

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; ~~strike throughs~~ 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 3, “Definitions, Terms of Measurements and Calculations”, as follows:

* * *

Accessory Dwelling Unit – A dwelling unit located within an accessory building located on the same lot as a single unit detached dwelling. An accessory dwelling unit must be subordinate to the primary residential dwelling on the lot.

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.

5. 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. A single unit detached dwelling may include an accessory apartment approved by special exception.

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Amend Article 9, “Accessory Uses; Accessory Buildings and Structures; Encroachments; Temporary Uses; Home-Based Business Enterprises; Wireless Communication Facilities” as follows:

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25.09.03 – Accessory Buildings and Structures

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b. *Regulations for accessory dwelling units*– No more than one accessory dwelling unit is permitted on a residential lot, and must comply with the following:

1. The design of the building must be compatible with the architectural style of the main building and generally compatible with the design and style of single unit detached dwellings in the immediate neighborhood.
2. The building must be permanently attached to the ground.
3. The maximum gross floor area of an accessory dwelling unit must be less than 50 % of the total floor area of the main building.
4. There must be two off-street parking spaces on the lot. This requirement may be waived by the Chief of Zoning if the applicant demonstrates that sufficient on-street parking capacity is provided in the same block where the property is located.
5. An accessory dwelling unit is prohibited on a lot that has an accessory apartment.
6. The owner of the lot on which the accessory dwelling unit is located must occupy one (1) of the dwelling units, except for bona fide temporary absences not exceeding six (6) months in any 12-month period.

c. *Non-Residential Accessory Buildings and Structures* – Non-residential accessory buildings and structures are reviewed as part of the site plan review and subject to all requirements of the relevant zone and all conditions of the site plan approval.

Amend Article 10, “Single Dwelling Unit Residential Zones”, as follows:

25.10.03 – Land Use Tables

The uses permitted in the Single Dwelling Unit Residential Zones are shown in the table below. All special exceptions are subject to the requirements of Article 15.

	Uses	Zones							Conditional requirements or related regulations
		Residential Estate Zone (R-400)	Suburban Residential Zone (R-200)	Low Density Residential Zone (R-150)	Single Unit Detached Dwelling, Restricted Residential Zone (R-90)	Single Unit Detached Dwelling, Residential Zone (R-75)	Single Unit Detached Dwelling, Residential Zone (R-60)	Single Unit Semi-detached Dwelling, Residential Zone (R-40)	
a. Residential uses	Dwelling, single unit detached ¹	P	P	P	P	P	P	C	Conditional use subject to the requirements of the R-60 Zone
	Dwelling, semi-detached (duplex)	N	N	N	N	N	N	P	
	Accessory ² apartment	SC	SC	SC	SC	SC	SC	N	See. Sec. 25.15.02.a 10.14

	Uses	Zones							Conditional requirements or related regulations
		Residential Estate Zone (R-400)	Suburban Residential Zone (R-200)	Low Density Residential Zone (R-150)	Single Unit Detached Dwelling, Restricted Residential Zone (R-90)	Single Unit Detached Dwelling, Residential Zone (R-75)	Single Unit Detached Dwelling, Residential Zone (R-60)	Single Unit Semi-detached Dwelling, Residential Zone (R-40)	
	Accessory dwelling unit ²	C	C	C	C	C	C	C	See Sec. 25.09.03.b

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²Only one accessory dwelling unit or accessory apartment is permitted on a lot.

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25.10.14 – Regulations for Accessory Apartments

An accessory apartment is allowed subject to the following requirements:

- a. Only one (1) accessory apartment may be created or attached to an existing single unit detached dwelling.
- b. The owner of the lot on which the accessory apartment is located must occupy one (1) of the dwelling units, except for bona fide temporary absences not exceeding six (6) months in any 12-month period.
- c. Any separate entrance to the accessory apartment must be located so that the appearance of a single unit detached dwelling is preserved.
- d. All external modifications and improvements to the single-unit detached dwelling in which the accessory apartment is to be created, or to which it is to be added, must be compatible with the existing dwelling and surrounding properties.
- e. The accessory apartment must have the same street address (house number) as the main dwelling.
- f. The gross floor area of the accessory apartment must be less than 50 % of the total floor area of the main dwelling.

Amend Article 15, “Special Exceptions”, as follows:

25.15.02 – Additional Requirements for Certain Special Exceptions

- a. *Accessory Apartments* **RESERVED**

~~1. General Requirements – Accessory apartments must:~~

- ~~(a) Be contained in the same building as a single unit detached dwelling; and~~

~~(b) Contain facilities for:~~

~~i. Cooking;~~

~~ii. Eating;~~

~~iii. Sanitation; and~~

~~iv. Sleeping.~~

~~2. Specific Requirements~~

~~(a) Limitation to One (1) — Only one (1) accessory apartment may be created in, or attached to an existing single unit detached dwelling.~~

~~(b) Lot Requirements — Accessory apartments may only be created on a lot:~~

~~i. Which is occupied by a family of related persons;~~

~~ii. Which contains no other rental residential use;~~

~~iii. Which does not contain rooms for rent or a boarding house; and~~

~~iv. Which does not contain a major home based business enterprise.~~

~~3. Ownership Requirements — The owner of a lot on which an accessory apartment is located must occupy one (1) of the dwelling units, except for bona fide temporary absences not exceeding six (6) months in any 12-month period. The period of temporary absence may be increased by the Board at any time upon a finding that a hardship would otherwise result. Any request for an extension of the period of temporary absence made subsequent to the initial grant of the special exception must be made in compliance with the procedures for a minor modification of a condition of a special exception in Section 25.15.01.b.(1).~~

~~4. Development Requirements~~

~~(a) Both the main dwelling and the accessory apartment must comply with all current development standards, including off-street parking requirements.~~

~~(b) No variance may be granted to accommodate an accessory apartment.~~

~~5. Design Requirements~~

~~(a) Separate Entrance — Any separate entrance to the accessory apartment must be located so that the appearance of a single unit detached dwelling is preserved.~~

(b) *External Modifications and Improvements*—All external modifications and improvements to the single unit detached dwelling in which the accessory apartment is to be created, or to which it is to be added, must be compatible with the existing dwelling and surrounding properties.

(c) *Street Address*—The accessory apartment must have the same street address (house number) as the main dwelling.

(d) *Occupancy Limitation*—The accessory apartment must house no more than three (3) persons and must be subordinate to the main dwelling.

6. *Additional Findings for Special Exception Approval*—The Board must make the following additional findings:

(a) That such use will not constitute a nuisance because of traffic or number of people, and will cause no objectionable noise, odors, or physical activity; and

(b) That such use will not adversely impact the parking or traffic situation in the neighborhood.

7. *Additional Restrictions for Special Exceptions*—The following restrictions on special exceptions for accessory apartments apply:

(a) The owner must comply with the certification requirements of Chapter 5, Article XII of the Code;

(b) The special exception is granted solely to the owner/applicant and does not run with the land;

(c) The special exception automatically expires when either of the following occurs:

i. The owner/applicant sells the property on which the accessory apartment is located; or

ii. The owner/applicant no longer occupies any portion of the single unit dwelling in which the accessory apartment is located; and

(d) The accessory apartment must be removed, dismantled, or otherwise rendered inoperative within 30 days of the expiration of the special exception.

8. *Additional Conditions*—The Board may impose additional conditions deemed necessary to protect and limit any adverse impact on adjacent properties and the neighborhood, including, but not limited to one (1) or more of the following:

(a) Restricting the number of people that may occupy the accessory apartment;

~~(b) Prohibiting rental of the accessory apartment;~~

~~(c) Limiting the total number of motor vehicles that may be parked on the lot; and/or~~

~~(d) Limiting the total number of vehicles that may be used and parked on street by the occupants of both the accessory apartment and the main dwelling.~~