

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

25.09.02 – Accessory Structures

Requirements – Accessory structures must be customarily associated with and clearly incidental and subordinate to a legally established principal structure. Such structures cannot be attached to the main building by any part of a common wall or common roof **except as set forth in Section 25.09.03.a.2(g)**. Uses within accessory structures must comply with the applicable provisions of Section 25.09.01, above.

25.09.03 – Accessory Buildings and Structures

a. *Residential Accessory Buildings and Structures*

1. Residential accessory buildings and structures are subject to the following development standards:

| Development Standards for Residential Accessory Buildings and Structures | | | | | | |
|--|---|------------------------|----|------|-------------------------------------|--|
| Zone | Minimum Setback Requirements | | | | Maximum Rear Yard Building Coverage | Maximum Height at Minimum Setback Not to Exceed ¹ (see sub-section 2(a) below) |
| | Front | Side | | Rear | | |
| | | Side - Street Abutting | | | | |
| R-400 | All accessory buildings must be located in the rear yard except as provided in Sec. 25.09.03.a.2(g) | 30' | 3' | 3' | 15% | 12' |
| R-200 | | 25' | 3' | 3' | 15% | 12' |
| R-150 | | 30' | 3' | 3' | 15% | 12' |
| R-90 | | 20' | 3' | 3' | 25% | 12' |
| R-75 | | 20' | 3' | 3' | 25% | 12' |
| R-60 | | 20' | 3' | 3' | 25% | 12' |
| R-60 (Qualifying Undersized Lot) | | 20' | 3' | 3' | 25% | 12' |
| R-40 | | 20' | 3' | 3' | 25% | 12' |

¹ The height of an accessory building or structure is measured from the finished grade at the front of the building to the highest mid-point of the a gable, hip or mansard roof. Additional height may be allowed in conformance with Section 25.09.03.a.2(a), below.

2. Residential accessory buildings are limited to one story and are subject to the following additional provisions:
 - (a) *Accessory Buildings and Structures Greater than 12' High* - Accessory buildings and structures that exceed 12 feet in height must be set back from all lot lines an additional two three feet for each additional foot (or any portion thereof) of building height up to the maximum allowable height of 15 feet. Accessory buildings may exceed 15 feet in height, up to a maximum of 20 feet, if granted a waiver of the maximum height limitation by the Board of Appeals. The Board of Appeals must find that the waiver will not be contrary to the public interest.
 - (b) *Building Footprint Gross Floor Area* - The gross floor area cumulative building footprint of all any detached accessory buildings must not exceed ten percent of the minimum lot area in the R-40 and R-60 Zones; nine percent of the minimum lot area in the R-75 Zone; and eight percent of the minimum lot area in the R-90 Zone; and six percent of the minimum lot area in the R-150 Zone. In the R-200 and R-400 zones, the cumulative building footprint of all no single accessory buildings must not exceed can have a gross floor area greater than 500-1,000 square feet.
 - (c) In no event can accessory buildings collectively occupy more than 25 percent of the rear yard Accessory buildings and structures that were constructed in conformance with the standards in effect at the time they were erected are

considered conforming and may be modified, repaired, or replaced so long as they conform to the standards under which they were built, except that they must maintain a minimum setback of three (3) feet from any property line.

- (d) *Historic Accessory Buildings* – Historic accessory buildings, located in a Historic District Zone are exempt from the calculation of cumulative building footprint rear yard coverage.

* * *

- (g) *Connection to Main Building* - An open, unenclosed breezeway with a length not exceeding 20 feet may connect a main building to one accessory building. No portion of the breezeway may be constructed in a way that could be interpreted to provide a common wall between the main building and the accessory building.

(h) Accessory Structures

- i. Small open structures, such as gazebos, may be permitted with a ten-foot (10') setback in a yard abutting a street.
- ii. An accessory swimming pool must be located in the rear yard. All portions of the pool must be set back at least three (3) feet from any lot line and comply with any provisions of Chapter 5 of this Code. Such a swimming pool is not subject to the maximum rear yard coverage requirements of subsection (c) above.

Amend Article 10, “Single Dwelling Unit Residential Zones”

25.10.05 – Development Standards

* * *

b. *Maximum Lot Coverage*

- 1. *Inclusion of Accessory Buildings* – Maximum lot coverage includes accessory buildings; however, historic accessory buildings structures, located in a Historic District Zone, are exempt from the calculation of rear yard coverage pursuant to Section 25.09.03.a.2.

* * *

Amend Article 13, “Mixed-Use Zones”, as follows:

25.13.08– Accessories

- a. All accessory uses within mixed-use zones must comply with the provisions of Article 9 of this Chapter.

b. New accessory buildings in the MXT Zone located within a historic district are subject to the provisions of:

1. Section 25.09.03.a.2(a); and

2. Section 25.09.03.a.2(b), with the applicable cumulative building footprint being based on the zone with the largest minimum lot area that does not exceed the existing lot area of the property where the accessory building is located.