



Agenda Item #:	A
Meeting Date:	May 26, 2021
Responsible Staff:	Jim Wasilak

SUBJECT:

Recommendation to the Mayor and Council on Zoning Text Amendment TXT2021-00260, to Modify the Requirements for Project Plans, Roadway Classifications in Mixed Use Zones, Minor and Major Site Plan Amendments, Development Approval Abandonment, the Definition of Demolition, and the Addition of Research and Development Use and Associated Parking Standard; Mayor and Council of Rockville, Applicants

RECOMMENDATION

(Include change in law or Policy if appropriate in this section):

Staff recommends that the Planning Commission review and discuss each aspect of the text amendment and provide direction on a recommendation to the Mayor and Council.

Background

The proposed Zoning Text Amendment was authorized for filing on April 12, 2021. The amendment would modify several sections of the City's Zoning Ordinance to improve administration of the code and to implement the Mayor and Council's approved FAST program.

Discussion

The following proposed changes to the Zoning Ordinance are intended to provide clarifications related to certain processes; to address issues that have arisen during the review of recent development applications or proposals; and to enhance the City's ability to encourage economic recovery and attract businesses and company headquarters to the city. Staff has received a letter of support from the CEO of Rockville Economic Development Incorporated (REDI), Cindy Rivarde, stating the following (see attachment):

"There are several large headquarters looking at Rockville that have sensitive timing needs and this (amendment) will allow them to move forward with an existing building expansion quickly so long as there is minimal impact as set forth in the proposed amendment."

Project Plan and Site Plan Review during Review of Annexation Petition

In recent years, the City has received site and project plans to be reviewed concurrently with an Annexation petition that includes all or a portion of the proposed development. While staff supports the concurrent review of such development applications on properties that are also the subject of pending Annexation petitions, there may be instances when the development plan that is under review could have a different Approving Authority than an annexation petition, which are ultimately approved by the Mayor and Council. Staff recommends that development applications that are submitted while an annexation is pending be processed as Project Plans, which are also approved by the Mayor and Council. This would allow the Mayor and Council to have a good understanding of what is proposed to be developed on a property to be annexed, and which could factor into the decision for the property's annexation. Staff therefore recommends that Section 25.07.02 be modified to add the following subsection:

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

Street Connections Required by Mixed Use Design Guidelines

Section 25.13.06, which contain design guidelines for development in the City's mixed-use zones, requires that development projects in the City's MXTD (Mixed-Use Transit District), MXCD (Mixed-Use Corridor District) and MXE (Mixed-use Employment) zones connect to an

arterial, major or business district roadway, and not to residential streets. These zones are generally located near Metro stations (MXTD); highway corridors such as MD 355 and I-270 (MXCD); and employment areas along Piccard Drive and Research Boulevard, among others (MXE). There are times when projects in these districts are less intense and would not demand this type of connection. Staff believes that the type of road classifications should be based upon City's Transportation Standards and not the Zoning Ordinance; therefore, staff recommends that this guideline be deleted because is already addressed through other City standards.

Abandonment of Approved Development Plan

Staff has identified the need for a provision in the Zoning Ordinance that permits an applicant to abandon an approved Project Plan, Site Plan or Special Exception that has not been implemented. This might occur as market forces or other conditions change such that the originally approved plan is no longer feasible or desirable from the applicant's perspective. This also avoids the inherent conflict when redevelopment of property is approved for land that contains existing approved development. An applicant could decide that the next best course of action is to proceed with reuse of existing structures per the existing site approvals and not implement the new approval immediately. In this case it is in the City's best interest that the approved entitlement that has not been implemented be allowed to be abandoned. This avoids a situation that permits a development to move forward with implementing a new approval, while also retaining the use of properties or buildings that were intended to be redeveloped, but not measured during the review of impacts of the new development. In this scenario, no uses or structures would exist that had been implemented as part of the approval. It is critical that the requirements associated with new development, such as transportation mitigation, forestry, stormwater management, as well as sewer and water upgrades, continue to be made on a comprehensive basis.

Staff is bringing this amendment forward to address the possibility of having three major headquarters locate in Rockville. These headquarters would be located on property that already has a project plan approval, primarily for a townhome development. These new headquarters will occupy existing/modified office buildings and a substantially large new office building. By allowing the owner to abandon the previous project plan, the new headquarters could move forward through a more expedited site plan process, thus improving Rockville's ability to land these new headquarters.

Reuse/Redevelopment for Non-residential Development Within Commercial Corridors

With the potential to attract three new company headquarters and the future need to bring about commercial recovery from the effects of the pandemic, staff is recommending that the City consider a more streamlined process to administratively amend site plans in specific areas within Rockville's main non-residential corridors and away from our existing residential communities. These proposed amendments would allow for minor expansions to existing buildings and minor modifications to existing sites if they meet all Rockville development requirements. However, in order to ensure that changes to existing sites that may impact

existing residential neighborhoods have greater public review, the initial amendment did not propose this streamlined process for properties within historic districts or within 300 feet of any existing single-family development (See Attachment B). With this condition, the minor reuse/redevelopment modifications that are approved by staff will be typically those older non-residential properties completely surrounded by other non-residential uses. However, based upon feedback from REDI and other applicants, staff is recommending the Commission consider clarifications to this proposed wording. Specifically, staff believes that the 300 feet should not apply when the area for the site plan changes is separated from existing single family residential by an arterial or major highway roadway, railroad/rail right-of-way, or open space/buffer or the additions to buildings are more than 300 feet away.

Specifically, this provision would apply only in the MXTD (Mixed-Use Transit District), MXCD (Mixed-Use Corridor District), MXE (Mixed-Use Employment) and I-L (Light Industrial) zones, or those areas within existing Planned Developments (PDs) with those designated equivalent zones, and would encourage the reuse of existing vacant or under-utilized commercial buildings to the extent practical. This would increase the City's competitive advantage and ability to attract innovative users on sites throughout the city.

Specifically, the applicant for the proposed major headquarter prospects desires to modify the existing out-of-date office buildings to increase the open space on site, reface the exterior, and reconfigure the parking lot and loading areas. Under our current ordinance, these relatively minor changes would require a lengthy process for a major site plan amendment. Due to the length of this process, we may be significantly challenged to meet the schedule needed, which would create uncertainty that could reduce our ability to attract these headquarters. Staff review and approval is only allowed if these minor changes meet all of Rockville development requirements. Staff believes that these changes are important for Rockville to attract these headquarters and other economic development opportunities.

The proposed modifications to Sec. 25.05.07, Amendments to Approved Development, will expand the parameters for minor site plan amendments for reuse/redevelopment areas to include limited building additions and changes to the mix of uses on the site that have minimal effect in terms of traffic impact and the function of the site. The amendment will create a process that allows owners to make improvements to existing commercial structures without having to go through a lengthy major site plan amendment review process and produce a detailed site and/or project plan. The outcome will remain the same, achieving compliance with all provisions of our City's code. Allowing for limited building additions will be a benefit to non-residential property owners, as it would provide for greater flexibility to reuse/revitalize underused buildings, while reducing their costs and time.

Currently, the ordinance requires that any building addition or expansion may be considered to be a major amendment, and the resulting process that follows is the review process for the original site plan approval, even though only a small addition or reconfiguration is proposed. Staff therefore recommends that small additions that would generate less than 30 peak hour trips, which is the threshold for traffic studies per the Comprehensive Transportation Review

(CTR), be processed as Minor Site Plan Amendments, to be approved by staff when compliant with all code requirements. This amounts to an incentive to commercial property owners in the listed zones to make their properties more attractive, marketable, and useable, while helping the City overcome setbacks caused by economic conditions with the advent of the coronavirus.

Minor Site Plan Amendments, Generally

As a corollary to the above, staff recommends that certain types of common site improvements not require a site plan amendment. Currently, the Zoning Ordinance permits landscape maintenance and the addition of site appurtenances such as benches, pergolas, and other small structures to be installed on property without site plan approval. Staff recommends that other site improvements, such as emergency generators, transformers and dumpsters also be able to be installed without site plan approval. To be clear, site review would still occur at the permit level to ensure that all such installations met code requirements.

Staff undertook a review of similar and adjacent jurisdictions, including the cities of Frederick and Gaithersburg, as well as Montgomery County, to compare requirements for minor site plan amendments in those jurisdictions. While each has a unique process, staff found that the recommendations would provide more flexibility and a timelier process in Rockville in comparison (see Attachment D). Attracting new businesses and companies within the Washington Metropolitan region is extremely competitive. Staff requests that these amendments be supported to make a distinction that Rockville is the place to locate new headquarters and/or your business. These amendments are consistent with and supportive of Rockville Economic Development, Inc.'s purpose listed below:

Purpose

Retain existing businesses, help existing businesses grow, and attract new businesses to the city thereby creating, retaining, and attracting jobs as well as capital investment in the city.

Approval of Alternate Site Plans

Staff have recognized the need for approval of alternate site plans, or site plans that deviate from an approved project plan. Currently, only site plans that are in conformance with an approved project plan may be approved within a project plan area. However, there may be circumstances when the developer wants to move forward with a different type of development in the near term, due to circumstances beyond anyone's control, such as an economic opportunity that presents itself with a short timeline. This would allow either entirely new site plans or site plan amendments to be approved that deviate from the project plan and allow for subsequent amendments to the approved project plan to bring it into compliance with the site plan previously approved.

No site plan approvals made in compliance with the project plan would be allowed to continue, and the project plan itself would have to be amended within 18 months of the date of the

alternate site plan. This would allow the remainder of the project plan to be adjusted so that compliance with all City requirements could be reviewed and evaluated. Staff therefore recommends that Section 25.07.16 be added to the Zoning Ordinance, per Attachment A.

Addition of Research and Development Use and Parking Requirement

The City's Zoning Ordinance specifies which uses are permitted in each of the zones listed in the Zoning Ordinance. However, the current ordinance does not include research and development use as a permitted use in the code. To date, these types of uses have been identified by their component uses, which may include office, lab or manufacturing uses in combination. Staff recommends that this use be added to the ordinance as permitted in the MXTD (Mixed-Use Transit District), MXCD (Mixed-Use Corridor District), MXE (Mixed-Use Employment) and I-L (Light Industrial) uses. This is similar to what is permitted in Montgomery County, which is important to the County given the presence of the Life Sciences Center. Due to the City's proximity to the same center, the City could signal that it is welcoming to this use and provide clarity to property and business owners alike that their uses are permitted in Rockville. Staff therefore recommends the following use be added to the code, which essentially mimics the term in Montgomery County's ordinance:

Research and Development means study, research, or experimentation in one or more scientific fields such as life sciences, biomedical research, communications, chemistry, computer science, electronics, medicine, and physics. Research and Development also includes the development of prototypes and the marketing of resultant products and related activities and may include the use of administrative offices, educational facilities, libraries, and data services, and the manufacturing, mixing, fermentation, treatment, assembly, packaging, and servicing of products.

With the introduction of a new use to the code, a corresponding parking requirement is in order. Staff recommends that this also match that of Montgomery County at 1.5 parking spaces per 1,000 square feet of gross floor area. This requirement represents a significant reduction from general office but is in line with current requirements for manufacturing and lab space, at 2 parking spaces per 1,000 square feet. This change will provide us equal footing with Montgomery County to make Rockville an attractive location for life science and research-related companies – a goal for the Mayor and Council.

At the Planning Commission briefing on May 12, Commissioner Nunez asked whether the County's parking standard had been sufficiently researched. Staff researched the County's Zoning Ordinance rewrite process, which resulted in a new code becoming effective in October 2014. One of the requirements of the code rewrite was to ensure that the appropriate amount of parking is provided for developments in the County. This includes different parking standards for certain areas of the County, including designated parking districts and reduced parking areas, as well as standards for commercial uses based on the zoning district of the property. As part of that process, the County also implemented parking standards for both office and life sciences/research and development uses in the following categories: Agricultural, Rural

Residential, Residential, and Industrial zones; and Commercial/Residential and Employment zones – both within and outside of parking districts and reduced parking areas. The requirement of 1.5 spaces per 1,000 square feet of R&D space applies across those categories but may be reduced to 1.0 space per 1,000 square feet in designated parking districts and reduced parking areas. In developing these standards, the County relied on a consultant team, comparisons with ITE (Institute for Transportation Engineering) standards and public input. Staff finds that the parking requirements in the 2014 County Zoning Ordinance were sufficiently researched, vetted, and considered throughout the process.

Modifications to the Definition of Demolition

During previous discussions with the Mayor and Council, it was identified that the City's definition of demolition needed to be updated. The current definition for demolition is the complete razing of a building or structure. However, this does not address situations where a portion of the structure is retained, however small. It is significant in that the code requires an Evaluation for Historic Significance when demolition, as currently defined, is proposed. Staff therefore recommends that the definition be modified to read that if more than 50 percent of floor area of a building is removed, it is considered demolition, and the requirements for an evaluation would be triggered. Staff recommends the following modified definition;

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

At the May 12 briefing, commissioners asked how this recommendation compares with other peer jurisdictions. Most jurisdictions follow the International Building Code (IBC) to define demolition and do not define it in the zoning code. However, the following jurisdictions include definitions of demolition:

Montgomery County: demolish means to tear down or destroy an entire building or structure, or all of a building or structure except a single wall or facade.

City of Frederick: Frederick City ties historic evaluation to demolition, and establishes criteria in its code for what triggers historic review: demolition of an entire structure; removal of a roof for the purposes of raising the overall height of the roof, rebuilding the roof to a different pitch, or adding another story to a structure; removal of one or more exterior walls or partitions of a structure; removal of more than 25 percent of a structure's overall gross square footage; or relocation or moving of a structure from its existing location.

Staff has included a reformatted version of the text amendment that fixed a few formatting errors that were discovered in the draft amendment.

Community Outreach

Staff will reach out to affected groups, including all neighborhood associations, as well as the Rockville Chamber of Commerce and Rockville Economic Development, Inc. (REDI) to ensure awareness of the proposed text amendment.

Next Steps

Staff will bring forward a recommendation on the proposed text amendment for the next meeting and is available for additional sessions to help commissioners understand the multiple components of this text amendment before the next meeting.

Attachments

- Attachment 1.A.a: Draft Text Amendment as Authorized (PDF)
- Attachment 1.A.b: Map with 300-foot buffer from single family development (PDF)
- Attachment 1.A.c: Letter of Support from REDI (PDF)
- Attachment 1.A.d: Revisions to Site Plan Comparative (PDF)
- Attachment 1.A.e: TXT260 reformatted (PDF)

Jim Wasilak

Jim Wasilak, Zoning and Development Manager

5/19/2021

April 12, 2021

ATTACHMENT TO APPLICATION
TO THE CITY OF ROCKVILLE FOR A
TEXT AMENDMENT TO THE ZONING ORDINANCE

Applicant: Mayor and Council of the City of Rockville

The applicant proposes to amend the zoning ordinance adopted on December 15, 2008, and with an effective date of March 16, 2009, by inserting and replacing the following text (underlining indicates text to be added; ~~strike throughs~~ indicate text to be deleted; * * * indicates text not affected by the proposed amendment). Further amendments may be made following citizen input, Planning Commission review and Mayor and Council review.

Amend Article 1, “General Information” as follows:

Sec. 25.01.10 – Abandonment of development approval,

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

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

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25.03.02 – Words and Terms Defined

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

* * *

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

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

* * *

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

* * *

Sec. 25.04.04. - Historic District Commission.

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

b. Powers and duties.

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

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

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

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

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

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Amend Article 5, “Application and Notification Generally”

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Sec. 25.05.07. Amendments to approved development.

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

b. *Minor amendments to approved development.*

1. Any application for an amendment which does not significantly deviate from the terms and conditions of the original approval and would effectively carry out the intent of the Approving Authority's original approval may be considered and acted upon by the Chief of Zoning Planning under the provisions for a level 1 site plan as set forth in section 25.07.04.
 - (a) Such application may be approved if it results in a minimal effect on the overall design, layout, quality, or intent of the plan and is limited to minor adjustments to site engineering, parking or loading areas, landscaping, sidewalks, recreational facilities, recreational areas, public use space, or open area in a manner that does not alter basic elements of the site plan nor cause a safety hazard. Landscaping maintenance does not require an amendment application under this section. The addition or relocation of minor appurtenances such as, but not limited to, bicycle racks, seating benches, ~~and~~ pergolas, emergency generators, transformers, refrigeration equipment, trash enclosures, and small storage sheds, does not require an amendment application, but must not alter the basic elements of the site plan nor cause a safety hazard.
2. An amendment~~Modifications~~ that results in a reduction of floor area or other development intensity may be approved ~~by the Chief of Planning as a minor amendment.~~
32. A change in the types of uses on the site that is in conformance with the findings of the initial approval and does not increase the parking requirement may also be approved as a minor amendment.
43. Minor amendments ~~changes~~ are not subject to the provisions for pre-application staff meetings, area meetings, and the notice provisions of section 25.05.03 or article 7.
54. Where the Chief of Zoning Planning determines that the proposed amendment change is not minor, it is classified as a major amendment change and the application is reviewed and acted on by referred to the Approving Authority as an amendment to the original development approval for review.
65. Implementation period. The approval of a minor amendment is subject to the implementation provisions of section 25.07.06.
- c. Minor amendments for commercial redevelopment.
 1. To encourage and expedite the re-use and redevelopment of existing commercial structures subject to approved site plans, the Chief of Zoning may accept an application for a minor amendment for commercial redevelopment under the provisions for a level 1 site plan as set forth in section 25.07.04., subject to the following requirements.
 - (a) The property must be in the I-L, MXTD, MXCD, or MXE zone and must be subject to a valid and approved site plan.
 - (b) The property must be at least 300 feet from the nearest single-family attached residential use, as measured from the nearest property line.
 - (c) The property must not be in a historic district.
 - (d) The application may only include commercial, office, or industrial uses.

- (e) The application must not include any new buildings.
- 2. The Chief of Zoning may approve a minor site plan for commercial redevelopment if the application meets the site plan approval findings in Section 25.07.01.a.3(a); the requirements of subsection c.1, above; and the following additional findings:
 - (a) The application does not result in a comprehensive change to more than twenty (20) percent of the project area or otherwise change the essential character and impact of the development.
 - (b) The application does not generate more than twenty-nine (29) additional peak hour trips.
 - (c) The application does not expand any existing zoning nonconformity.
- de. Major amendments to approved development.
 - 1. Where the Chief of ZoningPlanning determines that a requested change is too significant to be a minor change but is not so substantial as to require an entirely new application for approval, the requested change must be reviewed and approved by the original Approving Authority as an amendment to the original development approval. Major amendments may include:
 - (a) An increase in the height of any building;
 - (b) An increase in the floor area of any non-residential portion of a building;
 - (c) An increase in the number of dwelling units; or
 - (d) Any other significant change to the site that results in an increase in the parking requirement and requires the construction of additional parking spaces.
 - 2. An application for a major amendment is subject to the notice and procedural requirements as set forth in section 25.07.03. The application will be processed under the procedures for either a level 1 or a level 2 site plan, depending on the initial Approving Authority.
 - 3. Reserved.
 - 4. Implementation period. The approval of a major amendment is subject to the implementation provisions of section 25.07.06.
- ed. Substantial changes requiring a new application. Where, in the opinion of the Chief of ZoningPlanning, the requested change to an approved development is so extensive as to amount to a comprehensive change to more than fifty (50) percent of the project area or to otherwise change the essential character and impact of the development, such change may not be made by way of an amendment to the original approval, but rather requires the filing of an entirely new application for approval.

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

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

* * *

b. Application Procedure, in General –

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

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Sec. 25.07.07, Project Plan Review

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

* * *

Sec. 25.07.16 – Alternate site plan approval.

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

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

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

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

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

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

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

* * *

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

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Sec. 25.13.03, Land Use Tables

* * *

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

Sec. 25.13.06, Additional Design Guidelines

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

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

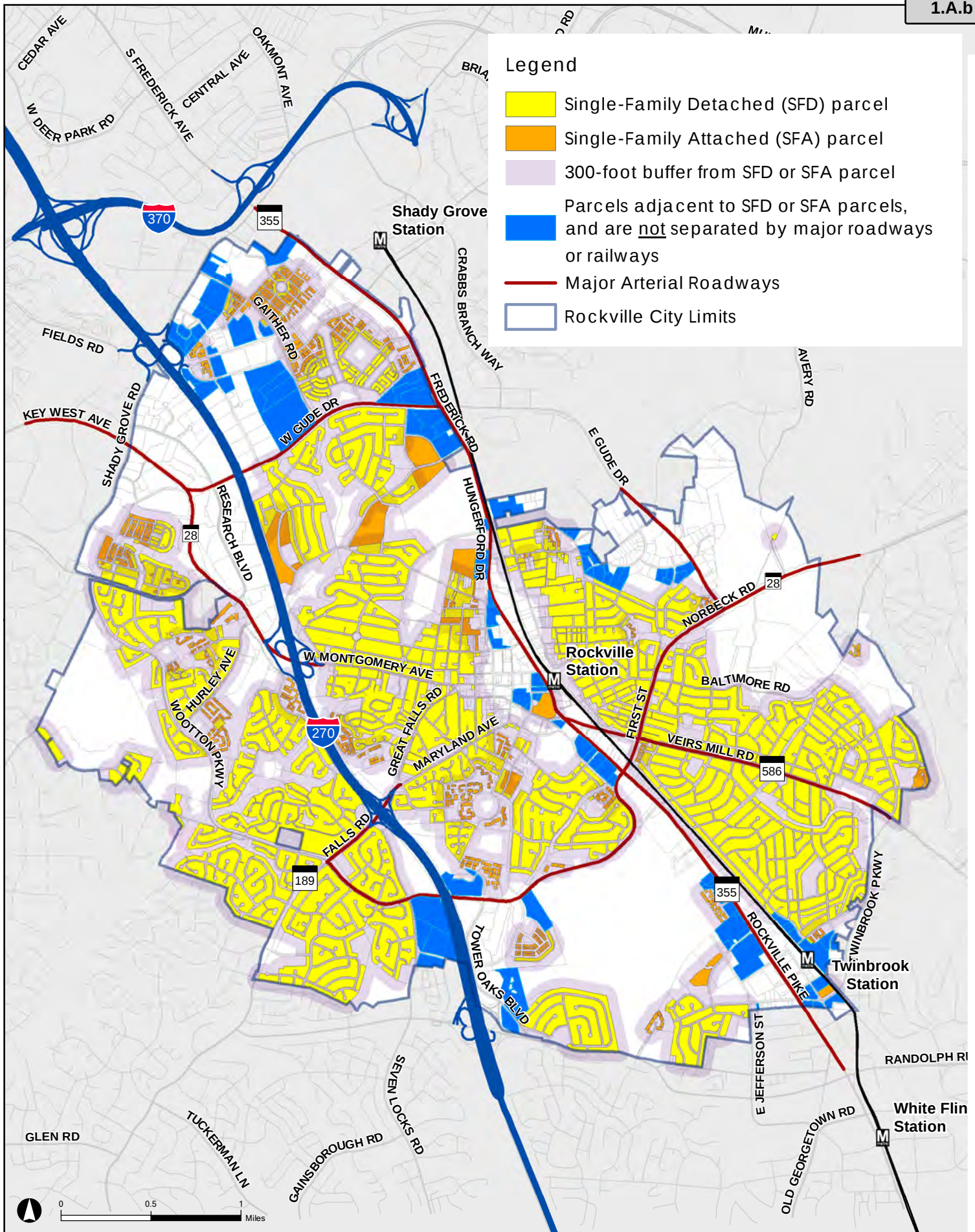
~~12. Buffers....~~

Amend Article 16, Parking and Loading

Sec. 25.16.03 – Number of Spaces Required

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

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Mayor & Council

April 7, 2021

Dear Mayor & Councilmembers:

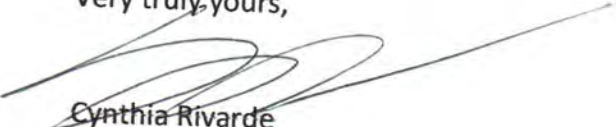
This letter is in support of the changes presented by staff as *Authorization to File Zoning Text Amendment to Modify the Requirements for Project Plans, Roadway Classifications in Mixed Use Zones and the Definition of Demolition* on the Mayor & Council meeting for April 12, 2021.

The Rockville Economic Development, Inc. (REDI) has prioritized the attraction and retention of businesses in bio health/bio tech, tech and cyber, professional services and headquarters that bring desirable jobs and economic growth to the City of Rockville. We have repeatedly commended the City for its FAST program that provides timely and responsive service to businesses who choose Rockville, as well as the positive customer service model for delivery of development and community services.

The proposed amendment continues this effort to streamline the development process and make it easier to do business in Rockville, while still retaining necessary protections. In particular, the changes allowing easier adaptive re-use of buildings with less onerous procedures will encourage businesses making quick decisions about location. Currently, there are several large headquarters looking at Rockville that have sensitive timing needs, and this will allow them to move forward with an existing building quickly so long as there is minimal impact as set forth in the proposed amendment (i.e. an expansion not generating more than 30 peak hour trips). It is important to note that the amendment does not alter the minimum notification to requirements to neighboring properties.

We appreciate the City's continued efforts to position us to be able to respond to the needs of business in a timely manner that allows us to take advantage of desirable market conditions, especially as we are rebuilding post-pandemic.

Very truly yours,


Cynthia Rivarde
CEO

Cc: Susan Prince, Board Chair

	City of Frederick	City of Gaithersburg	Montgomery County
Major Site Plan	The expansion or redevelopment of an existing nonresidential site which disturbs 5,000 square feet or more or results in a 25 percent increase in the gross floor area of the structure on the site; or generates at least 100 average daily trips as measured by the ITE Manual	Site Development Plan	Site Plan
Minor Site Plan	The expansion or redevelopment of an existing nonresidential site which disturbs less than 5,000 square feet and results in less than a 25 percent increase in the gross floor area of the structure or structures on the sit		
Allowable Revisions to Site Plans	Applies only to those projects which have not received all necessary certificates of occupancy for <u>major and minor site plans</u>	Only Minor Amendment request. <i>All amendment requests, except for minor amendments, shall be subject to a decision by the city planning commission.</i>	Major Amendment request include: Any request to increase density or height; change a use; decrease open space; deviate from a binding element or a condition of approval; or alter a basic element of the plan. - Public notice is required. - A major amendment must follow the same hearing procedures and satisfy the same necessary findings as the original site plan
	A. The revision does not result in the change of any of the conditions of approval issued for the previously approved plan; B. The revision does not increase the floor area by more than ten percent; and C. The revision does not increase the parking area, including drive aisles and access drives, by more than ten percent.	Minor Amendment request include: - Resiting or relocation of buildings or structures including, but not limited to, garages and accessory structures on not more than three (3) contiguous lots, including moving or rotation of a building or structure's footprint, provided such moving or rotation does not shift a building or structure's footprint more than ten (10) feet in any direction. - Approval of retaining walls/fences and other enclosures. - Minor revisions to building elevation and site plan details which do not add onto buildings or expand footprints of previously approved buildings - Minor signage changes or additions. - Minor landscaping, parking layout, and pedestrian and sidewalk access revisions. - Addition of easements and parking areas or correction of easement and parking area locations. - Revisions to forest conservation plan.(j)Revisions or amendments delegated by the city planning commission. - Parking waivers of up to ten (10) percent of the required parking for a site - Minor modifications to existing telecommunications facilities.	Minor Amendment request include: Change to a parking or loading area, landscaping, sidewalk, recreational facility or area, configuration of open space, or any other plan element that will have a minimal effect on the overall design, layout, quality or intent of the plan. - Public notice is required - A minor amendment may be approved by the Planning Director without a public hearing if no objection to the application is received within 15 days after the application notice is sent. - If an objection is received within 15 days after the application notice is sent, and the objection is considered relevant, a public hearing is required
	Sequential revisions which cumulatively increase the gross floor area or parking area by more than ten percent must be reviewed by the Commission.		
	In considering an amendment to an approved final site plan, the Department or Commission may only consider issues relating to the proposed amendment, and may not consider matters that have been approved and that are not related to the proposed amendment		

May 19, 2021

ATTACHMENT TO APPLICATION
TO THE CITY OF ROCKVILLE FOR A
TEXT AMENDMENT TO THE ZONING ORDINANCE

Applicant: Mayor and Council of the City of Rockville

The applicant proposes to amend the zoning ordinance adopted on December 15, 2008, and with an effective date of March 16, 2009, by inserting and replacing the following text (underlining indicates text to be added; ~~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 1, “General Information”, as follows:

25.01.10 – Abandonment of development approval

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

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

* * *

25.03.02 – Words and Terms Defined

* * *

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

* * *

Research and Development means the study, research, or experimentation in one or more scientific fields such as life sciences, biomedical research, communications, chemistry, computer science, electronics, medicine, and physics. Research and Development also includes the development of prototypes and the marketing of resultant products and related activities and may include the use of administrative offices, educational facilities, libraires, and data services, and the manufacturing mixing, fermentation, treatment, assembly, packaging and servicing of products.

* * *

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

* * *

25.04.04 – Historic District Commission

- a. Established. There is established an Historic District Commission for the City of Rockville.
- b. Powers and Duties.
 1. Generally. The Historic District Commission has all those powers and duties conferred and imposed upon it by this chapter and the provisions of State law, including but not limited to:
 - (a) Identifying and recommending to the Mayor and Council properties and/or areas deemed eligible for historic designation due to their historic, archeological, or architectural significance;
 - (b) Reviewing applications for certificates of approval for sites, buildings, or structures within a historic district zone;
 - (c) Evaluation eligibility for historic designation of any sites, buildings or structures locate outside a historic district zone which are proposed for demolition, as defined in the Chapter, or substantial reconstruction as defined in Chapter 5.
 - (d) Providing courtesy review to the Planning Commission and Mayor and Council as requested, for projects within or adjacent to historic resources.

* * *

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

* * *

25.05.07 – Amendments to Approved Development

- a. *Application Required.* Except as otherwise provided, an application to amend any previously approved development must be filed with the Chief of Planning Zoning in accordance with the provisions of this article.
- b. *Minor Amendments to Approved Development.*
 1. Any application for an amendment which does not significantly deviate from the terms and conditions of the original approval and would effectively carry out the intent of the Approving Authority's original approval may be considered and acted upon by the Chief of Planning Zoning under the provisions for a Level 1 site plan as set forth in Sec. 25.07.04.
 - (a) Such application may be approved if it results in a minimal effect on the overall design, layout, quality, or intent of the plan and is limited to minor adjustments to site engineering, parking or lading areas, landscaping, sidewalks, recreational facilities, recreational areas, public use space, or open area in a manner that does not alter basic elements of the site plan nor cause a safety hazard. Landscaping maintenance does not require an amendment application under this section. The addition or relocation of minor appurtenances such as, but not limited to, bicycle racks, seating benches, ~~and~~ pergolas, emergency generators, transformers, refrigeration equipment, trash enclosures, and small storage sheds, does not require an amendment application, but must not alter the basic elements of the site plan nor cause a safety hazard.
 - (b) ~~2. Modifications~~ An Amendment that results in a reduction of floor area or other development intensity may be approved ~~by the Chief of Planning as a minor amendment.~~
 - ~~2-3.~~ A change in the types of uses on the site that is in conformance with the findings of the initial approval and does not increase the parking requirement may also be approved as a minor amendment.
 - ~~3-4.~~ Minor amendments ~~changes~~ are not subject to the provisions for pre-application staff meetings, area meetings, and the notice provisions of Section 25.05.03 or Article 7.
 - ~~4-5.~~ Where the Chief of Planning Zoning determines that the change proposed amendment is not minor, it is ~~classified as~~ a major change amendment and the

application is ~~referred to~~ reviewed and acted on by the Approving Authority ~~for review~~ as an amendment to the original development approval.

5.6. Implementation period. The approval of a minor amendment is subject to the implementation provisions of Section 25.07.06.

c. Minor Amendments for Commercial Redevelopment.

1. To encourage and expedite the re-use and redevelopment of existing commercial structures subject to approved site plan, the Chief of Zoning may accept and application for a minor amendment for commercial redevelopment user the provisions for a Level 1 site plan as set forth in Section 25/07.04, subject to the following requirements:
 - (a) The property must be in the I-L, MXTD, MXCD, or MXE zone and must be subject to a valid and approved site plan;
 - (b) The property must be at least 300 feet from the nearest single dwelling unit or attached residential use, as measure from the nearest property line;
 - (c) The property must not be in a historic district;
 - (d) The application may only include commercial, office, or industrial uses;
 - (e) The application must not include any new buildings.
2. The Chief of Zoning may approve a minor site plan for commercial redevelopment if the application meets the site plan approval findings in Section 25.07.01.a.3(a); the requirements of subsection c.1, above, and the following additional findings:
 - (a) The application does not result in a comprehensive change to more than twenty (20) percent of the project area or otherwise change the essential character and impact of the development;
 - (b) The application does not generate more than twenty-nine (29) additional peak hour trips;
 - (c) The application does not expand any existing zoning nonconformity.

c. Major Amendments to Approved Development

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

* * *

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

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

25.07.02 – Application Procedure for Site Plans, Project Plans, and Special Exceptions

* * *

- b. *Application Procedure, in General* -

* * *

Points Elements	1point¹	2 points	3 points	4 points	Points
Tract size – Acres	1 or fewer	1.1 to 2.5	2.6 to 5	5.1 or greater	—
Dwelling Units	1 to 5	6 to 50	51 to 150	151 or greater	—
Square Footage of Non-Residential Space	5,000 or fewer square feet	5,001 to 25,000 square feet	25,001 to 100,000 square feet	100,001 or greater square feet	—
Residential Area Impact	Up to 10% of area within ¼ mile of the project area is comprised of single-unit detached residential units	Up to 50% of area within ¼ mile of the project area is comprised of single-unit detached residential units	Up to 75% of area within ¼ mile of the project area is comprised of single-unit detached residential units	Development is within single-unit detached unit area.	—
Traffic Impact – Net new peak hour trips	Fewer than 30 trips	30 – 74 trips	75 – 149 trips	150 or more trips	—
<i>Review Level Calculation:</i> Level 1 = Up to 6 points Level 2 = 7 – 15 points Level 3 Project Plan = 16 or more points					Cumulative point total —

* * *

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

* * *

25.07.04 – Level One (1) Site Plan Review

An application for a site plan review with a total of six (6) points or fewer, as determined in Section 25.07.02.b above, is subject to the following provisions:

1. *Pre-Application Area Meeting* – The applicant must hold an area meeting prior to submitting ~~an~~ a pre-application, to outline and receive comments on the scope of the project. The applicant must provide notice of the meeting in accordance with the provisions of Section 25.07.03.

* * *

5. *Sign* – A sign must be posted in accordance with Section 25.05.03.d.

5.6. *Conditions of Approval* – Approvals may be subject to any condition that the Chief of Planning finds necessary to protect the public health, safety, and welfare of the community and to ensure that the proposed use or development will be consistent with the purpose and intent of this Chapter.

* * *

25.07.05. – Level Two (2) Site Plan Review

An application for a site plan review with seven (7) to fifteen (15) points, as determined in Section 25.07.02.b above, is subject to the following provisions:

1. *Pre-Application Area Meeting* - The applicant must hold an area meeting prior to submitting ~~an~~ a pre-application, to outline and receive comments on the scope of the project. The applicant must provide notice of the meeting in accordance with the provisions of Section 25.07.03.

* * *

25.07.07. – Project Plan Review

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

1. *Pre-Application Area Meeting* - The applicant must hold an area meeting prior to submitting ~~an~~ a pre-application, to outline and receive comments on the scope of the project. The applicant must provide notice of the meeting in accordance with the provisions of Section 25.07.03.

* * *

25.07.08 – Special Exceptions

- a. *Pre-Application Area Meeting* - The applicant must hold an area meeting prior to submitting ~~an~~ a pre-application to outline the scope of the project and receive comments. The applicant must provide notice of the meeting in accordance with the provisions of Section 25.07.08.b below.

* * *

25.07.16 – Alternate Site Plan Approval

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

- a. The development proposed by the alternate site plan application must qualify as a Level 1 or Level 2 site plan under Section 25.07.02.b.
- b. An alternate site plan application must be made or authorized by all property owners or other parties subject to or having a legal interest in the approved Project Plan.
- c. No site plans implementing the approved Project Plan may be valid at the time the alternate site plan application is filed.
- d. Upon the filing of an application for an alternate site plan, any pending site plan applications implementing the approved Project Plan are deemed withdrawn, and no site plan applications implementing the approved Project Plan may be filed.
- e. Approval of an alternate site plan must be made under Section 25.07.01.3(a).
- f. Upon approval of an alternate site plan, no site plan implementing the approved Project Plan may be approved unless the Project Plan is amended to be consistent with the alternate site plan. If the Mayor and Council does not approve such an amendment to the Project Plan within eighteen (18) months of approval of the alternate site plan the Project Plan is deemed abandoned.

Amend Article 12, “Industrial Zones”, as follows:

* * *

25.12.03 – Land Use Tables

* * *

	Uses	Zones		Conditional requirements or related regulations
		Light Industrial	Heavy Industrial	
		I-L	I-H	
* * *				
g. Industrial and service uses	Heavy industrial use	N	P	
	Light industrial use	P	P	
	Lumberyard	C	P	Conditional use shall not adjoin a Single Unit Development Residential Zone
	<u>Research and Development</u>	<u>P</u>	<u>N</u>	
	Service industrial use	P	P	
	Warehouse, self-storage	C	C	Not permitted on a lot within 250 feet of any lot on which a public school is located

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

* * *

25.13.03 – Land Use Tables

* * *

	Zones									
	Uses	Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	Conditional requirements or related regulations
* * *										
j. Industrial and service uses	Light industrial use	N	N	P	N	N	N	N	N	
	Service industrial use	N	N	P	C	N	N	N	N	Conditional use must not adjoin or confront single-unit dwellings
	<u>Research and Development</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	
	Warehouse, self- storage	N	N	C	C	N	N	N	N	In the MXE Zone, the use is only permitted on sites that are contiguous to a property that is zoned to accommodate heavy industrial uses ⁴ . In the MXB and MXE zones, not permitted on a lot within 250 feet of any lot on which a public school is located. In the MXB Zone, must not adjoin or confront single-unit dwellings.

25.13.06 – Additional Design Guidelines

* * *

c. Site Design and Relationship to Surrounding Community

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

~~2. Buffers - * * *~~

Amend Article 16, “Parking and Loading”, as follows:

25.16.03 – Number of Spaces Required

		Auto Parking Spaces		Bicycle Parking Spaces			
Use Category	Use	Unit Measure	Base Number Required	Unit Measure	Short Term Space	Long Term Space	Additional Requirements
* * *							
Commercial (con't)	<u>Research and Development</u>	<u>Per 1,000 gross square feet</u>	<u>1</u>	<u>Square feet of gross floor area</u>	<u>2 per 40,000 s.f.</u>	<u>2 per 10,000 s.f.</u>	
* * *							