



City of
Rockville
Get Into It

Planning Commission Staff Report: Zoning Text Amendment TXT2015-00240

MEETING DATE: February 11, 2015

REPORT DATE: February 4, 2015

FROM: Deane Mellander, Zoning
Administrator
Planning and Zoning Division
240.314.8224
dmellander@rockvillemd.gov

APPLICANT: Mayor and Council

APPLICATION DESCRIPTION: The applicant's request is to amend the code to allow the Historic District Commission (HDC) to file a Sectional Map Amendment for the purpose of initiating the process of designating a property as historic

FILING DATE: January 13, 2015

RECOMMENDATION: Staff recommends that the proposed text amendment be approved with the additional recommendation that Section 25.14.05(b) also be deleted.

EXECUTIVE SUMMARY: The proposed amendment would revise the ordinance to allow the Historic District Commission to file a Sectional Map Amendment where it finds that a property is eligible for historic designation under the provisions of Article 14 of the zoning ordinance. The Map Amendment would then proceed to a recommendation by the Planning Commission and Mayor and Council public hearing prior to their decision.

*Zoning Ordinance of
The City of Rockville
Adopted December 15, 2008
by Ordinance 19-08*

Being Chapter 25 of the Rockville City Code

Effective Date – March 16, 2009

As Amended to
October 13, 2014

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APPLICANT'S PROPOSAL

The proposed text amendment (Attachment 1) would revise two different sections of the zoning ordinance. The first revision occurs in Article 6, "Zoning Map Amendments". Section 25.06.01.c.1, *Authority to File*, is proposed to be revised to specifically allow the HDC to file a Sectional Map Amendment (SMA) in the case of the proposed designation of a property as historic which involves amending the official zoning map to show the property within the historic district overlay zone. The other revisions occur in Article 14, "Special Zones". Section 25.14.01.d, *Designation of Properties*, is proposed to revise subsection 3 to allow the HDC to initiate the filing of an SMA for the purpose of the historic designation, which is to include a written recommendation explaining how the property meets the criteria for designation. Subsection 4 of this section, requiring the Mayor and Council to authorize the filing for historic designation, will be deleted. Subsections 5 and 6 would be renumbered in proper sequence.

The Mayor and Council initially discussed this proposal, which is based on a recommendation by the HDC, at its meeting on November 3, 2014 and directed the staff to proceed with the drafting of the proposed amendment. The Mayor and Council authorized the filing of this text amendment at its meeting on January 12, 2015.

RECOMMENDATION

Staff recommends that the proposed text amendment be approved with the additional recommendation that Section 25.14.01.d.5(b) also be deleted.

BACKGROUND

The City process for the designation of historic properties can be long and cumbersome. Under the current code, any property for which a demolition permit has been filed must be reviewed by the Historic District Commission (HDC), whether or not there is any evidence that the site may be eligible for designation. In cases where a site is nominated or may be eligible, there is a seven-step process needed to reach a decision on designation. This process is summarized as follows:

1. Property nominated by owner, City (Mayor and Council, Planning Commission, HDC), or other party, or via submission of a demolition permit
2. Staff reviews potential significance
3. HDC evaluates the property for historic significance and makes a recommendation to the Mayor and Council if it finds that any of the criteria for designation are met
4. Mayor and Council may authorize the filing of an SMA for designation. If the Mayor and Council denies the authorization, the process ends
5. After filing, staff report and recommendation to the Planning Commission on the SMA HD amendment
6. Planning Commission provides recommendation to the Mayor and Council

7. Mayor and Council hold a public hearing and makes final decision on designation

The HDC has recommended to the Mayor and Council that the “Authorization to File” step be eliminated in order to help streamline the process. Thus, if the HDC finds that a property is eligible, they may authorize the SMA filing directly.

ANALYSIS

The proposed amendment would aid in streamlining the designation process by eliminating the need for the Mayor and Council to formally authorize the filing of an SMA for designation. Currently, only the Mayor and Council and the Planning Commission are permitted to file SMAs. SMAs are normally initiated for the purpose of changing or confirming zoning to implement master plan recommendations. The SMA process is also used to apply a historic district overlay zone to a property or properties that are found to meet the adopted criteria for historic designation.

A property may be nominated for consideration as historic by any party. Once nominated, the staff reviews the proposal and provides a recommendation to the HDC. Under the current procedure the HDC considers the proposal at a public meeting where interested parties may speak. If the HDC determines that the property meets the criteria for designation it will forward a recommendation to the Mayor and Council to authorize the filing of an SMA to designate the property. Under the provisions of the proposed text amendment the HDC would authorize the filing of the SMA directly. The Mayor and Council will still need to hold a public hearing on the SMA for the proposed designation and make the final determination to approve or deny the designation.

The text amendment as filed recommends the deletion of Section 25.14.01.d.4, *Mayor and Council Authorization*. In order to be consistent, the language in subsection 5(b) also needs to be deleted. Since the HDC will normally authorize the filing of an SMA where designation is recommended, this subsection indicating termination of the process needs to be deleted. Attachment 2 indicates the staff’s proposed revision to the text amendment.

The staff recommends approval of the proposed text amendment with the additional revision discusses above. It will help streamline the designation process and does not eliminate any venues for public input into the proposed designation. It allows the designation process to proceed to a decision at the conclusion of a public process rather than allowing for the process to stop prior to a public hearing.

ATTACHMENTS

- 1. Text Amendment Application**
- 2. Proposed Revised Text**



Application for
Text Amendment

P.N. 2/13/15

Attachment 1

TXT
2/09

City of Rockville

Department of Community Planning and Development Services

111 Maryland Avenue, Rockville, Maryland 20850

Phone: 240-314-8200 • Fax: 240-314-8210 • E-mail: Cpds@rockvillemd.gov • Web site: www.rockvillemd.gov

RECEIVED
CITY PLANNING
2015 JAN 14 13
PM 12:36

Application Information:

Is this an Amendment to Existing Text? YES NO

Add New Zone Classes: YES NO Add New Uses: YES NO

Number of new uses: _____ Ordinance # _____

Please Print Clearly or Type

Property Address information N/A

Project Description Amend the Zoning Ordinance to allow the Historic District Commission to file a Sectional Map Amendment to designate a historic property

Applicant Information:

Please supply Name, Address, Phone Number and E-mail Address

Applicant Mayor and Council of Rockville 111 Maryland Avenue, Rockville, MD 20850

Property Owner N/A

Architect N/A

Engineer N/A

Attorney N/A

STAFF USE ONLY	
Application Acceptance:	Application Intake:
Application # <u>TXT 2015-00210</u>	Date Received <u>2015/13/15</u>
Date Accepted _____	Reviewed by _____
Staff Contact _____	Date of Checklist Review _____
	Deemed Complete: Yes <input type="checkbox"/> No <input type="checkbox"/>

Application is hereby made with the Rockville Mayor and Council for Approval of a change in the text of the Zoning and Planning Ordinance of Rockville, Maryland.

Page _____ Article _____ Section _____

FROM: Which reads as follows: See Attachment _____

TO: Reads as follows See Attachment _____

By: Sam Toph. Ferrell
(Signature of Applicant)

Subscribed and sworn before this _____ day of _____, 20____

My Commission Expires _____
Notary Public

The following documents are furnished as part of the application:

- A Complete Application
- Filing Fee

Comments on Submittal: (For Staff Use Only)

January 12, 2015

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

Applicant: Mayor and Council of the City 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; [brackets] 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 6, "Procedures for Map and Zoning Text Amendment, Variances, and Administrative Actions", as follows:

25.06.01 – Zoning Map Amendments

* * *

c. Applications

1. Authority to File

* * *

- (b) *Sectional and Comprehensive Amendment* – Except as otherwise set forth in this subsection, [A]an application for a sectional or comprehensive map amendment may be filed only by the Planning Commission or the Mayor and Council. An application for a sectional map amendment may be filed by the Historic District Commission in the case of a proposed designation of property as historic under the provisions of Section 25.14.01.

Amend Article 14, "Special Zones", as follows:

25.14.01 – Historic District Zones

* * *

d. Designation of Properties

* * *

3. *Historic District Commission Review and Decision*– The Historic District Commission will consider the application at a meeting of the Commission following notice given in accordance with the notice provisions of Section 25.05.03, to determine if the property meets the adopted City of Rockville Historic District Designation Criteria. If the Historic District Commission finds that a site meets the criteria to be eligible for historic designation, it may initiate the filing of a Sectional Map Amendment to place the property in the historic district zone that includes a written recommendation explaining its findings as to why the Mayor and Council should rezone the property to the Historic District Zone.

- [4. *Mayor and Council Authorization* – Upon receipt of the Historic District Commission’s recommendation, the Mayor and Council may authorize the filing of a sectional map amendment (Section 25.06.01.b.2) to place the property in the Historic District Zone.]

Subsections 5 and 6 to be renumbered in sequence.

February 4, 2015

PROPOSED STAFF REVISION
TO TXT2015-00240

Applicant: Mayor and Council of the City of Rockville

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4. [*Mayor and Council Authorization* – Upon receipt of the Historic District Commission’s recommendation, the Mayor and Council may authorize the filing of a sectional map amendment (Section 25.06.01.b.2) to place the property in the Historic District Zone.]
- [5.] *Completion of Designation Process* – The designation process shall be complete upon the occurrence of any of the following:
 - (a) The determination of the Historic District Commission[,] that the property does not meet the criteria for historic designation; or
 - (b) [The determination of the Mayor and Council not to authorize the filing of a sectional map amendment for historic rezoning;]
 - [(c)] The determination of the Mayor and Council to take final action to grant or deny a map amendment for historic rezoning.

Subsection 6 to be renumbered to 5.