.**	Summer 2020
2019-9	4/1/19	HR	Memo	**Reduction in Force (RIF) Policy** Prepare a Reduction in Force (RIF) policy, to be incorporated in the Personnel Policy and Procedures Manual update. **Mayor and Council will receive an updated RIF policy in the revised Personnel Manual by January 31, 2020, for discussion on February 24.**	January 31, 2020

Attachment 16.A.a: MC Action Report Master 2020 _REVISED (2934 : Action Report)

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2019-10	4/1/19	HR	Email	**Personnel Policy and Procedures Manual Update** Share an update on the status of this effort. **Status: The draft revised manual will be distributed to Mayor and Council on January 31, 2020 and placed on the February 24 agenda for discussion.**	January 31, 2020
2019-11	4/1/19	HR	Future Agenda	**Retirement Incentive/Employee Buyout Program** Provide information about employee buyout programs and discuss the potential for a Rockville program. **Status: Director of Finance provided an update to the Mayor and Council via email on May 3, 2019.**	Summer 2020
2019-12	4/1/19	Police	Future Agenda	**Parking Enforcement at Street Meters** Share an overview of Rockville's current program and how other local jurisdictions handle parking enforcement at street meters, including hours of enforcement. **Status: Parking meter operations was a component of the Mayor and Council's parking discussion on July 15th, 2019. Staff will continue to discuss this topic with FRIT and will keep the Mayor and Council informed as developments occur.**	Ongoing
2019-14	6/3/19	PDS	Future Agenda	**Voluntary Rent Increases** Discuss City guidelines for rent increases instituted by landlords. **Status: This topic is on the January 27 meeting agenda.**	January 27, 2020
216019-15	9/16/19	CMO	Future Agenda	**County Bill 24-19 Landlord Tenant Relations –Obligations of Landlord—Air Conditioning** Monitor County Council consideration of the Bill. **Status: Staff shared an e-mail update on Bill 24-19 on December 3, 2019. Staff will inform the Mayor and Council of the date when the Council will begin its consideration of Bill 24-19. Updates to the County Council agenda will not be posted until January 10, 2020. As soon as the agendas are posted, an update will be provided.**	TBD

Attachment 16.A.a: MC Action Report Master 2020 _REVISED (2934 : Action Report)

Attachment A

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2019-16	9/16/19	CMO	Future Agenda	**County Bill 29-19 Health and Sanitation – Electronic Cigarettes—Distribution; Resolution to Adopt Bill 29-19 as a Board of Health Regulation; Zoning Text Amendment 19-06 Vape Shops** Monitor County Council consideration of the Bill, Resolution, and Text Amendment **Status: A Public hearing was held on November 5, 2019. On November 25, 2019, the Health and Human Services Committee discussed and approved the bills. The bills, to be considered by the full Montgomery County Council after the new year (TBD), include:** • **Bill 29-19 – Health and Sanitation–Electronic Cigarettes;** • **Bill 31-19 – Health and Sanitation–Electronic Cigarettes – Distribution-Use and Possession; and** • **Bill 32-19–Health and Sanitation- Flavored Electronic Cigarettes.** **On December 9, the Mayor and Council approved a letter in support of the County vaping legislation. Updates to the County Council agenda will not be posted until January 10, 2020. As soon as the agendas are posted, an update will be provided.**	January 2020
2019-17	12/9/2019	CMO/PDS/Finance	Worksession	**Town Center Parking** – Explore improvements to parking in Town Center Status: CMO met with the new FRIT Executive on December 11. **Staff is continuing discussions with the new FRIT Executive and will keep the Mayor and Council informed of progress on parking issues.**	Ongoing
2019-18	12/9/2019	DPW/PDS	Worksession	**Town Center Road Diet –** Study and report to Mayor and Council on suggestions in the TAP report and discussion at the Mayor and Council's TAP worksession. **Status:** Public Works examination of options is underway.	TBD
2019-19	12/16/2019	City Clerk/Director of Council Operations	Worksession	**Boards and Commissions Task Force Work Session** – Continue the Mayor and Council's discussion of the Boards and Commission Task Force (BCTF). **Status: The Mayor and Council will discuss the BCTF's top four recommendations during a regular meeting on April 20, 2020. Additional BCTF report items will be taken up at a worksession, tentatively scheduled on June 22.**	Tentative June 22
2019-20	12/16/2019	City Clerk/Director of Council Operations	Meeting	**Post-Election Presentation –** The community meetings about the 2019 election are scheduled for January 30 and February 8. A Board of Supervisors of Elections report to the Mayor and Council on the 2019 election is scheduled for March 2.	March 3, 2020

Attachment 16.A.a: MC Action Report Master 2020 _REVISED (2934 : Action Report)

Attachment A

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2020-01	1/6/2020	Police	Future Agenda	**Emergency Management Program** – Receive an update from the Emergency Manager on the city's emergency management program and activities. **Status: The update is scheduled on the Mayor and Council's April 20th agenda.**	April 20, 2020

CLOSED/COMPLETED

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline

Attachment 16.A.a: MC Action Report Master 2020 _REVISED (2934 : Action Report)

Mayor & Council Meeting Date: January 13, 2020
Agenda Item Type: Review and Comment
Department: City Clerk/Director of Council Operations Office
Responsible Staff: Sara Taylor-Ferrell

Subject
Future Agendas

Recommendation

Attachments
Attachment 17.A.a: 01.27.19 Mock Agenda (DOC)
Attachment 17.A.b: Future Agendas 01.13.2020 (XLS)

Sara Taylor-Ferrell, City Clerk/Director of Council Operations 1/8/2020

MAYOR AND COUNCIL

MEETING NO.
Monday, January 27, 2020 – 7:00 PM

MOCK AGENDA

Agenda item times are estimates only. Items may be considered at times other than those indicated.

Any person who requires assistance in order to attend a city meeting should call the ADA Coordinator at 240-314-8108.

6:15 PM **1. Convene in Open Session to vote on motion to go into Closed Session pursuant to Section 3-305(b)(1)(i) of the General Provisions Article of the Annotated Code of Maryland to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of the City Manager, an employee over whom the Mayor and Council has jurisdiction.**

2. Closed Session

7:00 PM **3. Reconvene into Open Session**

4. Pledge of Allegiance

5. Agenda Review

7:05 PM **6. City Manager's Report**

7:10 PM **7. Recognition**

A. Recognition of Major Donors and Partners of the City of Rockville's 2019 Holiday Drive

7:30 PM **8. Boards and Commissions Appointments, Reappointments and Announcements of Vacancies**

7:40 PM **9. Community Forum**

Attachment 17.A.a: 01.27.19 Mock Agenda (2948 : Future Agendas)

Any member of the community may address the Mayor and Council for 3 minutes during Community Forum. Unless otherwise indicated, Community Forum is included on the agenda for every regular Mayor and Council meeting, generally between 7:00 and 7:30 pm. Call the City Clerk/Director of Council Operation's Office at 240-314-8280 to sign up to speak in advance or sign up in the Mayor and Council Chamber the night of the meeting.

10. Mayor and Council's Response to Community Forum

11. Mayor and Council Announcements

8:00 PM **12. Consent**

A. Resolution to Establish Maximum Rate of Rent Increase Required Under Chapter 18 of the City Code Entitled "Voluntary Rent Guidelines and Notice Requirements of Rent Increases" as Required Under Section 18-194

8:05 PM **13. Procurement Action Plan Update**

8:25 PM **14. FY19 Procurement Annual Report**

8:40 PM **15. Fiscal Year 2020 Second Quarter Vacancy Report**

8:45 PM **16. FY 2021 Mayor and Council Budget Survey Results and Priorities**

9:45 PM **17. Discussion, Instructions of Policy Concepts Aimed at Increasing the City's Affordable Housing Stock through Increased MPDU Set-Aside Requirement and Expanded Application of In-Lieu Payment Options**

10:10 PM **18. A Study of Arts and Culture: City of Rockville**

11:10 PM **19. Review and Comment - Mayor and Council Action Report**

A. Action Report

20. Review and Comment - Future Agendas

Attachment 17.A.a: 01.27.19 Mock Agenda (2948 : Future Agendas)

21. Old/New Business

11:25 PM **22. Adjournment**

The Mayor and Council Rules and Procedures and Operating Guidelines establish procedures and practices for Mayor and Council meetings, including public hearing procedures. They are available at: http://www.rockvillemd.gov/mcguidelines.

Attachment 17.A.a: 01.27.19 Mock Agenda (2948 : Future Agendas)

Future Agendas
Tentative as of 1/13/2020

Meeting : 02/03/20 07:00 PM (3 items)		
Category	Estimated Agenda Time Needed (in minutes)	Title
Discussion and Instructions	60	Compensation & Classification Study Presentation
Presentation and Discussion	60	RedGate: Discussion of Scope of Work
Presentation	60	Discussion of the Recreation and Parks Strategic Plan
Total Meeting Time (in Hours)	3 HRS	

Meeting : 02/24/20 07:00 PM (12 items)		
Category	Estimated Agenda Time Needed (in minutes)	Title
Authorization	30	Authorization to File Amendment for Short-Term Residential Rentals
Presentation	15	FY19 MFD Update
Presentation	20	Presentation of the Fiscal Year 2021 Proposed Operating Budget and Capital Improvements Program
Introduction	5	Introduction of an Ordinance to Appropriate Funds and Levy Taxes for Fiscal Year 2021
Introduction	5	Introduction of a Resolution to Establish the Service Charge Rate for Municipal Refuse Collection
Introduction and	15	Introduction, and Possible Adoption, of an Ordinance to Amend Ordinance #__-19 to Appropriate Funds and Levy Taxes for Fiscal Year 2020 (Budget Amendment #2)
Presentation	10	Second Quarter FY 2020 Financial Report
Discussion and I	60	Personnel Policy and Procedures Manual Presentation and Discussion
Authorization	60	East Rockville Residential Design Guidelines and Standards: Briefing and Possible Authorization
Authorization	30	Authorization to File Zoning Text Amendment for Parkland Dedication
Discussion and P	30	Discussion and Possible Adoption - Accessory Structures Zoning Text Amendment
Consent	5	Authorize the City Manager to Execute the Instruments Necessary to Abandon the Easements When Needed to Implement the Twinbrook Quarter Project Plan

Attachment 17.A.b: Future Agendas 01.13.2020 (2948 : Future Agendas)

Future Agendas
Tentative as of 1/13/2020

Total Meeting Time (in Hours)	5 HRS 0 MINS	
Meeting : 03/02/20 07:00 PM (5 items)		
Category	Estimated Agenda Time Needed (in minutes)	Title
Presentation and Discussion	45	Board of Supervisors of Elections - 2019 Vote by Mail Election Presentation
Public Hearing	45	FY 2021 Budget Public Hearing
Work Session	90	Fiscal Year 2021 Mayor and Council Budget Worksession
Authorization	30	Authorization to File Zoning Text Amendment to Modify Section 25.09.05 of the Zoning Ordinance, the Regulations for Fences in Residential Zones
Proclamation	5	Proclamation Declaring March 28, 2020, 8:30-9:30 P.M. as Earth Hour in Rockville; the Month of April as Earth Month; and April 22, 2020, as Earth Day
Total Meeting Time (in Hours)	3 HRS 35 MINS	
Meeting : 03/23/20 07:00 PM (3 items)		
Category	Estimated Agenda Time Needed (in minutes)	Title
Public Hearing	45	FY 2021 Budget Public Hearing
Work Session	90	Fiscal Year 2021 Mayor and Council Budget Worksession
Discussion	60	Discussion of Compensation and Classification Study
Total Meeting Time (in Hours)	3 HRS 15 MINS	
Meeting : 04/20/20 07:00 PM (3 items)		
Category	Estimated Agenda Time Needed (in minutes)	Title
Discussion and I	40	Boards and Commissions Task Force Priority Recommendations
Discussion and I	30	Rockville Community Survey
Update	20	Emergency Management Update
Total Meeting Time (in Hours)	1HRS 30 MINS	

Attachment 17.A.b: Future Agendas 01.13.2020 (2948 : Future Agendas)