

Ordinance No. 13-22

ORDINANCE: To grant Text Amendment Application No. TXT2019-00254, as amended, Mayor and Council of Rockville, Applicant

WHEREAS, the Mayor and Council of Rockville, 111 Maryland Avenue, Rockville, Maryland, filed Text Amendment Application TXT2019-00254 for the purpose of amending Chapter 25 of the Rockville City Code, "Zoning," so as to revise Chapter 25 for the purpose of modifying the regulations that apply to residential accessory buildings and structures; and

WHEREAS, the Planning Commission reviewed the proposed text amendment at its meetings of June 12, 2019 and July 10, 2019, and recommended approval of the proposed amendment to the Mayor and Council on July 10, 2019, with certain comments; and

WHEREAS, pursuant to the Land Use Article of the Annotated Code of Maryland, the Mayor and Council of Rockville gave notice that a hearing on said text amendment would be held virtually by the Mayor and Council via WebEx on July 15, 2019, at 7:00 p.m., or as soon thereafter as it may be heard; and

WHEREAS, on July 15, 2019, said application came on for hearing at the time and place provided for in said advertisement; and

WHEREAS, the Mayor and Council conducted additional public hearings on October 7, 2019 and May 10, 2021;

WHEREAS, the Mayor and Council, having considered the text amendment application and the entire file pertaining thereto, said Mayor and Council have decided that the granting of this application, 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 Chapter 25 of the Rockville City Code, entitled “Zoning Ordinance,” be amended as follows:

**Chapter 25 – ZONING ORDINANCE**

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**ARTICLE 3. – DEFINITIONS; TERMS OF MEASUREMENTS AND CALCULATIONS**

\* \* \*

**Sec. 25.03.02. – Words and terms defined.**

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Breezeway means a covered passage way, which may be enclosed or unenclosed, for the purpose of providing a connection from the main dwelling to an 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.

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**ARTICLE 9. – ACCESSORY USES; ACCESSORY BUILDINGS AND STRUCTURES; ENCROACHMENTS; TEMPORARY USES; HOME-BASED BUSINESS ENTERPRISES; WIRELESS COMMUNICATION FACILITIES**

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**Sec. 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.

**Sec. 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:

Zone	Minimum Setback Requirements				Maximum Rear Yard Coverage	Maximum Height at Minimum Setback Not to Exceed <sup>1</sup> (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'	<del>25%</del> 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'

<sup>1</sup>The height of an accessory building or structure is measured from the lowest point of the finished grade at the front of the building to the highest point of the roof, as defined in section 25.03.03.c.3.a. Additional height may be allowed in conformance with subsection 25.09.03.a.2(a), below.

2. Residential accessory buildings ~~are limited to one (1) story and~~ are subject to the following additional provisions:

- (a) *Accessory buildings and structures greater than twelve (12) feet high.* Accessory buildings and structures that exceed twelve (12) feet in height must be set back from all lot lines an additional three (3) 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, with no additional setback required. In no event can the height exceed the height to the peak of the main house.
- (b) *Maximum building footprint. Gross Floor Area.* ~~The gross floor area of any detached accessory buildings must not exceed ten percent of the minimum lot area in the R-40 and R-60 Zones, nine (9) percent of the minimum lot area in the R-75 Zone, and eight (8) percent of the minimum lot area in the R-90 Zone. No single accessory building can have a gross floor area greater than five hundred (500) square feet. The maximum footprint of any one accessory building is 750 square feet and cannot exceed the footprint of the main building. The maximum footprint of all accessory buildings is 1,000 square feet.~~
- (c) ~~[Occupancy prohibition.] In no event can accessory buildings collectively occupy more than twenty-five (25) percent of the rear yard.~~

- (c) Conforming structures. 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.*
- i. Historic Contributing accessory buildings, located in a historic district zone are ~~exempt from the calculation of rear yard coverage~~ subject to the provisions of Section 25.08.06.c.
  - ii. For properties that include contributing accessory buildings, the maximum cumulative building footprint for accessory buildings may be increased by up to 20% if granted a waiver by the Board of Appeals. The waiver may be granted if it is demonstrated that:
    - (1) the contributing accessory building cannot be used for the desired purpose of the proposed accessory building;
    - (2) the proposed accessory building is compatible with environmental features on the property, including significant trees; and
    - (3) the proposed accessory building is compatible with the overall character of the neighborhood.
- \* \* \*
- (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.
- (h) *Accessory structures.*
- i. Small open structures not exceeding a footprint of 100 square feet, such as gazebos, may be permitted with a ten-foot 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 (e) above.~~

(i) Story and floor area. Accessory structures and buildings are permitted to have a floor in the unfinished attic storage area of the structure. The area covered by the floor can be equal to or less than the floor area below. For the purposes of this subsection, the installation of a floor shall not constitute a story.

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**ARTICLE 10. – SINGLE DWELLING UNIT RESIDENTIAL ZONES**

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**Sec. 25.10.05. - Development standards.**

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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~~ pursuance to Section 25.09.03.1.2.

**ARTICLE 13. – MIXED-USE ZONES**

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**Sec. 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 constructed after July 18, 2022 and located within a historic district zone are subject to the provisions of:
  1. Section 25.09.03.a.2(a); and
  2. Section 25.09.03.a.2(b).
- c. Accessory buildings 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 there were built, except they must maintain a minimum setback of three (3) feet from any property line.

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NOTE: ~~Strikethroughs~~ indicate material deleted  
Underlining indicates material added  
Asterisks \* \* \* indicate material unchanged by this ordinance

I hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Mayor and Council of Rockville at its meeting of July 18, 2022.



Sara Taylor-Ferrell

City Clerk/Director of Council Operation