

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:

* * *

Accessory dwelling unit means a dwelling unit within a detached accessory building located on the same lot as a single unit detached dwelling. An 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. An accessory dwelling unit is not an accessory use or a home-based business enterprise as defined in this Chapter.

* * *

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

* * *

25.09.03 – Accessory buildings and structures.

* * *

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

1. Only one accessory dwelling unit is permitted on a lot.
2. An accessory dwelling unit must be consistent with the appearance and character of the main dwelling unit by incorporating compatible materials and similar façade treatment, colors, window style and treatment, and roof design and pitch.
3. An accessory dwelling unit must be permanently attached to the ground by a foundation.

4. The gross floor area of an 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.
5. The lot on which the accessory dwelling unit is located must include at least two off-street parking spaces, unless the lot is located within 7/10th of a mile walk distance to a Metro station, as delineated in Figure 9: Pedestrian Facilities and Environment in the Rockville 2040 Comprehensive Plan, in which case the lot must include at least one off-street parking space. The Chief of Zoning may permit an accessory dwelling unit on a lot with no off-street parking spaces if the applicant demonstrates that sufficient on-street parking capacity is provided on the same block as the lot.
6. An accessory dwelling unit is prohibited on a lot that has an accessory apartment.
7. The owner of the lot on which an accessory dwelling unit is located must occupy either the accessory dwelling unit or the main dwelling unit on the lot, except for bona fide temporary absences not exceeding six months in any 12-month period.
8. Both the accessory dwelling unit and the main dwelling unit on a lot must remain under common ownership.
9. An accessory dwelling unit must have the same street address (house number) as the main dwelling unit.
10. Accessory dwelling units not in conformance with this section must be brought into compliance within 12 months of [date of adoption of this amendment].

b.c. *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.

* * *

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	
	Accessory apartment	S	S	S	S	S	S	N	See Sec. 25.15.02.a.
	<u>Accessory dwelling unit</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>See Sec. 25.09.03.b</u>

Amend Article 14, “Special Zones,” as follows:

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 accessory apartments and accessory dwelling units are permitted as set forth in the equivalent zones specified for those areas of the planned development designated for residential use.

* * *