



PLANNING COMMISSION

Wednesday, February 26, 2020

7:00 PM

Rockville City Hall

Mayor and Council Chambers

Meeting No. 05-2020

AGENDA

Charles Littlefield, Chair

Don Hadley
Suzan Pitman
Sarah Miller

Anne Goodman
John Tyner, II
Rev. Jane E. Wood

Jim Wasilak, Staff Liaison

Nicholas Dumais, Assistant City Attorney

1. Briefing

- A. Briefing on Zoning Text Amendment TXT2020-00256, 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; Mayor and Council of Rockville, Applicants**

2. Commission Items

A. Staff Liaison Report

B. Old Business

C. New Business

D. FYI/Correspondence

3. Adjourn

HELPFUL INFORMATION FOR STAKEHOLDERS AND APPLICANTS

I. GENERAL ORDER OF SESSION FOR DEVELOPMENT APPLICATIONS

1. Staff presentation
2. City Board or Commission comment
3. Applicant presentation (10 min.)
4. Public comment (3 min, or 5 min for the representative of an association)
5. Planning Commission Discussion and Deliberation
6. Decision or recommendation by vote

The Commission may ask questions of any party at any time during the proceedings.

II. PLANNING COMMISSION BROADCAST

- **Watch LIVE on Comcast Cable Rockville Channel 11 and online at:** www.rockvillemd.gov
- **Replay on Comcast Cable Channel 11:**
 - **Wednesdays at 7:00 pm (if no live meeting)**
 - **Sundays at 7:00 pm**
 - **Mondays, Thursdays and Saturdays at 1:00 pm**
 - **Saturdays and Sundays at 12:00 am (midnight)**
- **Video on Demand (within 48 hours of meeting) at:** www.rockvillemd.gov/VideoOnDemand.

III. NEW DEVELOPMENT APPLICATIONS

- For a complete list of all applications on file, visit: www.rockvillemd.gov/DevelopmentWatch.

VI. ADDITIONAL INFORMATION RESOURCES

- Additional resources are available to anyone who would like more information about the planning and development review process on the City’s web site at: www.rockvillemd.gov/cpds.

Maryland law and the Planning Commission's Rules of Procedure regarding ex parte (extra-record) communications require all discussion, review, and consideration of the Commission's business take place only during the Commission's consideration of the item at a scheduled meeting. Telephone calls and meetings with Commission members in advance of the meeting are not permitted. Written communications will be directed to appropriate staff members for response and included in briefing materials for all members of the Commission.



Agenda Item #:	A
Meeting Date:	February 26, 2020
Responsible Staff:	Jim Wasilak

SUBJECT:

Briefing on Zoning Text Amendment TXT2020-00256, 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; Mayor and Council of Rockville, Applicants

RECOMMENDATION

(Include change in law or Policy if appropriate in this section):

Staff recommends that the Planning Commission receive a briefing on the Zoning Text Amendment and ask questions. The application will be brought forward for a recommendation at a later date.



Overview

Case: Zoning Text Amendment TXT2020-00256

Location: Citywide

Staff: Jim Wasilak
Zoning and Development
240-314-8211
jwasilak@rockvillemd.gov

Applicant: Mayor and Council of Rockville

Filing Date: February 19, 2020

Background

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 related to existing requirements for tree planting on residential lots. 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.

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 canopy 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 tree planting requirements of residential subdivisions.

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 and the space required for them to thrive. 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, potentially leading 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 and not within the residential lots themselves, but 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. Staff notes that one of the Mayor and Council's conditions of approval for 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.

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 jurisdictions with zoning 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 Considered:

Staff developed 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.

Text Amendment as Authorized

On January 13, 2020, the Mayor and Council authorized the staff recommendation (Option 3 above) 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 (See Attachment A).

Along with this reduction, the recommended text amendment states 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.

Community Outreach

Text amendment applications are sent to all neighborhood associations for review and

comment prior to public meetings.

Next Steps

In accordance with the Planning Commission's intended process for reviewing text amendment applications, Text Amendment TXT2020-00256 will be brought back to the Commission for a recommendation, tentatively scheduled for March 25. Prior to the hearing, staff will provide the amendment to the Environment Commission for review and comment. A public hearing by the Mayor and Council will occur subsequent to Planning Commission review.

Attachments

Attachment 1.A.a: Text Amendment as Filed (PDF)

Jim Wasilak

Jim Wasilak, Zoning and Development Manager 2/19/2020

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 1.A.a: Text Amendment as Filed (2993 : Briefing: Zoning Text Amendment TXT2020-00)