



MAYOR AND COUNCIL

MEETING NO. 34-18
Monday, October 15, 2018 – 7:00 PM

AGENDA

Agenda item times are estimates only. Items may be considered at times other than those indicated.

Any person who requires assistance in order to attend a city meeting should call the ADA Coordinator at 240-314-8108.

7:00 PM **1. Convene**

2. Pledge of Allegiance

3. Agenda Review

7:05 PM **4. City Manager's Report**

7:10 PM **5. Community Forum**

Any member of the community may address the Mayor and Council for 3 minutes during Community Forum. Unless otherwise indicated, Community Forum is included on the agenda for every regular Mayor and Council meeting, generally between 7:00 and 7:30 pm. Call the City Clerk/Director of Council Operation's Office at 240-314-8280 to sign up to speak in advance or sign up in the Mayor and Council Chamber the night of the meeting.

6. Mayor and Council's Response to Community Forum

7. Mayor and Council Announcements

7:30 PM **8. Consent**

A. Award of a Cooperative Procurement with Montgomery County for Contract 1088536, Road Salt, to Eastern Salt Company in an Amount Not to Exceed \$900,000 through October 2, 2020 with the Option to Renew for Two Additional One-Year Periods

- B. Award of Fairfax County Rider Contract (4400008251), Emergency Services for Snow Removal, to AshBritt, Inc. in the Amount Not to Exceed (1,000,000.00) through (October 31, 2022)

7:35 PM 9. Presentation

- A. Presentation and Discussion on Rockville's Stormwater Management Program and the National Pollutant Discharge and Elimination System (NPDES) MS4 Permit

8:15 PM 10. Discussion, Instructions, and Possible Adoption of an Ordinance to Amend Chapter 10.5 of the Rockville City Code, Entitled "Forest and Tree Preservation," to Amend the Minimum Tree Cover Requirements for the MXE Zone and Champion Projects

8:35 PM 11. Authorization to File Zoning Text Amendment for Comprehensive Amendments to the Sign Regulations (Article 18 of the Zoning Ordinance)

8:55 PM 12. Rockville's 2019 State Legislative Priorities

9:15 PM 13. Discussion and Possible Adoption of Resolution Endorsing Vision Zero

9:20 PM 14. Discussion and Instruction and Possible Introduction and Possible Adoption of an Ordinance Granting Street Closing and Abandonment Application SCA2018-00106 for an Easement and Right of Way Located at 2131 Veirs Mill Road

9:30 PM 15. Review and Comment

- A. Mayor and Council Action Report

- B. Mayor and Council Priority Initiatives Update

16. Review and Comment - Future Agendas

- A. Future Agendas
-

17. Old/New Business

9:45 PM **18. Adjournment**

The Mayor and Council Rules and Procedures and Operating Guidelines establish procedures and practices for Mayor and Council meetings, including public hearing procedures. They are available at: <http://www.rockvillemd.gov/mcguidelines>.



Mayor & Council Meeting Date: October 15, 2018

Agenda Item Type: Consent

Department: PW - Operations Maintenance

Responsible Staff: Steve Sokol

Subject

Award of a Cooperative Procurement with Montgomery County for Contract 1088536, Road Salt, to Eastern Salt Company in an Amount Not to Exceed \$900,000 through October 2, 2020 with the Option to Renew for Two Additional One-Year Periods

Recommendation

Staff Recommends the award of a Montgomery County cooperative procurement for Road Deicing Salt, contract #1088536, to Eastern Salt in an amount Not to Exceed \$900,000 for the period through October 2, 2020 with the option to renew for two one-year periods.

Discussion

Staff recommends the award of a Montgomery County cooperative procurement for Road Deicing Salt, contract #1088536, to Eastern Salt in an amount Not to Exceed \$900,000 for the period through October 2, 2020 with the option to renew for two (2) one-year periods.

The purchase of road salt is imperative to maintain and return city streets to normal operations during and after an inclement weather event. This contract will be utilized to purchase and replenish salt for our preparedness for such events, and returning our city to normal operations for our residents and visitors.

Mayor and Council History

This is the first time this contract has been brought before the Mayor and Council.

Procurement

For the purchase of Road Deicing Salt, the city and 18 other local jurisdictions participate in a cooperative procurement with Montgomery County as the lead agency to leverage quantity of spending in order to obtain the best unit pricing possible.

In accordance with Section 17-71 (a) of the Rockville City Code, Cooperative Procurement; The City may participate in, sponsor, conduct, or administer cooperative procurement agreements with one or more other public entities when the best interests of the City would be served thereby.

In accordance with Section 17-39 of the Rockville City Code, Awarding Authority, (a) all contracts involving more than one hundred thousand dollars (\$100,000.00) shall be awarded by the Council.

Fiscal Impact

Road deicing salt is budgeted in the Snow and Ice Removal cost center in the Department of Public Works. If the need for deicing salt exceeds the Snow and Ice Removal cost center's budget in any one year, funding will be provided through a transfer from the City Manager contingency or from other recognized savings, or, if necessary, a budget amendment.

Next Steps

Upon Mayor and Council approval, on an as-needed basis, the Procurement Division will award a Master Agreement to Eastern Salt.



Rob DiSpirito, City Manager

10/9/2018



Mayor & Council Meeting Date: October 15, 2018

Agenda Item Type: Award

Department: PW - Operations Maintenance

Responsible Staff: Steve Sokol

Subject

Award of Fairfax County Rider Contract (4400008251), Emergency Services for Snow Removal, to AshBritt, Inc. in the Amount Not to Exceed (1,000,000.00) through (October 31, 2022)

Recommendation

Staff recommends that the Mayor and Council award a rider on Fairfax County Contract #4400008251 for On Call vendor to provide snow and ice removal in emergency situations, to AshBritt, Inc. In the amount not to exceed \$1,000,000 through October 31, 2022

Discussion

This contract will be used during events when more resources are required than the city staff has available, such as during a large snow event, a natural disaster, or when a State of Emergency has been declared for our area. By having this contract in place, it will allow us to be prepared to expedite the return of our community to normal functions. This contract will be utilized by both the Departments of Public Works and Recreation & Parks on an as-needed basis.

Mayor and Council History

This is the first time this item has been brought before the Mayor and Council

Procurement

Per Rockville City Code, Section #17-71 (b), "Cooperative Procurement," the city may contract with any contractor who offers goods, services, insurance, and construction on the same terms as provided to other state or local governments or agencies thereof who have arrived at those terms through a competitive procurement procedure similar to the procedure used by the city.

After reviewing this contract and researching other options, the department has determined that riding this contract will be in the best interest of the city and provide the most reliable service to meet the city's emergency needs for snow removal operations. We contacted Montgomery County and the contacts they use are for local vendors only, which they use during a normal snow event. The only time we would use this contract is if the city's forces were unable to clear roads effectively with city equipment due to a major snow fall, which

happens infrequently. The equipment and services from this contract are from outside the local area, which are not affected by these events, where local equipment is not available to meet our needs.

The pricing in this contract is fair and reasonable in regards to the services it provides and is consistent with pricing we have received on our previous contract for these services.

Fiscal Impact

This contract will be utilized by both the Departments of Public Works and Recreation & Parks on an as-needed basis after a major winter weather event. There is no funding set aside for this specific service in the FY19 budget. If an emergency arises that requires this service, funding will be provided through a transfer from contingency or from other recognized savings, or, if necessary, a budget amendment. The city last utilized this service after the January 2016 blizzard, at a total cost of \$404,980.

Next Steps

Procurement will issue a contract to AshBritt, Inc.



Rob DiSpirito, City Manager

10/9/2018



Mayor & Council Meeting Date: October 15, 2018
Agenda Item Type: Presentation and Discussion
Department: PW - Environmental Management
Responsible Staff: Heather Gewandter

Subject

Presentation and Discussion on Rockville's Stormwater Management Program and the National Pollutant Discharge and Elimination System (NPDES) MS4 Permit

Recommendation

Staff recommends that the Mayor and Council receive the presentation on the City of Rockville Stormwater Management Program, including National Pollutant Discharge and Elimination System Permit (NPDES) and proposed program changes.

Discussion

Summary

This presentation will provide an overview of the City Stormwater Program and outline programmatic adjustments, including resource modifications proposed for the program. These changes will ensure the program keeps pace with development and complies with the new Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) General Phase II permit, while lowering the previously-approved Stormwater Utility Fee for FY20-FY21.

One of the most significant requirements of the NPDES permit is to develop a plan by 2023 to treat 20 percent of the impervious surface within the city limits. The permit further implies that full implementation of the plan be executed by 2028. Based upon the detailed analysis conducted by a consultant, staff believes the city has already met this 20 percent requirement; however, the city will still need to make minor adjustments to its stormwater program to comply with other aspects of the new NPDES permit and to meet the high pace of development in the foreseeable future.

Staff has reviewed the City Stormwater CIP and will be submitting adjustments with the proposed CIP budget that will positively affect the Stormwater Utility Fee. Staff is confident that these adjustments can be made while leaving the Stormwater Utility Fee at the FY19 rate of \$132.00 for FY20-FY21. It is staff's goal to keep the rate flat for an additional three years (FY22-

FY24). However, further analysis will be done in future years to ensure that a flat rate is fiscally sustainable, given changing market conditions and potential program requirements.

Rockville's Stormwater Management Program History

The city understands the importance of healthy streams and watersheds as urbanization presents challenges to stream quality. The city has a comprehensive stormwater management program that includes extensive watershed protection and restoration planning, flood control, enforcement of water quality protection ordinances, regulation of stormwater management treatment during development, Capital Improvements Program projects, outreach and education, monitoring, and infrastructure inspection and maintenance within the entire city. This includes planning for and safeguarding the water carried by streams, pipes, driveways, rooftops, roads, parking lots, and drainage ways as it enters open water ways, that ultimately impacts the Potomac River and Chesapeake Bay.

Rockville created the first stormwater management program in Maryland in 1978 largely to address flood control. In 1982, the State of Maryland followed suit by requiring local jurisdictions to adopt ordinances for the control of stormwater generated by development. These early programs focused on preventing floods from larger storms, but did little to protect water quality in streams. Throughout the following decades, stormwater management techniques evolved to better protect water quality, with Rockville's program frequently leading the way.

The city is not only driven by an environmental and infrastructure stewardship ethic, but also to comply with strong federal and State stormwater management regulatory requirements. The Maryland Department of the Environment (MDE) is authorized by the federal Clean Water Act to issue permits allowing the discharge of stormwater from storm drain systems into waterways. These permits, called National Pollution Discharge and Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permits, require that communities implement programs to control the discharge of pollutants and protect the water quality in local streams, rivers, wetlands, and bays.

Since 2003, the city has had an NPDES General Permit for Discharges from Small MS4s (Phase II). This is a five-year permit that establishes stormwater requirements associated with the city's storm drain system. This general permit establishes the same requirements for six counties and 26 cities throughout the State. The 2003 permit was administratively extended until 2018.

Stormwater Program Funding

For over three decades, development fees funded much of Rockville's stormwater management program. Most of the city's public stormwater management facilities and stream restoration projects were either built by developers or built using developer monetary contributions. With

the city nearly fully built out and new, stronger federal and State regulatory requirements, Rockville needed a more sustainable funding mechanism to cover maintenance of public stormwater infrastructure and new projects/programs.

In 2008, after an extensive public participation process, which included recommendations from a Stormwater Advisory Group (SAG) and public hearings, the Mayor and Council established a stormwater utility fee. The fee is based on impact to the city's stormwater system and "metered" by the amount of impervious surface on a property. All residential properties are charged the same amount (1 Equivalent Residential Unit or ERU). Every property owner in the city is subject to the fee, including the city itself.

Establishing a fee system based on amount of impervious surface ensured that those impacting the system the most paid more than those with minimal impact to the system. Without the stormwater utility fee, additional stormwater funding needs would have come from the General Fund, which is largely composed of property taxes. Relying on property taxes puts an unequal burden on residents.

Funding Source	Prior to 2008	Current
Stormwater Utility Fee		X
Developer Permit Fees	X	X
Stormwater Fee-in-Lieu	X	X
Grants	X	X
Enforcement penalties	X	X

Currently, the Stormwater Management program is funded by the Stormwater Utility Fee, grants, enforcement penalties, developer permit fees, and stormwater fee-in-lieu (on the limited occasions when it is not feasible to construct on-site stormwater management facilities during construction). Expenditures are broken into two main categories: Operations and Capital Improvement Projects (CIP). The chart below represents the FY18 unaudited actuals. The Stormwater Utility Fee accounts for 69.4 percent of the revenue and staff expenses account for 31.6 percent of the expenditures.

FY 2018 Unaudited Actuals

Revenue Type	Revenue Amount (\$)	%
Stormwater Utility Fee	4,913,768	69.4
Developer Permit Fees	610,949	8.7
Stormwater Fee-in-Lieu	168,350	2.4
Grants	1,279,294	18.0
Enforcement penalties	28,985	0.4
Miscellaneous – Interest earnings, premium on bonds	74,887	1.1
Total	7,076,232	100.0

Construction in Progress/Expenditure Description	Expenditure Amount (\$)	%
CIP – design and construction of streams, stormwater management facilities, rehab of storm drains	2,428,542	34.4

Operating – staff expenses	2,233,445	31.6
Operating – stormwater management facility maintenance, assessment/inspection, monitoring, spill containment and cleanup, staff training, supplies, gasoline, equipment *	661,877	9.4
Operating – rebates, administrative charges, interest	1,737,750	24.6
Total	7,061,615	100.0

* These are high-level examples of work performed with stormwater management funding and is not an extensive list.

2018 General NPDES MS4 Phase II Permit

In spring 2018, MDE issued the final determination of its NPDES MS4 Phase II permit. In early October 2018, the city submitted its Notice of Intent to apply for coverage under this permit and; therefore, would be granted continued permission to discharge stormwater from city storm drains into streams. Once approved, the new permit will be in effect for five years.

There are some changes in the requirements between our current and this new permit. In addition, the city is experiencing an increase in the rate of development and anticipates several large redevelopment projects moving through the development review and construction oversight processes. Additionally, a programmatic review of the Stormwater Program has not taken place since 2008, when the Stormwater Utility Fee was implemented. Therefore, staff undertook a review of the stormwater program to ensure the city was positioned to respond to these changes.

There are two main requirement categories in the new NPDES MS4 Phase II permit:

- Six Minimum Control Measures (MCM).
- A requirement to plan to treat 20 percent of untreated impervious surfaces within the city limits.

The 2018 permit changes the scope and stringency of a select number of MCM, and the program will need to adjust to effectively comply. The permit requires the city come up with a plan to treat 20 percent of untreated impervious surface. The permit anticipates that the entire 20 percent will be treated by the end of the next permit cycle (2028). Additionally, the permit allows the city to count projects implemented in 2006 and later towards treatment of the 20 percent. Therefore, 2006 is the baseline year for calculating the acres of untreated impervious. The city can use impervious area that was treated as part of private redevelopment activities, as well as city-sponsored Stormwater Management facility retrofits and stream restoration projects to meet this treatment goal.

Since 2006, the city has carried-out a steady stormwater management CIP implementation process. This has allowed the city to more cost-effectively implement large projects that have yielded multiple community benefits. Because of this approach, and due to delays in

implementation of the new permit, the city was able to make more progress towards the 20 percent untreated impervious area than previously anticipated. city staff believe that the city has already reached its permit-required treatment of 20 percent untreated impervious surfaces from the 2006 baseline. However, this has not yet been confirmed by MDE.

Summary of Impervious Area Accounting

Description	Area (acres)
Total City of Rockville Area	8,646
2006 Total Impervious Area	2,862
NPDES Permit Requirement – Treat 20% of Uncontrolled Impervious Area	456
Total Impervious Area Treatment Credit towards city's 20% Requirement	594
Excess Impervious Area Treatment Over the 20% Target	138

City Liability if NPDES MS4 Phase II Permit Not Followed

Permits are enforceable by the U.S. Environmental Protection Agency, Maryland Department of Environment and any interested citizen. An interested citizen can be anyone who lives or works in Rockville, lives or works in the downstream portion of our three watersheds, or anyone who recreates in and around our three watersheds or the Middle Potomac River into which they flow. Enforcement sanctions include civil penalties of up to \$27,000 per violation per day, and up to \$50,000 and imprisonment for up to three years for knowing violations.

Stormwater Management Program Overview

The goals of the City's Stormwater Management program are to:

- Comply with NPDES permit obligations.
- Provide flood control.
- Provide regulatory oversight during development/redevelopment activities to ensure new stormwater management facilities meet City and State standards.
- Establish a sustainable inspection and maintenance program for privately-owned stormwater facilities, publicly-owned stormwater management facilities, and the storm drain network.
- Protect public and private property from impacts of stream erosion.
- Protect the environmental quality of flowing water and habitat in Rockville.
- Meet Community expectations.

In the 2008 program review, the Mayor and Council chose a moderate level of service for the program, which included the actions needed to meet regulatory requirements and several elements specific to Rockville's interests. This includes watershed education and participation programs tailored to city residents, more technical support for drainage complaints, and more aesthetic enhancements for SWM retrofits. The moderate program also incorporated

preventative maintenance and capacity improvements for the storm drain conveyance system, which were not traditionally included in the stormwater program. It intentionally excluded city funding to remediate lot to lot drainage issues. The level of service options presented to the Mayor and Council when the fee was established are provided (Attachment A). The current program carries out the same level of service directed by the Mayor and Council in 2008.

Below is a table outlining the elements of the city's current stormwater program and proposed program changes.

Stormwater Program Elements

Activity	Brief Description	Activity Driver	Proposed Program Changes
Development Review/ Construction site Stormwater Runoff*	Review, comment and approve multi-phase stormwater management plan approval, including enforcement of ESD to the MEP; review, comment and approval of sediment and erosion control plans; inspection of SWM facility construction; and sediment and erosion control inspection and enforcement.	<ul style="list-style-type: none"> • COMAR 26.17.02 Department of Environment Water Management Stormwater Management Authority • NPDES MS4 Phase II • Efficient and Effective City Service Delivery 	<p>In 2010, MDE issued new regulations that required Environmental Site Design (ESD) stormwater management practices, like bioretention facilities, green roofs, and permeable pavement be installed to the maximum extent practicable (MEP). These are designed as micro-practices that mirror predevelopment conditions as much as possible. This has resulted in many more, small-scale stormwater management facilities reviewed and constructed during the development process. In addition, it is integral to long-term success, that these facilities are inspected at multiple times during construction.</p> <p>The larger number of facilities, and increased level of effort of inspection combined with a known</p>

Activity	Brief Description	Activity Driver	Proposed Program Changes
			increase in overall number of development projects forecasted for the coming year, will require more staff resources.
Capital Improvement Project (CIP) Design and Construction	Design and oversee construction on capital improvement projects like stormwater management facilities (ESD and structural), stream restoration projects, and storm drain rehabilitation and capacity projects.	<ul style="list-style-type: none"> • NPDES MS4 Phase II • Protection of public and private property • Leveraging of outside resources -grants, etc. • Beautification of city lands • Fulfilment of environmental stewardship ethic • Community expectation • Stewardship of Infrastructure 	City staff believe the city has met its regulatory impervious surface treatment requirement forecasted for the next ten years. However, CIP project implementation occurs for many reasons. City staff have slowed down CIP project implementation in a manner that balances fiscal impact with other city goals.
Storm Drain System Maintenance	Inspect and maintain storm drain lines and structures (storm drain inlets and manholes); keep storm drains clear; administer street sweeping contract.	<ul style="list-style-type: none"> • Flood Control • Stewardship of infrastructure 	Staff does not anticipate additional program elements at this time.
Public Outreach and Education	Programs and products that educate the public about the impacts of stormwater discharges on receiving waters, why controlling these discharges is	<ul style="list-style-type: none"> • NPDES MS4 Phase II • Fulfilment of environmental stewardship ethic • Community expectation • Informed and engaged residents 	More complex tracking and reporting requirements. Additional effort can be absorbed with existing staff time.

Activity	Brief Description	Activity Driver	Proposed Program Changes
	important and what the public can do to reduce pollutants in stormwater runoff.		
Public Involvement and Participation	Create and foster opportunities for public participation in MS4 management programs for controlling Stormwater discharges.	<ul style="list-style-type: none"> • NPDES MS4 Phase II • Fulfilment of environmental stewardship ethic • Community expectation • Informed and engaged residents 	More complex tracking and reporting requirements. Additional effort can be absorbed with existing staff time.
Illicit Discharge Detection and Elimination (IDDE)	Required to develop a program to detect and eliminate illicit discharges into the MD4 system. Develop accurate map of the storm drain system. Inspecting outfalls and streams to identify dray weather flows. Tracking back those flows to eliminate pollution discharges. Have a process for responding to spills. Establish and enforce the Water Quality Protection	<ul style="list-style-type: none"> • NPDES MS4 Phase II • Beautification of city lands • Fulfilment of environmental stewardship ethic • Community expectation • Safe and livable neighborhoods 	New emphasis on controlling pollution at its source. Encourages development of commercial inspection program to ensure “good-housekeeping” for light/heavy industrial properties and retail operations. Additional resources will be needed to expand the city’s commercial compliance inspection program and effectively stop pollution at it source.

Activity	Brief Description	Activity Driver	Proposed Program Changes
	Ordinance.		

Activity	Brief Description	Activity Driver	Proposed Program Changes
Post Construction Stormwater Management	Inspect and maintain publicly-owned SWM facilities. Inspect and require maintenance on privately-owned SWM facilities. Over 850 existing public and private Stormwater Management Facilities in Rockville.	<ul style="list-style-type: none"> • COMAR 26.17.02 • NPDES MS4 Phase II • Protection of city infrastructure • Beatification of city lands • Fulfilment of environmental stewardship ethic • Community expectation • Stewardship of Infrastructure 	More complex tracking and reporting requirements. There is now a validation requirement. If the city cannot show the facility was inspected within three years of the reporting period, the facility will be temporarily excluded from the inventory and any area treated by that facility will be considered untreated by MDE. More resources required for the much more robust data management and reporting requirement for this MCM.
Pollution Prevention	Implement an operations and maintenance program that includes a training component to prevent and reduce pollutant runoff from municipal operations. Ensure pollution prevention and good housekeeping on permittee owned or operated properties.	<ul style="list-style-type: none"> • NPDES MS4 Phase II • Community expectation 	More extensive staff training. Additional, site-specific pollution prevention plans needed. Additional effort can be absorbed with existing staff time.

*The City of Rockville routinely assesses development permit fees to ensure they cover the staff cost associated with development

Potential Resource Needs Moving Forward

Staff will develop a refined plan via the budget process. Staff does anticipate increased resources needed to carry-out/respond to:

- 0.5 FTE for the more robust IDDE MCM requirements outlined in the new permit.
- 0.2 FTE for the more complicated data management and reporting requirements outlined in the new permit.
- 1.3 FTE for the increased level of effort associated with design review and construction management for development projects.

Mayor and Council History

This is the first time the Stormwater Program and NPDES permit have been brought to the Mayor and Council, since 2008.

Boards and Commissions Review

City staff attended the October 4, 2018, Environment Commission meeting and briefed the commissioners on the new NPDES permit and the associated impacts to the city's stormwater program.

Fiscal Impact

Staff updated the City's Stormwater Management Fund forecast with the anticipated changes to the operating and capital budgets. As a result of these changes, staff recommends the Mayor and Council revisit the three-year rate plan that was adopted in May 2018, and modify years FY 2020 and FY 2021 to equal a flat rate of \$132.00 per equivalent residential unit. Below is the current rate schedule with the new rate recommendations. Brackets indicate recommended deletions and underlines indicate recommended additions.

Rate per Equivalent Residential Unit per Resolution No. 08-18

FY 2019	FY 2020	FY 2021
\$132.00	[\$138.00] <u>\$132.00</u>	[\$144.00] <u>\$132.00</u>

In addition to this rate plan, it is staff's goal to keep the rate flat for an additional three years. Further analysis will be done in future years to make sure a flat rate is fiscally sustainable given changing market conditions and potential program requirements. Staff will consider issuing bonds when prudent and will ensure that the Stormwater Management Fund maintains compliance with the current Financial Management Policies, which require a fund reserve equal to three months of operating expenses.

Next Steps

- City staff will develop the FY 2020 budget consistent with these recommendations.
- City will continue to meet or exceed the NPDES permit requirements.
- City staff will work with MDE to confirm the 20 percent treatment goal across the city has been reached.
- Staff will request clarification from MDE that future city impervious treatment between now and 2023 will be credited in the future.

Attachments

Attachment 9.A.a: DPW-SWM LOS Table -From 2008 M and C meetings (PDF)



Rob DiSpirito, City Manager

10/11/2018

Attachment A: 2008 ROCKVILLE STORMWATER PROGRAMS - LEVELS OF SERVICE (L.O.S.)

	EXISTING L.O.S.	MINIMUM L.O.S.	MODERATE L.O.S.	AGGRESSIVE L.O.S.
	<i>Current services in DPW include permits for SWM, sediment control, and storm drain; CIP projects and studies; and policy, evaluation and outreach for drainage, watershed management and water resources.</i>	<i>Meets regulatory requirements; meets public safety objectives; meets minimum standards for NPDES program. Includes current duties, services & elements provided by DPW in these programs.</i>	<i>Meets Mayor and Council's Visions; fills maintenance gaps; provides program leadership & support</i>	<i>Funds private improvements; conducts high-end program assessments</i>
STORMWATER MANAGEMENT	<ul style="list-style-type: none"> ○ Review sediment control (SC) and issue SC permits ○ Review stormwater management (SWM) concepts and plans and issue SWM permits ● Inspect construction sites for compliance with approved SC and SWM plans ● Develop watershed management plans ● Develop and implement City's SWM Regulations and policies per State law ● Design/construct SWM and stream restoration CIP projects recommended in watershed management plans ● Conduct other SWM-related studies and projects (ex. Low Impact Development Study for College Gardens) ● Inspect City-owned SWM facilities on as-needed basis (at least every 2 years), and provide maintenance/repairs as needed ● Clean trash/debris and mow City-owned SWM facilities ● Respond to complaints on SWM design/ construction/maintenance issues 	<ul style="list-style-type: none"> ○ Increase frequency of sediment control inspections and enforcement actions ● Develop City's SWM vision, objectives & strategic plan ● Update watershed management plans on a 10-year rolling basis. ● Inspect private SWM facilities every 3 years and enforce maintenance agreements ● Implement state-required tracking program for private SWM inspection & maintenance enforcement ● Reduce backlog on CIP project implementation ● Update City's GIS impervious layer every 2 years ● Participate in regional watershed planning efforts w/ MWCOG, State Tributary Teams & Montgomery County 	<ul style="list-style-type: none"> ● Combine SWM policy and regulatory functions to strengthen oversight of SWM program ● Increase grant funding ● Provide aesthetic features & community enhancements in SWM and stream CIP projects ● Establish billing/customer service process if SWM Utility Fee is adopted ● Track drainage & SWM complaints and link to GIS for use in watershed planning 	<ul style="list-style-type: none"> ● Provide stabilization, restoration and/or accept ownership for privately owned streams and stream valleys ● Fund upgrades to private SWM facilities ● Assume ownership/ structural maintenance of all SWM facilities (including commercial/ institutional) ● Test experimental SWM technologies in Rockville

KEY: White columns - services recommended in SWM program.

Shaded column - services not recommended

- services funded through DPW permit fees (these services should be cost-neutral between permit fee revenue and staff time expenses)
- services not supported by City permit fees (these services must be covered by funding sources other than permit fees)

Attachment A: 2008 ROCKVILLE STORMWATER PROGRAMS - LEVELS OF SERVICE (L.O.S.)

	EXISTING L.O.S.	MINIMUM L.O.S.	MODERATE L.O.S.	AGGRESSIVE L.O.S.
ENVIRONMENTAL MGMT./WATER RESOURCES	<ul style="list-style-type: none"> Review development plans/permits for appropriate environmental design (compliance w/ City stream buffer guidelines) Prepare initial NPDES MS4 Permit and required yearly tracking and progress report fro submittal to MDE Provide environmental expertise for watershed management, SWM and stream restoration projects Provide support for environmental education/volunteer opportunities on requested basis (e.g., Adopt-A-Stream, volunteer monitoring, stream cleanups, storm drain marking, Rockville Science Day) Provide environmental expertise on wildlife management issues related to water resources (i.e., mosquitoes, beavers, etc.) 	<ul style="list-style-type: none"> Develop Envir. Mgmt./Water Resources vision, objectives & strategic plan Develop watershed assessment strategy based on stream monitoring Conduct volunteer biologic stream monitoring yearly in each watershed Conduct geomorphic stream assessments on a 10-year rolling basis Create and implement IDDE program (Illicit Discharge Detection & Elimination) – policies, inspections, outfall monitoring, complaint response & enforcement Develop & implement emergency response SOPs for accidental spills/releases Use Mont. County env. education programs & add to City's website for env. information Survey residents about watershed behaviors for benchmarking Develop City policies & guidance for LID (Low Impact Development) Monitor NPDES permit compliance for City's 4 Industrial sites/programs (water main flushing, Swim Center, Gude Maintenance Facility & City's Water Treatment Plant) 	<ul style="list-style-type: none"> City conducts its own environ. education programs tailored to residents' needs & interests Actively promote LID through tech. assistance to residents & monitor LID features Conduct monthly chemical monitoring at one station in each of the three watersheds Coordinate & implement citywide water resources-related functions in Environ. Mgmt. Strategy 	<ul style="list-style-type: none"> Assess all streams every 3-5 years (biologic, chemical & physical sampling) Fund LID measures on private property Assess SWM facilities (meeting design goals for pollutant and nutrient removal efficiency)

KEY: White columns - services recommended in SWM program.

Shaded column - services not recommended

- services funded through DPW permit fees (these services should be cost-neutral between permit fee revenue and staff time expenses)
- services not supported by City permit fees (these services must be covered by funding sources other than permit fees)

Attachment A: 2008 ROCKVILLE STORMWATER PROGRAMS - LEVELS OF SERVICE (L.O.S.)

	EXISTING L.O.S.	MINIMUM L.O.S.	MODERATE L.O.S.	AGGRESSIVE L.O.S.
STORM DRAIN/ CONVEYANCE	<ul style="list-style-type: none"> ○ Review storm drainage and conveyance plans and issue public works permits for development ○ Review 100-year floodplain studies for proposed development and enforce City's Floodplain Management Ordinance ● Conduct maintenance/repair on public storm drains on a complaint-driven basis ● Monitor and maintain a limited number of drainage structures prone to clogging and/or flooding ● Design & construct storm drain extensions/improvements on a complaint-driven basis ● Advise Dept. Recreation & Parks on conveyance & erosion concerns and possible improvements ● Administer the City's responsibilities for the FEMA National Flood Insurance Program – review and recommend mapping updates, disseminate flood insurance information to community ● Investigate drainage & storm drain complaints, determine if problem is public or private responsibility, give technical guidance to concerned parties and implement public improvements if found to be City's responsibility 	<ul style="list-style-type: none"> ● Develop City's Storm Drain/Conveyance vision, objectives & strategic plan ● Complete digital mapping of public storm drain system & all outfalls ● Update GIS database with SD pipe information (age, material, maintenance) ● Develop City policies for private drainage problems & clarify City Code for enforcement actions ● Conduct recommended repairs to CMP (corrugated metal pipe) storm drain system based on initial 2005 survey ● Conduct study on remaining study on the CMP system to identify repairs 	<ul style="list-style-type: none"> ● Conduct preventative SD inspection and maintenance on a 20-year rolling basis ● Update 1974 City storm drain capacity study ● Construct SD repairs/upgrades as recommended in inspection and drainage studies ● Provide technical information to residents for private drainage problems 	<ul style="list-style-type: none"> ● Fix localized flooding/drainage problems in parks (beyond streams and public storm drain outfalls) ● Provide storm drain extensions or improvements to private properties with drainage problems (also purchase drainage easements)

KEY: White columns - services recommended in SWM program.

Shaded column - services not recommended

- services funded through DPW permit fees (these services should be cost-neutral between permit fee revenue and staff time expenses)
- services not supported by City permit fees (these services must be covered by funding sources other than permit fees)



Mayor & Council Meeting Date: October 15, 2018
 Agenda Item Type: Discussion, Instructions and Possible Adoption
 Department: Recreation & Parks
 Responsible Staff: Steve Mader

Subject

Discussion, Instructions, and Possible Adoption of an Ordinance to Amend Chapter 10.5 of the Rockville City Code, Entitled "Forest and Tree Preservation," to Amend the Minimum Tree Cover Requirements for the MXE Zone and Champion Projects

Recommendation

Mayor and Council discuss the proposed amendments to Chapter 10.5 and provide instructions.

Based upon written and oral public testimony, staff recommends that the Mayor and Council make a clarifying amendment to the last sentence in subsection (3) of the ordinance that was introduced. Staff recommends that the language in bold be added so that the sentence is revised as follows: Trees planted **on the land dedicated to the City** may count towards the minimum tree cover requirement, but the City Forester must approve any such plantings. A draft amended ordinance is included as Attachment D. To implement Staff's recommendation, the Mayor and Council would need to adopt the amended ordinance through the following motions: 1. Motion to amend the ordinance as modified in Attachment C. 2. Motion to adopt the amended ordinance.

Change in Law or Policy (remove this section if not needed)

The draft ordinance would amend Chapter 10.5 of the City Code, entitled "Forest and Tree Preservation Ordinance" (FTPO).

Discussion

Currently, the FTPO establishes a minimum tree cover (MTC) requirement for development projects that trigger FTPO compliance. The MTC requirement is based on a percentage of the tract area being developed, and the zone where the property is located. Depending on the zone, the MTC to be provided on site is set at 20% (R-400 and R-200 Zones), 15% (R-90, R-75, R-60, R-150, R-40, RMD10, RMD15, RMD25, I-L, I-H, MXT, MXC, MXB, and MXE Zones), or 10% (MXCD, MXTD, and MXNC Zones) of the tract area.

Staff is proposing that the Mayor and Council consider an amendment to Chapter 10.5 of the City Code to revise the MTC requirement for projects in the MXE Zone and for Champion Projects.

The 2002 Comprehensive Master Plan referenced a non-profit conservation organization that recommended “that urban areas maintain an average tree canopy coverage of 40 percent to ensure a healthy and sustainable ecosystem”. As of 2014, the City of Rockville has achieved a rare milestone of reaching 50% tree canopy coverage, as depicted in the Maryland-National Capital Park and Planning Commission Tree Canopy Analysis. Based upon the significant increase in the number of new trees planted on redeveloping sites and the number of new trees being planted by the city using fee-in-lieu funds, staff believes that the 50% tree canopy coverage will remain and potentially increase as more redevelopment occurs in the city.

The overall intention of these revisions is to create more parkland and tree canopy than currently exists within targeted higher-density redevelopment areas. The two proposed revisions are intended to provide a dedicated approach to maintaining tree canopy while balancing the need to support quality redevelopment within the city. The proposed revision related to the MXE Zone also considers meeting an ever-increasing demand for additional parks and open space, as identified in the current Parks, Recreation, and Open Space Plan, and the Comprehensive Master Plan. These revisions recognize the need to provide incentives and be competitive in attracting new development and redevelopment in commercial corridors, while enhancing the environment, as mentioned above.

A further purpose of the proposed revision is to amend the MTC requirements to implement recommendations from the Rockville Pike Plan that call for modifications to the FTPO that allow for a more urban environment. The Rockville Pike Plan recognized that tree canopy targets should be different in commercial/mixed use corridors, as compared to areas of residential neighborhoods and environmental preservation.

In addition, one of the initiatives of the Mayor and Council calls for the examination of the appropriateness of different development standards around Metro stations. In examining the appropriateness of the MTC requirements in such areas, staff believes the city should consider a different tree canopy standard when compared to what is required in other parts of the city. One of these areas near Metro stations includes the area where the Mayor and Council can designate a project as a “Champion Project.” The “Champion Project” area focuses on promoting a more urban development pattern with higher land coverage areas to take advantage of the nearby multimodal transportation systems.

Staff believes the city gains a number of benefits by applying a different tree canopy standard for these areas. First, it allows for the city’s older and declining commercial property to be more attractive for redevelopment. Secondly, because these properties are presently underdeveloped with limited to no trees currently on site, the redevelopment of these properties will bring about a significant number of new trees. This desired development provides for increased economic development opportunities, which will most likely result in more jobs. There will also be a significant increase in tax value for these properties, which will generate additional tax revenue with which the city can better support basic public services, including parks and infrastructure.

Thirdly, directing higher-density growth in these areas achieves different environmental goals. Specifically, having higher-density developments and shopping districts in areas near mass transit promotes a walkable and less car-dependent environment. This can significantly reduce automobile trips, which contributes to improving air quality and reducing the environmental impacts of suburban sprawl.

A summary of the proposed revisions is as follows:

Proposed Revision that Affects the MXE Zone - Revise the MTC requirement in the MXE Zone from 15% to 10%, when at least 5% of the tract area is dedicated as parkland to the city in fee simple. The MTC reduction from 15% to 10% would only occur if useable parkland is dedicated to the city. Whether parkland is “useable” or not would be at the determination of the Director of Recreation and Parks. Additionally, any land being dedicated must be a minimum of 20,000 square feet. This proposed revision will provide an incentive for projects in the MXE Zone to dedicate parkland to the city in exchange for being allowed to meet a lower minimum tree cover requirement than what would otherwise be required. Currently, the city does not have a parkland dedication requirement, and this would be a tool to increase the city’s parkland. The reduction to a 10% minimum tree cover requirement is consistent with what is allowed currently in the MXCD, MXTD, and MNC Zones. The MXE zone can be developed with a mix of office, retail, and residential uses. The city parkland would provide recreational opportunities and open space with tree planting integrated into the design as an amenity. Under the proposed amendment, applicants would be allowed to plant trees on the land being dedicated with the approval of the City Forester, but the 10% minimum tree cover requirement would still need to be met within the entire development.

Proposed Revision that Affects Champion Projects - Revise the MTC section to grant the Mayor and Council the authority to reduce the MTC requirement to no less than 5% of the tract area for “Champion Projects.” The Rockville Pike Neighborhood Plan recognizes the need to provide concentrated development near the Twinbrook Metro station. Specifically, Chapter 5 of the Rockville Pike Neighborhood Plan (p. 5-13) states that “The FTPO presents certain challenges in urban redevelopment scenarios such as the Rockville Pike corridor. Modifications to the FTPO that are oriented to a more urban environment should be explored for private development specifically in the Plan Area.” Mayor and Council may deem a project a “Champion Project” if it is within the South Pike and significantly forwards one or more goals that are set forth in the Zoning Ordinance. Among these goals is to provide more than the required public use space and significantly increasing the amount of employment. This proposed revision to the MTC would allow projects which are designated as Champion Projects by the Mayor and Council, the flexibility to maximize dwelling units near the Twinbrook Metro Station, while still providing some tree cover and public open space.

Reorganization of the MTC Section - The draft ordinance that was introduced by the Mayor and Council at the August 1, 2018 meeting, and which is included as Attachment A, would revise the MTC requirements as they relate to the MXE Zone and Champion Projects. The draft ordinance

also reorganizes the MTC section. Because two new concepts are being proposed, staff believes the section should be reorganized to make the section clearer.

Mayor and Council History

On August 1, 2018, the Mayor and Council introduced the ordinance to amend Chapter 10.5 of the Rockville City Code entitled “Forest and Tree Preservation”. On September 17, 2018, the Mayor and Council held a public hearing on the proposed amendments.

Public Notification and Engagement

A public hearing was held on these Ordinance changes on September 17, 2018. Several people spoke in favor of the amendments because of the additional public park space and the increased benefits to the city for Champion Projects. The Associate Dean of Plant Science and Landscape Architecture from the University of Maryland, Dr. Joseph Sullivan, spoke in favor of the ordinance because of the additional trees that are being provided on the redevelopment sites, and the additional trees being planted by the city through the use of fee-in-lieu funds.

Written public testimony received is included as Attachment B.

Boards and Commissions Review

Staff presented the proposed ordinance changes to the Environment Commission on September 6, 2018. The Commission was supportive of the proposed amendments because of the potential for the additional dedicated park land and the benefits of Champion Projects that direct higher density growth near Twinbrook Metro Station. The Commission also supported the amendment because of mitigation that would be provided through fee-in-lieu for trees and the installation of better stormwater protection on redeveloped sites. The Commission also believed that each Champion Project should be carefully evaluated on the benefits it provides the city prior to granting a tree canopy reduction.

Next Steps

Because the ordinance was introduced at the August 1, 2018 Mayor and Council meeting, the Mayor and Council may adopt the ordinance at the October 15, 2018 meeting.

As stated above, Staff recommends that the ordinance be amended for clarification purposes. To incorporate Staff’s recommendation in any Mayor and Council action, Staff recommends that the Mayor and Council adopt the attached Ordinance through the following motions: 1. Motion to amend the Ordinance to Amend Chapter 10.5 of the Rockville City Code as modified in Attachment C. 2. Motion to adopt the amended Ordinance to Amend Chapter 10.5 of the Rockville City Code.

Attachments

- Attachment 10.a: ATTACHMENT A -Minimum Tree Cover - Code Amendment (Ordinance)
(PDF)
- Attachment 10.b: ATTACHMENT B - Written Public Testimony (PDF)
- Attachment 10.c: ATTACHMENT C - Amended Ordinance (With Staff Recommendation)
(PDF)



Rob DiSpirito, City Manager

10/11/2018

Ordinance No. ____

ORDINANCE: To amend Chapter 10.5 of the Rockville City Code, entitled “Forest and Tree Preservation,” to amend the minimum tree cover requirements for the MXE zone and champion projects.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that Chapter 10.5 of the Rockville City Code, entitled “Forest and Tree Preservation,” Article III “Retention, Tree Replacement, Afforestation and Replacement Requirements,” is hereby amended as follows:

ARTICLE III – RETENTION, TREE REPLACEMENT, AFFORESTATION AND REFORESTATION REQUIREMENTS

* * *

Sec. 10.5-22. - Tree replacement, reforestation and afforestation.

* * *

(d) Minimum tree cover. ~~The afforestation level shall be~~

(1) Except as otherwise provided in this section, the minimum amount of tree cover to be provided onsite is the same percentage of the tract area as the afforestation level.

(2) ~~except in~~ In the MXCD, MXTD and MXNC zones, the minimum tree cover to be provided on site is ten (10) percent of the tract area. ~~where the minimum tree cover shall be ten (10) percent of the tract area.~~

(3) In the MXE zone, if at least five (5) percent of the tract area is dedicated in fee simple to the City as useable public parkland, the minimum tree cover to be provided on site is ten (10) percent of the tract area. Any parcel of land dedicated to the City pursuant to this subsection must be a minimum of 20,000 square feet. It is the Director of Recreation and Park’s sole discretion to determine whether to accept the dedication of land and whether land is usable public parkland. Trees planted on the land to be dedicated to the City may count towards the minimum tree cover requirement, but the City Forester must approve any such planting.

(4) For a champion project, as defined in the Chapter 25 of the City Code, the Mayor and Council, at the time a project plan resolution is approved, may establish the minimum tree cover to be provided on site. The minimum tree cover for a champion project can be established at at no less than five (5) percent of the tract area.

(5) Replacement trees, reforestation, afforestation and existing trees can be used to satisfy tree cover requirements. Tree cover requirements shall be calculated and shown on the Forest Conservation Plan.

* * *

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 at its meeting of _____.

Sara Taylor-Ferrell

City Clerk/Director of Council Operations

August 6, 2018

**Subject: Additional Information on Chapter 10.5 Proposed Text Amendment Requested
Regarding the MXE and Champion Project Status Zoning Change Request.**

I hope this correspondence finds you well.

The decision by the Mayor and Council, on August 1, 2018, to hold a public hearing regarding an amendment to the Tree Canopy Ordinance was the proper action. I do not support the recommendation to change the requirements for the MXE and Champion Projects but I am willing to listen and have an open mind. I consequently seek additional information.

At this time, I request additional information about the proposed Tree Plan Ordinance. I am not on-board that the MXE and Champions Project suggested changes should be bundled together. I suggest that they be two separate discussion items. They are vastly different zoning areas. Each area is unique and the Champion Project already has several text amendment proposals/changes for the City and applicant that seeks to develop in Rockville (Ground Floor Area Limitations for Retail Uses, Parking Standards for Affordable Housing, Sign Provisions of the Zoning Ordinance, Layback Slope, TXT 2018-00247, and amending the definition of contiguous in the eligibility standard #1 for a Champion Project status, etc.).

In terms of the Tree Plan Ordinance, at this time, I believe we should already have the existing NRI/FSD (Natural Resources Inventory/Forest Stand Delineation plan on file. **Does the City have the required NRI/FSD plans for the Twinbrook Champion Project on file and can you direct me to it?** Has this requirement been eliminated for this project? Can this plan be inspected? Is it possible to look at how the proposed ordinance change would impact the existing NRI/FSD provided it was submitted? In terms of the MXE zoning, the land use area is a moving number given there is a calculation involved related to other factors. Is there an NRI/FSD for the Twinbrook Metro area (MXE)? If the NRI/FSD are the existing tools we rely on to protect the TPO; this additional information will help me understand the before and after results as they are proposed and considered for implementation.

The City of Rockville has, a (1) Tree or Forest Protection Ordinance (2) Tree Canopy Assessment (3) Tree Canopy/ Forest Cover Goal Plan to Increase Tree Canopy On/off-site, (4) Bank, (5) fee-in-lieu Mitigation GI, UF, GS Plan, and is identified as a Tree City U.S.A. 2017 distinction. If the ordinance were to pass, all future MXE and Champions Project Zones would forever exempt from the City's tree ordinance per language introduced in the amendment. I have pulled and reviewed the ordinance but for this particular exception request, I do not see where and how the protection will be applied in this instance.

The City of Rockville's existing tree ordinance is justly noted in various Washington Metropolitan Area Policies related to tree canopy and the Chesapeake Bay Studies. These policies are a coordinated effort among local jurisdictions to help control climate change. Looking at the Metropolitan Area as a whole, the region is in trouble. Rockville has contributed to this concern...we do better than most municipalities (stated 50% tree canopy from the August 1, 2018 information provided to the Mayor and Council) but we also have concerns. From 1984 to 2011, Rockville has had a -9% decline of forest acreage with an increase of 14% in development. That is nearly a 25% swing in terms of land use we will struggle to get back. Although we work at this all the time, we have had only a 5% increase in open space during this time period. Rockville has had a

-68% decline in agricultural acreage and a -5% in grass and shrubs. From a local perspective, a regional perspective, and also a national perspective, climate change is a concern.

Montgomery County Government passed Bill 35-11 in 2013. Montgomery County's Bill does not have these type of exceptions. It also requires for a vigorous tree canopy replenishment process. Bill 35-11 proposes for every tree lost, three are planted. The bill also expresses concern about the survival rate for trees during this replenishment effort. Montgomery County recognized they are in trouble. **Does the City of Rockville have an existing bill similar to 35-11 that outlines the specific number of trees required for mitigation and how this proposed exception requires the applicant to contribute to a tree bank or charge?** The City does not have an agricultural reserve and land development that comes under infill and new development in our older existing neighborhoods might do better to be reviewed one neighborhood at a time and keeping the existing ordinance in place.

Does the City have a Mitigation Policy regarding the number of trees required to be replaced and does the exception with the proposed ordinance exempt the MXE and Champions Project from the NRI/FSD plan requirement and any and all requirements that have yet to be granted to the MXE/Champion Project status in this proposed amendment?

Tree Canopy determination in the various jurisdictions.

How does the City of Rockville determine the tree canopy coverage? When was this assessment done and last updated? I have reviewed the national standards. I also know many of our Rockville communities were recently hit with infection and disease. What is the City's mortality rate for trees as compared to the national average in our urban forests? What is the last year the tree canopy study/evaluation occurred for Rockville? How much square footage do we allow for a 'root system' in our urban forests such as Town Center?

The State of Maryland (Department of Natural Resources), the Council of Governments (COG), and Montgomery County Government advocate for strict tree canopy guidelines. **Are the proposed changes in the City's ordinance in concert with recommendations from the State, COG, and Montgomery County Government?**

The Champion Project initiative gives a lot of latitude to the Mayor and Council. The City's attempt to welcome new development is understood but how does the Champion Project status align with the Tree Canopy Ordinance? WILL all Champion Project status developments in the future be the same? Future Mayors and Councils will no doubt have the opportunity to develop larger land uses as cited in the 2040 master plan drafts. The precedence to designate and then exempt certain zones from the policy can have dire consequences. In addition, the science involved in determining tree canopy coverage is elusive and while I applaud the effort to measure this variable, many factors come into play that also have the potential to alter the number; including unforeseen disease, blight, drought, fire, and unforeseen disasters. Some of these factors are beyond our control. I do not desire to debate the existing tree canopy number and my point is that the number is a moving target often impacted by unforeseen events. The loss of acreage and land use as a municipality by new development however is numerical as stated by the COG analysis of participating municipalities.

When this proposed ordinance went before the Mayor and Council on August 1, 2018, there was discussion about the ordinance going before the Environmental Commission and a Public Hearing. During the Mayor

and Council discussion on August 1st, various opinions were expressed as to the rationale as to why the ordinance amendment should be supported, despite a forthcoming public hearing. This correspondence therefore seeks being the beneficiary of the rationale/reasoning as to why the proposed exception of the MXE and Champion Project zoning from the tree ordinance is good for Rockville, the Metropolitan Region, the State, and our general well-being. This correspondence also seeks to be mindful that a public hearing is an opportunity for the public to weigh-in---not a box to be checked. I have taken the time to research and study the proposed ordinance as it relates to a serious national concern; global warming. Storm water management, temperatures within this zone, general health of future residents, aesthetics, energy consumption, impervious surface areas, etc. are all factors each and every development deserves to have reviewed. As staff has previously suggested to the Mayor and Council regarding other text amendments, although I do not support this change at this time, I recommended that each and every plan that comes forward; regardless if it is a Champion Project status, moves forward with our Tree Canopy Ordinance in place, and on its own merit and review process. The Mayor and Council are urged to resist an all-out ordinance amendment for the MXE and Champion Project status zoning.

The picture painted by the State of Maryland Department of Natural Resources, COG, Montgomery County Government, and daily news reports gives me great pause when it comes to ANY exception to the Tree Canopy Ordinance. We also know that future residents in these zones, especially the Champion Project will be impacted if we don't keep in place our efforts to support urban forest initiatives. The Champion Project status already has somewhat different procedures, discussions, and checks and balances usually associated with procedures; however, to my knowledge the NRI/FSD plan is not one of the changes given Tree Canopy Policy is an existing ordinance and law. The proposed amendment to Chapter 10.5 will exempt the MXE and Champion Project status from the NRI/FSD plan forever. The MXE and Champion Project are two different entities. Neither one at this time deserves an exception to the Tree Canopy Ordinance but I am willing to **listen to the City's rationale, community benefit/trade-offs and ways this exception protects our urban forests and our City.**

Thank you for reviewing this correspondence and being such a strong stewards for our City. We do have much to be proud of when it comes to looking at our environmental achievements. I did not include the many benefits of trees. The City is already aware of this and from my perspective, vigorously pursues environment initiatives, grants, and park land for future Rockville residents. That said, the request to change Chapter 10.5 and permit a blanket approach of this magnitude is not what I believe the Champion Project status was intended to do. There are countless reasons why the Champion Project status might be beneficial but we need to be careful and treat each and every development with the same standards when it comes to environmental impact. If there are acceptable and proven trade-offs for the Twinbrook Plan that has the Champion Project status, I am open to see the comparison from the existing NRI/FSD plan and the new NRI/FSD plan for the Twinbrook Project. If we don't have an existing NRI/FSD plan, can we get this in place (before and after and the mitigation plan) so we can see the impact?

Thank you and best regards....Randy Alton; 2309 Glenmore Terrace, Rockville, MD 20850

Mary Grace Sabol

From: marty bergoffen <mbergoffen@gmail.com>
Sent: Thursday, September 13, 2018 11:24 AM
To: mayorcouncil
Subject: Changing the Tree Ordinance

Re: Public Hearing on Ordinance to Amend Chapter 10.5 of the Rockville City Code, Entitled "Forest and Tree Preservation," to Amend the Minimum Tree Cover Requirements for the MXE Zone and Champion Projects

I am opposed to this amendment. Tree cover is essential for reversing climate change, and reducing the requirement will mean the Rockville is not meeting their obligations in this area. In addition, tree cover cools urban environments and contributes to a higher quality of life. Allowing developers to reduce their obligation will only increase their profits at the expense of the public good.

Please add these comments to the public record.

Sincerely
Martin Bergoffen and Carlynne Worsham
5712 Wainwright Av
Rockville MD 20851

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"In my view...every nation in the world must be free, not only externally but internally. This is to say, every nation in the world, being a conglomeration of races and religions, should develop such nationalism as is compatible with the welfare of one and all, irrespective of race, religion, class or sex. That is my nationalism."

Aung San

Mary Grace Sabol

From: SHEILA LANG <sheilarenee6@mac.com>
Sent: Thursday, September 13, 2018 11:32 AM
To: mayorcouncil
Subject: trees

Fewer trees? This kind of thinking is what will make Rockville unlivable. I will vote with my feet!

Sincerely

Sheila Lang

Mary Grace Sabol

From: Jessica Reynolds <jlgreynolds@gmail.com>
Sent: Thursday, September 13, 2018 10:07 PM
To: mayorcouncil
Subject: Proposed reduction in tree cover

Dear Mayor and Council,

I am unable to attend the upcoming meeting that will address a proposal to reduce the required tree cover in Rockville. I am strongly opposed to any reduction in tree cover requirements, and would only support an increase in requirements, as I feel we don't have enough tree cover in the city. It seems to me that trees are regularly allowed to be taken down in the city, without replacement. In the park near our home (Hillcrest), I noticed 2 large trees be taken down, and not replaced, in the past few years - and that is on a city owned property.

In addition, there is absolutely no reason to allow this change for the benefit of a single development. If the developer does not want to add the trees on their property, I suggest a solution that meets all parties interest would be to make it their responsibility to find property owners in Rockville that are willing to add trees to meet the minimum. Perhaps even add them to the parks! I would welcome two replacement trees in our park (native trees only, please)! Perhaps some neighbors who have had to take down trees in Twinbrook would also welcome a replacement tree.

Please do the right thing, and reject the proposal to weaken our tree cover minimum. We need to do all we can to protect our environment, and not adjust our standards down to meet the request of a single entity. It not only hurts our city's environment, but it also sets a bad precedent, indicating that commercial interests are more important than the interests of your voting citizens.

Sincerely,
Jessica Reynolds
1022 Paul Dr

**Testimony for Public Hearing
To Amend Chapter 10.5 of the Rockville City Code,
Entitled "Forest and Tree Preservation,"
to Amend the Minimum Tree Cover Requirements
for the MXD Zone and Champion Projects**

Good Evening. My name is Barbara Sears, representing Lantian Development, owner of approximately 31 acres on Shady Grove Road bordered by Choke Cherry Road and Gaither Road, zoned MXE.

The owner has proposed a mixed-use project plan to transform what is currently a 1980's outdated office park with all surface parking and no stormwater management into a compatible, mixed-use community that furthers important sustainability and economic development goals of the City.

We wish to support the proposed change to the Forestry Law to allow properties in the MXE Zone to have a 10% tree coverage if certain conditions are met. The 10% requirement is consistent with other similar mixed-use zones.

However, a property owner in the MXE Zone would also be required to dedicate to the City, at no cost, 5% of the gross tract area as usable parkland. Further, the areas dedicated need to be 20,000 square feet or greater.

For the Lantian site, this requires a dedication of usable park area of approximately 1.56 acres.

The location and configuration of the area to be dedicated for parkland to the City must be approved by the Director of Recreation and Parks. Our concept plan

September 17, 2018

that results in the treatment of the 31-acre site as well as an additional 9 acres of off-site runoff, or 29% more than required under law.

In addition to the 10% tree coverage, requirements for afforestation mitigation remain and the City will receive a fee-in-lieu payment of nearly \$800,000 that will result in the opportunity for adding to and replacing lost trees throughout the City.

Therefore, by adopting this amendment and if it is applied to the Lantian site, there will be a substantial net increase in tree canopy, afforestation, tree replacement and public park, along with a significant reduction in impervious area and introduction of effective stormwater management controls treating 40 acres of currently untreated areas.

Additionally, the benefits of providing a new mixed-use development incorporating a mix of office, retail, housing and other uses close to Metro, served by expensive existing infrastructure and planned BRT service, resulting in reduction of vehicular trips, continues the revitalization of the Shady Grove Corridor and best realizes the planning and economic development goals of the City. Importantly, this is an area the City has planned for this type of development to occur. The text amendment helps to make this possible while providing extensive public amenities.

Thank you.

**LINOWES
AND BLOCHER LLP**
ATTORNEYS AT LAW

September 17, 2018

C. Robert Dalrymple
301.961.5208
bdalrymple@linowes-law.com
Heather Dlbopolsky
301.961.5270
hdlhopolsky@linowes-law.com

VIA HAND DELIVERY

City of Rockville Mayor & Council
Rockville City Hall
111 Maryland Avenue
Rockville, Maryland 20850

Re: Proposed Amendments to the Forest and Tree Preservation Ordinance (Chapter 10.5 of the City Code – the “FTPO”) – Saul Holdings Limited Partnership’s Written Testimony in Support of the Revisions to the Minimum Tree Cover for “Rockville Champion Projects”

Dear Mayor Newton and Members of the City Council:

On behalf of Saul Holdings Limited Partnership (“Saul”), we are providing these written comments to supplement the oral testimony that will be presented to the City of Rockville Mayor and Council (the “Mayor and Council”) during its public hearing on the Ordinance to Amend Chapter 10.5 of the City Code (the “FTPO Revisions”) to be held on September 17, 2018. We ask that this written testimony be placed into the public record on the FTPO Revisions.

Saul has assembled and owns significant property in the vicinity of the Twinbrook Metro Station in the South Pike area (east of Rockville Pike and west of the railroad tracks, from Halpine Road to just north of Congressional Lane, and identified as 1500-1616 Rockville Pike), comprised of approximately 18.36 contiguous acres (the “Saul Property”). A Project Plan application is currently pending that would allow Saul to transform the outdated existing collection of single-story suburban commercial uses and vast surface parking into an integrated, transit-oriented, mixed-use “destination location” composed of multiple residential and nonresidential buildings of varying heights anchored by a large central green park and other strategic public use spaces and open spaces, a landscaped pedestrian promenade lining Rockville Pike, new north-south and east-west inter and intra connector streets and pedestrian and bicycle circulation improvements,

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City of Rockville Mayor and Council
September 17, 2018
Page 3

applied by the City Forester. In light of this challenge that creates practical difficulties, the proposed FTPO Revisions would appropriately allow the Mayor and Council to holistically consider the important environmental features and public benefits proposed as part of a "Rockville Champion Project," and reduce the on-site minimum tree cover to 5% accordingly when warranted.²

Lastly, Saul notes that allowing for the potential to decrease the minimum on-site tree cover requirement for a "Rockville Champion Project" to 5% will not result in a reduced afforestation requirement. Significantly, allowing for a reduced on-site tree cover as part of redevelopment will have the effect of requiring a larger fee-in-lieu payment to meet the afforestation requirement. By way of example, the afforestation requirement for Saul's Project is 15% of tract area pursuant to Section 10.5-22(c) of the City's FTPO. Thus, the potential reduction in on-site tree cover from 10% to 5% would have the result of doubling Saul's fee-in-lieu for the Project. The increase in fee-in-lieu funding would allow the City to increase tree canopy coverage throughout the City of Rockville.

In summary, the proposed FTPO Revisions will have net positive environmental impacts at sites designated by the Mayor and Council as "Rockville Champion Projects" (as described above) as well as at additional locations in City through the deployment of increased funding provided as a result of fee-in-lieu payments. Thank you for your consideration of these written comments in support of the proposed FTPO Revisions. Should you have any questions or need any additional information, please do not hesitate to contact us.

Very truly yours,

LINOWES AND BLOCHER LLP

C. Robert Dalrymple

C. Robert Dalrymple

Heather Dlhopsky

Heather Dlhopsky

² Saul notes that a reduced minimum on-site tree cover requirement is consistent with best practices applied by neighboring jurisdictions in the context of urban, mixed-use environments. By way of example, the Montgomery County Planning Board approved an on-site tree cover of approximately 3.2% (as measured against tract area) for the nearby Pike and Rose project.

Exhibit No. 7
 Chapter 10.5 (FTPO)
 Forest and Tree Preservation
 Public Hearing: September 17, 2018

Sara Taylor-Ferrell

From: Sara Taylor-Ferrell
Sent: Friday, September 28, 2018 4:02 PM
To: David Greene; cityclerk
Cc: mayorcouncil
Subject: RE: Testimony on Proposed Changes to the Minimum Tree Cover Requirements
Attachments: Additional Information - Forest and Tree Preservation Ordinance (FTPO).docx

Dear Mr. Greene,

I wanted to confirm to you that each of the Mayor and Council have received a copy of your email. Your comments will be placed into the official record and considered by the Mayor and Council.

The Mayor and Council will held a Public Hearing on September 17, 2018 on the proposed amendments to Chapter 10.5 Forest and Tree Preservation.

Discussion and Instructions scheduled for October 15, 2018 to review the public hearing testimony and give direction to staff on further actions.

Please see additional information regarding the changes to the Forest and Tree Preservation Ordinance above.

The City of Rockville has one of the strongest ordinance in the State of Maryland and it has resulted the number 1 jurisdiction for total percentage of Tree Canopy when compared to other nearby areas (See Attached). The City is intent on not reducing the City's overall Tree Canopy with these proposed changes.

The Mayor and Council thank you for your comments.

Sara Taylor-Ferrell
 City Clerk/Director of Council Operations

City of Rockville
 111 Maryland Avenue
 Rockville, Maryland 20850
 Office 240-314-8283
 EFax 240-403-9283

From: David Greene <dgreene80@yahoo.com>
Sent: Friday, September 28, 2018 11:51 AM
To: cityclerk <cityclerk@rockvillemd.gov>
Cc: mayorcouncil <mayorcouncil@rockvillemd.gov>
Subject: Tesimony on Proposed Changes to the Minimum Tree Cover Requirements

Good Morning,

Please add my testimony below to the public record for the "Public Hearing on Ordinance to Amend Chapter 10.5 of the Rockville City Code, Entitled 'Forest and Tree Preservation,' to Amend the Minimum Tree Cover Requirements for the MXE Zone and Champion Projects," which was held at the Rockville Mayor and Council meeting on September 17, 2018.

Thank you.

-David Greene

Dear Rockville Mayor and Council,

Recent reports and testimony have described the benefits of reducing Rockville's Minimum Tree Cover requirement in certain areas.

I'm sure you realize all those benefits would be doubled under the current requirement, so cutting the requirement in half only makes sense if it encourages business owners to redevelop their properties.

I understand Rockville is extremely desperate for new business development, so I am surprised you would rely on the Parks Department to propose business development incentives. I'm sure many other people have ideas for ways to encourage new development in Rockville, and perhaps the many Rockville Pike Plan meetings or Rockville 2040 meetings would have been a good place to solicit ideas and discussion.

Unfortunately, reducing the tree requirement by 50% does not go far enough for some business owners who also want these additional incentives:

- Reduced parking space requirements
- Reduced Adequate Public Facilities test requirements
- Reduced sidewalk requirements
- Reduced street corner rounding requirements
- Eliminate requirement to specify how much traffic will be generated
- Eliminate requirement to specify how each new building will be used
- Extended project plan approval time limits
- Increased signage limits
- Increased retail store size limits

If you cut the tree requirement in half and also approve all these other incentives, then Rockville must truly be extremely desperate for new business development. This would appear to be a complete capitulation to developers, and I sure hope it turns out to be good for Rockville.

Sincerely,
David Greene
1405 Bradley Ave

Sara Taylor-Ferrell

From: Sara Taylor-Ferrell
Sent: Friday, September 28, 2018 3:59 PM
To: John; cityclerk
Subject: RE: Trees
Attachments: Additional Information - Forest and Tree Preservation Ordinance (FTPO).docx

Dear John,

I wanted to confirm to you that each of the Mayor and Council have received a copy of your email. Your comments will be placed into the official record and considered by the Mayor and Council.

The Mayor and Council will held a Public Hearing on September 17, 2018 on the proposed amendments to Chapter 10.5 Forest and Tree Preservation.

Discussion and Instructions scheduled for October 15, 2018 to review the public hearing testimony and give direction to staff on further actions.

Please see additional information regarding the changes to the Forest and Tree Preservation Ordinance above.

The City of Rockville has one of the strongest ordinance in the State of Maryland and it has resulted the number 1 jurisdiction for total percentage of Tree Canopy when compared to other nearby areas (See Attached). The City is intent on not reducing the City's overall Tree Canopy with these proposed changes.

Sara Taylor-Ferrell
 City Clerk/Director of Council Operations

City of Rockville
 111 Maryland Avenue
 Rockville, Maryland 20850
 Office 240-314-8283
 EFax 240-403-9283

-----Original Message-----

From: John <jwreeves64@yahoo.com>
 Sent: Friday, September 28, 2018 12:23 PM
 To: cityclerk <cityclerk@rockvillemd.gov>
 Subject: Trees

It would be nice if the city of Rockville would consider where the plant tree not next to the sewer line which tree grows roots and ends up bursting sewer line just asking for some common sense which the city of Rockville government is lacking!

Sent from my iPhone

Sara Taylor-Ferrell

From: Sara Taylor-Ferrell
Sent: Friday, September 28, 2018 4:36 PM
To: 'Jamie Clark'; cityclerk
Subject: RE: Reduced tree requirement
Attachments: Additional Information - Forest and Tree Preservation Ordinance (FTPO).docx

Dear Mr. Clark,

I wanted to confirm to you that each of the Mayor and Council have received a copy of your email. Your comments will be placed into the official record and considered by the Mayor and Council.

The Mayor and Council will held a Public Hearing on September 17, 2018 on the proposed amendments to Chapter 10.5 Forest and Tree Preservation.

Discussion and Instructions scheduled for October 15, 2018 to review the public hearing testimony and give direction to staff on further actions.

Please see additional information regarding the changes to the Forest and Tree Preservation Ordinance above.

The City of Rockville has one of the strongest ordinance in the State of Maryland and it has resulted the number 1 jurisdiction for total percentage of Tree Canopy when compared to other nearby areas (See Attached). The City is intent on not reducing the City's overall Tree Canopy with these proposed changes.

The Mayor and Council thank you for your comments.

Sara Taylor-Ferrell
 City Clerk/Director of Council Operations

City of Rockville
 111 Maryland Avenue
 Rockville, Maryland 20850
 Office 240-314-8283
 EFax 240-403-9283

From: Jamie Clark <jamesthegirl21@gmail.com>
Sent: Friday, September 28, 2018 12:18 PM
To: cityclerk <cityclerk@rockvillemd.gov>
Subject: Reduced tree requirement

I am very upset by the city's willingness to cut the tree cover requirement in half. Between that and the following other reductions in safety, ease of travel, overcrowding that retailers seem to want, and will likely receive, I am extremely worried about what Rockville is becoming. So concerned that we are looking for homes elsewhere. I have lived here since I was 18 months old, in a house on Rocking Horse, then on Ashley Dr. I grew up in this city and have watched the sprawl swallow up green space, destroy the crow rookery, and make walking near the Pike a real life game of Frogger. I am sad to leave my home of almost 40 years, but if this goes through, followed by the other retailers demands, I cannot raise my children here. It is turning into a cement strip of cars and noise. The remarks i have included post script

are what moved me to write you. Please listen to Mr. Greene and our community, do not reduce the tree cover requirement.

Respectfully, Jamie Clark (Twinbrook)

Recent reports and testimony have described the benefits of reducing Rockville's Minimum Tree Cover requirement in certain areas.

I'm sure you realize all those benefits would be doubled under the current requirement, so cutting the requirement in half only makes sense if it encourages business owners to redevelop their properties.

I understand Rockville is extremely desperate for new business development, so I am surprised you would rely on the Parks Department to propose business development incentives. I'm sure many other people have ideas for ways to encourage new development in Rockville, and perhaps the many Rockville Pike Plan meetings or Rockville 2040 meetings would have been a good place to solicit ideas and discussion.

Unfortunately, reducing the tree requirement by 50% does not go far enough for some business owners who also want these additional incentives:

- Reduced parking space requirements
- Reduced Adequate Public Facilities test requirements
- Reduced sidewalk requirements
- Reduced street corner rounding requirements
- Eliminate requirement to specify how much traffic will be generated
- Eliminate requirement to specify how each new building will be used
- Extended project plan approval time limits
- Increased signage limits
- Increased retail store size limits

If you cut the tree requirement in half and also approve all these other incentives, then Rockville must truly be extremely desperate for new business development. This would appear to be a complete capitulation to developers, and I sure hope it turns out to be good for Rockville.

Sincerely,
David Greene

Exhibit No. 10
 Chapter 10.5 (FTPO)
 Forest and Tree Preservation
 Public Hearing: September 17, 2018

Sara Taylor-Ferrell

From: Sara Taylor-Ferrell
Sent: Friday, September 28, 2018 4:59 PM
To: BCBerbert@hotmail.com
Cc: cityclerk; Julie Palakovich Carr
Subject: RE: Forest and Tree Preservation - Champion Projects
Attachments: Additional Information - Forest and Tree Preservation Ordinance (FTPO).docx

Dear Mr. Berbert,

I wanted to confirm to you that each of the Mayor and Council have received a copy of your email. Your comments will be placed into the official record and considered by the Mayor and Council.

The Mayor and Council will held a Public Hearing on September 17, 2018 on the proposed amendments to Chapter 10.5 Forest and Tree Preservation.

Discussion and Instructions scheduled for October 15, 2018 to review the public hearing testimony and give direction to staff on further actions.

Please see additional information regarding the changes to the Forest and Tree Preservation Ordinance above.

The City of Rockville has one of the strongest ordinance in the State of Maryland and it has resulted the number 1 jurisdiction for total percentage of Tree Canopy when compared to other nearby areas (See Attached). The City is intent on not reducing the City's overall Tree Canopy with these proposed changes.

The Mayor and Council thank you for your comments.

Sara Taylor-Ferrell
 City Clerk/Director of Council Operations

City of Rockville
 111 Maryland Avenue
 Rockville, Maryland 20850
 Office 240-314-8283
 EFax 240-403-9283

From: Julie Palakovich Carr <JPalakovichCarr@rockvillemd.gov>
Sent: Friday, September 28, 2018 4:56 PM
To: BCBerbert@hotmail.com
Cc: cityclerk <cityclerk@rockvillemd.gov>
Subject: Fw: Forest and Tree Preservation - Champion Projects

Hi Ben,

Thank you for your email. I've included the City Clerk's Office on this email so that your email is part of the official record.

Best,

Julie Palakovich Carr

Councilmember

From: Benjamin <BCBerbert@hotmail.com>

Sent: Tuesday, September 25, 2018 10:03 PM

To: Julie Palakovich Carr; Mark Pierzchala; Bridget Newton; bfineberg@rockvillemd.gov; Virginia Onley

Subject: Forest and Tree Preservation - Champion Projects

Good evening Mayor and Council,

I wanted to express my opinions about the proposed changes to Chapter 10.5 of the City code regarding the minimum tree canopy coverage, specifically about Champion Projects.

At first, when I heard about the proposed changes to allow the Mayor and Council to consider a reduction in canopy cover from 10% to as low as 5% I was not in favor of it. As much as I want to encourage redevelopment this seemed like an already low standard that just needed to be met. I watched the video of the Public Hearing from the 17th however and I have to say it's changed my opinion. Now knowing that street trees in city right-of-way do not count toward the canopy requirements, and that a fee-in-lieu would be required both make this proposed change much more reasonable in my opinion. Especially since we just enacted the new Rockville Pike Plan that envisioned the lower part of the Pike corridor as much more urban in form.

I do have a suggestion however regarding the fee-in-lieu, that would set up some expectations on how that fee would be used. I'd like to suggest it be limited to projects either in Twinbrook or Montrose Planning Areas unless the City can find no way to utilize the funding in those neighborhoods since they are the closest to where Champion Projects would be approved. I'd suggest the list of things the fee could use used for be expansive toward tree goals including but not limited to maintenance and planting additional street trees and park trees, city led non-native invasive species removal from parks and rights-of-way, reforestation of areas of targeted non-native invasive species removal, and promotion and enhancement of the rainscapes program that may include assistance in managing private property trees for residents in need of assistance.

Thank you

Ben Berbert
5903 Saint Lo Avenue

Michelle Chite

From: Julie Palakovich Carr <JPalakovichCarr@rockvillemd.gov>
Sent: Monday, October 01, 2018 8:54 PM
To: Monte Fisher
Cc: cityclerk
Subject: Re: BF Saul's desire for fewer trees

Dear Mr. Fisher,

Thank you for your email. I've cc'ed the City Clerk on this email so that your comments will be included in the public record.

Best,

Julie Palakovich Carr
 Councilmember

From: Monte Fisher <monte@lukefisher.com>
Sent: Saturday, September 29, 2018 5:00:22 PM
To: Bridget Newton; Beryl Feinberg; Virginia Onley; Julie Palakovich Carr; Mark Pierzchala
Subject: BF Saul's desire for fewer trees

I am writing to oppose strongly reducing the Minimum Tree Cover requirement, motivated by BF Saul's new development. This will NOT incentivize creating more parkland in the new BF Saul development, which they've already decided upon. It will change the number of trees along the streets in the project and along 355, and especially will diminish the trees in the "central park," which the current rendering shows as it it were a sparsely-tree-rimmed playing field, <https://goo.gl/VCQTjd>. We need a park not a playing field. The previous renderings, <https://goo.gl/vCy9xt>, show a much nicer place to live in and visit.

Saul has taken to engaging in frightening hyperbole, which I hope the Council will disregard in consideration of actual facts. They claim on their Facebook page (<https://goo.gl/VWuJG2>) that "we would have to cover the entire public park in trees to meet the 10% MTC standard, which would make the park virtually impossible for people to use." Binary logic is silly here, the alternatives are not EITHER a sparsely-tree-rimmed lawn OR a dense impenetrable forest (egads, what wilde beasts would lurk there?). There is sufficient flexibility to allow an open area with abundant trees and shade -- flexibility which the Council can allow based on an actual plan, rather than allowing a flat-out 50% reduction. Please make them convince you with hard-committed specifics rather than a vague doomsday scenario.

Monte Fisher
 Twinbrook resident



Virus-free. www.avast.com

Ordinance No. ____

ORDINANCE: To amend Chapter 10.5 of the Rockville City Code, entitled “Forest and Tree Preservation,” to amend the minimum tree cover requirements for the MXE zone and champion projects.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that Chapter 10.5 of the Rockville City Code, entitled “Forest and Tree Preservation,” Article III “Retention, Tree Replacement, Afforestation and Replacement Requirements,” is hereby amended as follows:

ARTICLE III – RETENTION, TREE REPLACEMENT, AFFORESTATION AND REFORESTATION REQUIREMENTS

* * *

Sec. 10.5-22. - Tree replacement, reforestation and afforestation.

* * *

(d) Minimum tree cover. ~~The afforestation level shall be~~

(1) Except as otherwise provided in this section, the minimum amount of tree cover to be provided onsite is the same percentage of the tract area as the afforestation level.

(2) ~~except in~~ In the MXCD, MXTD and MXNC zones, the minimum tree cover to be provided on site is ten (10) percent of the tract area. ~~where the minimum tree cover shall be ten (10) percent of the tract area.~~

(3) In the MXE zone, if at least five (5) percent of the tract area is dedicated in fee simple to the City as useable public parkland, the minimum tree cover to be provided on site is ten (10) percent of the tract area. Any parcel of land dedicated to the City pursuant to this subsection must be a minimum of 20,000 square feet. It is the Director of Recreation and Park’s sole discretion to determine whether to accept the dedication of land and whether land is usable public parkland. Trees planted on the land to be dedicated to the City may count towards the minimum tree cover requirement, but the City Forester must approve any such planting.

(4) For a champion project, as defined in the Chapter 25 of the City Code, the Mayor and Council, at the time a project plan resolution is approved, may establish the minimum tree cover to be provided on site. The minimum tree cover for a champion project can be established at at no less than five (5) percent of the tract area.

(5) Replacement trees, reforestation, afforestation and existing trees can be used to satisfy tree cover requirements. Tree cover requirements shall be calculated and shown on the Forest Conservation Plan.

* * *

NOTE: ~~Strikethroughs~~ indicate material deleted

Underlining indicates material added

Double underlining indicated material added after introduction

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 at its meeting of _____.

Sara Taylor-Ferrell

City Clerk/Director of Council Operations



Mayor & Council Meeting Date: October 15, 2018

Agenda Item Type: Authorization

Department: CPDS - Zoning Review & Other

Responsible Staff: Deane Mellander

Subject

Authorization to File Zoning Text Amendment for Comprehensive Amendments to the Sign Regulations (Article 18 of the Zoning Ordinance)

Recommendation

Authorize the filing of the proposed text amendment.

Change in Law or Policy

The proposed zoning text amendment will amend the sign regulations contained in Article 18 of Chapter 25, entitled "Zoning Ordinance," and associated sign references in Articles 3, 4, 5, 6, and 17.

Discussion

Background

In accordance with direction from the Mayor and Council, staff undertook a comprehensive review of the provisions that regulate signs within the City of Rockville. The city's sign regulations are primarily located within Article 18 of the City's Zoning Ordinance (Article 18 is herein referred to as the "Sign Code"). The city retained an outside consultant to assist with staff's review of the Sign Code.

Proposed Text Amendment

The proposed text amendment, which is included as Attachment A, sets forth the recommendations from staff and the outside consultant. The recommendations encompass both policy and legal issues that staff believes make the Sign Code a better regulatory device. In this Staff Report, many of the recommended edits contained in Attachment A are detailed and summarized; however, some of the recommended amendments are clarifying in nature and this Staff Report does not discuss these clarifying amendments. The discussion and summary of the recommended amendments contained below are in the same order as the draft amendments contained in Attachment A.

Article 3 – Definitions

Various definitions within Article 3 of the Zoning Ordinance that are used in the Sign Code are proposed to be deleted or amended. In addition, the staff recommends that new definitions be

added to Article 3. The new and revised definitions are used in the regulatory framework contained in the Sign Code.

Article 4 – Approving Authorities

Our Sign Code consultant recommends that the Mayor and Council eliminate the Sign Review Board (“SRB”). One of the main functions of the SRB is to hear and decide applications for modifications from the Sign Code. Under the draft amendments, the Sign Code would be revised so that modifications from the Sign Code be subject to the variance process and criteria set forth in Section 25.06.03. (See Section 25.18.03.) Staff concurs with our consultant. The Board of Appeals (“BOA”) is the city’s public body that reviews variance requests from zoning regulations. Staff believes that it is advantageous to utilize the BOA’s experience and familiarity with the variance process for requested modifications from the Sign Code. Further, with other proposed amendments to the Sign Code, staff believes that there will be fewer modification requests from the Sign Code. With fewer potential modification requests from the Sign Code, the SRB would meet infrequently and it would be more efficient to have the BOA review and act on these modifications as variance requests related to the Sign Code.¹

Article 5 – Application and Notification and Article 6 – Procedures for . . . Variances

The recommended amendments to Articles 5 and 6 must be made in order to implement the recommendation to eliminate the SRB and require modification requests from the Sign Code to go through the variance process.

Article 17 – Public Use Space, Landscaping and Screening, Utility Placement and Screening, Lighting, Sidewalks, and Shadows

Section 25.17.08 establishes building restriction lines along a portion of Hungerford Drive and build-to lines along a portion of Rockville Pike. Generally, no buildings or structures – including signs – are permitted within the area between the public right-of-way and the building restriction lines or build-to lines. However, there is an exception for signs which can be installed within such areas subject to certain requirements. The amendments to Section 25.17.08 are clarifying in nature and are not intended to change the application of or policy behind this section.

Article 18 – Signs

Section 25.18.03

The proposed amendment would delete the special application requirements for applications to the SRB and replace them with the BOA’s variance application process and criteria. As stated above, staff recommends that modifications from the Sign Code be subject to the BOA’s variance criteria and process.

Section 25.18.04

¹ Since 2014, the SRB has met no more than seven times during the course of a calendar year. In 2014-2016, the SRB met seven times in each year. In 2017, the SRB met five times. In 2018, the SRB has met three times as of October 15, 2018.

Subsection (b) sets forth the types of signs that are prohibited in the city. The types of signs specifically prohibited in the city remains largely the same, but staff does recommend deleting one of the current prohibitions, making minor edits to the other prohibitions, and adding four new prohibitions as described below.

Staff recommends that the city's prohibition on off-premises² signs remain; however, the draft amendments do create two exceptions when off-premises signs may be allowed (See Sections 25.18.18 and 25.18.19). Under the current code, virtually all off-premises signs are prohibited – which would include many real estate open house signs. Real estate open house signs are generally placed off the premises where the for-sale property is located, which would make the signs “off-premises signs” under the Sign Code. At this time, staff is not making a recommendation to allow off-premises signs in the city other than as would be allowed by the amendments to Sections 25.18.18 and 25.18.19. However, if the Mayor and Council would like to allow off-premises real estate open house signs in the city, the consultant has indicated that there are ways to regulate such signs while still avoiding a proliferation of billboards and other off-premises signs.

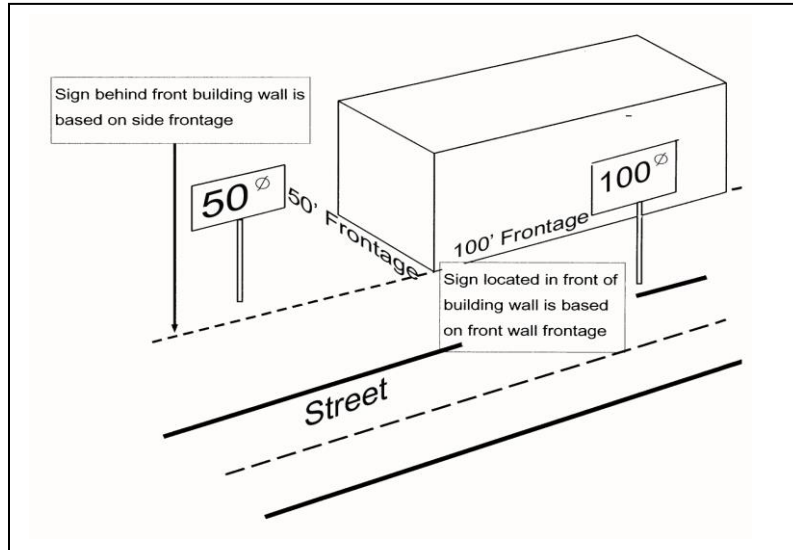
With respect to the new prohibitions, staff recommends that the city prohibit pole-mounted signs (Subsection b.19.). Several of the overall purposes of our Zoning Ordinance included in Section 25.01.02 sets forth support for prohibiting pole-mounted signs:

- Protect and enhance the aesthetic and visual character of the city and its residential neighborhoods; and
- Provide attractive, high quality development and design that enhances the community's quality of life.

In staff's experience, most modern signs and comprehensive sign packages do not include pole signs. Staff feels that these signs do not reflect the high-quality design and aesthetics of Rockville.

A corresponding definition to pole-mounted sign is also proposed to be added to Article 3. Under the proposed definition and prohibition, the city would prohibit any “permanent sign, other than a directional sign or flag, which is supported from the ground by means of one or more support poles that are narrower in width or depth than the sign the pole or poles support.” By way of example, Figure 18.11 of the current Sign Code, which is reproduced in this staff report below, contains an example of what a typical pole sign looks like.

² The Sign Code defines an off-premise sign as “a sign that directs attention to a building, product, business, organization, service, entertainment, commodity, accommodations, activity, or institution that is not located, conducted, sold, rented, produced, manufactured, and/or furnished on the same lot as the sign.”



If the Mayor and Council were to choose to enact a prohibition on pole-mounted signs, any existing signs would become nonconforming and be subject to Section 25.18.09. Any existing pole-mounted sign would not need to be immediately replaced. Under the draft amendments, pole-mounted signs could remain erected and in use until (i) the signs are structurally altered, abandoned, destroyed, replaced, or substantially damaged; or (ii) the time when the existing business/tenant erects new or additional signs on the premises.

Further, staff recommends that Subsection (c), which regulates owner/leasing agent signs, be deleted from the Sign Code. The Sign Code regulates temporary real estate signs (Sections 25.18.11.3; 25.18.12.c.; 25.18.13.f; 15.18.14.a.4; and 25.18.14.b.6.(a)), and owner/leasing agent signs are more properly regulated under the temporary real estate sign provisions.

Section 25.18.05

Section 25.18.05 sets forth the types of signs that are exempt from the Sign Code. Staff recommends that this section be revised to clarify the exemptions.

Section 25.18.06

Staff recommends that the provision that limits the trademark or logo of a company to occupy no more than 20% of a sign face be deleted. Many of the modification requests submitted to the SRB are related to this provision. Staff believes that this limitation can be eliminated and there will not be a significant impact on the aesthetics of the city.

Section 25.18.08

Staff recommends that a new subsection a. be enacted to clarify the Sign Code by identifying what a “sign plan” is. Certain sections of the Sign Code make reference to a sign plan (i.e., Sections 25.18.13.a.2.(a) and 25.18.14.b.2.(b).i.(e)), but the term is not clearly defined in the Sign Code. By adding a new subsection (a), the Sign Code would clearly identify what constitutes a sign plan, when a sign plan is required, what a sign plan must contain, and when it

must be revised. Staff believes that this new subsection would clarify an ambiguity in the current Sign Code.

Other subsections within Section 25.18.08 are also recommended to be revised to account for the new sign plan provisions.

Section 25.18.09

Staff recommends that the nonconforming sign provisions be revised to (i) eliminate the 8-year amortization provision,³ and (ii) clarify when a nonconforming sign must be brought into conformance. Under the revised provisions, nonconforming signs could remain erected, installed or in use until (i) the sign is structurally altered, abandoned, destroyed, replaced, or substantially damaged; or (ii) the time when the existing business/tenant erects new or additional signs on the premises. Minor maintenance of nonconforming signs would be allowed.

As indicated in the discussion on Section 25.18.04 above, staff recommends that pole-mounted signs be prohibited in the city. Under the proposed amendments to nonconforming sign provisions, any existing pole-mounted signs could remain erected and in use until an event that causes them to be brought into compliance with the Sign Code occurs.

Section 25.18.10

Staff recommends that subsection c., which has specific regulations only applicable to election and other event signs, be deleted from this section. As discussed further in Section 25.18.15 below, the regulations that pertain to election signs are proposed to be deleted from the Sign Code.

Section 25.18.11

Section 25.18.11 regulates the signs that are allowed for residential uses in all zones. Most of the recommend edits are clarifying in nature, but staff does recommend that subsection 1. ("Identification Signs") be deleted. Staff recommends that this subsection be deleted because signs that are smaller than one (1) square foot are proposed to be exempt from the Sign Code (See Section 25.18.05.4). By exempting signs that are one (1) square foot in size – which equates to 144 square inches – this subsection becomes unnecessary because signs that are regulated by the subsection would largely be exempt from the Sign Code.

Section 25.18.12

Staff recommends that the reference to "a church, synagogue or other place of worship" be deleted from the Sign Code because such uses are within the scope of permitted nonresidential uses in residential zones. This recommended amendment would delete unnecessary text as

³ An amortization provision essentially provides a grace period in which a regulation will not be enforced. At the end of the amortization period that is applicable to signs, the sign owner must alter the sign so that it conforms to the current regulations or remove the sign.

signage for all permitted nonresidential uses is regulated in the same manner. Other minor edits to Section 25.18.12 are also proposed.

Section 25.18.13

Section 25.18.13 currently regulates signs in MXC Zone and the Industrial Zones. Staff recommends that the MXC Zone be removed from the regulatory framework of this section. The MXC Zone is proposed to be added to Section 25.18.14., which contains the regulations for all other mixed-use zones. This would limit the application of Section 25.18.13 to the Industrial Zones – which staff believes is a better way to regulate signage.

In addition to removing the MXC Zone, staff recommends that some of the substantive regulations in this section be amended. Staff recommends that the permanent building sign regulations contained in subsection a.1.(a) be amended. The amendment would allow for business/tenants in the industrial zone to have an extra 25 square feet of signage by right. Staff also recommends that the freestanding sign regulations be revised to clarify what is allowed with respect to freestanding signs.

Staff also recommends that subsection a.3. be deleted from the Sign Code. This subsection primarily regulates building directory signs where multiple tenants are within a single building. With other proposed changes to the Sign Code, this section becomes unnecessary.

Other minor changes are proposed throughout this section.

Section 25.18.14

Section 25.18.14 regulates signs in the mixed-use zones. As indicated above, the MXC Zone would be added to the regulatory framework of this section and signs would be regulated in the same manner as signs in the MXT Zone. Staff also recommends adding the MXCT Zone to the regulatory framework of this section. The MXCT Zone was a new zone created as a result of a text amendment implementing the Rockville Pike Neighborhood Plan. The text amendment that created that zone did not add the new zone to the Sign Code. This aspect of the amendment would correct the oversight, and signs in the MXCT Zone would be regulated in the same manner as signs in the MXTD, MXCD, MXNC, MXB, and MXE Zones.

Additionally, staff recommends some of the substantive regulations in this section be amended. Staff recommends that a “portable signs” subsection be added to the regulations applicable to the MXT and MXC zones. Portable signs are currently allowed in the MXTD, MXCD, MXNC, MXB, and MXE zones, and staff recommends that portable signs also be allowed in the MXT and MXC zones.

Staff also recommends that the method pertaining to how permanent building sign area is calculated be amended in a similar manner to what is proposed in the industrial zones. The total amount of building signage allowed for permanent building signs for each business/tenant in the MXTD, MXCD, MXCT, MXE, and MXNC Zones would be expanded by 25 square feet. With

respect to freestanding signs, staff recommends that the freestanding sign regulations be revised to clarify what is allowed. Other minor changes are proposed throughout this section.

Staff also recommends that subsection b.1.(c), which grants the authority for an applicant to apply for an “optional comprehensive sign package,” be deleted. Rather than have this as a subsection within the mixed-use zone section, staff is proposing that the Mayor and Council enact a separate section that regulates optional sign packages. The discussion on optional sign packages is discussed below in Section 25.18.19.

Section 25.18.15

This section specifically regulates elections signs. Staff recommends that any references or regulations only applicable to “election signs” be deleted from the Sign Code. Election signs should be regulated as temporary signs rather than a special classification of signs.

Section 25.18.16

Section 25.18.16 sets forth the regulations that apply to signs on public property and the public right-of-way. In subsection (a), staff recommends that the provision allowing the City Manager to authorize or otherwise allow signs to be placed in the rights-of-way be deleted. Rather than giving the City Manager the sole discretion to allow signs in the rights-of-way, staff recommends that signs in the rights-of-way be prohibited unless specifically authorized or required by the Sign Code.

Subsection (b) is revised to clarify the exceptions to the general prohibition.

Section 25.18.18

Section 25.18.18 sets forth the sign regulations applicable to Planned Development Zones. In addition to the clarifying amendments in subsection (b), staff recommends that subsection (c), entitled “*Optional Comprehensive Sign Package*,” be deleted. In its place, staff recommends that the Mayor and Council enact alternative regulations applicable to Planned Development Zones that have a mixed-use or commercial component. Under the alternative regulations, a limited number of off-premises signs would be allowed in Planned Development Zones. Any commercial messages on the off-premises signs would be required to refer to a tenant or tenants located within the planned development. Staff believes that such limited off-premises signs would not have a negative impact on traffic safety or aesthetics and would directly further the Sign Code’s purpose set forth in Section 25.18.01.b.

Section 25.18.19

Staff recommends that a new section be enacted that would allow large contiguous areas to be eligible to apply for an optional sign package. Under the optional sign package provision, property owners of large contiguous areas – which are defined as (i) five (5) or more acres in the MXTD, MXCD, or MXNC Zones or (ii) 10 or more acres in the MXE Zone – would have the ability to apply for an optional sign package. The purpose of this section is to allow for large-scale projects and larger areas to provide signage that fits the unique needs of the project or area, which would also further the purpose of the Sign Code. The alternative standards

contained in this section would further the purpose of the Sign Code by enhancing the aesthetic qualities and enhancing vehicular, bicycle, and pedestrian safety.

Eligible properties would be able to submit an application to the city and would be allowed to utilize the alternative standards set forth in Section 25.18.19. The alternative standards include more total signage allowed (subsection c.1.) and flexibility on the location of building and freestanding signs (subsection c.2.). As part of the flexibility, off-premises signs would be allowed within the area subject to an optional sign package application. However, similar to the proposed amendment for planned developments, any off-premises sign must refer to a tenant or tenants within the area subject to an optional sign package application.

In addition to the alternative standards, this section details what an applicant needs to submit as part of an application and how the city approves an optional sign package.

Mayor and Council History

This is the first time this matter has appeared before the Mayor and Council.

Public Notification and Engagement

Once filed, civic and homeowners associations will be notified by neighborhood listserv. In addition, Staff will provide the draft text amendment to the Rockville Chamber of Commerce and the Rockville Economic Development, Inc. to get feedback from the business community. Staff plans to hold two open houses where citizens and the business community can provide comments on the draft text amendment. The Sign Review Board and the Board of Appeals will also be consulted for their feedback.

Boards and Commissions Review

The Planning Commission will have the opportunity to review the proposed text amendment at a regularly-scheduled meeting. The Planning Commission may provide comments to the Mayor and Council prior to the public hearing.

Next Steps

Once filed, the proposed text amendment will be forwarded to the Planning Commission for review and comment. As stated above, Staff will engage the business community, residents, and other Boards to receive feedback. Staff recommends that the public hearing before the Mayor and Council tentatively be set for February/March, 2019.

Attachments

Attachment 11.a: Sign Code Revisions (10.15.18 Authorization DEM.ECS Edits (10.8.18) v.3)
(PDF)

A handwritten signature in dark ink, appearing to read "Rob DiSpirito", is written over a horizontal line.

Rob DiSpirito, City Manager

10/11/2018

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; ~~strikethroughs~~ 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:

25.03.02 – Words and Terms Defined

Abandoned sign. See “Sign, abandoned.”

* * *

Banner - Any sign or string of one (1) or more signs, usually made of cloth or other lightweight material, which is used to attract attention, whether or not imprinted with words or characters, including but not limited to balloons and pennants. means any type of fabric containing distinctive colors, patterns or symbols and that is intended to be secured to a building or structure.

* * *

Billboard Vehicle means a vehicle constructed or designed primarily to accommodate a sign, the face or faces of which display commercial messages

* * *

Election sign: See “Sign, election”

* * *

Flag means any fabric, containing distinctive colors, patterns or symbols—used as an ornamental flag or as a symbol of a government, political subdivision, or other entity secured along one edge to a pole that is (i) intended to be permanently affixed to the ground; or (ii) attached to a building.

Flag, ornamental means any fabric or similar material designed to be flown as a flag and continuing patterns, drawings, or symbols used for decorative purposes and is noncommercial in nature.

* * *

Lot means a parcel or quantity of land. Lots include the following:

* * *

4. *Lot, ownership* means land designated as a separate and distinct parcel of land for purposes of ownership or financing on a legally recorded ownership plat filed among the land records of the County. Any land so designated ~~shall~~ does not constitute a lot or plan of subdivision.

* * *

~~*Monument Sign.* See “Sign, monument.”~~

* * *

~~*Occupant identification sign.* See “Sign, occupant identification.”~~

* * *

~~*Ornamental flag.* See “Flag, ornamental.”~~

* * *

Pole-mounted sign. See “Sign, pole-mounted.”

* * *

Portable sign. See “Sign, portable.”

* * *

Premises means a lot, a building , or part of a building, including any appurtenances.

* * *

Sight Distance Triangle means an area that provides the driver of a vehicle approaching an intersection an unobstructed view of any opposing vehicle or pedestrian movements. These triangular areas must be large enough that drivers can see approaching vehicles and pedestrians in sufficient time to slow or stop and avoid an accident.

* * *

Sign means any structure, or part thereof, which requires a permanent or temporary location, that has a visual display readable from a public right-of-way and is designed to identify, announce, direct, or inform or device attached thereto or painted or represented thereon or any material or thing, illuminated or otherwise, which displays or included any numeral, letter, words, model, banner, pennant, emblem, insignia, device, trademark , logo, graphic, or other representation, in any manner whatsoever, so as to convey information or attract attention. Sign does not include the flag, emblem, insignia, poster, or other display of a nation, state, political subdivision.

1. *Abandoned sign, abandoned* means a sign which identifies a business, lessor, service, owner, product, or activity that is no longer located on the premises, or a sign for which no legal owner can be found. "Abandoned sign" also includes any permanent sign not properly maintained or operated for a period of six (6) months or longer, any temporary sign that has deteriorated, and any sign structure that no longer supports the sign for which it was designed. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property, building, or space remains vacant for a period of six (6) months or more.
2. *Sign, building* means any sign mounted on a wall, window, marquee, fascia, mansard, canopy, or parapet of a building.
3. *Sign, commercial* means a sign ~~that references or directs the attention of the public to a business, commodity, product, service, offer, sale or sales event, or other commercial activity of a private business. Commercial sign, does not include election signs, temporary signs pertaining to fundraising activities for non profit organizations, or temporary yard sale signs that directly or indirectly names, advertises, or calls attention to a product, commodity, service, sale, sales event, activity, entertainment, or other commercial activity.~~
4. *Sign, directional* means a ~~noncommercial sign that contains only information assisting the flow of vehicular or pedestrian traffic or control of parking sign reasonably necessary for the safe and efficient circulation of pedestrian or vehicular traffic within a given parcel or among a number of parcels, which may be freestanding or attached to a building.~~
5. *Sign, election* means any temporary noncommercial sign that advocates the candidacy of any person for an elected position or an issue that is to be voted on in a Federal, State, County or City election process. Election sign does not include a campaign headquarters sign or other permanent sign.
6. *Sign, freestanding* means ~~any sign which carries only the name and/or logo or trademark of one (1) business, place, organization, building, or person it identifies a sign, not including a flag, supported from the ground and not attached to any building.~~
7. ~~*Sign, monument* means a freestanding sign mounted directly and permanently to the ground without a separate supporting structure.~~
8. ~~6.~~ *Sign, noncommercial* means a sign that is not a commercial sign.
9. ~~7.~~ *Sign, nonconforming* means any sign that does not conform to the provisions of this chapter, but was placed or constructed in accordance with City ordinances existing at the time of its placement or construction.
10. ~~*Sign, Occupant Identification* A sign indicating the name and/or profession or address of a person or persons or entity residing on the premises or legally occupying the premises.~~
11. ~~8.~~ *Sign, off-premises* means a sign that directs attention to a building, product, business, organization, service, entertainment, commodity, accommodations, activity, or institution that is not located, conducted, sold, rented, produced, manufactured, and/or furnished on the same lot as the sign.

- (a) Off-premises signs include, but are not limited to, signs commonly referred to as "billboards."
- (b) Off-premises sign does not include ~~election signs or~~ noncommercial signs that comply with all other requirements of this chapter.

~~12.9.~~ *Sign, permanent* means a sign that is constructed in a manner and of materials that will withstand long-term display and is intended to be displayed for an indefinite period of time.

~~10.~~ *Sign, pole-mounted* means a permanent sign, other than a directional sign or a flag, which is supported from the ground by means of one or more support poles that are narrower in width or depth than the sign the pole or poles support.

~~11.~~ *Sign, portable* means any sign not permanently attached to the ground.

~~13.12.~~ *Sign, real estate* means a temporary sign advertising displayed during the time the real property on which the sign is located is offered the for sale, rental, or lease of the real estate upon which the sign is located.

~~14.13.~~ *Sign, temporary* means a non-permanent sign constructed of durable, semi-durable, or non-durable material not intended to be displayed for an indefinite period.

~~14.~~ *Sign, vehicular* means a commercial sign which is attached to, mounted, pasted, painted, or drawn on a vehicle and covers more than four (4) square feet on any side of the vehicle.

~~15.~~ *Sign, Traffic Control* ~~Any sign located on public or private property that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administration as the national standard. A traffic control sign includes those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information.).~~

~~16.15.~~ *Sign, Yard Sale* means any onsite temporary sign displayed on a lot during the time period in which a pertaining to the sale of personal property in, at, or upon any residential property or residentially zoned property, whether such sale be designated as a yard sale, garage sale, lawn sale, home sale, attic sale, moving sale, rummage sale, or any other type of similar sale designation occurs on the lot.

Sign Face means the entire surface area of a sign upon, against or through which copy is placed, and does not include a sign's supporting elements or structure.

* * *

Temporary Sign. See "Sign, temporary."

* * *

Traffic control sign. See “Sign, traffic control.”

* * *

Vehicular Sign. See “Sign, vehicular.”

* * *

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

25.04.03– Board of Appeals

* * *

b. Powers and Duties

1. *Generally* – The Board 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) Reviewing and acting upon applications for special exceptions and variances; and

- (b) Reviewing and acting upon appeals from administrative decisions; ~~and~~

- (c) ~~Reviewing and acting upon appeals from decisions of the Sign Review Board.~~

* * *

25.04.05 –~~Sign Review Board Reserved.~~

~~a. *Established* – There is established a Sign Review Board of the City of Rockville.~~

~~b. *Powers and Duties*~~

- ~~1. *Generally* – The Sign Review Board has all those powers and duties conferred and imposed upon it by this Chapter including but not limited to:~~

- ~~(a) Hear and decide applications for sign permit review to determine if the proposed sign is in compliance with the requirements of this Chapter;~~

- ~~(b) Hear and decide applications for modifications from the sign regulations contained in Article 18 of this Chapter, excluding prohibited signs; and~~

- ~~(c) Hear and decide applications for waiver of sign restrictions within a building restriction line.~~

- ~~2. *Responsibility where Approval is Required* – Where Sign Review Board approval is required under this Chapter, the Board must:~~

- ~~(a) Consider and act upon any request for approval;~~
- ~~(b) Consider such request with regard to matters and facts pertinent and applicable thereto; and~~
- ~~(c) Render its decision in accordance with the requirements, purpose, and intent of Article 18 and other applicable provisions of this Chapter.~~

~~c. Membership~~

- ~~1. Number—The Sign Review Board consists of three (3) members and one (1) alternate who are appointed by the Mayor, subject to the confirmation of the Council.~~

- ~~2. Term~~

- ~~(a) Length of Term—The term of each member is three (3) years, or until a successor takes office. Appointment to fill an unexpired term is the remaining length of the initial term.~~
- ~~(b) Staggered Terms—The respective terms of the three (3) members must be staggered.~~

- ~~3. Chairperson~~

- ~~(a) Appointment—A Chair is elected by and from the appointed members of the Sign Review Board.~~
- ~~(b) Term—The Chair serves a term of one (1) year and is eligible for reelection.~~

- ~~4. Qualification—There will be three (3) members and one (1) alternate member designated to the Sign Review Board. Two (2) members must be businesspersons operating or associated with businesses in the City. Two (2) members must be residents of the City who have no vested interest in either any business in the City or in the sign industry. The alternate member will first be a resident of the City; thereafter the alternate position will rotate between a resident appointee and a business appointee.~~

- ~~5. Clerk of Sign Review Board—The Chief of Planning serves as the Clerk of the sign Review Board and will:~~

- ~~(a) Attend all meetings of the Sign Review Board;~~
- ~~(b) Keep a full and accurate account of the proceedings of the Sign Review Board, including but not limited to the official record of all matters filed with the Board;~~
- ~~(c) Accept and transmit all relevant applications to the Sign Review Board; and~~

~~(d) Keep such other records and perform such other duties as may be required by this Chapter or by the Sign Review Board.~~

~~d. *Rules of Procedure*—In exercising its powers and complying with its duties hereunder, the Sign Review Board must adopt reasonable rules for the conduct of their business.~~

~~e. *Meetings and Hearings*~~

~~1. Meetings must be held when necessary to conduct business or at intervals as may be mandated by this Chapter or the adopted Rules of Procedure of the Sign Review Board.~~

~~2. A hearing must be held on a timely filed application at the Board's next scheduled meeting, provided that a different hearing date may be set with the consent of the party filing the application.~~

~~f. *Decision on Application from the Sign Review Board*—Decisions of the Board shall be made within ten (10) business days from completion of the hearing on the application.~~

~~g. *Appeals*—Any decision by the Sign Review Board, or the failure of the Sign Review Board to act within the time frames set forth in Article 18 of this Chapter, may be appealed by any person aggrieved to the Board of Appeals within ten (10) business days after the decision is rendered.~~

25.04.06 – Chief of Planning Zoning

a. *Powers and Duties*

1. *Generally* – The Chief of Planning Zoning has all those powers and duties conferred and imposed upon the Chief of Planning Zoning by this Chapter including but not limited to:

* * *

2. *Responsibility Where Approval Is Required* – Where Chief of Planning Zoning approval is required under this Chapter, the Chief of Planning Zoning must:

(a) Consider and act upon any request for approval;

(b) Consider such request with regard to matters and facts pertinent and applicable thereto; and

(c) Render a decision in accordance with the requirements, purpose and intent of this Chapter.

b. *Appeals*

1. Any person aggrieved by any final decision of the Chief of Planning Zoning on a site plan application, a nonconforming alteration application, or on an interpretation of an approval of the Planning Commission or other Approving Authority may appeal the same to the Planning Commission or such other Approving Authority.
 - (a) Such appeal must be filed within 30 days of the date on the official letter of notification of the decision; and
 - (b) Upon receipt of such appeal, the matter must be scheduled for consideration by the Planning Commission in a timely manner.
2. Any person aggrieved by any other final decision of the Chief of Planning Zoning may appeal the same to the Board of Appeals.
 - (a) Such appeal must be filed within 30 days of the date on the official letter of notification of the decision; and
 - (b) Upon receipt of such appeal, the matter must be scheduled for consideration by the Board of Appeals in a timely manner.
3. Any person aggrieved by a decision of the Chief of Planning Zoning pertaining to signs may appeal said decision to the Sign Review Board of Appeals in accordance with the provisions of Article 18 of this Chapter.

Amend Article 5, “Application and Notification Generally” as follows:

25.05.01 – Applicability

* * *

5. Sign Permits as provided in Section 25.18.08, ~~but not including sign approvals by the Sign Review Board;~~

* * *

25.05.04 – Modification of Pending Application

* * *

- b. Notwithstanding the provisions of subsection a, above, if the application requires action by the Mayor and Council, Planning Commission, Board of Appeals, or Historic District Commission, ~~or Sign Review Board~~, no modification to the application can be offered by the applicant after the staff report has been issued, but in no event later than seven (7) days prior to the meeting at which the application will be considered by the Approving Authority. Nothing herein prevents the amendment of an application after the meeting of the Approving Authority.

Amend Article 6, “Procedures for Map and Zoning Text Amendments, Variances, and Administrative Actions”, as follows:

* * *

25.06.03 – Variances

* * *

- h. *Implementation Period* - A variance or special exception approval expires under the following circumstances:

* * *

4. Signs – Any sign or signs must be installed within six (6) months of the date of the approval of the variance.

Amend Article 17, “Public Use Space, Landscaping and Screening, Utility Placement and Screening, Lighting, Sidewalks, and Shadows,” as follows:

25.17.08. Building Restriction Lines and Build-To Lines

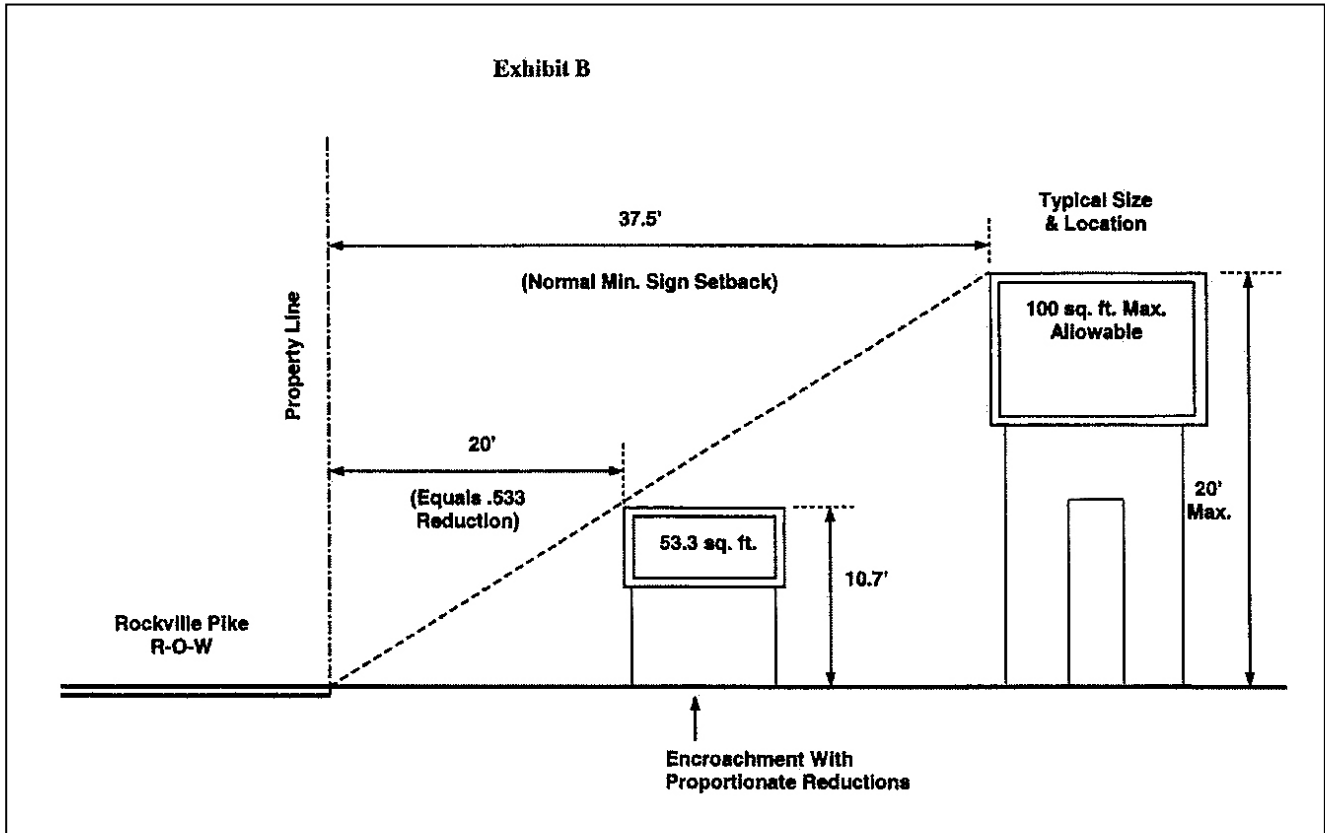
- a. Subject to the exceptions provided herein, no building permit can be issued and no building or part thereof nor any fence, wall, sign or structure can be erected or structurally changed within the area between the building restriction lines or build-to lines and the centerline of the particular street or highway referred to in establishing the building restriction or build-to line. This section does not apply to underground parking facilities.
- b. Building restriction lines and build-to lines established.
 1. Building restriction lines along Hungerford Drive.
 - (a) East side. Beginning for the same at a point on the northerly line of A Street 85 feet easterly from the point of intersection of the centerline of Hungerford Drive with the northerly line of A Street and running thence northerly and parallel to the centerline of Hungerford Drive and 85 feet therefrom to the northerly line of Gude Drive.
 - (b) West side. Beginning for the same at a point on the westerly line of North Washington Street 85 feet westerly from the point of intersection of the centerline of Hungerford Drive with the westerly line of North Washington Street and running thence northerly and parallel to the centerline of Hungerford Drive and 85 feet therefrom to the southerly line of College Parkway; thence still northerly and parallel with the centerline of Frederick Road and 95 feet westerly therefrom to the northerly line of Gude Drive.
 2. Build-to lines along Rockville Pike. Within the Rockville Pike Neighborhood Plan area, the build-to lines are as established in Section 25.13.05.

3. Exceptions.

- (a) Where the building restriction lines established by subsections a. and b.1. above reduces the buildable depth of any lot or parcel of land bounded by the W.M.A.T.A. right-of-way, to less than 300 feet, then such line will be adjusted by establishing same at a point three-quarters of the distance from the W.M.A.T.A. right-of-way and the rights-of-way of Hungerford Drive ~~Rockville Pike~~ but, in no event, can such building restriction line be less than 85 feet from the centerline of Hungerford Drive ~~Rockville Pike~~.
- (b) Where the applicable master plan recommends a greater or lesser building restriction line than set forth herein, the plan recommendation takes precedence over the requirements set forth in subsections a and b above. Where there is no master plan recommendation, the Approving Authority may waive building restriction line requirements if the waiver will result in a better form of development consistent with the intent of the master plan and the development standards for mixed-use zones set forth in Article 13.
- c. Signs. Notwithstanding any other provisions of this Chapter, one (1) sign ~~which designates or identifies a use located on the same record lot~~ may be erected and maintained within the building restriction lines or build-to lines set forth in this section and the front line of the ~~record~~ lot provided that the sign area size and sign height of any such sign must be reduced in direct proportion to the distance of the sign from Hungerford Drive or Rockville Pike. Expressed in terms of mathematical formulas, the sign area size and sign height reductions applicable to signs ~~with~~ within the building restriction lines of Hungerford Drive and the build-to lines of Rockville Pike would be as shown in Exhibit A and are further illustrated in the graphic described in Exhibit B below:

Exhibit A			
Distance of sign From Rockville Pike <u>or Hungerford Drive</u>			
_____	x 20'	=	Allowable height of sign
37.5			
Distance of sign From Rockville Pike <u>or Hungerford Drive</u>			
_____	x 100'	=	Allowable size of sign <u>area</u>
37.5			

NOTE – The following graphic is proposed to replace the current Exhibit B of Section 25.17.08.



Amend Article 18, “Signs,” as follows:

25.18.01 – Legislative Findings; Purposes

- a. *Legislative Findings* – The Mayor and Council finds that signs provide an important medium through which individuals and entities may convey a variety of commercial and noncommercial messages. However, left completely unregulated, signs can become a threat to public safety as a hazard to property, persons, and the motoring public, and a detriment to property values and the overall public welfare as ~~a~~ an unattractive nuisance.
- b. *Purposes* – In addition to the purposes of this Chapter established in Section 25.01.02, the purposes of this Article are:
 1. To enable the public to locate goods, services, facilities, and geographic areas without difficulty, danger, or confusion;
 2. To reduce traffic and pedestrian hazards and prevent interference with the effectiveness of traffic regulation;
 3. To promote the compatibility of signs with the surrounding land uses;
 4. To protect the public investment in the roadways in the City;
 5. To promote and preserve the economic well-being and vitality of the community;
 6. To enhance and improve the environment of the City and to protect property values by preventing visual clutter and blight;
 7. To preserve the residential character of the City’s residential neighborhoods; and
 8. To provide effective opportunities for the expression of commercial and noncommercial communication while protecting the public and the community against adverse effects from the unrestricted proliferation of signs.

25.18.02 – Severability

- a. Without diminishing or limiting in any way the declaration of severability in Section 25.01.08 it is the express intent of this Section that if any provision (including any section, sentence, clause, or phrase) of this Article 18 or any other provision of this Chapter pertaining to signs, including but not limited to provisions pertaining to sign permits, is declared by a court of competent jurisdiction to be unconstitutional and void, such declaration of unconstitutionality does not affect any other provision of this Article 18 or other provision of this Chapter, including, but not limited to, the prohibition of certain signs, and the requirements pertaining to the size, height, location, numbers, illumination, maintenance, construction, and removal of signs.

- b. In particular, and without limitation, in the event any provision of this Article 18 or other provision of this Chapter is declared invalid as applied to noncommercial signs, this Article 18 or any surviving portions thereof, remain in full force and effect as applied to commercial signs.
- c. Without diminishing or limiting in any way the foregoing declaration of severability, it is the express intent of this Section, 25.18.02, that if any provision (including any section, sentence, clause, or phrase) of this Article 18 or any other provision of this Chapter pertaining to signs is declared by a court of competent jurisdiction to be unconstitutional and void, such declaration of unconstitutionality does not affect any other provision of this Article 18 or other provision of this Chapter even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to the provision of this Chapter or otherwise.

25.18.03 - ~~Special Application Requirements for the Sign Review Board~~ Variances

Variances may be granted by the Board of Appeals from the strict application of standards set forth in this Article 18. Applications for variances must be submitted and reviewed in accordance with the variance procedures identified in section 25.06.03.

~~In addition to the general provisions pertaining to the Sign Review Board found in 25.04.05 and general provisions for applications in Article 5, applications authorized in this Article 18 must:~~

- ~~1. Be submitted in writing to the Sign Review Board at least ten (10) calendar days prior to the meeting at which it is to be considered;~~
- ~~2. Be submitted on forms provided by the Sign Review Board and be accompanied by such fee as is determined by resolution of the Mayor and Council; and~~
- ~~3. Include as part of the application such information as may reasonably be required by the Sign Review Board including:~~
 - ~~(a) The street address of the property upon which the sign is to be located and a plat map of the property showing the proposed location of the sign and identifying any adjacent residential property;~~
 - ~~(b) The aggregate area for all tenant / business signs erected by or on behalf of the applicant and/or the aggregate area for all signs on the premises;~~
 - ~~(c) The name(s) and address(es) of the owner(s) of the premises upon which the subject sign is to be located;~~
 - ~~(d) Consent of the owner(s), or the owner's agent, granting permission for the placement or maintenance of the sign;~~

- ~~(e) The name, address, phone number, and business license number of the sign contractor;~~
- ~~(f) Plans indicating the location of the sign on the property or building wall, including the road frontage and/or building elevation; and~~
- ~~(g) Plans indicating the dimensions, height, and shape of the sign, and materials, and mounting details.~~

~~4. Expiration of Sign Review Board's Approval.~~

- ~~(a) Installation of Sign – A sign must be installed within six (6) months of the Sign Review Board's decision authorizing such sign, unless another time frame is provided within this Chapter or the decision of the Sign Review Board, or the approval shall expire.~~
- ~~(b) Extension – The Sign Review Board may, for good cause shown, grant no more than two (2) extensions of not more than six (6) months each for any prior grant of approval subject to the provisions for an extension of Section 25.05.08, "Extension of Implementation Period".~~

25.18.04 – Only ~~Permitted~~ Allowed Signs Lawful; Signs Specifically Prohibited

- a. No sign ~~shall~~ may be erected, installed, substantially altered, or illuminated unless in compliance with all of the requirements of this ~~Chapter~~ Article 18.
- b. The following signs are specifically prohibited in the City:
 - 1. Signs that impede the operation of any window, door, fire escape, stairway, ladder, or opening required to provide light, air, ingress, or egress for any building or structure;
 - 2. Signs which, by reason of position, size, shape, or color, may interfere with, obstruct the view of, or be confused with any traffic sign, signal, or device, or which make use of any word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic;
 - 3. Off-premises signs, except as set forth in Sections 25.18.18 and 25.18.19;
 - 4. ~~Freestanding signs in the shape or form of any person, animal, vegetable, product, or animation of any of the foregoing;~~
 - 5. Any sign placed or erected on property without the permission of the property owner;
 - 6.5. Signs which move or have any moving part, or which give the illusion of motion;

- ~~7.6.~~ Signs which use blinking, flashing, or fluttering illumination or illumination which varies in color or intensity or which create the appearance or illusion of writing or printing, including, but not limited to, strobe, rotating beacon, chasing, or zip lights;
- ~~8.7.~~ Signs erected by any person on any public property or right-of-way except ~~for signs as may be directed by the City Manager as provided for in this Article 18;~~
- ~~9.8.~~ Signs erected in such a location as to interfere with pedestrian or vehicular circulation onto or off of the property on which it is located;
- ~~10.9.~~ Portable signs, except noncommercial signs displayed by hand or as may be allowed in ~~Section 25.18.14.b.1.a.(v)~~ Sections 25.18.14.a.5 and b.7.;
- ~~11.10.~~ Signs ~~displayed on mounted, attached, or painted on trailers, boats, or motor vehicles when used as additional identification or advertising signs on or near the premises~~ billboard vehicles;
- ~~12.11.~~ Signs with changeable copy, except as provided for herein;
- ~~13.12.~~ Signs extending above the roof of any building in excess of one (1) percent of the building height, except as allowed by Section 25.18.19;
- ~~14.13.~~ Flags, banners, pennants, spinners, ribbon, streamers, balloons, and similar devices visible from a public right-of-way, except as expressly permitted by this Article;
- ~~15.14.~~ Signs projecting more than 36 inches from a building wall; ~~and~~
- 15. Temporary signs, except as provided for herein;
- 16. Any sign with words, scenes, or graphics of an obscene, indecent, or prurient character which offend public morals or decency;
- 17. Any sign not expressly allowed or permitted by this Article 18;
- 18. Vehicular signs when the vehicle is parked such that the sign is visible from a right-of-way within 50 feet of the vehicle, except when there is no reasonable alternative location on the site to park the vehicle; and
- 19. Pole-mounted signs.
- ~~e. Owner/Leasing Agent signs.~~

~~Signs identifying the owner or leasing agent and contact information for a property may be permitted under the following conditions:~~ _____

- ~~1. No more than two such signs are permitted for any one property;~~
- ~~2. Each sign is limited to three (3) square feet in area if free standing, or five (5) square feet if attached to an existing sign or to a building;~~
- ~~3. If free standing, the sign(s) must not be more than three (3) feet tall, and must be set back a minimum of two (2) feet from the property line.~~
- ~~4. The area of these signs does not count towards the total sign area permitted in connection with the development on the property.~~

25.18.05 – Exemptions

This Article 18 does not apply to the following signs, and no permit for such signs is required:

- ~~1. Any sign erected inside of any building and not visible from the exterior thereof;~~
- ~~2. Any sign erected inside of any building and visible outside of such building through a window, provided such sign is set back at least ten (10) feet from the nearest window;~~
- ~~3. Signs inside a building within ten (10) feet of any window not exceeding 20 percent of the area of a window unit. Such signs may be illuminated, but must not flash, blink, or be otherwise animated;~~
- ~~4. Traffic control signs and speed indicator signs;~~
- ~~5. Any sign erected by or at the direction of, any governmental body having jurisdiction over the property or the right of way on which the sign is located;~~
- 6.1. Any sign or portion thereof required to be posted or displayed by this Chapter or other applicable Federal, State, or local law or regulation;
2. Signs and other visual displays erected by, or at the direction of, federal, state, or local governmental or quasi-governmental agencies;
3. Any sign not readable from any right-of-way or abutting property, except as set forth in Section 25.18.04.b.13 above;
4. Any unilluminated sign smaller than one (1) square foot in area;
5. Up to two (2) noncommercial flags not exceeding 100 square feet per face in area on nonresidential parcels and not exceeding 25 square feet per face in area on residential parcels;
6. Signs conforming to or required by the Manual of Uniform Traffic Control Devices as published by the Federal Highway Administration from time to time under 23 Code of Federal Regulations, Part 655, Subpart F

7. ~~One (1) private flag when displayed with the flag of the United States and the State or political subdivision, provided such private flag must not be larger than the other flags displayed;~~
8. ~~Signs located on public or private recreational facilities on parcels of five (5) acres or more, provided that such signs are not intended to be readable from a public way;~~
9. ~~Any ornamental flag or stationary structure, device, material, or thing of a noncommercial decorative nature extending from a wall or pole located on residential property or around parking or pedestrian areas in the interior of non-residential property and not designed to attract the attention of those traveling on a public way; or.~~
10. ~~7. Numerals not exceeding 18 inches in height identifying an address on a lot, the address of a dwelling unit or building. It is hereby expressly found and determined that such numerals are necessary to serve life safety purposes in the evening emergency services personnel are required to locate and access a particular property.~~

25.18.06 – Construction, Design, Illumination, and Maintenance of Signs

a. Permanent Signs

1. *Construction* – Permanent signs must be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
 - (a) Signs attached to masonry, concrete, or steel must be safely and securely fastened by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to safely support the loads applied.
 - (b) Where wood anchors or supports are embedded in the soil, the wood must be pressure treated with an approved preservative.
2. *Design* – Permanent signs must be designed and constructed to withstand wind pressure as provided for in the current edition of the International Building Code, as amended, or in such other code adopted as the Building Code for the City.
3. ~~*Trademarks and Logos* – Up to 20 percent of the area of a sign may be occupied by a multi-color corporate trademark or other logo, and must be approved by the owner or leasing agent of the property. Any accent colors for the balance of the sign lettering must use the colors contained within the trademark or logo.~~
4. *Illumination* – When illumination of a sign is ~~permitted~~ proposed, it must satisfy the following requirements:

- (a) A sign must be illuminated only with electric lighting, and electrical devices and wiring must be installed in accordance with the requirements of Chapter 5, Article VII of the City Code.
 - (b) Sign illumination must use an enclosed lamp design or indirect lighting from a shielded source in a manner that prevents glare from beyond the property line.
 - (c) Sign illumination must not cause traffic interference.
- b. *Temporary Signs*
- 1. *Construction* – Temporary signs must:
 - (a) Not be constructed in a manner that requires a building or electrical permit; and
 - (b) Be securely anchored to the structure or land in which it is located.
 - 2. *Design* – Temporary signs must not have changeable copy.
 - 3. *Illumination* – Temporary signs must not be illuminated in any manner.
- c. *Maintenance*
- 1. All signs and sign support structures, together with their supports, braces, guys, and anchors, must be maintained in good structural condition, in compliance with all applicable building and electrical codes, and in conformance with this Article at all times.
 - 2. The display surfaces of all signs must be kept neatly painted or posted at all times.

25.18.07 – Measurement of Sign Area and Height

- a. *Sign Area*
- 1. Sign area includes the total areas of all ~~permitted~~ allowed signs, except as otherwise provided for herein.
 - 2. Sign areas are measured as follows:
 - (a) For sign copy mounted or painted on a background panel or area distinctively painted, textured, lighted, or constructed as background for the sign copy, sign area is measured as that area contained within the outside dimensions of the background panel or surface.

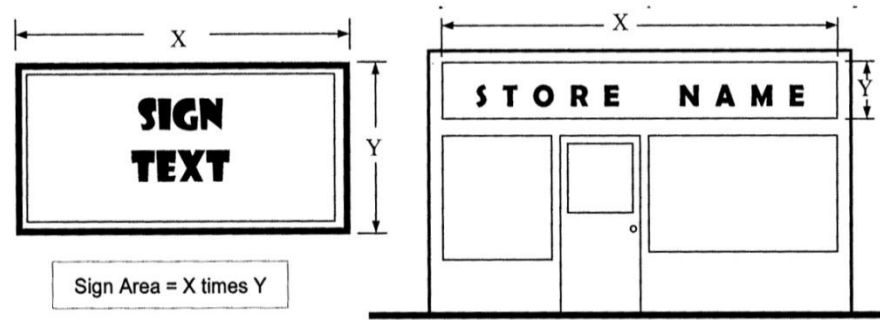
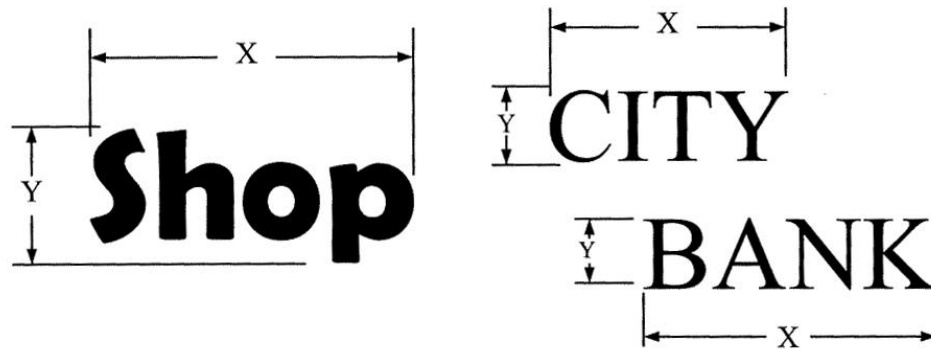


Figure 18.1

- (b) For sign copy mounted as individual letters and/or graphics on an area of a building that has not been painted, textured, lighted, or otherwise altered to provide a distinctive background for the sign copy, sign area is measured as the area or the sum of the areas enclosed by the smallest rectangle that will enclose each word and graphic.



Sign Area = X times Y

Figure 18.2

- (c) For freestanding signs or projecting signs not more than two (2) sign faces shall be allowed. If the interior angle between the two (2) sign faces is 90 degrees or less, the area of only one (1) face will be the sign area. If the angle between the two (2) faces is greater than 90 degrees, the sign area will be the sum of the areas of the two (2) faces.

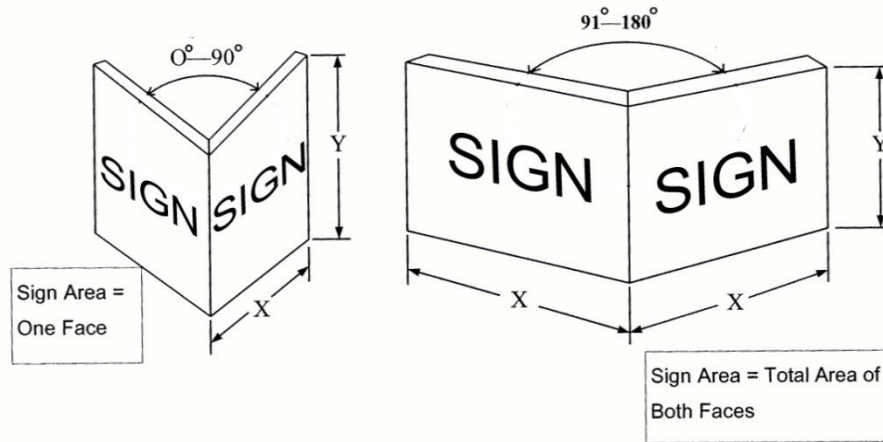


Figure 18.3

- (d) For a freestanding sign, the sign area will be the area that will encompass all components of the sign excluding the supporting structure that does not form part of the sign proper.

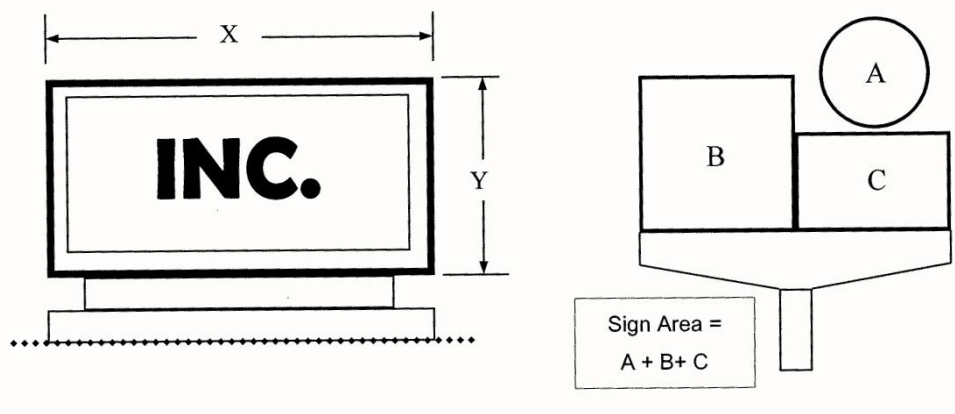


Figure 18.4

- b. *Sign Height* – Sign height is measured from the distance at the top of the sign structure to the level of the street upon which the sign faces or to the level of the lot on which the sign is erected, whichever is higher.

NOTE – The following graphic is proposed to replace the current Figure 18.5.

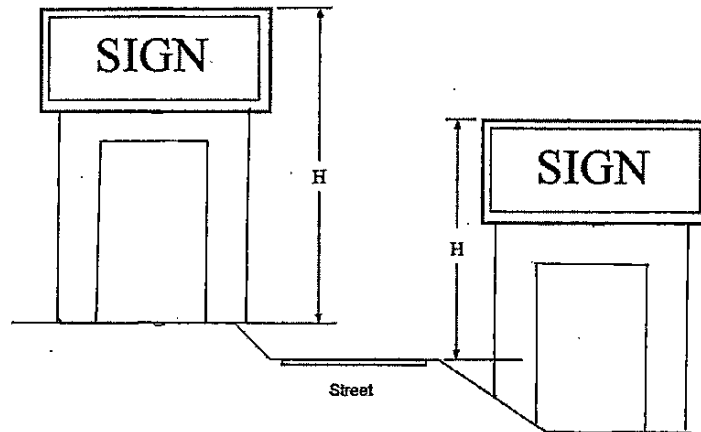


Figure 18.5

25.18.08– Sign Plans; Sign Permits; Appeals

- a. Sign Plans – For a lot occupied by more than one (1) business/tenant and where more than one (1) permanent building sign will be installed, a sign plan indicating the size, location, shape, materials, and mounting details of all permanent building signs must be approved. A sign plan must be approved by the Chief of Zoning prior to the issuance of the first sign permit for a lot where more than one permanent building sign will be installed. The sign plan will serve as the basis for all sign permit applications for permanent building signs on the lot subject to the sign plan. A revised sign plan must be approved if a sign to be installed deviates from the size, location, shape, materials, or mounting details of an approved sign plan.
- ~~a-b.~~ Sign Permits – Except as expressly exempted or otherwise provided in this Article 18, a sign permit must be obtained prior to the installation, erection, enlargement, illumination, or substantial alteration of any permanent or temporary sign allowed under this Article. The changing of the sign face is a substantial alteration requiring a new sign permit.
- ~~b-c.~~ Applications for a sign plan or sign permit ~~shall~~ must be submitted to the Chief of Planning Zoning.
- ~~e-d.~~ Each application ~~shall~~ must be submitted on forms provided therefore by the Chief of Planning Zoning, and be accompanied by such fee as is established by resolution of the

Council. The applicant ~~shall~~ must furnish as part of the application the following information:

1. The street address of the property upon which the sign is to be located and a plat map of the property showing the proposed location of the sign and identifying any adjacent residential property;
2. The aggregate area for all tenant/business signs erected by or on behalf of the applicant and/or the aggregate area for all signs on the premises;
3. The name(s) and address(es) of the owner(s) of the premises upon which the subject sign is to be located;
4. Consent of the owner(s), or the owner's(') agent, granting permission for the placement or maintenance of the sign;
5. The name, address, phone number, and business license number of the sign contractor;
6. Plans indicating the location of the sign on the property or building wall, including the road frontage or building elevation;
7. Plans indicating the dimensions, height, and shape of the sign, and materials, and mounting details;
8. The size and type of any vegetation required to be moved for sign installation or visibility; and
9. Such other information ~~pertaining to the requirements of this Article as may reasonably be required by the Chief of Planning~~ as determined by the Chief of Zoning to be necessary to assess whether the sign complies with the provisions of this Article.

~~d.e.~~ The Chief of ~~Planning~~ Zoning must review the application within 15 business days from the date of submission of the application and required fee and either approve or deny the application or return the application to the applicant if the application is incomplete as follows:

1. A sign permit must be issued or a sign plan approved if the Chief of ~~Planning~~ Zoning finds that the sign or sign plan proposed in the application complies with the requirements of this Article 18 and, if applicable, any approved sign plan for a building or lot.
2. If the permit or sign plan is denied, the denial must be in writing and must identify the specific section or sections of this Article or other applicable law with which the proposed sign(s) is inconsistent.

3. If the application is returned due to incompleteness, the Chief of Planning Zoning must advise the applicant in writing as to the information needed to complete the application.
 4. Failure of the Chief of Planning Zoning to take action on an application within the time frame set forth above is appealable to the Sign Review Board of Appeals in the same manner as an appeal from a denial of a permit.
- e.f. An applicant may appeal the denial of a sign permit or sign plan by filing a sign permit review application with the Sign Review Board ~~within ten (10) business days of Appeals in accordance with the decision of the Chief of Planning~~ procedure identified in section 25.04.06.b.2.
- f.g. No permit for a sign issued hereunder ~~shall~~ will be deemed to constitute permission or authorization to erect or maintain an unlawful sign, nor ~~shall~~ will any permit issued hereunder constitute a defense in any action to remove an unlawful sign.

25.18.09 – Nonconforming Signs

- a. Any nonconforming sign may remain erected, installed, or in use subject to the requirements of this section.
- ~~a.b.~~ Whenever an existing nonconforming sign is structurally altered, abandoned, destroyed, replaced, or substantially damaged, it must be modified to bring it into conformance with this ~~Chapter~~ Article 18. Repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, shall be permitted, provided that repainting does not include a change of copy or color, and provided further that no repairs will be permitted where the cost of the repairs exceeds \$1,000.00 or 50 percent of the replacement cost of the sign.
- ~~b.c.~~ Whenever an existing business/tenant erects a new or additional sign, all signs on the premises pertaining to that business/tenant must be modified to bring them into conformance with this ~~Chapter~~ Article 18.
- ~~e.~~ Any sign lawfully existing immediately prior to the effective date of this Chapter, or any application amendment thereof, but which does not conform to the requirements as now constituted or as it may hereafter be amended from time to time, must be removed within eight (8) years from the date that the sign became nonconforming.
- d. In all other respects, nonconforming signs must comply with the applicable requirements of Article 8, Transitional Provisions, Nonconformities, Nonconforming Alteration Approval.

25.18.10 – Removal of Signs

- a. *Prohibited Signs on Public Property / Rights of Way* – Any prohibited sign found on any public property or right-of-way within the City will be removed and disposed of by the Chief of Inspection Services or designee in the same manner as trash. Nothing herein prohibits the imposition of a fine or initiation of any other enforcement action against any person or entity found to have installed a prohibited sign on any public property or right-of-way within the City.
- b. *Unlawful Sign* – Any sign unlawfully existing immediately prior to the effective date of this Chapter, or any applicable amendment thereof, and which does not conform to the requirements of this Article, as now constituted or as it may be amended from time to time, must be removed by the owner after notice from the City to do so.
- c. ~~*Elections and Other Event Signs* – Any sign that pertains to an election, event, activity, or purpose of a limited time or duration must be removed within seven (7) days of the conclusion of the event, activity, or purpose to which it pertains. Nothing herein prohibits the maintenance of signs with a political or other noncommercial message in accordance with the provisions of the Article 18 pertaining to temporary noncommercial signs.~~
- d. *Abandoned Signs*
 - 1. An abandoned sign must be removed within 30 days from the time the activity on the premises ceases and/or the business owner vacates the premises by:
 - (a) The sign's owner;
 - (b) The owner of the property on which the sign is located; or
 - (c) Any other persons otherwise responsible for the sign.
 - 2. Removal consists of the ~~removal~~ disassembly of the portion of the conforming sign identifying the business, tenant, entity, service, owner, product, or activity that is no longer located on the premises of the sign face and installation of temporary replacement face where applicable. Nonconforming signs are subject to the provisions of Section 25.18.09.

25.18.11 – Signs ~~Permitted~~ Allowed for Residential Uses in All Zones

The following signs are ~~permitted~~ allowed for residential uses in all zones:

- 1. ~~*Identification Signs* – Each dwelling unit may have permanent occupant identification signs, including a single sign for a valid home-based business enterprise or child care center located on a lot less than 20,000 square feet, in accordance with the following:~~
 - (a) ~~The total aggregate of all such signs must not exceed 150 square inches;~~

- ~~(b) The signs may be a building sign or freestanding;~~
 - ~~(c) If freestanding, the signs must not be illuminated in any manner; and~~
 - ~~(d) No sign permit is required.~~
2. *Entrance Signs* – ~~A~~ Permanent entrance signs for principally residential developments or a subdivisions, or multi-family dwellings containing ten (10) or more dwelling units in accordance with the following:
- (a) One (1) sign not exceeding 24 square feet in area with a maximum height of five (5) feet located at or near the entrance to the development ~~or subdivision~~ and within the boundaries of such development or subdivision;
 - (b) Where the dwelling units are separately owned, such sign must be located in an easement or tract of land to be owned and/or maintained by the Home Owners Association, civic association, or similar entity;
 - (c) Final location of such sign must be approved by the Director of the Department of Public Works or designee, to ensure that the sign does not obstruct the ~~visibility of motorists~~ sight distance triangle; and
 - (d) Such sign must be located in a landscaped area of at least two (2) square feet per each square foot of sign area except that for multi-family dwellings such sign may be a building sign.
- 3.2. *Directional Signs* – Directional signs for principally residential developments or a, subdivisions or multi-family dwelling developments of any size ~~is~~ are ~~permitted~~ allowed in accordance with the following:
- (a) Such signs must not exceed three (3) square feet in area; and
 - (b) If freestanding, such signs must not exceed six (6) feet in height.
- 4.3. *Temporary Signs* – ~~The following temporary signs:~~ Temporary signs are allowed as follows:
- (a) *Real Estate Signs for Individual Residential Lots or Dwelling Units*
 - i. One (1) building or freestanding sign per street frontage not exceeding six (6) square feet in area and, if free standing, not exceeding five (5) feet in height, provided that any sign installed within ten (10) feet from the property line must not exceed 42 inches in height;
 - ii. Such signs must not be illuminated; and

iii. No sign permit is required.

(b) *Real Estate Signs for Recorded Subdivision* – For recorded subdivisions containing ten (10) or more lots, signs must comply with the following:

- i. One (1) sign per subdivision not exceeding 48 square feet in area and, if freestanding, not exceeding 12 feet in height located within the subdivision;
- ii. Such signs must not be illuminated;
- iii. Such signs may be maintained for a period of two (2) years, or until all the lots in the subdivision are sold, whichever occurs first; and
- iv. Sign permits are required and are renewable for such signs.

(c) *Real Estate Signs for New or Renovated Multi-Unit Dwelling Developments*

- i. For developments containing up to ten (10) dwelling units, signs must comply with the following:
 - A. One (1) sign per street frontage not exceeding 12 feet in height located on the property;
 - B. Such signs must not be illuminated; and
 - C. No sign permit is required for such signs.
- ii. For developments containing more than ten (10) dwelling units, signs must comply with the following:
 - A. One (1) sign per street frontage not exceeding 48 square feet in area and, if freestanding, not exceeding 12 feet in height located on the property;
 - B. Such signs must not be illuminated;
 - C. Such signs may be maintained for a period of two (2) years, or until all the units in the development are rented, sold, or leased whichever occurs first; and
 - D. Sign permits are required and are renewable for such signs.

(d) *Temporary Noncommercial Signs*

~~i. General Provisions for Temporary Noncommercial Signs~~

A ~~i.~~ Such signs must not exceed five (5) square feet in area.

~~B ii.~~ If freestanding, such signs must not exceed five (5) feet in height, provided that any sign installed within ten (10) feet from the property line must not exceed 42 inches in height;

~~C iii.~~ Such signs must not be illuminated; and

~~D iv.~~ No sign permit is required for such signs.

~~ii.(c)~~ *Yard Sale Signs* – ~~In addition to the general provisions for temporary noncommercial signs provided in Subsection 4.(d)(i), above, property owners holding a yard sale are permitted to erect signs on their own property in accordance with the following: One (1) yard sale sign per lot is allowed in accordance with the following:~~

~~A i.~~ Signs must not be displayed for a period longer than two (2) days during any calendar month; and Signs may be displayed for a period no longer than two (2) days during any calendar month in which the yard sale occurs, and such signs must not exceed five (5) square feet in area.

~~B ii.~~ Signs must be removed upon the conclusion of the sale. Such signs must not be illuminated.

~~C iii.~~ No sign permit is required for such signs.

~~D iv.~~ Signs must be removed upon the conclusion of the sale.

25.18.12 – Signs ~~Permitted~~ Allowed for Nonresidential Uses in Residential Zones

a. *Signs for Permitted Uses in Residential Zones* – Except for child care homes and child care centers located on lots under 20,000 square feet, the following signs for ~~a church, synagogue or other place of worship, and other~~ permitted nonresidential uses are ~~permitted~~ allowed as follows:

1. One (1) permanent sign, not exceeding 24 square feet in area for each street frontage

(a) If freestanding, it must not be located less than ten (10) feet from any lot line; and

(b) The sign may contain changeable copy.

2. Directional signs, provided that:

(a) Such signs do not exceed three (3) square feet in area; and

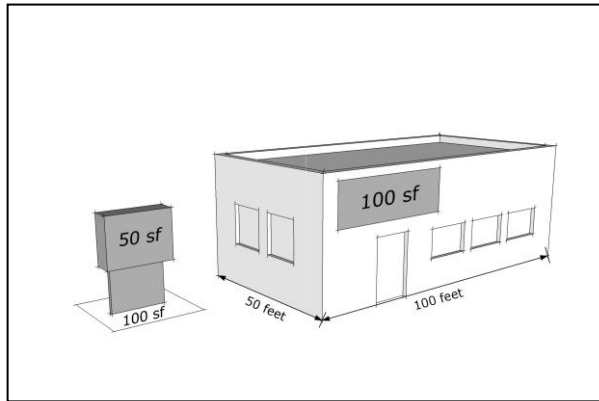
(b) If freestanding, such signs must not exceed six (6) feet in height.

- b. *Signs for Special Exceptions* – For non-residential special exception uses in residential zones:
1. All signs ~~shall~~ must be as ~~permitted~~ authorized by the Board of Appeals in its approval of the special exception application, except that the Board of Appeals may not ~~permit~~ authorize any sign prohibited under Section 25.18.04.
 2. ~~Residential~~ Special exceptions valid on December 31, 1983 have the following options:
 - (a) One (1) sign not exceeding 20 square feet in area is allowed. It may be a building sign or freestanding. If freestanding, the sign must not exceed five (5) feet in height; or
 - (b) A qualified applicant may apply to the Board of Appeals for an amendment to existing sign conditions in compliance with Section 25.15.01.b.
 - c. *Temporary Real Estate Signs* – Temporary real estate signs are ~~permitted~~ allowed for all nonresidential uses in residential zones in accordance with the provisions of Section ~~25.18.11.4. (a) 25.18.11.3~~ and will be allowed in addition to any other temporary sign allowed under this Article 18.
 - d. *Temporary Noncommercial Signs* – Temporary noncommercial signs are ~~permitted~~ allowed in accordance with the provisions of Section ~~25.18.11.4.(d) 25.18.11.3.(d).~~

25.18.13 – Signs ~~Permitted~~ Allowed in MXC and the Industrial Zones

- a. *Permanent Building Signs* – Permanent building signs are permitted in the ~~Mixed-Use Commercial (MXC)~~ and Industrial (I-L and I-H) Zones in accordance with the following:
1. *Total Aggregate Area*
 - (a) The total aggregate area of all signs on the premises allowed for each business/tenant must not exceed:
 - i. Two (2) square feet for each linear foot of exterior building wall enclosing the business/tenant space ~~up to a maximum of~~ for the first 50 linear square feet.
 - ii. If such building wall or portion thereof measures more than 50 linear feet, then the aggregate area of all signs on the premises for that business/tenant may be increased in area at the rate of one (1) square foot for each additional linear foot of exterior building wall ~~in excess of 50 linear feet.~~

NOTE – The following graphics are proposed to replace the current Figure 18.6 and Figure 18.7.



Total Aggregate Area for Each Business/Tenant

Figure 18.6

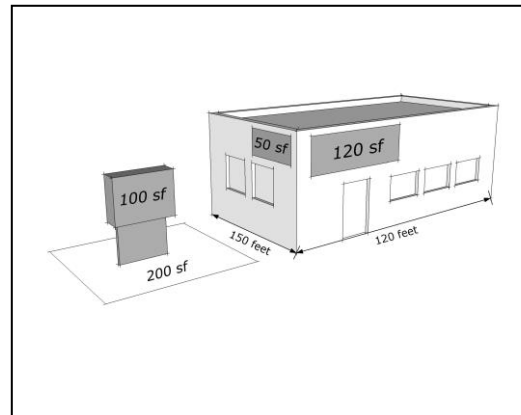


Figure 18.7

- (b) For business/tenant space with multiple exterior building walls, each exterior wall may be so measured. All signs must be placed on the exterior building wall or portion thereof used for measurement.

2. Design

- (a) For a lot occupied by more than one (1) business/tenant, each building sign must be consistent with any sign plan and be compatible and harmonious (but not necessarily identical) in terms of design, color, shape, size, style, material, and mounting with all other signs on the building or ~~in the center lot~~.
- (b) In addition to the principal sign color, up to two additional accent colors, such as drop shadows or letter outlines may be included in the design. ~~If a trademark or logo is included, the provisions of Section 24.18.06.a.3 also apply.~~
- ~~(c) A proposal for the entire building or center must be submitted by the owner prior to the issuance of the first sign permit after the effective date of this Article for either a new or existing development.~~

- ~~3. Additional Signs for Multiple Tenants – Buildings occupied by four (4) or more businesses/tenants may have one (1) additional building sign with a maximum area of 50 square feet located on an exterior wall.~~

b. *Freestanding Signs*

1. ~~Freestanding signs are permitted in the Mixed Use Commercial (MXC) Zone in accordance with the following:~~
 - ~~(a) One (1) freestanding sign is permitted per record lot;~~
 - ~~(b) Such sign must not exceed a maximum area of 50 square feet and a maximum height of six (6) feet;~~
 - ~~(c) Such sign must not use internal illumination;~~
 - ~~(d) Such sign must not be located within ten (10) feet from any lot line;~~
 - ~~(e) A landscaped area must be provided at the base of the freestanding sign, with the landscaped area to be a minimum area of two (2) square feet of sign area; and~~
 - ~~(f) Freestanding signs that contain the name, logo, or trademark of more than one (1) business, place, organization, building, or person must meet the following requirements in addition to those listed above:~~
 - ~~i. Lettering for the identification of the building/center must not be less than 18 inches in height;~~
 - ~~ii. Lettering for the identification of individual businesses/tenants and other copy must not be less than ten (10) inches in height;~~
 - ~~iii. The design of the sign shall be internally consistent and harmonious in color, size, style, material, and mounting; and~~
 - ~~iv. The design of the sign shall be consistent and harmonious with the sign plan and architecture for the entire building or center.~~

NOTE – The following graphic is proposed to replace the current Figure 18.8.

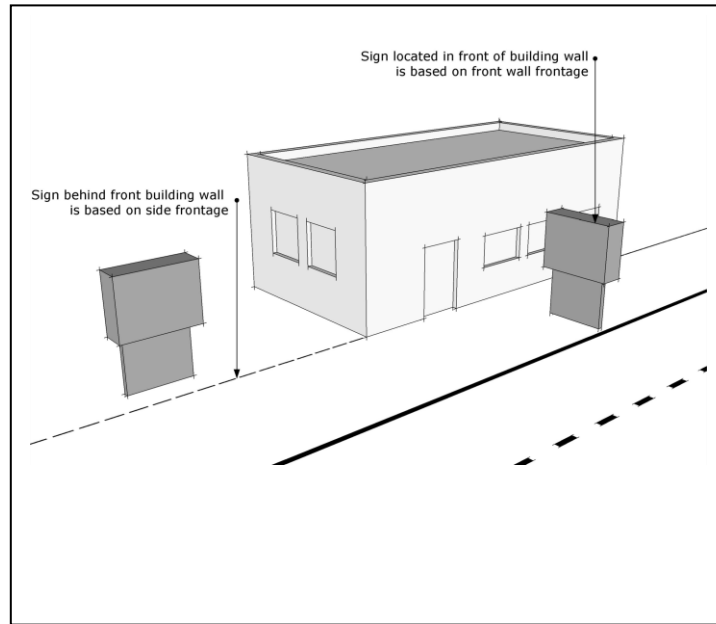


Figure 18.8 - Freestanding Signs

2. Freestanding signs are ~~permitted~~ allowed in the I-L and I-H Zones in accordance with the following:
 - (a) ~~Freestanding signs that identify a single business/tenant shall be counted as a portion of the total aggregate sign area allowed for that business/tenant.~~
 - (b) Other freestanding signs, including those that identify a multi-tenant building or center, shall not be counted in the aggregate sign area allowed for any individual business/tenant. Such signs must be in accordance with the following:
 - i. There ~~shall~~ may be only one (1) freestanding sign per lot;
 - ii. Such signs must have a maximum area of 50 square feet and a maximum height of ten (10) feet; and
 - iii. ~~The freestanding sign must be counted as a portion of the aggregate sign area of the most proximate exterior building wall;~~
 - iv. Such signs must not be closer than 30 feet to any residential zone; ~~and~~
 - v. ~~Freestanding signs that contain the name, logo, or trademark of more than one (1) business, place, organization, building, or person must, in addition to the requirements above, satisfy the following additional requirements:~~

- ~~A. Lettering for the identification of the building/center must not be less than 18 inches in height;~~
- ~~B. Lettering for the identification of individual businesses/tenants and other copy must not be less than ten (10) inches in height;~~
- ~~C. The design of the sign must be internally consistent and harmonious in color, size, style, material, and mounting; and~~
- ~~D. The design of the sign must be consistent and harmonious with the sign plan and architecture for the entire building or center.~~

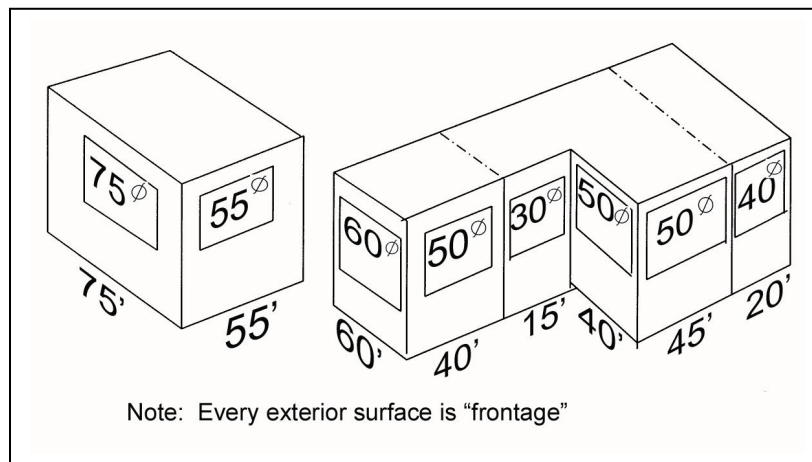


Figure 18.9 - Building Signs (2)

- ~~c. *Additional Signs*—Additional signs are permitted in the Mixed Use Commercial (MXC), and Industrial (I-L and I-H) Zones in accordance with the following:~~
 - ~~1. Buildings or centers occupied by four (4) or more businesses/tenants may erect one (1) additional sign, with one (1) entry per business/tenant.~~
 - ~~2. Letters must be a maximum height of three (3) inches and must be consistent in style.~~
 - ~~3. Such sign may be erected as a building sign or freestanding sign not intended to be readable from a public way.~~
 - ~~4. If freestanding, such sign must not exceed a maximum of 50 square feet in area and a maximum height of ten (10) feet.~~
- ~~d. *Directional Signs* – Directional signs in the Mixed Use Commercial (MXC), and Industrial (I-L and I-H) Zones are permitted allowed in accordance with the following:~~

1. The signs must not exceed three (3) square feet in area; and
2. If freestanding, the signs must not exceed six (6) feet in height.

~~e.d.~~ *Gasoline Price Signs* – In the ~~Mixed-Use Commercial (MXC)~~ and Industrial (I-L and I-H) Zones, gasoline price signs required by State law for automobile filling stations may be freestanding or erected as a building sign. Any such sign or portion thereof that exceeds the minimum requirements of State law must be counted in the number, size, and total aggregate area for the business/tenant.

~~f.e.~~ *Changeable Copy Signs* – Changeable copy signs are ~~permitted~~ allowed in the ~~Mixed-Use Commercial (MXC)~~ and Industrial (I-L and I-H) Zones ~~to announce current and future entertainment productions~~. Such sign may be freestanding and shall be counted in the number, size, and aggregate sign area permitted for the business/tenant.

~~g.f.~~ *Temporary Signs* – Temporary signs are ~~permitted~~ allowed in the ~~Mixed-Use Commercial (MXC)~~ and Industrial (I-L and I-H) Zones in accordance with the following:

1. One (1) real estate sign per lot not exceeding 48 square feet in area, and not more than 12 feet in height if freestanding, or one (1) building sign not exceeding 72 square feet in area if mounted at least 70 feet above adjacent grade, in accordance with the following:
 - (a) Such signs must not be illuminated;
 - (b) Such signs may be maintained for a period of two (2) years or until the building or lot is rented, leased, or sold, whichever occurs first. Signs must be removed within 30 days after sale, lease, or rental. Signs installed for a two (2) year renewal period are limited to a maximum size of 24 square feet; and
 - (c) Such signs must not be located within 30 feet of a residential zone.
2. One (1) sign may be erected during the period of construction with a total maximum sign area of 72 square feet.
3. Upon occupancy of a space by a business or tenant, banners, and displays not exceeding 32 square feet in total area may be erected for up to 60 consecutive days including days before or after actual occupancy date by the business or tenant. If the building has more than 50 feet of linear frontage, the total area of the banner or display may be increased up to 48 square feet.
4. Temporary noncommercial signs are ~~permitted~~ allowed in the ~~Mixed-Use Commercial (MXC)~~ and Industrial (I-L and I-H) zones in accordance with the provisions of Section 25.18.14.a.4.(b).

~~h.g.~~ *Subdivision Entrance Signs* – In the Industrial zones, permanent signs within recorded subdivisions of four (4) or more lots are ~~permitted~~ allowed in accordance with the following:

1. One (1) sign is permitted, not exceeding 50 square feet in area and not exceeding six (6) feet in height.
2. Such sign must be located at or near the entrance to the subdivision within the boundaries of the subdivision.
3. Final location of such sign must be approved by the ~~City Traffic Engineer~~ Director of Public Works to ensure that the sign does not obstruct the ~~visibility of motorists sight distance triangle~~.
4. Such sign must be located in a landscaped area of at least two (2) square feet per each square foot of sign area.
5. Such sign must not use internal illumination.

25.18.14 - Signs ~~Permitted~~ Allowed in Other Mixed-Use Zones – MXTD, MXCD, MXCT, MXNC, MXE, MXB, MXC and MXT

- a. The following signs are ~~permitted~~ allowed in the MXT and MXC Zones:
 1. Permanent building signs in accordance with the following:
 - (a) The total area of all building signs must not exceed 15 square feet on any building;
 - (b) Such signs must not utilize internal illumination; and
 - (c) Such signs must not be placed above the first-story level of any building;
 2. Permanent freestanding signs in accordance with the following:
 - (a) One (1) freestanding sign is ~~permitted~~ allowed for each ~~record~~ lot ~~or project~~ not exceeding eight (8) square feet in area and not exceeding five (5) feet in height;
 - (b) Such sign must not utilize internal illumination; and
 - (c) Such sign must be located not less than ten (10) feet from a lot line of any lot used principally for a residence;
 3. Directional signs in accordance with the following:

- (a) Such signs must not to exceed three (3) square feet in area; and
 - (b) If freestanding, not to exceed six (6) feet in height;
4. Temporary signs in accordance with the following:
- (a) One (1) real estate sign per lot not exceeding 24 square feet in area and eight (8) feet in height, in accordance with the following:
 - i. Such signs must not be illuminated;
 - ii. Such signs may be maintained for a period of two (2) years or until the building or lot is rented, leased, sold, whichever occurs first; and
 - iii. Such signs must not be located within 30 feet of a residential zone.
 - (b) Temporary noncommercial signs are ~~permitted~~ allowed in accordance with the following:
 - i. The total aggregate area of all such signs on a single lot must not exceed 32 square feet;
 - ii. No single sign may exceed 12 square feet in size;
 - iii. If freestanding, such signs must not exceed eight (8) feet in height;
 - iv. In lieu of the signage allowed in subsection (b)(i) and (ii) above, on any ~~record~~ lot that abuts a limited access highway noncommercial temporary signs may be attached to the side of a building facing a limited access highway. Such signs must be mounted to the top floor face of the building, must not obstruct windows, and must not exceed an aggregate size of 100 square feet.
 - v. Such signs must not be illuminated;
 - vi. Such signs must not be located within 30 feet of a residential zone;
 - vii. No sign permit is required for such signs.
5. Portable signs. One (1) portable sign may be allowed as follows:
- (a) The sign must be located within ten (10) feet of the front building entrance of the business and must not impede pedestrian movements;
 - (b) Each sign face cannot exceed six (6) square feet in area and be no taller than three (3) feet;

(c) The sign can only be displayed when the business is open to the public.

b. Signs ~~permitted~~ allowed in the MXTD, MXCD, MXNC, MXCT, MXB, and MXE Zones:

1. *Permanent Building Signs* - Permanent building signs are permitted in the MXTD, MXCD, MXNC, MXCT, MXB, and MXE Zones in accordance with the following:

(a) *MXTD, MXCD, MXCT, MXE, and MXNC Zones*

- i. The total aggregate area of all signs on the premises allowed for each business/tenant must not exceed:
 - A. Two (2) square feet for each linear foot of exterior building wall enclosing the business/tenant space ~~up to a maximum of~~ for the first 50 square linear feet.
 - B. If such building wall or portion thereof measures more than 50 linear feet, then the aggregate area of all signs on the premises for that business/tenant may be increased in area at the rate of one (1) square foot for each additional linear foot of exterior building wall ~~in excess of 50 linear feet~~.
- ii. For a lot occupied by more than one (1) business/tenant, each building sign must be consistent and harmonious in terms of design, color, shape, size, style, material, and mounting with other such signs on the building or in the center. ~~A proposal for the entire building or center must be submitted by the owner prior to the issuance of the first sign permit for either a new or existing development.~~
- iii. In addition to the principal sign color, up to two additional accent colors, such as drop shadows or letter outlines may be included in the design. ~~If a trademark or logo is included, the provisions of Section 24.18.06.a.3 also apply.~~
- iv. ~~In the MXTD Zone, signs allowed for an individual business/tenant in a multi-tenant building must be placed only on pedestrian levels of the building.~~
- v. In addition to the above, buildings occupied by two (2) or more businesses/tenants may have building signs with a maximum area of 50 square feet each located on any exterior wall that has frontage on the public right-of-way.

NOTE – The following graphic is proposed to replace the current Figure 18.10.

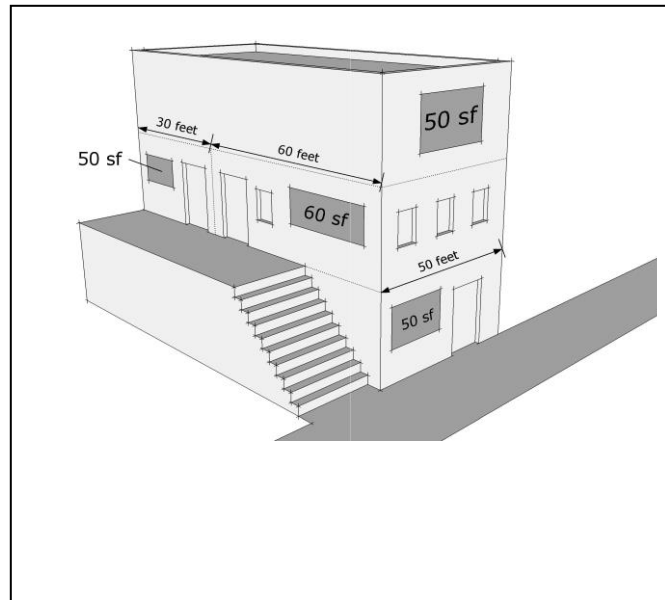


Figure 18.10 - Building Signs (1)

(b) *Total Aggregate Area – ~~MXE and~~ MXB Zones*

- i. The total area of all signs erected on a ~~record~~ lot in the ~~MXE and~~ MXB Zones must not exceed 250 square feet.
- ii. For a lot occupied by more than one (1) business/tenant, each building sign must be consistent and harmonious in terms of design, color, shape, size, style, material, and mounting with other such signs on the building or in the center. ~~A proposal for the entire building or center must be submitted by the owner prior to the issuance of the first sign permit for either a new or existing development.~~
- iii. In addition to the principal sign color, up to two additional accent colors, such as drop shadows or letter outlines may be included in the design. ~~If a trademark or logo is included, the provisions of Section 24.18.06.a.3 also apply.~~

~~(c) *Optional Comprehensive Sign Package*—An applicant for new development, comprehensive redevelopment, or an existing multi-tenant project may submit a comprehensive sign program to the Sign Review Board that deviates from the above requirements of subsection b.1, above.~~

- i. ~~The Sign Review Board may approve such a comprehensive sign package provided that:~~

- ~~A. If the maximum size otherwise allowed for any sign is increased, the total square footage of all signs on the project must not exceed the maximum aggregate total signage area permitted in subsection b.1, above.~~
- ~~B. Notwithstanding any variation among the signs in design, color, shape, size, style, material, or mounting, the signs must be compatible with each other and with the surrounding properties.~~
- ~~ii. In reviewing a proposed comprehensive sign package, the Sign Review Board must consider:~~
 - ~~A. The size, shape, color, design elements, and location of the signs;~~
 - ~~B. The compatibility of the proposed signs with the surrounding properties, the proximity of other signs, and the characteristics of the area where the signs are to be located; and~~
 - ~~C. Any recommendations from the Chief of Planning or the Planning Commission.~~
- ~~iii. The Sign Review Board may impose such conditions and terms when approving a comprehensive sign package, that are reasonably necessary to satisfy the purpose and intent of this Article.~~

2. *Freestanding Signs*

- (a) Freestanding signs are ~~permitted~~ allowed in the MXTD Zone in accordance with the following:
 - i. On a lot, One (1) freestanding sign is allowed per record lot for each frontage on a major arterial or business district street;
 - ii. Such sign must not exceed a three (3) feet by eight (8) inches with a maximum height of six (6) feet;
 - iii. Such sign must not use internal illumination;
 - iv. Such sign must not have a separate supporting structure; ~~and~~
 - v. Final location of such sign must be approved by the Director of the Department of Public Works, or their designee, to ensure that the sign does not obstruct the sight distance triangle motorist visibility; and
 - vi. Freestanding signs may also be subject to the provisions of Sec. 25.17.08.~~dc~~ for areas along Rockville Pike and Hungerford Drive.
- (b) Freestanding signs are ~~permitted~~ allowed in the MXCD, MXCT, MXB, and MXNC Zones in accordance with the following:

- i. Freestanding signs that identify a single business/tenant must be erected on a lot with a single business/tenant must be counted as a portion of the total aggregate sign area allowed for that business/tenant. Other freestanding signs, including those that identify a multi-tenant building or center, erected on a lot with more than one business/tenant must not be counted in the aggregate sign area allowed for any individual business/tenant. Such signs must be in accordance with the following:
- One (1) freestanding sign for each ~~record~~ lot. On ~~record~~ lots larger than five (5) acres, one (1) freestanding sign shall be permitted on each public street frontage ~~on a major highway or business district street~~. Where more than one (1) freestanding sign is permitted, they shall must be erected at least 100 feet apart;
 - Such signs must not exceed a maximum area of 100 square feet and a maximum height of 20 feet, provided that the area of a freestanding sign must not exceed the aggregate sign area allowed for the premises as measured by the most proximate building wall;
 - ~~The freestanding sign shall be counted as a portion of the aggregate sign area of the most proximate exterior building wall;~~
 - Such signs must not be closer than 30 feet to any residential zone;

NOTE – The following graphic is proposed to replace the current Figure 18.11.

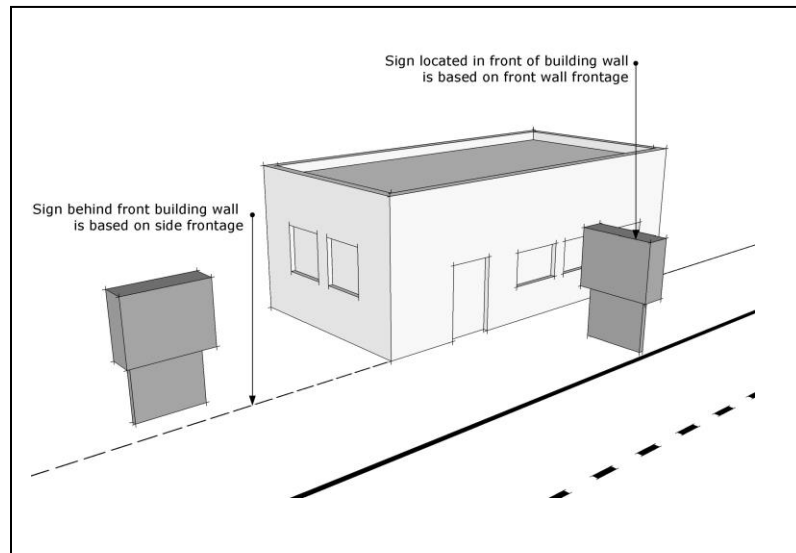


Figure 18.11 - Freestanding Signs

- e.d. A landscaped area must be provided at the base of the freestanding sign, with the landscaped area a minimum area of two (2) square feet for each square foot of sign area;
- f.e. The design of the sign shall be compatible and harmonious with the sign plan and architecture for the entire building or ~~center~~ lot; and
- g.f. Freestanding signs are also subject to the provisions of Section 25.17.08.c for areas along Rockville Pike or Hungerford Drive.
- ii. ~~Freestanding signs that contain the name, logo, or trademark of more than one (1) business, place, organization, building, or person must satisfy the requirements set forth in subsections b.2.(b)(i)A. through F. of this Section, 25.18.14, plus the following additional requirements:~~
- ~~A. Lettering for the identification of the building/center must not be less than 18 inches in height;~~
 - ~~B. Lettering for the identification of individual businesses/tenants and other copy must not be less than ten (10) inches in height;~~
 - ~~C. The design of the sign must be internally consistent and harmonious in color, size, style, material, and mounting; and~~
 - ~~D. The design of the sign must be consistent and harmonious with the sign plan and architecture for the entire building or center.~~

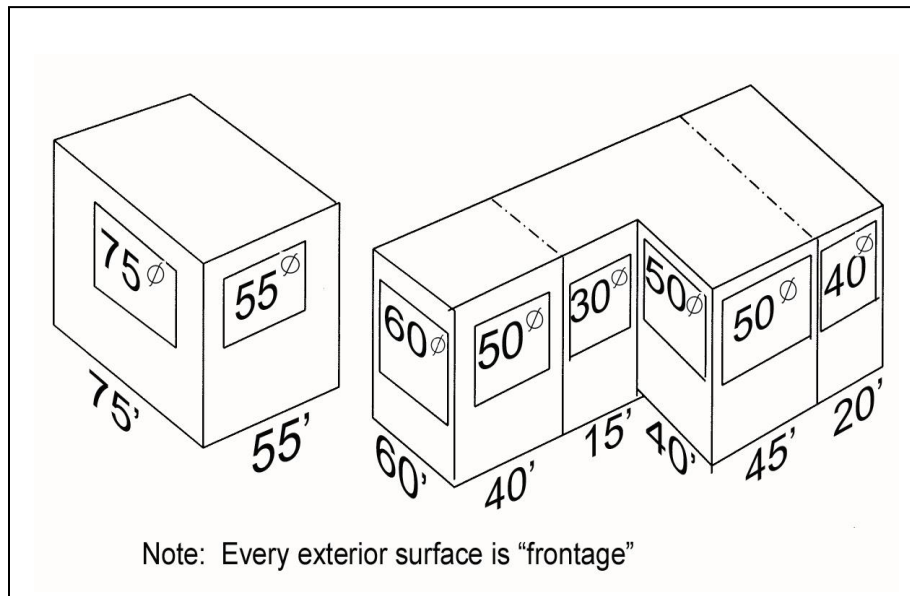


Figure 18.12 - Building Signs

- (c) Freestanding signs are permitted in the MXE Zone in accordance with the following:
- i. Freestanding signs must be counted as a portion of the total aggregate sign area of the lot;
 - ii. One (1) freestanding sign for each ~~record~~ lot not exceeding 100 square feet in area and not exceeding 20 feet in height is allowed. Such sign must be located not less than 50 feet from any lot line;
 - iii. In addition, ~~record~~ lots which abut a limited access highway may have one (1) additional freestanding sign not exceeding 50 square feet in area and not exceeding five (5) feet in height to be located at the principal point of ingress to such lot and not less than ten (10) feet from any lot line;
 - iv. A landscaped area must be provided at the base of the freestanding sign. The landscaped area must be a minimum area of two (2) square feet for each square foot of sign area; and
 - v. Letters and graphics on such signs must not exceed six (6) inches in height.

Note – Monument Sign Graphic Deleted

3. *Directional Signs* – Directional signs are ~~permitted~~ allowed in accordance with the following:
 - (a) The sign must not exceed three (3) square feet in area; and
 - (b) If freestanding, the sign must not exceed six (6) feet in height.
4. *Gasoline Price Signs* – Gasoline price signs required by State law for automobile filling stations may be freestanding or erected as a building sign. Any such sign or portion thereof that exceeds the minimum requirements of State law must be counted in the number, size, and total aggregate area for the business/tenant.
5. *Changeable Copy Signs* – Changeable copy signs are permitted ~~to announce current and future entertainment productions~~. Such sign may be freestanding and ~~shall~~ must be counted in the number, size, and aggregate sign area ~~permitted~~ allowed for the business/tenant.
6. *Temporary Signs* – Temporary signs are ~~permitted~~ allowed in the Mixed-Use Transit District Zone (MXTD), Mixed-Use Corridor District (MXCD), Mixed-Use Corridor Transition (MXCT), Mixed-Use Business District (MXB), Mixed-Use Neighborhood Commercial (MXNC), and Mixed-Use Employment (MXE) Zones in accordance with the following:

- (a) One (1) real estate sign is ~~permitted~~ allowed per lot not exceeding 48 square feet in area, and not more than 12 feet in height if freestanding, or one (1) building sign not exceeding 72 square feet in area if mounted at least 70 feet above adjacent grade, in accordance with the following:
 - i. Such signs must not be illuminated;
 - ii. Such signs may be maintained for a period of two (2) years or until the building or lot is rented, leased, or sold, whichever occurs first. Signs must be removed within 30 days after sale, lease, or rental. Signs installed for a two (2) year renewal period are limited to a maximum size of 24 square feet; and
 - iii. Such signs must not be located within 30 feet of a residential zone.
 - (b) One (1) sign may be erected during the period of construction with a total maximum sign area of 72 square feet.
 - (c) Upon occupancy of a space by a business or tenant, banners, and displays not exceeding 32 square feet in total area may be erected for up to 60 consecutive days including days before or after actual occupancy date by the business or tenant. If the building has more than 50 feet of linear frontage, the total area of the banner or display may be increased up to 48 square feet.
 - (d) Temporary noncommercial signs are ~~permitted~~ allowed in the MXTD, MXCD, MXNC, ~~MXCT~~, MXB, and MXE Zones in accordance with the provisions of Section 25.18.14.a.4.(b).
7. *Portable signs.* One (1) small, portable "~~sandwich board~~" sign may be allowed as follows:
- (a) The sign ~~shall~~ must be located ~~directly at~~ within ten (10) feet of the front building entrance of the business—to which it refers and must not impede pedestrian movements;
 - (b) Each sign face cannot exceed six (6) square feet in area and be no taller than three (3) feet; and
 - (c) The sign ~~must~~ can only be displayed when the business is open to the public; ~~and,~~
 - (d) The sign ~~may be placed in the public right of way but must not be placed where it will impede pedestrian traffic on the sidewalk, nor can it be placed in such a way as to impede vehicle traffic.~~

25.18.15—~~Election Signs~~ Reserved.

- ~~a. Residential Zones / Residential Property in Other Zones~~ In residential zones and on residential property in all zones, election signs must comply with the size, height, and

location requirements for temporary noncommercial signs contained in Sections 25.18.11.4(d).

1. ~~Such signs are subject to applicable provisions of Section 25.18.04.~~

2. ~~No sign permit is required.~~

b. ~~All Other Zones~~—In all other zones, election signs must comply with the requirements of the zone in which it is located pertaining to the size, area, height, duration, and location requirements for temporary noncommercial signs.

1. ~~Such signs are subject to applicable provisions of Section 25.18.04.~~

2. ~~No sign permit is required.~~

c. ~~Removal~~—Election signs that are no longer needed should be removed within seven (7) days after the election to which they pertain. It shall be the obligation of the candidate to cause all such signs to be removed prior to the expiration of the period.

d. ~~No Illumination~~—Election signs must not be illuminated.

e. ~~Usage of Permanent Sign~~—Nothing herein precludes the usage at any time of permanent signage permitted under this Article to advocate a candidate or issue to be voted on in an election.

25.18.16– Signs on Public Property and the Public Right-of-Way

a. *Signs Prohibited* – No sign is ~~permitted~~ allowed on public property or within the public right-of-way ~~except as directed or authorized by the City Manager unless specifically authorized or required by this Code.~~

b. *Exceptions* – ~~The City Manager may direct or authorize~~ This section does not prohibit the erection or display of ~~one (1) or more of~~ the following signs on public property or within the public right-of-way:

1. Any sign required by a valid and applicable federal, state, or local law, ordinance, or regulation.

2. Signs and other visual displays erected by, or at the direction of, federal, state, or local governmental or quasi-governmental agencies.

~~1.3. Traffic control signs;~~ Signs conforming to or required by the *Manual of Uniform Traffic Control Devices*, as published by the Federal Highway Administration from time to time under 23 Code of Federal Regulations, Part 655, Subpart.

2. ~~Signs that provide directional or other public service information;~~

- ~~3. Signs pertaining to a governmental or public purpose;~~
- ~~4. Signs pertaining to the use, maintenance, and/or operation of public property or right of way and/or pertaining to any events or activities lawfully conducted on said property or right of way;~~
- ~~5. Signs pertaining to the closure or partial closure of a road or other public right of way; and~~
- ~~6. Such other signs deemed to be in the public interest.~~

~~c. *Community Events and Noncommercial Messages*—The City Manager may designate one (1) or more areas on public property or within the public right of way for the erection of signs pertaining to publicly and/or privately sponsored community events and noncommercial messages. Such signs must be erected and maintained in accordance with such standards, requirements, and conditions as may be established by the City Manager.~~

25.18.17 – Noncommercial Signs in Lieu of Commercial Signs

Notwithstanding any provision of this Article or Chapter to the contrary, any sign ~~permitted~~ allowed by this Article or Chapter to contain a commercial message may, in lieu thereof, contain a noncommercial message unrelated to the business, tenant, or entity located on the premises where the sign is erected, provided that the other criteria and regulations contained in this Article and Chapter have been satisfied, including but not limited to size, height, setback, location, duration, design, maintenance, and construction regulations and criteria.

25.18.18 – Signs in Planned Development Zones

- a. Except as otherwise provided in this Article 18, signs in any of the Planned Development zones as set forth in Article 14 will be regulated based on the applicable designated equivalent zones described in each planned development.
 - b. ~~Specific regulations for signs in planned development zones where the project was originally approved as a preliminary development plan after January 1, 2000 and included land either owned by the City or purchased from the City:~~
- ~~4.—~~Notwithstanding the provisions of Article 18, the following is specifically ~~permitted~~ allowed in the PD-TS Zone ~~Planned Development zones~~:
- (a) Freestanding Signs in accordance with the following:
 - i. One (1) off-premises sign per lot limited to 35 square feet of sign area and 25 feet in height.

- ii. Up to eighteen (18) off-premises signs limited to four (4) square feet of sign area and ten (10) feet in height installed on existing light posts located on lots covered by and subject to a preliminary development plan.
- ~~c. Optional Comprehensive Sign Package—An application for new development or comprehensive redevelopment of a project in a Planned Development zone may submit a comprehensive sign program as part of the application to the Approving Authority that deviates from the requirements of subsection a. above.~~
- c. Notwithstanding the provisions of Article 18, the following are specifically allowed in the Planned Development zones listed in Sections 25.14.07.c.1.(a), 25.14.07.c.2, and 25.14.07.c.3:
 - 1. Freestanding Signs in accordance with the following:
 - (a) One freestanding sign facing each public road bordering the project and designated as a major arterial roadway or limited access highway;
 - (b) Each sign is limited to 100 square feet of sign area and 20 feet in height;
 - (c) Each sign must be located within the boundaries of the approved Planned Development;
 - (d) Each sign must be located on a tract of land owned by the homeowner's association, civic association, or similar entity;
 - (e) Each sign must be compatible and harmonious with the architectural style, character, materials, color, and details of the adjacent buildings and signs;
 - (f) Such signs must not use internal illumination;
 - (g) Except in the PD-TS Zone, a landscaped area must be provided at the base of the sign, with the landscaped area a minimum of two (2) square feet for each square foot of sign area;
 - (h) If the sign is a commercial sign, it must refer only to a tenant or tenants located within the boundaries of the approved Planned Development, it being expressly found and determined that such signs are necessary to identify the goods and services available in the planned development and, as regulated herein, do not create an unattractive nuisance in the manner of general off-premises advertising;
 - (i) In the PD-CB zone, a sign must comply with the provisions contained in Section 25.17.08.c.
 - 2. Directional Signs, in accordance with the following:
 - (a) Signs must not exceed three (3) feet in square area; and
 - (b) If freestanding, signs must not exceed six (6) feet in height.

25.18.19 – Optional Sign Package

- a. Purpose. The preceding requirement of this Article 18 ensure that signs that meet certain minimum standards and are consistent with the character and quality of the built environment in the City of Rockville may be quickly approved and displayed. In some situations, alternative standards may contribute to a project's aesthetic qualities and enhance vehicular, bicycle, and pedestrian safety. The purpose of this section is to set forth an optional method for signage to be provided within larger-scale projects in certain areas in the City. Approval of an optional sign package pursuant to the standards of this section allows for consistent presentation of signage throughout larger-scale projects, flexibility to provide for unique environments, and more pre-approval of designs and design elements to make subsequent applications for sign permits more efficient.
- b. Applicability. To be eligible to apply for an optional sign package, the property or properties subject to an application must comprise: (i) five (5) or more contiguous acres and be located entirely within one or more of the MXTD, MXCD, or MXNC zones; or (ii) ten (10) or more contiguous acres and be located entirely within the MXE zone.
- c. Total Sign Area and Location of Signs.
 - 1. Aggregate Sign Area. The total aggregate area of freestanding and building signs that may be provided subject to an optional sign package must not exceed: two (2) square feet for each linear foot of exterior building wall enclosing any building with a non-residential use.
 - 2. Location: Freestanding or building signs may be erected anywhere within the area subject to an optional sign package, provided that such signs comply with the following:
 - (a) Signs may extend above roof level by no more than 25% of the sign face area;
 - (b) Building signs may project up to 42 inches from the building face;
 - (c) Freestanding signs must not exceed 200 square feet or a height of 20 feet;
 - (d) If the sign is a commercial sign, it must refer only to a tenant or tenants located within the area subject to an optional sign package; it being expressly found and determined that such signs are necessary to identify the goods and services available in the optional sign package area, and, as regulated herein, do not create an unattractive nuisance in the manner of general off-premises advertising
 - (e) No freestanding signs are allowed within 30 feet of any residential zone or residential equivalent zone;
 - (f) Signs along Rockville Pike or Hungerford Drive must comply with Section 25.17.08.c.

- d. Directional Signs. Directional signs are allowed anywhere within an area subject to an application, provided that: (i) such signs must not exceed three (3) square feet in area; and (ii) if freestanding, the signs must not exceed six (6) feet in height. Directional signs do not count toward the aggregate sign limit and do not need to be included as part of an optional sign package application. A permit must be obtained prior to the erection or installation of a directional sign.
- e. Entrance Signs. One (1) permanent entrance sign is allowed for any principally residential building within an area subject to an application. The provisions set forth in Section 25.18.11.1 apply to any such signs. Permanent entrance signs do not count toward the aggregate sign limit and do not need to be included as part of an optional sign package application. A permit must be obtained prior to the erection or installation of a permanent entrance sign.
- f. Submittal Requirements. Any person desiring an optional sign package must submit the following materials to the Chief of Zoning:
1. A completed application on a form provided by the City;
 2. The application fee as determined by resolution of the Mayor and Council;
 3. A scaled drawing showing existing property lines, and existing and approved buildings (including dimensions of building/unit frontage and square footage for each building), lighting, and landscaping;
 4. Location, materials, and maximum area for each sign that each occupant will be allowed to display;
 5. Scaled, color elevations of the proposed signage with appropriate dimensions, including height, width, and depth drawing of the proposed signage;
 6. A calculation of the total amount of sign area for each structure, and for each lot as a whole; and
 7. Any other supplemental material reasonably necessary for the review of the permit request.
- g. Completeness Review. The Chief of Zoning will check each application submittal for its completeness and provide notification to the applicant of any deficiencies in the application within ten (10) days following receipt and review of the application. Upon the Chief of Zoning's determination that the application is complete and receipt of all fees, the application will be reviewed by the Chief of Zoning for conformity with this section.
- h. Criteria for Approval. An optional sign package must meet the following criteria:
1. Safety. The proposed signs will not create a safety or security hazard to pedestrians, drivers, or the public, and not interfere with pedestrian and bicycle movements.
 2. Scale. The proposed signs, both individually and in the aggregate, must be proportional to the building size and massing, relevant to both buildings within the area subject to the optional sign package and the neighborhood context.

3. Architectural Features. The proposed signs must be compatible and harmonious with the architectural style, character, materials, color, and detail of adjacent buildings and signs.
 4. Compliance with Size and Location Requirements. The proposed signs must comply with the requirements set forth in subsection c.
 5. Lighting. The proposed signs must comply with the illumination requirements of Section 25.18.06.a.3.
 6. No Prohibited Signs. The proposed signs must not include any signs prohibited by Section 25.18.04.b., unless otherwise allowed by this section.
- i. Approval. If the Chief of Zoning finds that the proposed optional sign package conforms with the criteria for approval set forth in this section, the Chief of Zoning must approve the optional sign package within 60 days of the date the completed application and applicable fee were received. Any denial of an optional sign package application must be in writing and identify the aspects of the application that do not conform to the criteria for approval set forth in this section.
 - j. Effect of Approval. Notwithstanding any other provision of this Article 18, an approved optional sign package will govern the signage that is located within an area that is subject to an application. Prior to the erection of any signs implementing an optional sign package, an applicant must obtain a permit from the City of Rockville. All signs erected or maintained within the area subject to an optional sign package must conform at all times to the approved optional sign package. Any deviations from an approved optional sign package will be unlawful unless and until the approved optional sign package is revised, amended, and approved in accordance with this section.
 - k. Expiration. An approved optional sign package will expire one (1) year from the date of approval if no permits for allowed signs have been issued.
 - l. Amendment. Revisions or amendments to an approved optional sign package may be requested and approved in accordance with the procedure for new optional sign packages set forth in this section.
 - m. Appeals. Any applicant who is denied an optional sign package may file a written appeal to the Board of Appeals within ten (10) days following receipt of the written copy of the denial.



Mayor & Council Meeting Date: October 15, 2018
 Agenda Item Type: Discussion and Possible Approval
 Department: City Manager's Office
 Responsible Staff: Linda Moran

Subject

Rockville's 2019 State Legislative Priorities

Recommendation

Discuss and approve the proposed 2019 State Legislative Priorities.

Discussion

This item continues the Mayor and Council's consideration of Rockville's 2019 State legislative priorities. The dialogue began on July 2 when the governing body approved three priorities for submittal to the Maryland Municipal League (MML) as Legislative Action Requests. The staff report is provided at Attachment A. This discussion is more comprehensive, as it includes all issues that will be included in Rockville's 2019 State legislative program. The Mayor and Council can continue the discussion, and adjust or identify new priorities, at any time throughout the 2019 session.

The State Government will be in a transition during the 2019 Session. It is the first year in a new term of the Governor and General Assembly. According MML, there could be a 35-40% turnover in the State legislature. Newly-elected officials will be getting oriented into their new roles and learning the State legislative and budgetary processes. If there is a newly-elected Governor, Maryland's Chief Executive will be immersed in filling cabinet positions and setting up a new Administration. It is typical in the first year of the four-year cycle for there to be a modest number of legislative initiatives that are introduced. Rockville's proposed 2019 State legislative priorities program takes this context into account and includes MML's adopted 2019 legislative priorities, Rockville-specific initiatives (including a proposed bond bill), and issues to monitor.

MML Legislative Committee Recommended 2019 Priorities

The MML Legislative Committee (LC) recently adopted its priority program recommendations for the 2019 General Assembly Session. MML priorities are high profile municipal issues that broadly impact the membership and are usually resolved by State legislation. The priorities will be presented to the membership for approval at the MML Fall Legislative Conference in Annapolis on October 12, 2018. Typically, the membership approves the priorities as proposed. Staff will share with the results of the membership vote with the Mayor and Council.

MML leadership and staff plan to invest a significant amount of time building relationships with and educating newly elected State officials about municipalities and their needs. Given

the significant amount of effort that this will require, the LC chose to select one priority and three strategic initiatives:

1. Preserve Local Authority in the Siting and Aesthetics of Small Cellular Tower Infrastructure

The Mayor and Council adopted this as a priority on July 2 and submitted it as an LAR. This issue was also a priority for the Mayor and Council and MML in 2018.

The wireless industry has aggressively advocated nationally to promote 5G deployment using methods that heavily favor their interests. In recent months, the Federal Communications Commission has been moving swiftly on preemption of local government authority related to the deployment of small cell infrastructure. In the summer of 2018, the FCC took action that erodes local government authority.

On August 3, 2018, the FCC issued an order that put into effect a ban on state and local moratoria of wired and wireless communication. Both express and "De facto" moratoria are prohibited. "De facto" moratoria are defined as state and local actions that are not express moratoria, but that effectively halt or suspend the acceptance, processing, or approval of applications or permits for telecommunications services in a manner akin to an express moratorium.

On September 26, 2018, the FCC issued another order. The Maryland Association of Counties (MACo) website reports that the key impacts to local governments are:

- Shorter shot clocks for permit approvals. Local governments have sixty (60) days for collocations on existing poles and ninety (90) days for new poles.
- Caps placed on rental rates, at \$270 per small cell per year for right of way access and attachment fees.
- Three-part test on aesthetic requirements, which entails a preemption test that hinges on what constitutes "reasonable" aesthetic requirements.

According to a Route50.com article, the order follows the model of legislation that has been enacted in 20 states. State laws that are more stringent are not preempted by the order. Additionally, the article noted that there is potential for increased litigation relating to the deployment of small cell infrastructure. The article indicates that the order will likely take effect 30 days after the order was issued. City staff is reviewing the order and will provide more information to the Mayor and Council on its impact to Rockville.

MML indicates that the likelihood remains high for the industry to introduce legislation in the 2019 Session. The League believes that the industry is looking for legislation that is more stringent than the September 26 FCC order. The League and the Maryland Association of Counties (MACo) continue to be engaged in discussions with the industry. MML, MACo, and their members will once again need to work diligently to defeat any harmful industry proposals.

The Montgomery County Council continues to consider Zoning Text Amendment 18-30, which would allow small cell infrastructure to be deployed in residential neighborhoods. (Please refer to Attachment A for a summary of the proposed text amendment.) According to County Staff, it is possible that the County Council could vote on the text amendment by the end of October 2018. Staff is monitoring the legislation and will inform the Mayor and Council of the outcome.

MML Legislative Committee Recommended 2019 Strategic Initiatives

The MML Legislative Committee (LC) also chose three recommended strategic initiatives under the theme of educating newly-elected officials on the needs of Maryland's 157 cities and towns. Strategic initiatives differ from legislative priorities in that they are addressed through avenues that do not involve legislation. The Committee-recommended strategic initiatives are as follows:

- Opposition to preemption of local government authority in any area. Rockville submitted this to MML as a Legislative Action Request (LAR.)
- Five Year Rule – Annexation – Repeal/Modification – Under current law, a municipality is required to wait five years before it can make a substantive change in zoning on county land annexed by a municipality, unless expressly approved by the county.
- Municipal Taxing Authority – Creation of New Opportunities – Protect HUR Funding Package approved in 2018 that will begin in FY20.

Rockville-Specific Proposed Priorities

1. Advocate for School Construction Funding

Since the 2007-2008 school year, Montgomery County Public Schools (MCPS) has experienced rapid enrollment growth. In the 2017-2018 school year, an additional 2,536 students enrolled in MCPS for a total student population of 161,546. MCPS is further challenged with multiple aging school facilities across the County. Clusters serving Rockville students continue to experience overcrowding, with students attending aging and outdated facilities. Capital projects are needed to alleviate these conditions. The demand for capital improvement projects across the County far exceeds the availability of resources needed to address them. Therefore, staff recommends that the Mayor and Council continue to support efforts by Montgomery County and MCPS to secure additional school construction funding at the State level.

The Maryland General Assembly approved \$313.9 million in FY19 statewide funding for public school construction. In FY19, Montgomery County received \$59.7 million in State aid. This is approximately 51% of the \$118.2 million request. MCPS was approved through the annual statewide allocation for \$33.8 million, and received an additional \$25.9 million in State funding through the Capital Grant Program for Local School Systems with Significant Enrollment Growth.

2. Advocate for the Enhancement of Senior Programs and Services

Rockville's senior population is growing, rapidly changing, and is expected to increase faster than any other age group in Rockville. In fact, the City's senior population is projected to spiral to 19,140 by the year 2040, equaling 22% of the total population. This segment of the City's population is placing increased demand on current services and needs additional programs, support, and services. Low-income seniors are a special concern; 10.8% of Rockville's population aged 65 and over are living below the poverty line.

Under this priority, the Mayor and Council would support funding and enhancements that respond to the Rockville Senior Needs Assessment and Gap Analysis, including senior transportation services; recreation and wellness programming; aging in place and villages; and outreach to increase awareness of senior programs and services in Rockville. Staff recommends that the Mayor and Council continue to advocate in support of this priority in the 2019 session.

3. Advocate that No Rockville Homes, Businesses, and Infrastructure are Taken in the I-270 & I-495 Managed Lanes Study

MDOT/SHA is implementing Governor Hogan's Traffic Relief Plan that invests \$9 billion, in the first phase, to add four new lanes to the Capital Beltway, I-270, and the Baltimore-Washington Parkway. The State is currently conducting an environmental study and is considering alternatives. The project web site schedule indicates that MDOT/SHA will complete its selection of alternatives retained for detailed study in the winter of 2019.

The Mayor and Council have vigorously advocated in opposition to any study alternatives that would result in the taking of residences, businesses, or infrastructure in the ten (10) impacted neighborhoods, to add lanes for widening I-270 in either direction through Rockville. This effort includes three letters sent to State officials, including the Governor, attending MDOT/SHA public workshops, attending meetings, coordinating with Rockville homeowner and civic associations, and a meeting between Mayor Newton and Councilmember Palakovich Carr with Transportation Secretary Rahn and staff.

On September 28, 2018 the Mayor and Council sent a letter to the Governor, Transportation Secretary Rahn, and MDOT/SHA Administrator Slater asking the Governor to put his recent statements made at public events stating that "no homes will be taken" into writing. Additionally, the City requested that MDOT/SHA attend a proposed City worksession on December 17, 2019 to discuss this issue. It is the view of the City staff that MDOT is not inclined to attend a meeting until it selects its alternatives for detailed study.

It is recommended that the Mayor and Council continue its vigorous advocacy with the State in support of Rockville property owners in the 2019 Session and throughout the course of the study.

4. Advocate for a Congressional Redistricting and Apportionment Commission After Each Decennial Census

The Mayor and Council approved this priority at the July 2, 2018 meeting for submittal as an MML Legislative Action Request. The request was not chosen by the MML LC as a priority.

The priority is for legislation that would require the formation of a Congressional Redistricting and Apportionment Commission after each decennial census, with equal membership from political parties and voters not affiliated with the two major parties. It would require Congressional Districts to be geographically contiguous, drawn to encourage compactness, and to respect the geographic integrity of a local government. The Commission must hold public hearings, provide access to redistricting data and software, and ensure full public participation. Each legislative house must pass the map and plan by a three-fifths vote.

This issue was the topic of legislation put forward in 2016, 2017, and 2018 by Governor Hogan that was unsuccessful. In 2018, Delegates Carr and Reznick introduced the Potomac Compact for Fair Representation legislation that failed. It is recommended that the Mayor and Council look for opportunities in the 2019 Session to support similar efforts.

5. Advocate for Open Primary Elections in Maryland

This topic was approved by the Mayor and Council at the July 2, 2018 meeting for submittal to MML as an LAR. Upon further research, staff shared the following information with the Mayor and Council, who determined this issue was not suitable for an LAR.

Maryland is one of several states that has a semi-closed primary system. Maryland law does not prohibit open primaries. The decision is at the discretion of the political parties. Maryland Code, Election Law, Section 8-202 states "if a political party chooses to permit voters not affiliated with the party to vote in the party's primary election, the chairman of the party's State central committee shall notify the State Board at least 6 months before the date of the primary election."

In the 2018 Session, HB1444, sponsored by Delegate Flanagan of Howard County, would have required political parties to allow unaffiliated voters to vote in the party's primary elections, but it failed. According to Rockville's State lobbyist, it is the only open primary bill since 1996 (as far back as electronic records are kept) that was introduced in the General Assembly. The Attorney General's Office provided testimony in opposition to HB 1444. The Attorney General questioned the constitutionality of the legislation and stated, "Because such a provision would be unlikely to withstand an applied constitutional challenge under the First Amendment, the Attorney General's Office opposes HB 1444."

Staff recommends that this issue not be pursued through State legislation, since the political parties have authority under State law to permit unaffiliated voters to vote in primaries. If the Mayor and Council wish to pursue this initiative further, staff recommends that the governing body approach the leadership at the central committees of the major political parties and request that they allow unaffiliated voters to participate in primaries. Given the political polarization that is prevalent across the nation, the parties may be reluctant to accommodate the request.

6. Isreal Park Shelter Replacement Bond Bill

Staff recommends that the Mayor and Council pursue a 2019 bond bill for \$200,000 for this project.

The project funds the design and replacement of the 51-year old park shelter that is used for summer playgrounds, rentals, and community gatherings. The improvements include structure relocation, ADA compliant bathrooms, storage area, and a covered picnic area. The project is fully funded at a total cost of \$359, 000, and construction is scheduled to begin in FY19.

Project Impact:

- This park is significant to the Lincoln Park community's heritage. It is named after Clarence "Pint" Isreal, who grew up in the Lincoln Park neighborhood and was an active community leader. He was as professional baseball player and a member of the Newark Eagles team that won the Negro League World Series in 1946, and played for the Homestead Grays, Washington, D.C's team. Mr. Isreal is also a member of the Lincoln Park Hall of Fame and was the founder of the Black Angels Boys Club, a mentoring program for boys that taught sports and swimming, and provided field trips to tourist destinations in Washington D.C. Additionally, Mr. Isreal was actively involved with recreational sports teams in Rockville.
- Increases park safety by moving the bathrooms closer to the pavilion; creates an ADA accessible path and bathrooms; and expands the play area with updated amenities that enhance the experience of regular park users and customers who rent it for events and gatherings.

Issues to Monitor

Staff recommends that the Mayor and Council monitor the following issues during the 2018 legislative session. Staff will inform the Mayor and Council of any noteworthy developments or action that is warranted, so that the Mayor and Council can direct staff to engage.

Stormwater Management

Gaithersburg currently is weighing options on how to best approach the equity issue of the State, and entities of the State, including public schools and colleges, that are not paying municipal stormwater fees. The Gaithersburg Mayor and Council will be discussing 2019 State legislative priorities on October 15, 2018. City staff will report back to the Mayor and Council on the approach that is approved by the Gaithersburg Mayor and Council.

Funding for Tick-Borne Research

Tick-borne research is conducted via clinical trials. These research studies have very prescriptive frameworks that are usually developed by academic institutions or biotechnology companies. Clinical trials require oversight by an Institutional Review Board (IRB) which reviews and approves the detailed plan. IRBs protect the individuals who participate in the clinical trial. IRBs conduct inspections to ensure that the clinical trial is well designed, legal, ethical, does not involve unneeded risks, and includes a safety plan for patients. Furthermore, clinical trials are designed for outcomes that are not specific to a State or geographic area. Funding for clinical trials generally comes from private funding sources with limited funding provided by the federal government through the National Institute of Allergy and Infectious Diseases at NIH.

The State of Maryland does not fund clinical research of any kind, including tick-borne illness research. Staff recommends that the Mayor and Council send a letter to the Governor, at the beginning of the new term, to request the following from the State of Maryland:

- Expand information sharing, education, and outreach efforts related to tick-borne illness, and;
- Provide enhanced funding in the FY20 Budget for tick-borne illness initiatives and consider State funding opportunities for tick-borne illness research.

Maryland Commission on Innovation and Excellence in Education

At the September 17, 2018 MML Montgomery Chapter meeting, a Board of Education member shared that the report by the Commission anticipated to be released by the of December 2018 is going to be extremely important for MCPS. The BOE member noted that the initial Commission findings would have drastically reduced MCPS operating funding. The school system is hopeful that the final report will be more favorable. It is anticipated that the report will include also recommendations for Statewide legislation.

Better known as the "Kirwan Commission" 2016, its charge is to:

- Review and recommend any needed changes to update the current education funding formulas (known as the Thornton funding formulas); and
- Make policy recommendations that would enable Maryland's public education system to perform at the level of best performing systems in the world.

At the MML Montgomery Chapter meeting, MCPS noted that a healthy operating budget is essential to MCPS. If operating revenues were to be significantly reduced, it would have a

negative impact on the MCPS capital budget, which is a Rockville priority. The Chapter stated it is ready to support the BOE as needed. While Rockville has not historically engaged in advocacy on MCPS operating funding, the Kirwan Commission report is unique because it will have long lasting impact on the disbursement of operating funding to public school systems across the State. The last time the formulas were reviewed was in 2002 by the Thornton Commission. Staff recommends that staff monitor this issue, keep the Mayor and Council informed, and should the BOE need assistance, the governing body should consider supporting MCPS on their advocacy efforts.

Mayor and Council History

Each year the Mayor and Council discuss and adopt State legislative priorities.

Next Steps

- The Joint House and Senate Priorities hearing will be held on November 14, 2018 at 7 pm. In advance of the hearing, staff will provide draft testimony for the Mayor and Council's review and approval that reflects the 2019 State legislative priorities adopted by the governing body.
- Prior to and during the 2019 Session, staff will work with the City's State lobbyist and MML to monitor issues and track legislation with impact on the City. Staff will keep the Mayor and Council informed and engaged.
- At any time throughout the course of the current term, the Mayor and Council can continue the discussion, and adjust priorities or identify new priorities.

Attachments

Attachment 12.a: 2019 Maryland Municipal League Legislative Action Requests



Rob DiSpirito, City Manager

10/9/2018



Mayor & Council Meeting Date: October 15, 2018
 Agenda Item Type: Discussion, Instructions and Possible Adoption
 Department: PW - Traffic & Transportation
 Responsible Staff: Oleg Kotov

Subject

Discussion and Possible Adoption of Resolution Endorsing Vision Zero

Recommendation

Staff recommends that the Mayor and Council adopt the resolution endorsing Vision Zero.

Change in Law or Policy

This resolution would endorse the development and adoption of a Vision Zero policy for the City of Rockville.

Discussion

Vision Zero is an effort to eliminate all road fatalities and serious injuries through a series of practices that put the safety and health of human beings as the primary interest of a road network. The effort was first introduced in Sweden in 1997 as a country-wide response to increasing traffic fatalities and serious injuries that were seen as the result of a perceived prioritization of the efficient movement of motor vehicles over the interests of human health.

As defined by the World Health Organization, Vision Zero has four main principles:

- 1) Ethics: Human life and health are paramount and take priority over mobility and other objectives of the road traffic system.
- 2) Responsibility: Providers and regulators of the road traffic system share responsibility with users.
- 3) Safety: Road traffic systems should take account of human error and minimize both the opportunities for error and the harm done when they occur.
- 4) Mechanisms for Change: Providers, regulators, and road users must be ready and willing to change to achieve safety.

Multiple US jurisdictions, including Montgomery County, have adopted and are working on implementing Vision Zero practices. There is a host of practices that can be implemented in a Vision Zero strategy. These practices work best when they are implemented as part of a large package of initiatives.

Staff is currently working with the Traffic & Transportation Commission to review Montgomery County's 2-Year Vision Zero Action Plan (adopted in November 2017) and the applicability of County's recommended action items to the City of Rockville. Staff will develop specific recommendations for adopting the Vision Zero policies for Rockville.

Mayor and Council History

The Mayor and Council defined the priority initiatives that serve as their collective work plan for the 2016-2019 term. These priority initiatives are framed within the Critical Success Factors that capture the Mayor and Council's long-term vision for the community. One of such priorities, defined under the Safe and Livable Neighborhoods, is to adopt and implement Vision Zero and engage the community in implementing the plan.

Boards and Commissions Review

Staff is working with the Traffic & Transportation Commission on reviewing and developing recommendations for Rockville's Vision Zero policies.

Fiscal Impact

While Rockville's Vision Zero plan is still being developed, it is very likely that some of the proposed policies will require additional resources such as staff time, capital improvement funds, and funding for education and training activities.

Next Steps

In coordination with the Rockville Police Department, Public Information Office, and Department of Recreation & Parks as well as Montgomery County's Vision Zero Coordinator, Rockville Traffic & Transportation staff will work with the City's Traffic & Transportation Commission to develop recommendations/policies and finalize Rockville's Vision Zero plan. Staff anticipates for the Mayor and Council to adopt and begin implementing the Vision Zero plan in the summer of 2019.

Attachments

Attachment 13.a: Vision Zero Resolution (PDF)



Rob DiSpirito, City Manager

10/11/2018

Resolution No. _____ **RESOLUTION:** To endorse Vision Zero to move the City of Rockville toward zero traffic deaths by 2030

WHEREAS, road safety is a top public safety priority in the City of Rockville; and

WHEREAS, death and injury on our streets is unacceptable and serious crashes could be preventable; and

WHEREAS, Vision Zero is an international movement to put an end to fatal traffic crashes that relies on data-driven approaches to improve the engineering of roads, to conduct targeted education and enforcement, and to change laws to improve driver behavior and increase penalties for dangerous conduct on the roads; and

WHEREAS, Vision Zero provides a framework for reducing traffic deaths and serious injuries toward zero, while increasing safe, healthy, equitable mobility for all; and

WHEREAS, Vision Zero focuses on safety as a primary objective for our transportation systems; and

WHEREAS, the City works towards eliminating pedestrian and bicycle related deaths and serious injuries in Rockville; and

WHEREAS, successful Vision Zero programs are a result of both a complete government approach (i.e. interdepartmental, coordinated initiatives) and community support of Vision Zero objectives and guidelines;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, as follows:

1. The City of Rockville adopts a goal of moving the City of Rockville toward zero traffic deaths and serious injuries; and endorses Vision Zero as a comprehensive and holistic approach to achieving this goal.
2. The Director of Public Works will work with the Traffic & Transportation Commission to develop Vision Zero Guidelines which would identify a combination of equitable engineering, enforcement, education, and evaluation along with associated funding needed for the City to reach the goal toward zero deaths and serious injuries by 2030.

* * * *

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Mayor and Council at its meeting of _____.

Sara Taylor-Ferrell, City Clerk/Director of
Council Operations



Mayor & Council Meeting Date: October 15, 2018
 Agenda Item Type: D & I, Possible Introduction & Possible Adoption
 Department: PW - Traffic & Transportation
 Responsible Staff: Oleg Kotov

Subject

Discussion and Instruction and Possible Introduction and Possible Adoption of an Ordinance Granting Street Closing and Abandonment Application SCA2018-00106 for an Easement and Right of Way Located at 2131 Veirs Mill Road

Recommendation

Staff recommends that the Mayor and Council introduce the ordinance to abandon the subject right-of-way and easement, as requested in the application. If the Mayor and Council wish to proceed with adoption of the ordinance at the same meeting, the ordinance should first be introduced and then a motion should be made to waive the layover period. If the motion to waive the layover period is approved by an affirmative vote of four or more members of the Mayor and Council, a motion to adopt the ordinance may then proceed.

Discussion

City staff received a Street Closing and Abandonment application from Ms. Siu Wong seeking permanent abandonment and termination of an existing ingress and egress easement situated at 2131 Veirs Mill Road (Attachments A and B).

The existing ingress and egress easement was established in 1976 to provide a possible access road between 2131 Veirs Mill Road and the neighboring property to the west, located at 2101 Veirs Mill Road, currently occupied by a McDonalds restaurant. There is no existing vehicular access point remaining between the two properties. The same easement was abandoned by the owners of the neighboring property, located at 2101 Veirs Mill Road, in 1997.

The applicant is requesting the abandonment because the existing ingress and egress easement does not serve any public purpose, and is no longer needed because the right-of-way is no longer proposed for a future possible access road.

Per City Geographic Information System (GIS) data, there are no City utilities within the subject right-of-way. Staff reached out to the Veirs Mill Bus Rapid Transit (BRT) project team and it was confirmed that this location does not impact the BRT project. The Department of Community Planning and Development Services has confirmed that there are no Master Plan needs for this easement.

There is a pedestrian easement between the properties, established in 1990, that will remain in place.

Mayor and Council History

A public hearing on the application was held at the Mayor and Council meeting on September 17, 2018.

Public Notification and Engagement

Notification letters were sent to utility companies and adjacent property owners. The public hearing was advertised in the Washington Post. A public hearing on the application was held on September 17, 2018. The public comment period remained open until close of business on Monday, October 1, 2018. No public comments have been received for the proposed abandonment.

Next Steps

If the Mayor and Council do not introduce and adopt the Abandonment Ordinance, then the item will be brought back at a future Mayor and Council meeting. If the ordinance is adopted, then abandonment will proceed according to the ordinance.

Attachments

Attachment 14.a: Attachment A - SCA2018-00106_Application(PDF)
Attachment 14.b: Attachment B - SCA 2018-00106_Map_Views (PDF)
Attachment 14.c: Proposed Ordinance - SCA2018-00106 (PDF)



Rob DiSpirito, City Manager

10/11/2018



Application for

Street Closing and Abandonment

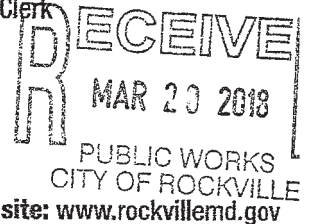
This application must be filed in duplicate, with attachments, in the office of the City Clerk

SCA
10/11

City of Rockville

Department of Public Works

111 Maryland Avenue, Rockville, Maryland 20850

Phone: 240-314-8500 • Fax: 240-314-8539 • E-mail: transportationinquiry@rockvillemd.gov • Web site: www.rockvillemd.gov

A permanent street closing and abandonment releases the City's interest in public rights-of-way that do not currently serve, and are not expected to fulfill, a public use. This process is governed by Chapter 21, Article III of the Rockville City Code. Applications for an abandonment should include the full width of the subject right-of-way and extend from one public street to the next.

Once an application is accepted, City staff evaluates the current and expected use of the right-of-way and schedules a Mayor and Council public hearing. Upon completion of the hearing and subsequent comment period, staff makes a recommendation to Mayor and Council, who make the final decision regarding the outcome of this application.

As of July 1, 2011, filing fees for this application are:

1. Residential Application: \$500
2. Non-Residential Application: \$4,500

Applicant Information:

Applicant Name Siu Ling WongAddress 2131 Veirs Mill Road Rockville MD 20851Phone: (h) 301-622-4563 (c) 240-472-2965 (w) 240-472-2965Email Address (h) swong8008@yahoo.com(w) swong8008@yahoo.com

Subject Right-of-Way Description

Generally described by name and United States Post Office numbering or intersecting streets as follows:

2131 Veirs Mill Road Rockville and Meadow Hall Drive Rockville

STAFF USE ONLY

To be filled in by the Clerk:

Application # SCA

Filing Date _____

Hearing Date _____

Decision and Date _____

The undersigned hereby makes application with the Mayor and Council of Rockville, Maryland, for the permanent closing and abandonment of the public way described herein, and in support of such application supplies the following information:

(a) The name and address of the undersigned area as indicated on page 1.

(b) The public way which is the subject of this application is generally described by name and United States Post Office numbering or intersecting streets as indicated on page 1.

(c) The interest of the undersigned in such public way is as follows: _____

I, the applicant, wishes to abandon and terminate the existing easement, so that I, the applicant, may built an addition to the existing building located on the site.

(d) The reasons for making such application are as follows: _____

The existing ingress and egress easement was established on November 10, 1976, to provide access between properties, specifically between the subject property and the neighboring property to the west, currently occupied by the McDonald's restaurant known as Lot 1, Hannans Addition to Twinbrook located at 2101 Veirs Mill Road. There is no existing vehicular access point remaining between the two properties. The same easement was abandoned by the owners of the adjacent property located to the west of the subject property at 2101 Veirs Mill Road, Rockville on December 1, 1997. The abandonment was enacted and approved by Mayor and Council, known as ordinance No. 23-97, and recorded in Liber 15352 Folio 767. As part of the same covenant a pedestrian easement was created to the property boundary of Lot 1 at 2101 Veirs Mill Road.

(e) A description by metes and bounds of the public way which is the subject of this application is as follows:

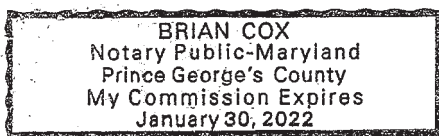
Lot numbered Three(3) in the subdivison known as HANNAN'S ADDITION TO TWIN-BROOK, as per Plat thereof recorded in Plat Book 82 at Plat 8502 among the Land Records of Montgomery County

(f) According to assessment records, all of the owners of real property immediately adjacent to the public way, which is the subject of this application, are as follows:

Name	Address
1. JMAC LLC	2101 Veirs Mill Road Rockville MD 20851
2. Twinbrook Park	
3.	
4.	
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Liu Ling Wang
Signature of Applicant

Subscribed and sworn to before me this 20th day of March, 20 18.



Brian Cox
Notary Public

My Commission Expires January 30, 2022

Application Checklist:

- ☒ Complete Application
- ☒ Filing Fee
- ☒ Contact information for applicant
- ☒ Addresses and names of all abutting property owners
- ☒ Narrative stating the reason for the request

Survey Information (3 copies each):

- ☒ (a) Metes and Bounds Legal Description
 - Certified correct and sealed by a Professional Land Surveyor, licensed in the State of Maryland
- ☒ (b) Exhibit including the following information:
 - Certified correct and sealed by a Professional Land Surveyor, licensed in the State of Maryland
 - Area of subject right-of-way in square feet and acreage
 - All proposed or previously dedicated street names and right-of-way widths
 - Printed at an appropriate scale on one of the following: 8.5"x11", 11"x14", 11"x17"
 - Adjacent property owner information including street addresses
 - Curve and line data
 - All private and encroachments within the right-of-way

Comments on Submittal: (For Staff Use Only)

[illegible]

LIBER 4881 FOLIO 248

CLERK'S OFFICE
MONTG. CO., MD.EASEMENT AND RIGHT-OF-WAY

1975 DEC 10 PM 3:09

THIS EASEMENT AND RIGHT-OF-WAY, made this 10th day of December, 1976, by and between FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF ANNAPOLIS, a Maryland Corporation, hereinafter referred to as FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF ANNAPOLIS, Party of the First Part and the MAYOR AND COUNCIL OF ROCKVILLE, a municipal corporation of the State of Maryland, Party of the Second Part.

WHEREAS, First Federal Savings and Loan Association of Annapolis is the owner of Lot 3, as shown on a plat of subdivision entitled "Lots 1, 2 and 3, HANNAN'S ADDITION TO TWINBROOK" recorded in Plat Book 82 as Plat No. 8503 among the Land Records of Montgomery County, Maryland; and

WHEREAS, the said Lot 3 is bounded on the westerly side by Lot 1, as shown on the aforesaid plat of subdivision; and

WHEREAS, the aforesaid Lot 1 is subject to an easement for ingress and egress as per an easement recorded among the Land Records of Montgomery County, Maryland in Liber 4076 at Folio 738; and

WHEREAS, the City of Rockville has required as a condition precedent to issuing a Use Permit for the aforesaid Lot 3, owned by First Federal Savings and Loan Association of Annapolis, that the owner thereof make said lot subject to an easement and right-of-way for public ingress and egress.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid to the Party of the First Part, the sum of which is hereby confessed and acknowledged, the said Party of the First Part does hereby grant and convey unto the said Party of the Second Part, an easement and right-of-way, together with the right of ingress and egress along and over said area as necessary for use as a public roadway or "service road" to facilitate the interior flow of traffic along Viers Mill Road. The said easement and right-of-way being described as follows:

Being a strip or parcel of land running in, through, over and across Lot 3 as shown on a plat of subdivision entitled "Lots 1, 2 and 3, HANNAN'S ADDITION TO TWINBROOK" City of Rockville and recorded among the Land Records of Montgomery County, Maryland in Plat Book 82 at Plat No. 8503 and being more particularly described as follows:

G.S.

LIBER 4881 FOLIO 249

- 2 -

Beginning for the same at the northwesterly corner of the aforesaid Lot 3 as shown on the aforesaid plat and running thence with and along part of the northerly line of the aforesaid Lot 3

1. 226.00 feet along the arc of a curve deflecting to the right having a radius of 5649.58 feet and a chord bearing and distance of South 62° 44'19" East, 225.98 feet to a point, thence crossing the said Lot 3 the following two courses and distances
2. South 57° 26'30" West, 30.33 feet to a point, thence
3. 210.00 feet along the arc of a curve deflecting to the left having a radius of 5623.08 feet and a chord bearing and distance of North 62° 48'43" West, 209.96 feet to a point on the westerly line of the aforesaid Lot 3; thence with and along a part of said westerly line
4. North 25° 35'00" East, 26.50 feet to the point of beginning containing 5777 square feet or 0.1326 acres of land more or less.

TO HAVE AND TO HOLD the granted easement and right-of-way and all the rights and appurtenances thereto belonging to the said Party of the Second Part, its successors and assigns, forever.

The Party of the First Part, as a condition of granting this easement and right-of-way to the public, reserves unto itself the right to use the area of this easement and right-of-way as part of the computed lot area for the purpose of meeting lot area requirements and the right to use said easement and right-of-way as a driveway or pedestrian way to serve the balance of the aforesaid Lot 3.

AND the said Party of the First Part covenants:

First: That it will not erect or permit to be erected any building or structure of any kind nature or description within the above described easement and right-of-way.

Second: That the Party of the First Part will warrant specially the property hereby conveyed and it will execute such further assurances of the land as may be requisite.

IN TESTIMONY WHEREOF, the said Party of the First Part has hereunto caused these presents to be signed by Thomas J. Guidera, Jr., its Senior Vice-President, and attested by Elizabeth M. Meer, its Vice-President/Secretary, and does hereby appoint Thomas J. Guidera, Jr. its true and lawful attorney-in-fact to acknowledge and deliver these presents as its act and deed.

LIBER 4881 FOLIO 250

- 3 -

FIRST FEDERAL SAVINGS & LOAN ASSOCIATION
OF ANNAPOLIS

Sandra D. Palmer
Witness
Sandra D. Palmer

Thomas J. Guidera, Jr.
Thomas J. Guidera, Jr., Sr. Vice-President

Sandra D. Palmer
Witness
Sandra D. Palmer

Elizabeth M. Meer
Elizabeth M. Meer, V.P./Secretary

STATE OF MARYLAND)
) to wit:
COUNTY OF ANNE ARUNDEL)

I hereby certify that on this 10th day of November, 1976,
before me the subscriber, a Notary Public in and for the State and County
aforesaid personally appeared Thomas J. Guidera, Jr., Senior Vice-President and
Elizabeth M. Meer, V.P./Secretary, of FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION
OF ANNAPOLIS personally known to me as such, who executed the foregoing instru-
ment for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal

this 10th day of November, 1976.



Sandra D. Palmer
Sandra D. Palmer Notary Public

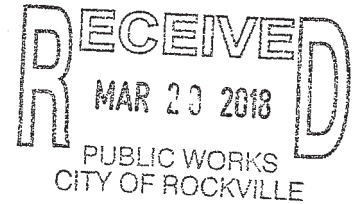
My Commission Expires: July 1, 1978

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RAZTEC ASSOCIATES, INC

Civil Engineers

Land Planners



February 27, 2018

Mr. James Woods
 City of Rockville,
 Department of Public Works
 111 Maryland Avenue,
 Rockville, MD. 20850

**Request for Abandonment of Existing
 Ingress/Egress Easement**
 Re: 2131 Veirs Mill Road

Dear Mr. Woods


On behalf of the applicant, Ms. Siu Wong we are hereby filing a request for the abandonment of the existing ingress/egress easement currently situated at 2131 Veirs Mill Road. The applicant wishes to abandon and exterminate the existing easement, so that they may build an addition to the existing building located on the site.

The existing easement was established in November 10, 1976, to provide access between properties, specifically between the subject property and the neighboring property to the west, currently occupied by McDonalds restaurant, known as Lot1, Hannans Addition to Twinbrook located at 2101 Veirs Mill Road. There is no existing vehicular access point remaining between the two properties.

The same easement was abandoned by the owners of the adjacent property, located to the west of the subject property, at 2101 Veirs Mill Road, Rockville, in December 1, 1997. The abandonment was enacted and approved by Mayor and Council, known as ordinance No. 23-97, and recorded in Liber 15352 Folio 767. As part of the same covenant a pedestrian easement was created to the property boundary of Lot 1 at 2101 Veirs Mill Road.

Therefore, we believe the existing ingress and egress easement does not serve any purpose, and is a hindrance to the re-development of the subject site, and should be abandoned.

Should you require further information, please contact this office.

Yours Truly,
 Raztec Associates, Inc.


Mike Razavi, P.E.
 President

341 West Patrick Street, 2nd Floor, Frederick, MD. 21701. Tel. (301)775-4394
 mike@raztecengineers.com



THIS DECLARATION OF PEDESTRIAN EASEMENT AND COVENANTS

FILED
MOLLY D. RUHL
CLERKS OFFICE
MORTGAGERY CO. MD

07 DEC -5 A 9:45 AM

WHEREAS, Grantors are the owners of real property located within the City of Rockville, Maryland, herein referred to as the "Subject Property," and described as follows:

Lot 1 in a subdivision entitled "Hannan's Addition to Twinbrook," as shown on a plat recorded among the Land Records of Montgomery County, Maryland, in Plat Book 82, Plat 8503.

The Subject Property being located at 2101 Veirs Mill Road in Rockville, Maryland and further described as being a part of the land conveyed by Ruth L. Connery and Louise S. Hopkins, joint tenants, to P.J. Hannan by deed dated June 30, 1955 and recorded among the Land Records of Montgomery County, Maryland in Liber 2084 at Folio 305.

WHEREAS, Grantors desire to permit the development of the Subject Property in accordance with Use Permit No. USE97-0571 and Special Exception SPX96-0224; and

WHEREAS, in connection with the development of the Subject Property, Grantors sought the abandonment of a public ingress and egress easement located on the Subject Property (hereinafter "public easement") and legislation to abandon said public easement was enacted by the Mayor and Council of Rockville, a body corporate and politic (hereinafter, the "City of Rockville") through its legislative body, the Mayor and Council, and is known as Ordinance No. 23-97; and

TRF. FID. SURE	\$	2.00
RECORDING FEE		28.00
TOTAL		22.00
ORDER NO. 68	Recpt #	53518
NO. - ANN	Blk #	1638
DATE 01/19/97		09:42 am

WHEREAS, a condition of Ordinance No. 23-97 is the recordation in the Land Records of Montgomery County, Maryland of an easement (hereinafter, the "Pedestrian Easement") to allow pedestrian access between the lot on which the subject easement to be abandoned is located (the Subject Property) and the adjacent lot to the south, known as Lot 3, Hannan's Addition to Twinbrook (hereinafter "Lot 3"); and

WHEREAS, this Pedestrian Easement is intended as a nonexclusive and revocable easement for the mutual benefit of the owners of the Subject Property and Lot 3, and their respective customers and invitees, and shall only be extinguished or revoked upon the written consent of the Grantors and the City of Rockville; and

WHEREAS, the pedestrian easement created pursuant to this Declaration of Pedestrian Easement and Covenants shall not be interpreted as a public way, as defined in Article IX, Section 1 of the City of Rockville Charter.

NOW, THEREFORE, in consideration of the abandonment of the public easement by Ordinance No. 23-97, and for the purpose of complying with Ordinance No. 23-97, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantors hereby execute this Declaration of Pedestrian Easement and Covenants, and do hereby establish and grant for the benefit of the owners of Lot 3, the Pedestrian Easement across the Subject Property as shown on the attached Plat (Exhibit A) and more fully described in the attached metes and bounds description (Exhibit B), for the purpose of providing unimpeded pedestrian access between the Subject Property and Lot 3 for the customers and guests of said properties.

AND, the Grantors covenant and agree for themselves and their successors and assigns to the following terms, restrictions, and conditions:

LF 15352.769

1. Grantors shall not construct, nor permit to be constructed, any building or structure within the Pedestrian Easement, except that it shall be paved, and said pavement shall be maintained in good and safe condition.

2. This Pedestrian Easement and Declaration of Covenants does not convey to the general public the right to enter the Subject Property or Lot 3 for any purpose whatsoever, and shall not be interpreted as a public way, as defined in Article IX, Section 1 of the City of Rockville Charter.

3. Modification, revocation, or extinguishment of this Pedestrian Easement may only occur upon the written consent of the City of Rockville and the Grantor.

4. Grantors do further agree to record this Declaration of Pedestrian Easement and Covenants in the Land Records of Montgomery County, Maryland at Grantors' expense within ten days of the date hereof, and shall provide the City with documentary proof of recordation within five days of said recordation.

5. The recitals set forth at the beginning of this Declaration of Pedestrian Easement and Covenants are incorporated herein by reference and deemed an integral part hereof.

This Declaration of Pedestrian Easement and Covenants (including all terms, conditions, and restrictions contained herein) shall be binding upon the heirs, successors and assigns of the Grantors and shall constitute a covenant running with the title of the land.

[SIGNATURE PAGES FOLLOW]

LF 15352.770

IN WITNESS WHEREOF, Grantors have executed this Pedestrian Easement
and Declaration of Covenants as of the date first above written.

WITNESS:

Timothy Dugan

Patrick J. Hannan
Patrick J. Hannan

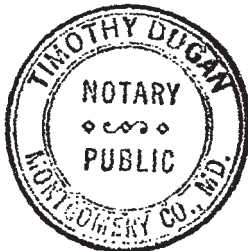
STATE OF MARYLAND)
) SS:
COUNTY OF MONTGOMERY)

I HEREBY CERTIFY that on this 26th day of NOVEMBER, 1997, before me,
the undersigned officer, personally appeared Patrick J. Hannan known to me (or satisfactorily
proven) to be the person whose name is subscribed to the foregoing Pedestrian Easement and
Declaration of Covenants, and acknowledged that he executed the same for the purposes therein
contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Timothy Dugan
Notary Public

My Commission Expires: 7/1/2000



LF 15352.771

IN WITNESS WHEREOF, Grantors have executed this Pedestrian Easement
and Declaration of Covenants as of the date first above written.

WITNESS:

C. Blay

Margaret T. Hannan
Margaret T. Hannan

STATE OF Virginia)
COUNTY OF Arlington) SS:

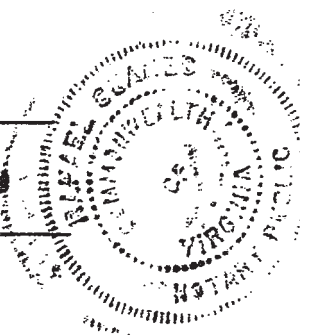
I HEREBY CERTIFY that on this 20th day of November, 1997, before me,
the undersigned officer, personally appeared Margaret T. Hannan known to me (or satisfactorily
proven) to be the person whose name is subscribed to the foregoing Pedestrian Easement and
Declaration of Covenants, and acknowledged that she executed the same for the purposes therein
contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Rafael Suarez
Notary Public

My Commission Expires: _____

Enclosed Herein is My
Commonwealth of Virginia Notary Public Seal
My Commission Expires August 31, 2001
RAFAEL SUAREZ



LF 15352.772

IN WITNESS WHEREOF, Grantors have executed this Pedestrian Easement
and Declaration of Covenants as of the date first above written.

WITNESS:Karen L Woods

Philip M Hannan
Philip M. Hannan

STATE OF Louisiana)
Bush) SS:
COUNTY OF Orleans)

I HEREBY CERTIFY that on this 1st day of December, 1997, before me,
the undersigned officer, personally appeared Philip M. Hannan, known to me (or satisfactorily
proven) to be the person whose name is subscribed to the foregoing Pedestrian Easement and
Declaration of Covenants, and acknowledged that he executed the same for the purposes therein
contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Jacob Kansas
Notary Public JACOB KANSAS

My Commission Expires: at death

LF 15352.773

ATTORNEY'S CERTIFICATION

I HEREBY CERTIFY that the within instrument has been prepared by, or under the supervision of, Patricia A. Harris, the undersigned Maryland attorney, or by one of the parties named in this instrument.

dated: December 3, 1997


Patricia A. Harris

INFORMATION FOR RECORDING:

Parcel Identifiers: Hannan's Addition to Twinbrook, Lot 1
Hannan's Addition to Twinbrook, Lot 3

Street Address of Parcel: 2101 Veirs Mill Road, Rockville, Maryland
2131 Veirs Mill Road, Rockville, Maryland

Grantors' Address: Patrick J. Hannan
5019 Sentinel Drive
Bethesda, Maryland 20816

Margaret T. Hannan
202 N. Trenton Street
Arlington, Virginia 22203

Philip M. Hannan
1451 Moss Street
New Orleans, LA 70119

* * * *

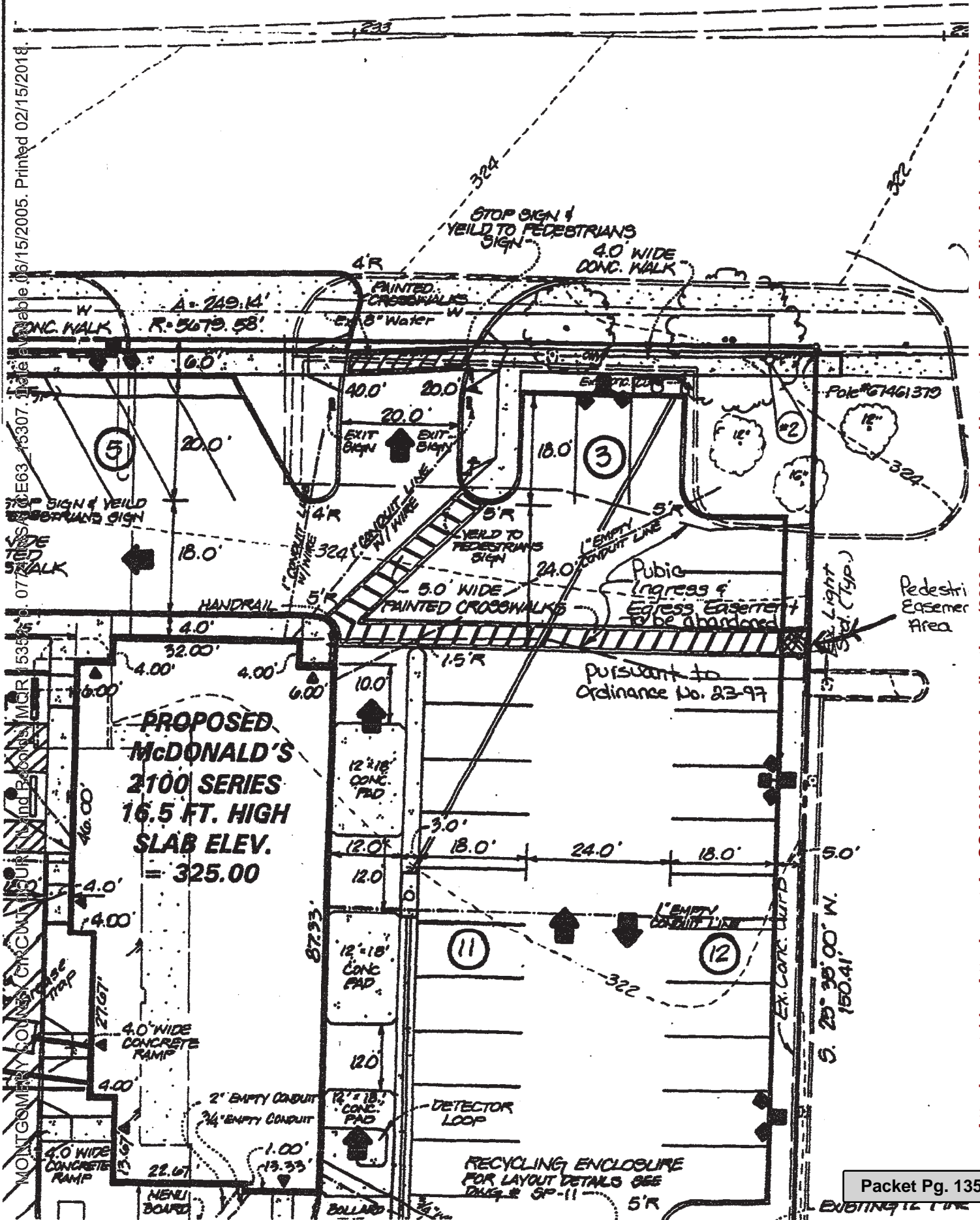
AFTER RECORDATION, PLEASE MAIL TO:

Patricia A. Harris, Esquire
Wilkes, Artis, Hedrick & Lane, Chartered
3 Bethesda Metro Center
Suite 800
Bethesda, Maryland 20814

LE WIDTH RIGHT-OF-WAY

LF 15352.774

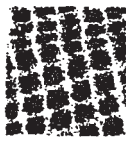
EXHIBIT A



LF 15352.775

14.a

8100 PROFESSIONAL PLACE, SUITE 100
POST OFFICE BOX 1450
LANDOVER, MARYLAND 20785-0450



BEN DYER ASSOCIATES, INC.
Engineers / Surveyors / Planners

EXHIBIT B

TELEPHONE: 301-459-9200

FAX: 301-459-4381

E-MAIL: bendyer@erols.com

December 5, 1997

J-70137

WO-50085

DESCRIPTION

OF

PEDESTRIAN EASEMENT

PATRICK J. HANNAN, MARGARET T. HANNAN, AND

PHILIP M. HANNAN, TENANTS IN COMMON, OWNERS

REQUIRED BY ORDINANCE NO. 2397

Being a five (5) foot wide strip or parcel of land hereinafter described in, over, through and across the property acquired by the owners from Patrick J. Hannan, by deed, dated January 9, 1992, and recorded among the Land Records of Montgomery County, Maryland, in Liber 10203 at Folio 257, said property also being Lot 1, as shown on a plat of subdivision entitled "Lots 1, 2 & 3, Hannan's Addition To Twin-Brook", recorded among the aforesaid Land Records in Plat Book 82 at Plat No. 8503

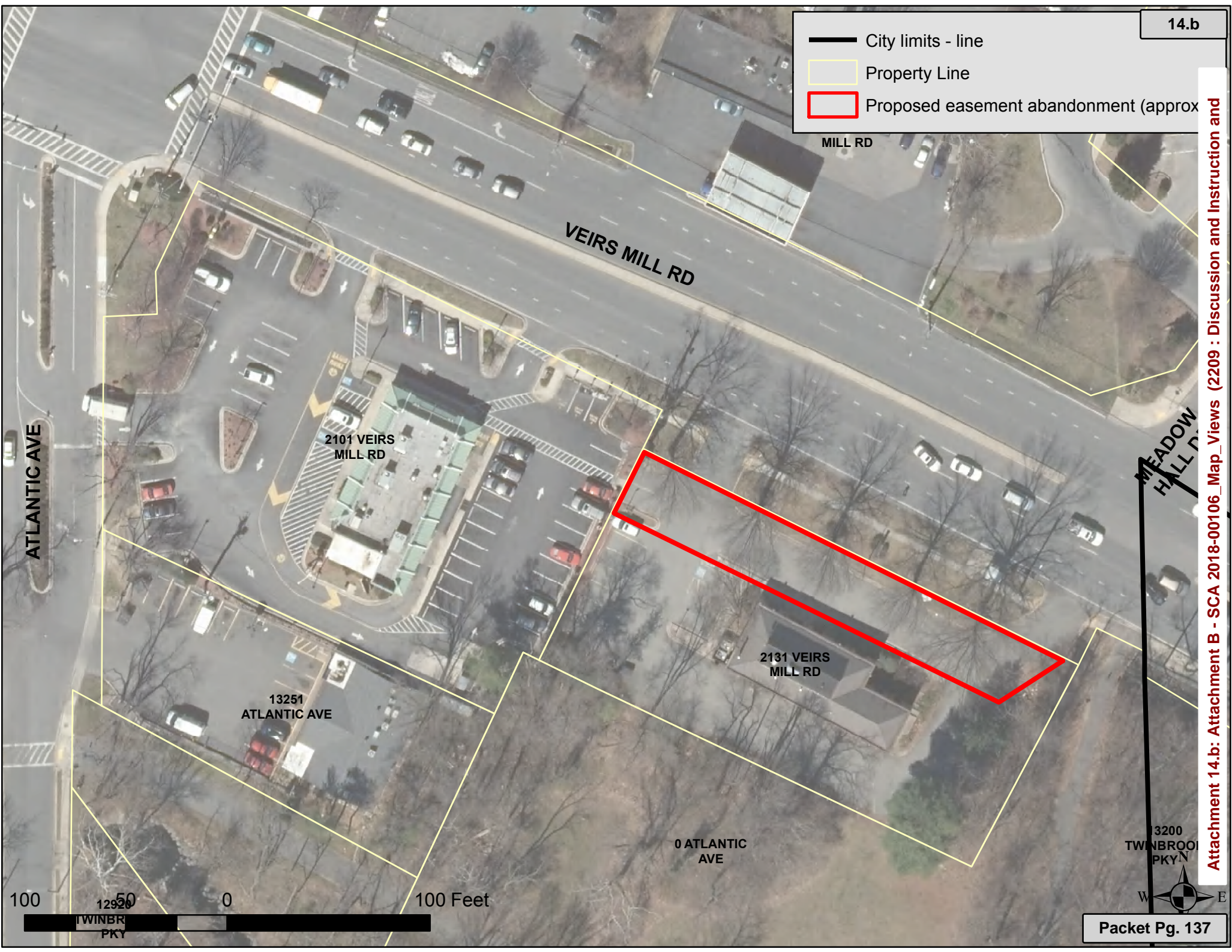
The said five (5) foot wide strip or parcel of land lying westerly of and adjacent, contiguous and parallel to the South 25° 35'00" West, 150.41 foot Easterly line of said Lot 1, as shown on the aforesaid plat and extending from a point 46.00 feet southerly from the northerly end of said Easterly line to a point 51.00 feet southerly from the northerly end thereof, containing 25 square feet or 0.0006 of an acre of land.

9/14/16

City limits - line

Property Line

Proposed easement abandonment (approx





Easement (approx.) - looking west



Ordinance No. ____ORDINANCE:

To grant Street Closing and Abandonment
Application No. SCA2018-00106,
Sue Ling Wong, Applicant

WHEREAS, Sue Ling Wong, filed application No. SCA2018-00106, requesting that an existing ingress and egress easement and right-of-way established on November 10, 1976 and currently situated at 2131 Veirs Mill Road in Rockville, Maryland, lying in the Fourth Election District (City of Rockville), Montgomery County, Maryland, be permanently closed and abandoned pursuant to the provisions of Chapter 21, Article III, Division 2 entitled "Permanent Closing and Abandonment," of the Rockville City Code; and

WHEREAS, JMAC LLC, the owner, according to the assessment records, of property adjacent to 2131 Veirs Mill Road, which is the subject of the aforesaid application, and all public utility companies authorized by the Public Service Commission to operate within the City of Rockville, were duly notified by certified mail that said application had been filed and that a public hearing thereon would be held as specified in the public advertisement of the Mayor and Council of Rockville, Maryland; and

WHEREAS, the Mayor and Council of Rockville gave notice that a public hearing on said application would be held by the Mayor and Council of Rockville in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland on September 17, 2018, at 7:00 p.m., or as soon thereafter as it may be heard, which notice was published not less than ten days prior to the time of such hearing in a newspaper of general circulation in the City of Rockville; and

Ordinance No. _____

WHEREAS, on September 17, 2018, said application came on for hearing at the time and place provided in said advertisement; and

WHEREAS, based upon the testimony presented and other evidence of record in the proceedings, the Mayor and Council determined that there is no public need for the subject easement and the granting of the application would not adversely affect the health, safety, security and best interests of the community of the City of Rockville.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

1. That Street Closing and Abandonment Application No. SCA2018-00106, for the closing and abandonment of an existing ingress and egress easement situated at 2131 Veirs Mill Road in Rockville, Maryland, being more fully described in Schedule A, Easement and Right of Way dated November 10, 1976 and recorded in the Montgomery County Land records in Liber 4881, folio 248, be and the same is hereby granted.
2. That this ordinance shall become effective upon its recordation in the Land Records for Montgomery County, Maryland by the City Attorney's Office.

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

Sara Taylor-Ferrell, City Clerk/Director of Council Operations

Attachment 14.c: Proposed Ordinance - SCA2018-00106 (2209 : Discussion and Instruction and Possible Adoption of ROW/Easement at 2131

Schedule "A"

LIBER 4881 FOLIO 248

RECORDS OFFICE
MONTG. CO., MD.

1976 DEC 10 PM 3:09

EASEMENT AND RIGHT-OF-WAY

THIS EASEMENT AND RIGHT-OF-WAY, made this 10th day of November, 1976, by and between FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF ANNAPOLIS, a Maryland Corporation, hereinafter referred to as FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF ANNAPOLIS, Party of the First Part and the MAYOR AND COUNCIL OF ROCKVILLE, a municipal corporation of the State of Maryland, Party of the Second Part.

WHEREAS, First Federal Savings and Loan Association of Annapolis is the owner of Lot 3, as shown on a plat of subdivision entitled "Lots 1, 2 and 3, HANNAN'S ADDITION TO TWINBROOK" recorded in Plat Book 82 as Plat No. 8503 among the Land Records of Montgomery County, Maryland; and

WHEREAS, the said Lot 3 is bounded on the westerly side by Lot 1, as shown on the aforesaid plat of subdivision; and

WHEREAS, the aforesaid Lot 1 is subject to an easement for ingress and egress as per an easement recorded among the Land Records of Montgomery County, Maryland in Liber 4076 at Folio 738; and

WHEREAS, the City of Rockville has required as a condition precedent to issuing a Use Permit for the aforesaid Lot 3, owned by First Federal Savings and Loan Association of Annapolis, that the owner thereof make said lot subject to an easement and right-of-way for public ingress and egress.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid to the Party of the First Part, the sum of which is hereby confessed and acknowledged, the said Party of the First Part does hereby grant and convey unto the said Party of the Second Part, an easement and right-of-way, together with the right of ingress and egress along and over said area as necessary for use as a public roadway or "service road" to facilitate the interior flow of traffic along Viers Mill Road. The said easement and right-of-way being described as follows:

Being a strip or parcel of land running in, through, over and across Lot 3 as shown on a plat of subdivision entitled "Lots 1, 2 and 3, HANNAN'S ADDITION TO TWINBROOK" City of Rockville and recorded among the Land Records of Montgomery County, Maryland in Plat Book 82 at Plat No. 8503 and being more particularly described as follows:

LIBER 4081 FOLIO 249

- 2 -

Beginning for the same at the northwesterly corner of the aforesaid Lot 3 as shown on the aforesaid plat and running thence with and along part of the northerly line of the aforesaid Lot 3

1. 226.00 feet along the arc of a curve deflecting to the right having a radius of 5649.58 feet and a chord bearing and distance of South 62° 44'19" East, 225.98 feet to a point, thence crossing the said Lot 3 the following two courses and distances
2. South 57° 26'30" West, 30.33 feet to a point, thence
3. 210.00 feet along the arc of a curve deflecting to the left having a radius of 5623.08 feet and a chord bearing and distance of North 62° 48'43" West, 209.96 feet to a point on the westerly line of the aforesaid Lot 3; thence with and along a part of said westerly line
4. North 25° 35'00" East, 26.50 feet to the point of beginning containing 5777 square feet or 0.1326 acres of land more or less.

TO HAVE AND TO HOLD the granted easement and right-of-way and all the rights and appurtenances thereto belonging to the said Party of the Second Part, its successors and assigns, forever.

The Party of the First Part, as a condition of granting this easement and right-of-way to the public, reserves unto itself the right to use the area of this easement and right-of-way as part of the computed lot area for the purpose of meeting lot area requirements and the right to use said easement and right-of-way as a driveway or pedestrian way to serve the balance of the aforesaid Lot 3.

AND the said Party of the First Part covenants:

First: That it will not erect or permit to be erected any building or structure of any kind nature or description within the above described easement and right-of-way.

Second: That the Party of the First Part will warrant specially the property hereby conveyed and it will execute such further assurances of the land as may be requisite.

IN TESTIMONY WHEREOF, the said Party of the First Part has hereunto caused these presents to be signed by Thomas J. Guidera, Jr., its Senior Vice-President, and attested by Elizabeth M. Meer, its Vice-President/Secretary, and does hereby appoint Thomas J. Guidera, Jr. its true and lawful attorney-in-fact to acknowledge and deliver these presents as its act and deed.

LIBER 4881 FOLIO 250

- 3 -

FIRST FEDERAL SAVINGS & LOAN ASSOCIATION
OF ANNAPOLIS

Sandra D. Palmer
Witness
Sandra D. Palmer

Thomas J. Guidera, Jr.
Thomas J. Guidera, Jr., Sr. Vice-President

Sandra D. Palmer
Witness
Sandra D. Palmer

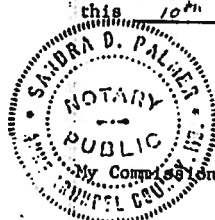
Elizabeth M. Meer
Elizabeth M. Meer, V.P./Secretary

STATE OF MARYLAND)
COUNTY OF ANNE ARUNDEL) to wit:

I hereby certify that on this 10th day of November, 1976,
before me the subscriber, a Notary Public in and for the State and County
aforesaid personally appeared Thomas J. Guidera, Jr., Senior Vice-President and
Elizabeth M. Meer, V.P./Secretary, of FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION
OF ANNAPOLIS personally known to me as such, who executed the foregoing instru-
ment for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal

this 10th day of November, 1976.



Sandra D. Palmer
Sandra D. Palmer Notary Public

My Commission Expires: July 1, 1978





Mayor & Council Meeting Date: October 15, 2018
Agenda Item Type: Review and Comment
Department: City Manager's Office
Responsible Staff: Jenny Kimball

Subject

Mayor and Council Action Report

Recommendation

Staff recommends that the Mayor and Council review and comment on the Action Report

Attachments

Attachment 15.A.a: M&C Action Report Master 2018 for 10-15-18 Agenda (PDF)

A handwritten signature in black ink, reading "Rob DiSpirito", is written over a horizontal line.

Rob DiSpirito, City Manager

10/11/2018

Blue - new items to the list.

Red - latest changes.

Mayor and Council Action Report

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Estimated Completion or Agenda Item date
2014-23	9/8/11	R&P	Future agenda	King Farm Farmstead – Next Steps Status: After the July 16, 2018 worksession, the Task Force re-engaged with King Farm Associates (KFA) and obtained clarification that the Task Force's proposed future uses are aligned with the deed and covenants and acceptable to KFA. The adjacent property owners were approached, and they agreed to have future conversations with the City this fall.	TBD
2015-14	7/13/15	CMO	Future agenda	Purchasing Study Response Status: The status report on the purchasing study action plan will be provided every six months. An updated action plan was shared with the Mayor and Council on agenda on April 9, and August 1, 2018. The next six-month update will be shared in January 2019.	January 2019
2016-12	9/26/16	HR	Future agenda	Vacancy Report Provide a Vacancy Report to the Mayor and Council at the end of each Quarter. Status: The fourth quarter report was shared on August 1, 2019. The first quarter 2019 report will be shared on November 19, 2018.	November 19, 2018
2016-16	10/10/16	CPDS	Future agenda	Global Issues on BRT Schedule another discussion on BRT with the City of Gaithersburg and Montgomery County, to include broader issues such as governance and finance. Consider holding the meeting in Gaithersburg. Status: Mayor and Council received a presentation and held a discussion with Montgomery County representatives on July 16, 2018 and directed staff to schedule another discussion on the CCT on agenda. Montgomery County DOT staff will present alternatives for the Route 355 BRT to the Mayor and Council in December.	Ongoing
2016-17	10/24/16	R&P	Future agendas	Caregiver Task Force Provide regular updates on the status of the Caregiver Task Force establishment and work. Status: Starting June 2018, meetings will be held the first Thursday of the month. The group has subdivided into three committees: Administration and Process Roles/Responsibilities, Needs Assessment and prioritization, and Best Practices and Award Selection. For FY20, the city will accept caregiver grant applications and use the current process to recommend funding in the proposed FY20 budget.	Fall 2019
2016-18	10/24/16	CPDS	Future agenda	Site Plan/Development Review Improvements Provide regular updates on the status of the work. Status: Staff has developed a Draft Project Charter (Defining Outcomes, Roles and Responsibilities, Community Outreach, and Short and Long-	Ongoing

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Estimated Completion or Agenda Item date
				Term Improvements). Kick off meeting for City staff involved in the processes will be held in October. A worksession with the Mayor and Council will be held on October 29.	
2017-6	2/27/17	CMO	Email	Minority-, Female- & Disabled-Owned Businesses Provide updates on the Procurement Division's activities to engage and support minority-, female- and disabled-owned businesses. Status: Staff shared an MFD update with the Mayor and Council on March 19 and August 1, 2018. The next update will be shared in January 2019.	Ongoing
2017-9	4/3/17	Procurement	Agenda item	Procurement of Internal Auditor Services Status: Funds are included in the FY19 Adopted Budget. An RFP is being developed.	November 2018
2017-11	6/12/17	R&P	Agenda item	Deer Population in Rockville Continue to monitor the deer population. Consider action steps and gather community input. Status: On September 17, the Mayor and Council had a discussion on white-tailed deer ecology with staff from the University of Maryland, and directed staff to come back on agenda with recommendations for next steps. The Humane Society presenter was unable to attend on Sept. 17, so staff has reached out to him to reschedule. That will round out the Mayor and Council's briefings by external groups, in preparation to discuss staff recommendations regarding the deer population.	Ongoing
2017-17	12/11/17	CPDS/CAO	Agenda Item	Changes to the Sign Ordinance Provide a project scope and timetable for review and amendments to the Sign Ordinance. Status: CPDS and CAO staff are working with outside Counsel on draft amendments to the Sign Ordinance. Final draft amendments will be presented to M&C on agenda for discussion. An authorization to file a Zoning Text Amendment for comprehensive amendments to the sign regulations will be on the Mayor and Council's October 15, 2018 agenda.	TBD
2018-1	1/22/18	Finance	Action Report	Utility Billing System Provide updates on the replacement of the Velocity Payment System, powered by Govolution. Status: Finance has been looking into a new vendor for Utility Billing. This project will upgrade the City's existing utility billing system to allow for enhanced customer account access, and will include a smart phone payment app. Responses to Request for Proposals for a new utility billing system are currently being reviewed by the Review Committee. A firm will be selected in the fall, followed by a six-month system implementation process.	Spring 2019
2018-2	2/26/18	R & P	Agenda Item	Walking Path Lighting Share information on the current policy/practice regarding lighting on City paths. Status: As a first step, in November 2018, staff will provide a memorandum	November 1, 2018

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Estimated Completion or Agenda Item date
				outlining the current policy, identifying City paths that are candidates for lighting based on the nature of the public's use for travel, as well as an estimate of costs.	
2018-3	3/5/18	HR	Agenda Item	Health Benefits Advisory Committee Report Brief the Mayor and Council on the FY18 work of the Committee and the recommendations included in their work. Status: The Mayor and Council gave the City Manager authorization to work with Montgomery County to develop an agreement for the City to participate in the County's medical benefit plan. An agreement will not be in place to move to the County's plan for the 2019 plan year, but work continues to participate for the 2020 plan year. A draft agreement will be shared with the Mayor and Council for comments.	December 31, 2018
2018-4	3/5/2018	IT	Agenda Item	Rockville Information Technology Strategy Brief the Mayor and Council on the City's overall strategy on information technology, including the current state of technology, future goals and implementation strategies.	December 3, 2018
2018-5	3/19/18	CMO/ CC/DCO		Fraud Tipline Discuss the option to develop a tipline for external customers to report suspected fraud or abuse, including approaches to implementing the tipline. Status. A request for quotes was finalized and posted. Feedback from staff and Mayor and Council on a first draft of tipline procedures is being gathered. Other communities' procedures were researched to contribute to the next draft of the procedures.	October 2018
2018-6	3/19/18	CPDS	Agenda Item	Uses in the MXE Zone Remove the currently-allowed self-storage facilities, shooting galleries and possible other uses from the MXE Zone. Status: On July 2, 2018, the Mayor and Council adopted a resolution to establish a six-month moratorium on the filing, acceptance, and receipt of applications for certain uses in a Mixed-Use Employment (MXE) Zone. The Mayor and Council approved a modification to the moratorium on August 1, 2018. A report on potential amendments to the permitted uses in the MXE Zone will be presented and discussed at the Mayor and Council's October 22 meeting. Authorization to file amendments to uses in the MXE Zone is scheduled for December 3, 2018.	TBD
2018-7	6/18/18	CMO	Agenda Item	LGBTQ Initiatives Identify and implement Mayor and Council suggestions. Status: A discussion of LGBTQ initiatives was included in the Mayor and Council's September 17, 2018 agenda. The Mayor and Council directed staff to pursue the creation of gender-neutral restrooms in City facilities, the	TBD

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Estimated Completion or Agenda Item date
				installation of R-Zone signs in City Hall and recommend that all new City staff complete respectful workforce training within one-year of hire. The Human Rights Campaign announced the 2018 Municipal Equality Index scores, awarding Rockville 100 out of 100 total points on the scorecard.	
2018-8	6/18/18	RCPD/R&P	Town Meeting	Opioid Town Meeting Schedule a Town Meeting on the opioid crisis, to include prevention, enforcement and treatment. Status: On September 24, 2018, the Mayor and Council approved a motion to endorse Rockville Goes Purple, to be formally kicked off in September 2019. Another motion supported holding two town meetings earlier in 2019 to include 1) a panel of speakers followed by break out group discussion and Narcan training, and 2) a keynote address on March 7, 2019 by Chris Herren, a former professional basketball player who shares his own story of substance abuse and recovery. Mayor and Council approved using \$12,000 from the City Manager Contingency to support the March 7 event.	Ongoing
2018-9	6/18/18	CMO	Worksession	Schedule a worksession on Millennials Identify who they are, how to engage them in local govt, and outreach strategies.	December 17, 2018
2018-10	8/1/2018	DPW	Agenda Item	Vision Zero Resolution Prepare a resolution, like Montgomery County's, for Mayor and Council adoption. Status: Staff is working with the Traffic and Transportation Commission to complete a Vision Zero policy. A Resolution will be on the Mayor and Council's October 15 agenda.	October 15, 2018
2018-11	8/1/2018	CPDS/CMO	Agenda Item	Neighborhood Shopping Centers Discuss mechanisms to encourage neighborhood shopping center revitalization and explore additional zoning and uses	TBD
2018-12	8/1/2018	CMO/RCPD	Email	Emergency Operations Center Schedule follow-up tours of the Laurel Emergency Operations Center (EOC) for Mayor and Councilmembers and Senior Staff. Status: Mayor Newton, CM Feinberg, CM Onley and City staff toured the City of Laurel EOC. Staff is coordinating another tour for CM Pierzchala and other staff who have not yet participated. A Mayor and Council worksession on emergency management is scheduled for December 17.	TBD
2018-13	9/17/18	CC/DCO/ City Attorney	Future Agenda	Board of Supervisors of Elections Update Mayor and Council will request that the Board provide an update on the implementation of the new election format at a future Mayor and Council meeting.	December 10, 2018
2018-14	9/17/18	CC/DCO	Future Agenda	Role in Sister City Relationships Discuss the Mayor and Council's role in the Sister City program and relationship with the Rockville Sister City Corporation, in particular in providing direction or	October 22, 2018

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Estimated Completion or Agenda Item date
				suggestions about establishing Sister Cities. Status: Mayor and Council discussion is scheduled for October 22, 2018.	
2018-15	10/8/18	Police/CPDS	Future Agenda	Airbnb Discuss how to manage Airbnb's impact on city neighborhoods and explore options for taxing Airbnb users.	TBD
2018-16	10/8/18	Human Resources/ Facilities	Future Agenda	City Clerk/Director of Council Operations (CC/DCO) Role and Space Discuss the Director of Council Operations role and office space.	TBD

CLOSED / COMPLETED



Mayor & Council Meeting Date: October 15, 2018
Agenda Item Type: Review and Comment
Department: City Manager's Office
Responsible Staff: Louise Atkins

Subject

Mayor and Council Priority Initiatives Update

Recommendation

Staff recommends that the Mayor and Council review and comment on the Priority Initiatives.

Discussion

A table summarizing the status of the Mayor and Council's priority initiatives is included on the agenda every other month. The last update was shared with the Mayor and Council on July 2, 2018. This update was originally scheduled for a September meeting, but was moved to October due to other agenda priorities.

The table presents the initiatives in the priority categories that the Mayor and Council identified in 2017, starting with the Top Priorities. The table shows the next significant milestone for each item, and the estimated time frame within which the priority initiative will be fully completed. Other useful information is included in the Comment column.

Next Steps

The next update will be on agenda on December 3, 2018.

Mayor and Council History

The Mayor and Council received an update on the status of the priority initiatives by memo in April 2018, and on agenda on July 2, 2018.

Attachments

Attachment 15.B.a: Mayor and Council Priority Initiative Status Update October 2018 (PDF)

A handwritten signature in black ink, appearing to read "Rob DiSpirito", is written over a horizontal line.

Rob DiSpirito, City Manager

10/9/2018

**Mayor and Council Priority Initiative Status
October 2018**

Initiative	Lead Dept	Project Manager	Next Significant Milestone	Est. Initiative Completion Date	Comments
Top Priorities					
Formulate a Policy on Economic Incentives and develop supportive programs	REDI	Jenny Kimball	Staff will work with REDI on this item after the new executive director is hired.	December 2018	The Rockville Business Expansion Fund and Rockville MOVE Program incentives have been implemented.
Improve the plan review and permitting processes in the Department of Community Planning and Development Services	CPDS/PW/R&P	Ricky Barker	Staff has developed a Draft Project Charter (Defining Outcomes, Roles and Responsibilities, Community Outreach, and Short and Long-Term Improvements). Kick-off meeting for City staff involved in the processes to be held in October. Work session with Mayor and Council to be held on October 29 th . Short Term improvements tentatively scheduled to be implemented in first quarter of 2019.	Spring 2019	Significant changes to development review and permitting processes are needed to improve efficiency and effectiveness and deliver better customer service.
Modify and incentivize the required percentage of various housing requirements (affordable/work force) in new development	CPDS	Asmara Habte	A worksession is scheduled for October 29, to introduce and discuss changes to the homeownership and rental components of the MPDU program.	December 2018	In June 2018, the Mayor and Council approved changes to the MPDU Ordinance to expand the MPDU limits up to 120% of the AMI for rentals, and revised the MPDU rent calculation.
Review and agree upon the scope of duties of the Rockville Police Department and determine appropriate staffing	Police	Vic Brito	Staff is reviewing a final draft report on RCPD staffing from the Center for Public Safety Management.	November 2018	Some parts of the police staffing study were not complete in the first draft provided by the consultant.

Initiative	Lead Dept	Project Manager	Next Significant Milestone	Est. Initiative Completion Date	Comments
High Priorities					
Beautify the concrete walls under the Railroad Tracks @ Middle and Park	CMO	Louise Atkins	Staff briefed the City Manager on September 19, 2018 on the completion of the selection process and the recommendation by the Art Review Panel. As a next step, meetings will be scheduled to brief the Mayor and Councilmembers.	December 2019	The Art Review Panel reviewed the site-specific proposals from the four finalists on June 26, 2018 and requested additional information from two of the finalists. On August 28, the Art Review Panel rejected the proposals of the two finalists and recommended that the City address the ongoing rust issues with CSX and WMATA before issuing a new Call for Entries.
Examine the appropriateness of different development standards around Metro Stations	CPDS	David Levy	On November 14, the Planning Commission will hold a public hearing on amendments to the Comprehensive Master Plan (CMP) related to properties along N. Stonestreet Ave. It will be followed by a Planning Commission worksession, and recommendation to the Mayor and Council.	June 2019	The Rockville Pike Neighborhood Plan and zoning text and map amendments achieved this objective for the area immediately west of the Twinbrook Metro Station. The Stonestreet Study examined the area near the Rockville Metro Station. The Mayor and Council directed staff to authorize change at the MCPS site, but to defer action on property on Park Rd to Rockville 2040.
Identify and establish new public/private partnerships for the City, including corporate, private, non-profit, educational	CMO	Linda Moran	A briefing with senior staff on the vision and potential approaches to a renewed focus on partnerships is scheduled for October 9, 2018	Ongoing	

Initiative	Lead Dept	Project Manager	Next Significant Milestone	Est. Initiative Completion Date	Comments
Refine the City's relationship to and expectations of Rockville Economic Development, Inc.	CMO	Rob DiSpirito	Coordinate with the Mayor and Council, REDI Board and REDI executive director to refine the relationship, and reflect any adjustments in a new agreement between the City and REDI.	June 2019	Current agreement between the City and REDI expires on June 30, 2019. Recruitment of the executive director is underway.
Review the scope and role of the City's Boards and Commissions and make appropriate changes; and review the systems and processes to create, appoint and sunset City Boards and Commissions	City Clerk / Director of Council Operations	Sara Taylor Ferrell	CC/DCO is in the process of scheduling the initial meeting for October 2018.	May 2019	13 Task Force members were appointed on August 1 and were acknowledged at the Mayor and Council meeting on September 24, 2018.
Other Priorities					
Review existing Codes and Policies based on the scoring of the Municipal Index done by the Human Rights Campaign and identify modifications to enhance LGBT Non-Discrimination	CMO	Janet Kelly	Rockville received 100 points on the 2018 MEI scorecard. Staff is following up on recommendations from the September 17 Mayor and Council meeting.	September 2018	A discussion on Rockville's LGBTQ enhancements to Policies and Practices took place at the Mayor and Council meeting on September 17, 2018
Review and improve wayfinding and entrance way signage throughout the City, and consider a fresh branding initiative	DPW	Faramarz Mokhtari	A kick-off meeting with the selected firm took place on September 20, 2018. The next step is design development, including gathering input from stakeholders on wayfinding needs and design.	March 2019	DPW was able to negotiate and fund both Town Center wayfinding and Parks and Recreation facilities wayfinding

Initiative	Lead Dept	Project Manager	Next Significant Milestone	Est. Initiative Completion Date	Comments
Explore mechanisms to encourage neighborhood shopping center revitalization and explore additional zoning and uses	REDI	Bridget Mburu	Retail Façade Improvement Grant Program was launched in August 2018. REDI continues to promote the grant program but has not received any applications yet.	June 30, 2019	Promotional, educational and community outreach efforts are targeted to brokers, developers, landlords, architects, construction and other professionals.
Grow and foster the arts, sciences and Rockville's heritage as increasing segments of the local economy and destination appeal	CMO	Betty Wisda Louise Atkins Jim Wasilak	<p>Upcoming arts and heritage items:</p> <ul style="list-style-type: none"> Sponsored FRIT's free 6-week Wednesday evening "Art on the Square" event Sponsored the extension of FRIT's summer concert series on the Square Photograph exhibit celebrating the 40th Anniversary Art in Public Places Program Kick-off for the 2018-2019 Rockville Concert Band concert series 44th annual production of "The Nutcracker" presented by the Rockville Civic Ballet National Arts and Humanities Month Proclamation 2018 F. Scott Fitzgerald Literary Conference Replace historic walking tour markers displayed across the City in Fall 2018. 	Ongoing	Submitted a Request for Proposal for the Art and Culture Study to Procurement Division in July 2018.

Initiative	Lead Dept	Project Manager	Next Significant Milestone	Est. Initiative Completion Date	Comments
Ongoing Priorities					
Adopt and Implement Vision Zero and engage the community in implementing the Vision	DPW	Oleg Kotov	Work with the Traffic & Transportation Commission on developing recommendations for Rockville's Vision Zero policy. A Vision Zero Proclamation is scheduled for the Mayor and Council meeting on October 15, 2018.	Summer 2019	Montgomery County adopted its Vision Zero 2-Year Action Plan in November 2017. Staff completed the review of the plan and shared it with the Traffic & Transportation Commission.
Adopt a sustainable fleet policy	DPW	Erica Shingara	Continue to assess the performance of various pilot technologies, draft proposed policy and circulate for comment prior to taking to the Mayor and Council.	December 2019	Pilot technologies include: <ul style="list-style-type: none"> FY 17: Plug-in electric vehicle for Parking Enforcement FY 18: Hybrid sedan for CMO FY 19: Exploring the purchase of a compressed natural gas (CNG) refuse truck FY 20: Explore sustainable options for police vehicles that are suitable for public safety operations
Complete the Rockville 2040 Master Plan revision by 2019	CPDS	David Levy	Staff is producing a draft of the Plan to present to the Planning Commission in Fall 2018, followed by a working draft of the Planning Areas portion of the Plan. Staff is working with WECA representatives on an update to Planning Area 4.	2019	Staff has completed a significant amount of public feedback sessions and is using the feedback received in the development of the plan.

Initiative	Lead Dept	Project Manager	Next Significant Milestone	Est. Initiative Completion Date	Comments
Create a community climate action plan developed by a citizen's task force	DPW	Mark Charles	<p>Coordinate with Montgomery County and MWCOG on community resiliency/adaptation background data to inform stakeholders on Rockville's climate vulnerabilities.</p> <p>Appoint a residents' task force to review local emissions and vulnerability background data to recommend climate action items for inclusion in the climate action plan.</p>	December 2019	<p>Staff recently obtained 2015 Greenhouse emissions data and can compare 2005 with 2015. Greenhouse gas emissions declined by 19% over these 10 years, while the City's population grew by 12%</p> <p>Climate Action Plan will be referenced in the Rockville 2040 Comprehensive Master Plan</p>
Create a parkland dedication ordinance to address the impact of increased residential development	CPDS/R&P	Jim Wasilak/ Tim Chesnutt	Hold another discussion with Mayor and Council by the end of the calendar year for final direction on zoning text and code amendments and initiate the public review process.	Winter 2019	The Mayor and Council provided direction at the May 21 worksession.
Develop an Open Data Initiative that includes all aspects of City governance	IT	Marc Weinshenker	Initiative is on hold at this time to focus staff efforts on other key technology initiatives, including ERP and IT security enhancements.	TBD	Pending a more comprehensive program, if there are any data categories which may be of particular interest to be made open, arrangements can be made with the departments and data owners to prepare and publish data using the existing Open Data platform.

Initiative	Lead Dept	Project Manager	Next Significant Milestone	Est. Initiative Completion Date	Comments
Develop a plan to increase physical connectivity of neighborhoods	R&P	Steve Mader	Review with DPW/Traffic & Transportation locations where existing trails may be suitable for creating lit neighborhood connections. Develop an average cost estimate/linear foot to install lighting systems	November 2018	Cost estimates for lighting paths will be completed for the FY20 budget cycle.
Document and assess work processes to improve efficiency and effectiveness, and as a prelude to implementing ERP, supporting an open data initiative and improving performance measures	IT	Benita Koch	Review and comment on the business process consultant's draft process maps for the applications, permits and regulatory inspection processes. Review responses to the RFP for an ERP solution. Advertise for an ERP Systems Manager.	June 30, 2019	Business process consultant was onsite the first week of October for process mapping workshops with staff for applications, permits and regulatory inspection processes. Four firms responded to the RFP for an ERP solution.
Explore improvements to the City's forestry requirements	R&P	Wayne Noll	Discussion and instructions, and possible adoption, of proposed revisions to the City's Forest and Tree Preservation Ordinance (FTPO) is scheduled for October 15, 2018.	November 2018	Proposed revisions to the FTPO were presented to the Mayor and Council on August 1, and a Public Hearing took place on September 17, 2018.

Initiative	Lead Dept	Project Manager	Next Significant Milestone	Est. Initiative Completion Date	Comments
Formulate the conditions under which Rockville can support Bus Rapid Transit	DPW	Emad Elshafei	A presentation by Montgomery County DOT on MD 355 BRT alternatives is planned for the December 17, 2018 worksession.	December 2018	Veirs Mill Road - County Council recommended option 2.5 and MCDOT is currently seeking grant funds for design and construction. MD 355 - County is narrowing down alternatives to present to the Mayor and Council in December.
Hire a consultant to conduct a feasibility study for a pilot Trolley/Streetcar program	DPW	Oleg Kotov	Consultant submission of a technical memorandum titled "Assessment of Transit Services and Ridership," and a working group session to present/discuss the findings from the memorandum.	March 2019	A contract was awarded, and a kick-off meeting was held on September 27, 2018.
Increase the City's proactive outreach to diverse populations	CMO	Linda Moran	December 17 worksession on Millennials. Obtain results of resident survey questions related to diversity in March 2019. Obtain input from the M & C on proposed activities to enhance outreach to diverse populations.	Ongoing	A summary of accomplishments, current activities and recommended next steps was included with the July 2 update for Mayor and Council review, in preparation for a discussion on agenda.



Mayor & Council Meeting Date: October 15, 2018
Agenda Item Type: Review and Comment
Department: City Clerk/Director of Council Operations Office
Responsible Staff: Sara Taylor-Ferrell

Subject

Future Agendas

Recommendation

Attachments

Attachment 16.A.a: Mock Agenda 10.18.18 David Scull Walking Town Meeting (DOC)
Attachment 16.A.b: Mock Agenda 10.22.18 (DOC)
Attachment 16.A.c: Future Agendas 10.15.18 (XLS)


Sara Taylor-Ferrell, City Clerk/Director of Council Operations 10/11/2018



MAYOR AND COUNCIL

MEETING NO. 34-18
Thursday, October 18, 2018 – 6:30 PM

AGENDA

Agenda item times are estimates only. Items may be considered at times other than those indicated.

Any person who requires assistance in order to attend a city meeting should call the ADA Coordinator at 240-314-8108.

- 1. Convene**
- 2. David Scull Walking Town Meeting**
- 3. Adjournment**

The Mayor and Council Rules and Procedures and Operating Guidelines establish procedures and practices for Mayor and Council meetings, including public hearing procedures. They are available at: <http://www.rockvillemd.gov/mcguidelines>.



MAYOR AND COUNCIL

MEETING NO.
Monday, October 22, 2018 – 7:00 PM

MOCK AGENDA

Agenda item times are estimates only. Items may be considered at times other than those indicated.

Any person who requires assistance in order to attend a city meeting should call the ADA Coordinator at 240-314-8108.

7:00 PM **1. Convene**

2. Pledge of Allegiance

3. Agenda Review

7:05 PM **4. City Manager's Report**

7:10 PM **5. Proclamation**

A. Proclamation Declaring November 24, 2018 as Small Business Saturday in Rockville

7:15 PM **6. Boards and Commissions Appointments, Reappointments and Announcements of Vacancies**

A. Boards and Commissions Appointments, Reappointments and Announcement of Vacancies

7:25 PM **7. Community Forum**

Any member of the community may address the Mayor and Council for 3 minutes during Community Forum. Unless otherwise indicated, Community Forum is included on the agenda for every regular Mayor and Council meeting, generally between 7:00 and 7:30 pm. Call the City Clerk/Director of Council Operation's Office at 240-314-8280 to sign up to speak in advance or sign up in the Mayor and Council Chamber the night of the meeting.

- 8. Mayor and Council's Response to Community Forum
- 9. Mayor and Council Announcements
- 7:45 PM 10. Consent
 - A. Award of IFB #04-19 Hayes Forest Bridge Replacement Project
 - B. Approval of Minutes
- 7:50 PM 11. Presentation and Discussion on Review of Permitted Uses in the Mixed-Use Employment (MXE) Zone
- 8:10 PM 12. RHE: RELP ONE Limited Partnership PILOT Agreement
- 8:40 PM 13. Introduction of Ordinance to Amend Chapter 8 of the Rockville City Code Entitled "Elections" by Amending Sections 8-6, 'Voter Registration,' 8-22, "Special Elections," 8-41, "Election Procedures Generally, " and 8-83 "Requirements of Election Reports and Statements," and by Adding a New Section 8-25, 'Elections by the Mayor and Council to Fill a Vacancy,' So as to Clarify Certain Provisions Regarding Special Elections and Filling Mayor and Council Vacancies
- 8:45 PM 14. Introduction of Resolution to Amend Section 1 of Article II, "The Mayor and Council," of the Charter of the City of Rockville So as to Clarify that the Members of the Mayor and Council Must Continue Residency in the City During Their Tenure in Office
- 8:50 PM 15. Introduction of Resolution to Amend Section 5 of Article III of the Charter of the City of Rockville So as to Provide More Specific Requirements for Filling Vacancies in the Office of Mayor or Councilmember
- 8:55 PM 16. Discussion on Requirements for Carbon Monoxide Detectors in Certain Types of Residential Units
- 9:05 PM 17. Role in Sister City Relationships
- 9:35 PM 18. Hometown Holidays Future Scope

10:20 PM **19. Review and Comment - Mayor and Council Action Report**

20. Review and Comment - Future Agendas

21. Old/New Business

10:35 PM **22. Adjournment**

The Mayor and Council Rules and Procedures and Operating Guidelines establish procedures and practices for Mayor and Council meetings, including public hearing procedures. They are available at: <http://www.rockvillemd.gov/mcguidelines>.

Future Agendas - Tentative
October 15, 2018

16.A.c

Meeting : 10/29/18 07:00 PM (3 items)			
	Category	Estimated Agenda Time Needed (in minutes)	Agenda Item
	Work Session	60	Worksession with the Ethics Commission
	Work Session	60	Discussion on Proposed Revisions on the MPDU Program & Accessory Dwelling Units Requirements
	Work Session	60	Plan for Improvements to the Development Review and Permitting Processes.
Meeting : 11/19/18 07:00 PM (12 items)			
	Category	Estimated Agenda Time Needed (in minutes)	Agenda Item
	Public Hearing	20	Public Hearing - Charter Amendment to Amend Section 1 of Article II, So as to Clarify that Members of the Mayor and Council Must Continue Residency in the City During Their Tenure in Office
	Public Hearing	20	Public Hearing-Charter Amendment to Amend Section 5, Article III So as to Provide More Specific Requirements for Filling Vacancies in the Office of Mayor or Councilmember

Attachment 16.A.c: Future Agendas 10.15.18 (2329 : Future Agendas)

Future Agendas - Tentative
October 15, 2018

16.A.c

	Public Hearing	20	Public Hearing - Amendments to Chapter 8 "Elections"- Amends Section 8-6, "Voter Registration," 8-22, "Special Elections," 8-41 "Election Procedures Generally," and 8-83 "Requirements of Election Reports and Statements," and Adds a New Section 8-25, "Elections by the Mayor and Council to Fill a Vacancy," So as to Clarify Certain Provisions Regarding Special Elections and Filling Mayor and Council Vacancies
	Review and Comment	5	Mayor and Council Action Report
	Presentation	15	FY18 Procurement Annual Report
	Presentation	30	Annual Report on Fireside Park Apartments
	Discussion, Instructions and Possible Adoption	15	RHE: RELP ONE Limited Partnership PILOT Agreement
	Discussion and Possible Approval	20	Discussion and Possible Adoption - Text Amendment TXT2018-00249 - Alcoholic Beverage Sales in Indoor Sports Facilities
	Presentation	15	First Quarter FY 2019 Financial Report
	Discussion	10	Fiscal Year 2019 First Quarter Vacancy Report
	Consent	5	Authorization to Abandon an Existing Storm Drain Easement at 1335 Piccard Drive
	Introduction	15	Introduction of Amendment to Rockville City Code (Xxx) to Ban Polystyrene and Straws

Attachment 16.A.c: Future Agendas 10.15.18 (2329 : Future Agendas)

Future Agendas - Tentative
October 15, 2018

16.A.c

Meeting : 12/03/18 07:00 PM (10 items)			
	Category	Estimated Agenda Time Needed (in minutes)	Agenda Item
	Presentation and Discussion	30	Board of Supervisors of Elections 2019 Election Update
	Review and Comment	10	Mayor and Council Priority Initiatives Update
	Review and Comment	5	Mayor and Council Action Report
	Approval	20	Approval of CDBG Application Submission
	Authorization	15	Authorization to File a Zoning Text Amendment to Delete Certain Uses from the MXE (Mixed Use Employment) Zone
	Presentation	30	Information Technology Department Initiatives Update
	Introduction	30	Introduction of Ordinance to Amend Chapter 24 of the Rockville City Code: Water, Sewer, and Wastewater Disposal
	Introduction	15	Introduction of Ordinance to Amend Chapter 21 of the Rockville City Code: Streets and Public Improvements
	Discussion, Instructions and Possible Adoption	5	Discussion, Instruction, and Possible Adoption of the Amendment to Rockville City Code (Xxx) to Ban Polystyrene and Straws
	Recognition	10	Twinbrook Recreation Center Community Garden Project

Attachment 16.A.c: Future Agendas 10.15.18 (2329 : Future Agendas)

Future Agendas - Tentative
October 15, 2018

16.A.c

Meeting : 12/10/18 07:00 PM (10 items)			
	Category	Estimated Agenda Time Needed (in minutes)	Agenda Item
	Discussion, Instructions and Possible Adoption	20	Discussion and Instructions and Possible Adoption-Charter Amendment-Section 1, Article II
	Discussion, Instructions and Possible Adoption	20	Discussion and Instructions and Possible Adoption-Charter Amendment-Section 5, Article III
	Discussion, Instructions and Possible Adoption	20	Discussion and Instructions and Possible Adoption-Amendments to Chapter 8 "Elections"
	Review and Comment	5	Mayor and Council Action Report
	Presentation	5	Rockville Chamber of Commerce Update
	Presentation	20	City Travel Policy
	Presentation	20	Fiscal Year 2018 Audited Financial Reports
	Presentation	10	Fiscal Year 2018 Popular Annual Financial Report (PAFR)
	Presentation and Discussion	60	FY 2020 Mayor and Council Budget Survey Results and Priorities
	Consent	5	Award IFB #18-18, Architectural and Engineering Services

Attachment 16.A.c: Future Agendas 10.15.18 (2329 : Future Agendas)

Future Agendas - Tentative
October 15, 2018

16.A.c

Meeting : 12/17/18 07:00 PM (3 items)			
	Category	Estimated Agenda Time Needed (in minutes)	Agenda Item
	Work Session	60	Millennial Work Session
	Work Session	60	Emergency Management
	Work Session	60	I270 Expansion

Attachment 16.A.c: Future Agendas 10.15.18 (2329 : Future Agendas)