

April 12, 2021

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; ~~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 1, “General Information” as follows:

Sec. 25.01.10 – Abandonment of development approval,

The owner or owners of property subject to a valid and approved project plan, site plan, or special exception may seek to abandon such approval by filing a letter of abandonment with the Chief of Zoning. A letter of abandonment must include an affidavit signed by all property owners stating that all parties having a legal interest in the property subject to the approval consent to the abandonment. An approval may only be abandoned if no uses exist that are subject to the approval and no building permits have been issued implementing the approval. Upon receipt of a letter of abandonment of an eligible approval, the Chief of Zoning must confirm the abandonment in writing.

Amend Article 3, “Definitions; Terms of Measurement and Calculations”, as follows:

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25.03.02 – Words and Terms Defined

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Demolition means the: The complete razing or removal of more than 50 percent of the floor area of a building or structure, or substantial reconstruction that removes more than 50 percent of the building floor area, as defined in Chapter 5.

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Research and Development means study, research, or experimentation in one or more scientific fields such as life sciences, biomedical research, communications, chemistry,

computer science, electronics, medicine, and physics. Research and Development also includes the development of prototypes and the marketing of resultant products and related activities and may include the use of administrative offices, educational facilities, libraries, and data services, and the manufacturing, mixing, fermentation, treatment, assembly, packaging, and servicing of products.

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Amend Article 4, “Approving Authorities”, as follows:

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Sec. 25.04.04. - Historic District Commission.

a. Established. There is established an Historic District Commission for the City.

b. Powers and duties.

1. Generally. The Historic District Commission has all those powers and duties conferred and imposed upon it by this chapter and the provisions of State law, including but not limited to:

(a) Identifying and recommending to the Mayor and Council properties and/or areas deemed eligible for historic designation due to their historic, archaeological, or architectural significance;

(b) Reviewing applications for certificates of approval for sites, buildings or structures within a historic district zone;

(c) Evaluating eligibility for historic designation of any sites, buildings or structures located outside a historic district zone which are proposed for demolition, as defined in this Chapter, or substantial reconstruction, as defined in Chapter 5;

(d) Providing courtesy review to the Planning Commission and Mayor and Council as requested, for projects within or adjacent to historic resources.

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Amend Article 5, “Application and Notification Generally”

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Sec. 25.05.07. Amendments to approved development.

a. *Application required.* Except as otherwise provided, an application to amend any previously approved development must be filed with the Chief of Zoning Planning in accordance with the provisions of this article.

b. *Minor amendments to approved development.*

1. Any application for an amendment which does not significantly deviate from the terms and conditions of the original approval and would effectively carry out the intent of the Approving Authority's original approval may be considered and acted upon by the Chief of Zoning Planning under the provisions for a level 1 site plan as set forth in section 25.07.04.
 - (a) Such application may be approved if it results in a minimal effect on the overall design, layout, quality, or intent of the plan and is limited to minor adjustments to site engineering, parking or loading areas, landscaping, sidewalks, recreational facilities, recreational areas, public use space, or open area in a manner that does not alter basic elements of the site plan nor cause a safety hazard. Landscaping maintenance does not require an amendment application under this section. The addition or relocation of minor appurtenances such as, but not limited to, bicycle racks, seating benches, ~~and~~ pergolas, emergency generators, transformers, refrigeration equipment, trash enclosures, and small storage sheds, does not require an amendment application, but must not alter the basic elements of the site plan nor cause a safety hazard.
2. An amendment~~Modifications~~ that results in a reduction of floor area or other development intensity may be approved ~~by the Chief of Planning as a minor amendment~~.
- ~~32.~~ A change in the types of uses on the site that is in conformance with the findings of the initial approval and does not increase the parking requirement may also be approved as a minor amendment.
- ~~43.~~ Minor amendments ~~changes~~ are not subject to the provisions for pre-application staff meetings, area meetings, and the notice provisions of section 25.05.03 or article 7.
- ~~54.~~ Where the Chief of Zoning Planning determines that the proposed amendment change is not minor, it is classified as a major amendment change and the application is reviewed and acted on by ~~referred to~~ the Approving Authority as an amendment to the original development approval for review.
- ~~65.~~ Implementation period. The approval of a minor amendment is subject to the implementation provisions of section 25.07.06.

c. Minor amendments for commercial redevelopment.

1. To encourage and expedite the re-use and redevelopment of existing commercial structures subject to approved site plans, the Chief of Zoning may accept an application for a minor amendment for commercial redevelopment under the provisions for a level 1 site plan as set forth in section 25.07.04., subject to the following requirements.
 - (a) The property must be in the I-L, MXTD, MXCD, or MXE zone and must be subject to a valid and approved site plan.
 - (b) The property must be at least 300 feet from the nearest single-family attached residential use, as measured from the nearest property line.
 - (c) The property must not be in a historic district.
 - (d) The application may only include commercial, office, or industrial uses.

(e) The application must not include any new buildings.

2. The Chief of Zoning may approve a minor site plan for commercial redevelopment if the application meets the site plan approval findings in Section 25.07.01.a.3(a); the requirements of subsection c.1, above; and the following additional findings:

(a) The application does not result in a comprehensive change to more than twenty (20) percent of the project area or otherwise change the essential character and impact of the development.

(b) The application does not generate more than twenty-nine (29) additional peak hour trips.

(c) The application does not expand any existing zoning nonconformity.

de. Major amendments to approved development.

1. Where the Chief of ZoningPlanning determines that a requested change is too significant to be a minor change but is not so substantial as to require an entirely new application for approval, the requested change must be reviewed and approved by the original Approving Authority as an amendment to the original development approval. Major amendments may include:

(a) An increase in the height of any building;

(b) An increase in the floor area of any non-residential portion of a building;

(c) An increase in the number of dwelling units; or

(d) Any other significant change to the site that results in an increase in the parking requirement and requires the construction of additional parking spaces.

2. An application for a major amendment is subject to the notice and procedural requirements as set forth in section 25.07.03. The application will be processed under the procedures for either a level 1 or a level 2 site plan, depending on the initial Approving Authority.

3. Reserved.

4. Implementation period. The approval of a major amendment is subject to the implementation provisions of section 25.07.06.

ed. Substantial changes requiring a new application. Where, in the opinion of the Chief of ZoningPlanning, the requested change to an approved development is so extensive as to amount to a comprehensive change to more than fifty (50) percent of the project area or to otherwise change the essential character and impact of the development, such change may not be made by way of an amendment to the original approval, but rather requires the filing of an entirely new application for approval.

Amend Article 7, “Procedures for Site Plans and Project Plans, Special Exceptions, and Other Permits”, as follows:

Sec. 25.07.02, Application Procedure for Site Plans, Project Plans, and Special Exceptions

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b. Application Procedure, in General –

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4. For any application that includes property that is the subject of a pending Annexation petition, the application must be processed as a Project Plan application subject to Mayor and Council review and approval.

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Sec. 25.07.07, Project Plan Review

An application for a site plan review with 16 or more points, as determined in Section 25.07.02.b above, an application qualifying as a Project Plan under Section 25.07.02.b.4 above, or an application for a Champion Project as defined in Article 3, is processed as a Project Plan review and is subject to the following provisions:

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Sec. 25.07.16 – Alternate site plan approval.

An applicant for development on property subject to an approved project plan may elect to pursue approval of an alternate site plan for development inconsistent with the approved project plan subject to the following:

a. The development proposed by the alternate site plan application must qualify as a Level 1 or Level 2 site plan under Section 25.07.02.b.

b. An alternate site plan application must be made or authorized by all property owners or other parties subject to or having a legal interest in the approved project plan.

c. No site plans implementing the approved project plan may be valid at the time the alternate site plan application is filed.

d. Upon the filing of an application for an alternate site plan, any pending site plan applications implementing the approved project plan are deemed withdrawn, and no site plan applications implementing the approved project plan may be filed.

e. Approval of an alternate site plan must be made under Section 25.07.01.3(a).

f. Upon approval of an alternate site plan, no site plan implementing the approved project plan may be approved unless the project plan is amended to be consistent with the alternate site plan. If the Mayor and Council does not approve such an amendment to the project plan within eighteen (18) months of approval of the alternate site plan, the project plan is deemed abandoned.

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

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Sec. 25.13.03, Land Use Tables

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Zones								
Uses	Mixed-use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed Use Commercial (MXC)	Mixed-Use Transition (MXT)
* * *								
<u>Research and Development</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>
* * *								

Sec. 25.13.06, Additional Design Guidelines

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Sec. 25.13.06.c, Site Design and Relationship to Surrounding Community

~~1. Vehicular Access—In the MXTD, MXCD, and MXE zones, each site must provide safety and protection to adjacent residential uses by having motor vehicle access only from an arterial, major, or business district road as designated in the Plan.~~

12. Buffers....

Amend Article 16, Parking and Loading

Sec. 25.16.03 – Number of Spaces Required

Use Category	Use	Auto Parking Spaces		Bicycle Parking Spaces			Additional Requirements
		Unit Measure	Base Number Required	Unit Measure	Short Term Space	Long Term Space	
Commercial (cont.)	***						
	<u>Research and Development</u>	<u>Per 1,000 gross SF</u>	<u>1</u>	<u>Square feet of gross floor area</u>	<u>2 per 40,000 SF</u>	<u>2 per 10,000 SF</u>	

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