

Ordinance No. 13-24 (CORRECTED)

ORDINANCE:

To grant Text Amendment
Application No. TXT2019-
00255, as amended, Mayor and
Council of Rockville,
Applicant

WHEREAS, the Mayor and Council of Rockville, 111 Maryland Avenue, Rockville, Maryland, filed Text Amendment Application TXT2019-00255 for the purpose of amending Chapter 25 of the Rockville City Code, “Zoning,” so as to revise Chapter 25 for the purpose of adding regulations that for detached accessory dwelling units on residential properties; and

WHEREAS, the Planning Commission reviewed the proposed text amendment at its meetings of March 22, 2023, and recommended approval of the proposed amendment to the Mayor and Council on July 12, 2023, with certain comments; and

WHEREAS, pursuant to the Land Use Article of the Annotated Code of Maryland, the Mayor and Council of Rockville gave notice that a hearing on said text amendment would be held by the Mayor and Council on June 10, 2024, at 7:00 p.m., or as soon thereafter as it may be heard; and

WHEREAS, on June 10, 2024, said application came on for hearing at the time and place provided for in said advertisement; and

WHEREAS, the Mayor and Council, having considered the text amendment application and the entire file pertaining thereto, on July 29, 2024, directed City staff to bring back to the body an ordinance to grant the application with certain modifications, including the elimination of the requirement that detached accessory dwelling units be “compatible with the appearance of the main dwelling unit”; and

WHEREAS, on September 9, 2024, City staff presented an ordinance to the Mayor and Council that did not remove the requirement that detached accessory dwelling units be “compatible

with the appearance of the main dwelling unit,” which ordinance was erroneously adopted by the Mayor and Council; and

WHEREAS, the Mayor and Council desires to rescind the erroneously adopted ordinance and adopt this corrected ordinance to grant Text Amendment Application TXT2019-00255, in the form set forth below, which would promote the health, safety and welfare of the citizens of the City of Rockville.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, that Ordinance No. 13-24, granting Text Amendment TXT2019-00255, as adopted by the Mayor and Council on September 9, 2024, was adopted erroneously and contrary to the direction and will of the Mayor and Council and is hereby rescinded, rendering said ordinance null and void; and

BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE as follows:

SECTION 1. Amend Article 3, “Definitions, Terms of Measurements and Calculations”, as follows:

Section 25.03.02 – Words and Terms Defined

Detached accessory dwelling unit means a dwelling unit within a detached accessory building located on the same lot as a single unit detached dwelling. A detached accessory dwelling unit must be subordinate to the main dwelling unit on the lot and must contain a kitchen and facilities for sanitation and sleeping. A detached accessory dwelling unit is not an accessory use or a home-based business enterprise as defined in this Chapter.

SECTION 2. Amend Article 9, “Accessory Uses; Accessory Buildings and Structures; Encroachments; Temporary Uses; Home-Based Business Enterprises; Wireless Communication Facilities” as follows:

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25.09.03 – Accessory buildings and structures.

* * *

b. Detached accessory dwelling units. In addition to the development standards in subsection 25.09.03.a, a detached accessory dwelling unit is subject to the following requirements:

1. No more than one attached or detached accessory dwelling unit is permitted on a lot.
2. A detached accessory dwelling unit must be permanently attached to the ground by a foundation.
3. The gross floor area of a detached accessory dwelling unit must be in accordance with the following:
 - (a) Except as provided in subsection 25.09.03.b.4(b), below, the gross floor area of an accessory dwelling unit must not exceed 50% of the gross floor area of the main dwelling unit or 750 square feet, whichever is less.
 - (b) Notwithstanding the foregoing, an Approving Authority must not require an accessory dwelling unit to have a gross floor area of less than 400 square feet, unless at the request of the applicant.
4. A detached accessory dwelling unit is prohibited on a lot that has an attached accessory dwelling unit.
5. Both the accessory dwelling unit and the main dwelling unit on a lot must remain under common ownership. In accordance with Chapter 18, Rental Facilities and Landlord Tenant Relations, only one rental license is permitted on a property.
6. Detached accessory dwelling units not in conformance with this section must be brought into compliance within 12 months of [date of adoption of this amendment].

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

SECTION 3. Amend Article 10, “Single Dwelling Unit Residential Zones”, as follows:

25.10.03 – Land Use Tables

* * *

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

	Uses	Zones							Conditional requirements or related regulations
		Residential Estate Zone (R-400)	Suburban Residential Zone (R-200)	Low Density Residential Zone (R-150)	Single Unit Detached Dwelling, Restricted Residential Zone (R-90)	Single Unit Detached Dwelling, Residential Zone (R-75)	Single Unit Detached Dwelling, Residential Zone (R-60)	Single Unit Semi-detached Dwelling, Residential Zone (R-40)	
a. Residential uses	Dwelling, single unit detached ¹	P	P	P	P	P	P	C	Conditional use subject to the requirements of the R-60 Zone
	Dwelling, semi-detached (duplex)	N	N	N	N	N	N	P	
	<u>Detached accessory dwelling unit</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>See Sec. 25.09.03.b</u>

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SECTION 4. Amend Article 14, "Special Zones", as follows:

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25.14.07 – Planned Development zones.

* * *

b. *Uses.*

1. Only those uses specifically permitted by the applicable planned development governing documents are allowed in a planned development zone, except that attached and detached accessory dwelling units are permitted as set forth in the equivalent zones specified for those areas of the planned development designated for residential use.

This ordinance becomes effective on January 1, 2025.

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 September 16, 2024.


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

