

Ordinance No. 2-10

ORDINANCE:

To grant Text Amendment
Application No. TXT2010-
00224, Mayor and Council of
Rockville, Applicant

WHEREAS, the Mayor and Council of Rockville, 111 Maryland Avenue, Rockville, Maryland, 20850, filed Text Amendment Application TXT2010-00224 for the purpose of amending various sections so as to make revisions to the City Zoning Ordinance adopted December 15, 2008 and effective March 16, 2009; and

WHEREAS, the Planning Commission reviewed the proposed text amendment at its meeting of November 18, 2009, and recommended approval of the application, with certain additions and modifications, as set forth in a memorandum to the Mayor and Council dated November 23, 2009; and

WHEREAS, pursuant to Article 66B of the Annotated Code of Maryland, the Mayor and Council of Rockville gave notice that a hearing on said application would be held by the Mayor and Council in the Council Chambers at Rockville City Hall on December 7, 2009, at 7:00 p.m., or as soon thereafter as it may be heard; and

WHEREAS, on December 7, 2009, said application came on for hearing at the time and place provided for in said advertisement; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF
ROCKVILLE, MARYLAND, that Text Amendment Application No. TXT2010-00224, be, and

the same is hereby, granted, as amended, by amending various sections of Chapter 25, "Zoning" as follows:

SECTION 1. That Article 3, "Definitions; Terms of Measurement and Calculations" be amended as follows:

25.03.02 – Words and Terms Defined

* * *

Public Use Space - An open area associated with and located on the same tract of land as a principal building or group of buildings providing light and air, recreational space, or other similar purpose. Such open area must be accessible for use and enjoyment by the general public when provided in a residential, retail or mixed-use project, and may include space so located and treated as to enhance the amenity of the development by providing landscaping features, screening, or a general appearance of openness. Internal landscaping within a parking facility, as required in Section 4.d of the Landscaping, Screening and Lighting Manual, does not constitute Public Use Space. Development consisting primarily of office and/or industrial uses may include space accessible to the public or the employees of the site for the purpose of satisfying the public use space requirement.

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SECTION 2. That Article 17 – "Public Use Space, Landscaping and Screening, Utility Placement and Screening, Lighting, Sidewalks, and Shadows" be amended as follows:

25.17.01 – Public Use Space

- a. *Purpose* – Public use space requirements are intended to promote an appropriate balance between the built environment, public parks and other open spaces intended for respite from urban development, and to protect natural features and preserve the character of the City.
- b. *General Requirements* – Where provided, such public use space must be accessible for use and enjoyment by the general public when provided in a residential, retail or mixed-use project. [and may include space so located and treated as to enhance the amenity of the development by providing landscaping features or a general appearance of openness.] Development consisting primarily of office and/or industrial uses may provide an open area, as defined in Article 3, for the purpose of satisfying the public use space requirement. The Approving Authority may allow reasonable limitations on access to the public use space to meet safety or security concerns.

1. Where development does not comply with the public use space requirement, the following regulations apply:

- (a) Building expansions or cumulative additions that exceed 50 percent and up to 100 percent of the existing gross floor area must provide a proportionate amount of public use space on site using a factor of 0.2 times the percentage increase in gross floor area up to the required 20 percent public use space requirement (example: 75 percent increase in existing gross floor area x 0.2 = 15 percent public use space requirement).
- (b) Any building expansion or cumulative addition that exceeds 100 percent of the existing gross floor area must provide public use space as set forth in Section 25.13.05.b.1.

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NOTE: [Brackets] indicate material deleted
Underlining indicates material added
Asterisks * * * indicate material unchanged by this ordinance

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I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of February 8, 2010.



Claire F. Funkhouser, CMC, City Clerk