



Agenda Item #:	2
Meeting Date:	March 13, 2024
Responsible Staff:	Christopher Davis

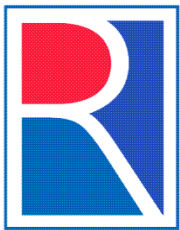
SUBJECT:

Recommendation to Mayor and Council on Zoning Text
Amendment TXT2024-00266, to Amend Article 14 in Order to
Establish a Process to Amend Neighborhood Conservation Districts;
Mayor and Council of Rockville, Applicants

RECOMMENDATION

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

Staff recommends that the Commission discuss the proposed text amendment and any testimony, and provide a recommendation to the Mayor and Council as appropriate.



City of
Rockville
Get Into It

Planning Commission Staff Report

MEETING DATE: March 13, 2024

REPORT DATE: March 6, 2024

RESPONSIBLE STAFF: Christopher Davis, Senior Planner
240-314-8201
cdavis@rockvillemd.gov

SUBJECT: Zoning Text Amendment TXT2024-00266, to Establish a Process to Amend Neighborhood Conservation Districts

BACKGROUND: The Mayor and Council have authorized the filing of a zoning text amendment to establish a process to amend neighborhood conservation districts.

DISCUSSION:

On January 8, 2024, Mayor and Council authorized the filing of the proposed text amendment (Attachment A), which would allow an adopted neighborhood conservation district plan to be amended under the procedures established by state law for preparing and adopting a master plan. Upon adoption of an amended neighborhood conservation district plan, the Mayor and Council would authorize for filing a text amendment application to bring the neighborhood

conservation district overlay zone into conformance with the amended neighborhood conservation district plan.

The Planning Area 6 (Lincoln Park) chapter of the Rockville 2040 Comprehensive Plan, adopted in 2021, includes an action to “Review the existing 2007 Lincoln Park Neighborhood Conservation District (LPNCD) standards to determine whether updates or amendments are warranted.” Given this action item and the adoption of the East Rockville Design Guidelines in February 2021, staff recommended, and Mayor and Council approved, funding for a consultant to develop design guidelines for the West End and Lincoln Park neighborhoods in the FY 2022 budget. Since then, staff has been working with the Lincoln Park community to create neighborhood design guidelines.

However, given that the Lincoln Park neighborhood is already within a neighborhood conservation district, which imposes similar design requirements onto single unit detached homes, the best way to move forward with the Lincoln Park Design Guidelines project is to amend the existing neighborhood conservation district plan. However, there is currently no method in the zoning ordinance for amending a neighborhood conservation district plan. This zoning text amendment would create a process for amending a neighborhood conservation district plan so that the Lincoln Park Design Guidelines can move forward as an amendment to the existing Lincoln Park Neighborhood Conservation District Plan, as well as any other amendments that may be necessary in the future.

The Planning Commission met on February 7, 2024, for a briefing on the proposed text amendment. Upon questioning from the Commission, staff provided clarification on the connection of the Lincoln Park Neighborhood Conservation District to the proposed Lincoln Park Design Guidelines.

Background

Neighborhood conservation district zones are overlay zones intended to provide a vehicle to implement programs for the revitalization or conservation of older areas or districts within the city possessing distinctive features, identity, or character worthy of retention and enhancement. Each neighborhood conservation district is established through the adoption of 1) a neighborhood conservation plan and 2) neighborhood conservation district zone.

Local property owners may petition Mayor and Council to initiate a neighborhood conservation district study, but at least 40 percent of the property owners within the proposed conservation district must support the initiation of the process in writing. Prior to final action by Mayor and Council on the proposed neighborhood conservation plan, at least 85 percent of the property owners within the proposed neighborhood conservation district must demonstrate their support in writing for the proposed designation. These requirements were added after the 2007 Lincoln Park Neighborhood Conservation District Plan (Attachment B) was adopted.

The City’s only neighborhood conservation district is in Lincoln Park. The district has provided certain development standards for properties in the neighborhood that are in addition to the

primary zoning requirements for the area. However, the district's standards have proven to be outdated and have resulted in unintended issues for residents wishing to receive a building permit for their property, leading to certain neighbors' desires for updated design guidelines. They have also not fully achieved their intent of preserving the existing character and streetscape of the community.

Lincoln Park Design Guidelines Project

During the creation of the Rockville 2040 Comprehensive Plan Lincoln Park residents voiced concerns about how some new homes and additions have impacted the neighborhood. They expressed interest in reviewing existing development regulations in the Lincoln Park Neighborhood Conservation District (LPNCD) to identify changes or improvements needed. In 2021, the City began a project to develop residential design standards and guidelines for detached homes within the Lincoln Park neighborhood based on the input of residents and property owners.

The purpose of the Lincoln Park Design Guidelines project is to establish a clear set of expectations and predictable review framework for residents, design professionals, contractors, City staff, and officials when designing and reviewing a new detached home or an addition to an existing home. If approved, compliance with the design guidelines would be required for a building permit to be issued for the construction of, a significant renovation to, or an addition to a single unit detached dwelling. The goals of the project are as follows:

- To conserve and strengthen the unique identity and sense of place that exists among residents in the neighborhood;
- To promote complementary and context-sensitive development between new and existing structures, while also allowing creative design; and
- To maintain and enhance a walkable and pedestrian-friendly environment.

The second draft of the Lincoln Park Design Guidelines was published on October 27, 2023, and a public meeting was held on December 6, 2023. Staff is currently working with the consultants to create a third draft of the guidelines to be presented to the Planning Commission and Mayor and Council for review and approval.

The proposed zoning text amendment (ZTA) does not adopt the Lincoln Park Design Guidelines – it only provides a mechanism for amending neighborhood conservation districts, which is needed regardless of the Lincoln Park Design Guidelines project. However, the Lincoln Park Design Guidelines will not be able to be formally adopted until there is a process for amending the neighborhood conservation district plans.

PUBLIC OUTREACH:

As a part of the process to create design guidelines for Lincoln Park, staff has engaged in outreach to the neighborhood, beginning in September 2022. This has included:

- A walking tour of the Lincoln Park neighborhood with the Lincoln Park Civic Association;

- Eight stakeholder interviews with community members and leaders (29 community members were contacted);
- Four public meetings, three of which had postcard notifications sent to every resident and property owner in the neighborhood;
- Four advisory committee meetings;
- A voluntary survey posted online and at the Lincoln Park Community Center;
- A comment portal on the first and second drafts of the design guidelines, posted online and at the Lincoln Park Community Center; and
- A letter sent to all residents and property owners regarding the project and the ability to comment on the first draft of the design guidelines, which included a reference to the Lincoln Park Conservation District.

In addition to outreach conducted for the development of the design guidelines, the draft ZTA has been discussed with the advisory committee and has also been posted on the project's Engage Rockville website. The draft ZTA was also included in the meeting information for its introduction and authorization to file at the January 8, 2024, Mayor and Council meeting, as well as with the briefing presented to the Commission on February 7, 2024. At the time of this report, no public comments have been received on the draft ZTA.

NEXT STEPS:

Staff requests that the Commission discuss the proposed amendment and provide a recommendation to Mayor and Council. Based on that recommendation, staff will draft a memo for review by the Chair on behalf of the Commission, for the Mayor and Council. The next step will be a public hearing before Mayor and Council, tentatively scheduled for May 20, 2024.

ATTACHMENTS:

Attachment A – Neighborhood Conservation District Zoning Text Amendment

Attachment B – Lincoln Park Conservation District Plan (2007)

Attachments

Attachment 2.2.a: NCD Zoning Text Amendment (PDF)

Attachment 2.2.b: Lincoln Park Conservation District Plan (2007) (PDF)

Jim Wasilak

Jim Wasilak, Zoning and Development Manager

3/5/2024

Sec. 25.14.02. Neighborhood conservation district zones.

- a. *Purpose.* The neighborhood conservation district zones are overlay zones intended to provide a vehicle to implement programs for the revitalization or conservation of older areas or districts within the City possessing distinctive features, identity, or character worth retention and enhancement.
- b. *Effect.*
 1. Each neighborhood conservation district will be established through the following:
 - (a) Adoption of a neighborhood conservation plan and a set of guidelines that will facilitate maintenance and protection of the neighborhood character; and
 - (b) The implementation of such plan and guidelines through the creation of a neighborhood conservation district zone.
 2. The regulations of the neighborhood conservation district zone are in addition to the regulations of the base zone in which the neighborhood area is located.
- c. *Neighborhood conservation plan.* The adoption of a new neighborhood conservation plan may be accomplished through one (1) of the following procedures:
 1. Master plan. As part of the consideration of a master plan or master plan amendment, the Mayor and Council may identify one (1) or more areas for designation as a neighborhood conservation district and adopt a set of guidelines for each such district. Such districts may only be designated as set forth in subsection ~~e.2.e~~ of this section below.
 2. Local initiative. Local property owners may petition the Mayor and Council to initiate a neighborhood conservation district study.
 - (a) In order to be considered for initiation of the study, at least forty (40) percent of the property owners within the proposed conservation district must support the initiation of the process in writing.
 - (b) The Planning Commission will review the conservation district proposal and provide a recommendation to the Mayor and Council.
 - (c) The Mayor and Council may decline to authorize a study based on owner opposition, community input, or the significance of the property to the City.
 - (d) If the Mayor and Council authorizes a neighborhood conservation plan study to proceed, the study will commence and be processed under the procedures established for preparing and adopting a master plan.
 3. Prior to final action by the Mayor and Council on the proposed neighborhood conservation plan, at least eighty-five (85) percent of the property owners within the proposed neighborhood conservation district must demonstrate their support in writing for the proposed designation.

- d. *Location.*
 - 1. Boundaries correspond to plan boundaries. The boundaries of each neighborhood conservation district are the boundaries outlined in the applicable neighborhood conservation plan.
 - 2. Designation on map. Neighborhood conservation districts must be designated on the zoning map.
- e. *Designation of new district.* Following the adoption of a neighborhood conservation plan, the Mayor and Council may authorize the filing on its behalf of:
 - 1. A text amendment application, pursuant to section 25.06.02, establishing a neighborhood conservation district and establishing regulations therefor, and
 - 2. A sectional map amendment application, pursuant to section 25.06.01, to place the neighborhood covered by the approved neighborhood conservation plan in the neighborhood conservation district zone.
- f. *Conflict of regulations.* In the event of a conflict between the provisions of a specific neighborhood conservation district zone and the base zone regulations, the provisions of the neighborhood conservation district zone will control.
- g. *Neighborhood conservation plan amendment.*
 - 1. An adopted neighborhood conservation plan may be amended under the procedures established for preparing and adopting a master plan.
 - 2. Upon adoption of an amended neighborhood conservation plan, the Mayor and Council may adopt a text amendment application, pursuant to section 25.06.02, or sectional map amendment application, pursuant to section 25.06.01, as necessary to bring the neighborhood conservation district zone into conformance with the amended neighborhood conservation plan.



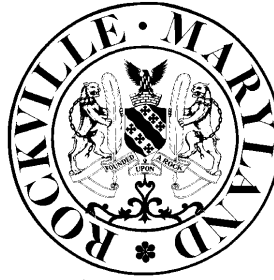
APPROVED AND ADOPTED LINCOLN PARK NEIGHBORHOOD CONSERVATION DISTRICT PLAN

FEBRUARY 26, 2007



CITY OF ROCKVILLE
MARYLAND

LINCOLN PARK NEIGHBORHOOD CONSERVATION DISTRICT PLAN



Mayor and Council of Rockville

Larry Giammo, Mayor
Robert E. Dorsey
Susan R. Hoffmann
Phyllis Marcuccio
Anne M. Robbins

City of Rockville Planning Commission

Kate Ostell, Chair
John Britton
David Hill
Gerald Holtz
Steve Johnson
Sarah Medearis
Robin Wiener

The Lincoln Park Community Preservation Committee

Was constituted as an all-volunteer citizen's committee to study and recommend a method to preserve the neighborhood character and history of Lincoln Park

Lucinda Hall, Chair
Hazel Offutt, Vice Chair

Community Committee Participants

Wilma Bell
Ruth Brown
Whitney Coleman
Bessie Corbin
Rev. Rodney Davis, Crusader Church
Louda Eller
Rev. Leon Grant, Mt. Calvary Baptist Church or representative
Fran Hawkins
Maude Kilgo
William Lee
Catina Morris
Beryl McWilliams
Dorothy Prather
Anita Summerour
Mindy Davis Waldron
James Wilburn

Peerless Rockville Representative

Terry Lachin

City of Rockville Staff

Jim Wasilak, Chief of Planning
Judy Christensen, (Former) Preservation Planner
Shelby Spillers, (Former) Preservation Planner

Lincoln Park Community Preservation Meeting Schedule

At the Lincoln Park Community Center

Thursday, October 7, 2004
Thursday, November 4, 2004
Thursday, December 2, 2004
Thursday, January 6, 2005
Thursday, February 3, 2005

Lincoln Park Neighborhood Conservation District Plan and Development Standards

PURPOSE AND INTENT

The purpose of the Lincoln Park Neighborhood Conservation District Standards is to preserve the existing character of the streetscape and community.

The site design of a structure in an area is an essential part of its character. This design includes the streetscape in which the structure is set, setbacks, driveways, walkways, retaining walls and fences, the way a structure sits on its lot in relation to other structures and the street, and other landscaping elements. Certain common characteristics of Lincoln Park and its structures define the character of the community.

Traditionally, residential structures were sited on lots in a way that emphasized a progression of public to private spaces. Streetscapes led to sidewalks; sidewalks led to yards and front walkways, which led to porches and the private spaces within a house. In some instances, fences were used at the edge of the yard to further define these spaces.

Preservation of these progressions is essential to the preservation of the residential character of structures and of Lincoln Park.

Street trees and rear yard trees are also part of the neighborhood character. Front lawns with walkways to an entry door, often with a covered porch, define the sites in Lincoln Park.

The size, height, massing and location, or setbacks from the property lines, of structures on building lots are also character traits of Lincoln Park.

SUMMARY OF LINCOLN PARK COMMUNITY

A historic African American residential neighborhood near the center of Rockville



Community Characteristics

The latest population figures from Census 2000 indicate that the population of the Lincoln Park Neighborhood is 900 persons. Ethnic and racial diversity continues to expand in the neighborhood, although the neighborhood population contains a higher percentage of Black and Hispanic residents than Rockville as a whole. Other statistical information related to housing and land use is also included below. The Census shows a slightly higher than average person per household figure of 2.7, while the City is 2.65. Single-family uses occupy almost 80% of the land area.

There are 329 residences in the 82 acres of Lincoln Park, of which 208 are single-family homes. Most of the homes are small in size, ranging from 900 to 1,500 square feet, while built on relatively large lots of about 10,000 square feet, usually narrow but deep.

1. Neighborhood Characteristics

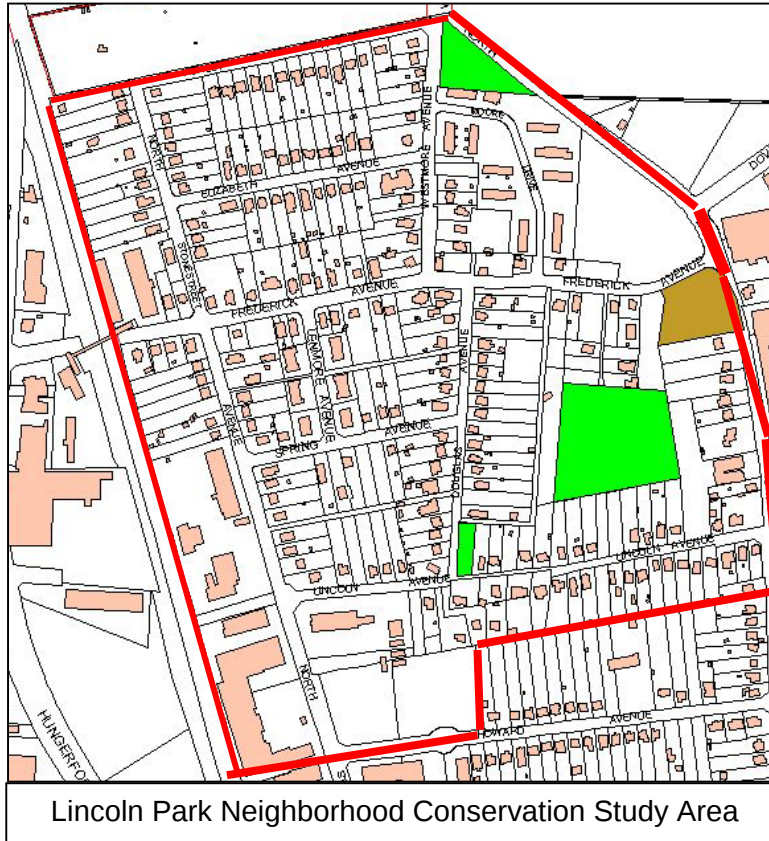
Housing Units 329
 Single-Family Residential units 208
 Attached Units 62
 Apartments (Public) 59
 Average Persons per Household 2.7
 Housing Density (units per acre) 4.0
 Commercial (Retail) 1.4 acres
 Parkland 5.6 acres
 Open Space (Cemetery) 3.3 acres

2. Population Characteristics (Census2000)

White 37 (4%)
 Black 622 (69%)
 Hispanic 195 (22%)
 Asian 15 (1.5%)
 Other 31 (3.5%)



LINCOLN PARK NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT PLAN AND DEVELOPMENT STANDARDS



A character hallmark of Lincoln Park is the long narrow lots, generally 50 feet wide and about two hundred feet deep and arranged in blocks with the narrow end facing the street. This lot configuration was typical in the late 19th Century when property owners depended on wells for water and outhouses or septic drainage fields for toilet and sanitary needs. In addition, most families raised a vegetable garden and kept small livestock and poultry to provide food for the table and for sale. Some owners also had a horse or mule for transportation or labor.

Although Lincoln Park is zoned R-60, which allows 6,000 square foot residential

building lots, the original platted lots range from 10,000 to 12,000 square feet in size. Lot size and shape are characteristics and hallmarks of Lincoln Park and should be retained.

The underlying R-60 zoning allows the principal structure to cover up to 35% of the lot and be a maximum of 35 feet high at the midpoint of the roof slope.

The setbacks for a qualifying undersize R-60 lot, as most Lincoln Park lots are less than 60 feet across the front, is a minimum of seven (7) feet from the side property line, 20 feet from the rear property line, and 25 feet from the front property line. If the lot is 60 feet at the front, the side setback is a minimum of eight (8) feet.

The standard or qualifying undersize R-60 zoning would permit a two-story house in excess of 7,000 square feet on a 10,000 square foot lot without counting attic or basement living space. The average size of an existing house in Lincoln Park is 1,200 to 1,500 square feet.

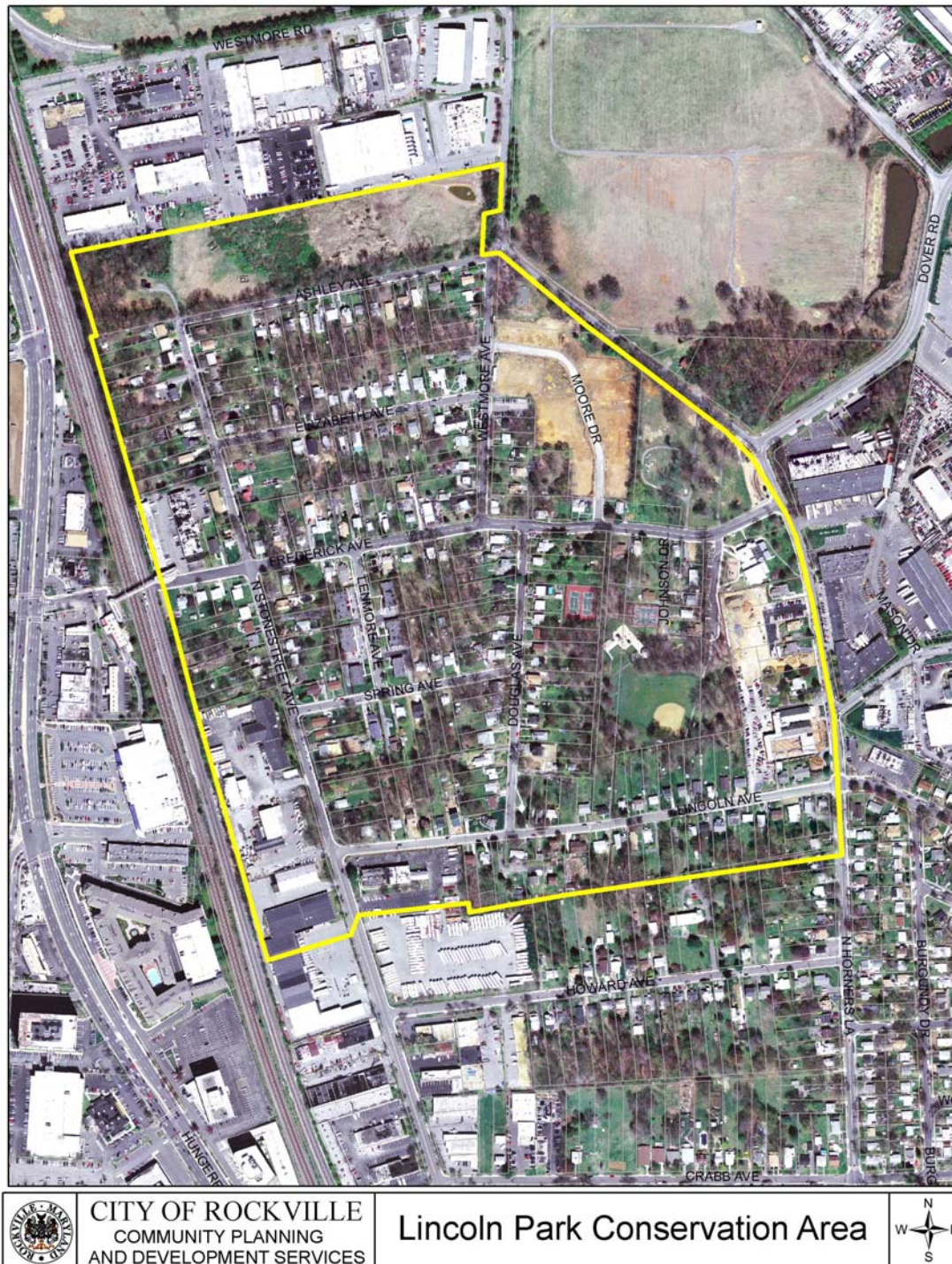
New construction or additions should be designed so that the building height, scale, massing, volume, directional emphasis, setback, materials and façade designs reflect the character and architectural context established by the community and surrounding structures. It should not conflict with or have an adverse impact upon the character of the streetscape and community character.

Infill construction should be designed to be compatible with the average height and width of surrounding buildings.

BOUNDARIES OF THE LINCOLN PARK CONSERVATION DISTRICT

The Lincoln Park conservation district is intended to preserve the character of existing streetscapes and houses. Therefore, the conservation district includes the Montgomery County Board of Education property on North Stonestreet Avenue and the former Lincoln High School, the property adjacent to Lincoln Park known as the WINX property, and the property formerly known as Lincoln Terrace and now known as Legacy at Lincoln Park. Development plans for these areas will be evaluated for compatibility by the City of Rockville Planning Commission as recommended in the approved and adopted Lincoln Park Neighborhood Plan.

See attached map of included areas on next page.



DEVELOPMENT STANDARDS

LOTS:

- Assemblage of separate lots for new development is not permitted.
- Resubdivision of existing original lots is not permitted.
- Pipestem lots are not permitted.

STANDARDS FOR NEW CONSTRUCTION:

- New construction or additions must conform to all other applicable building code and safety regulations of the City of Rockville as well as the Lincoln Park Neighborhood Conservation District Standards. A City of Rockville building permit is required for all construction.
- The lot coverage will be 25% of the maximum square footage of smallest new lot size permitted, 6,000 square feet. This allows 1,500 square feet of combined lot coverage, which would include the house footprint and any detached accessory structures such as a garage or garden shed. The lot coverage includes the total of all roofed structures including garages and sheds.
- The maximum actual height of new construction, a building or addition, is 25 feet from the grade to the ridgeline. A 29-foot height may be permitted for designs using a graduated 45-degree line of sight slope from the front property line to the highest point of the new construction. A front porch or a substantial portico to visually separate the stories on the front elevation wall would satisfy this requirement.



Newer one-story houses and older two-story house on North Stonestreet Avenue.



The new house at the left is an actual 29 feet in height. Lot coverage is 1,482 square feet, below the allowed lot coverage under the new standards. The 29 foot height would have been permitted and more compatible with the streetscape using a 45-degree slope height transition such as a front porch.

- New buildings should follow prevailing irregular setback patterns and not line up in a row. A two to five foot deviation from an adjacent structures' front setback is recommended. The minimum front setback is 25 feet.
- Infill new house construction should be designed so that the organization of the street-facing façades closely relates to any surrounding buildings.
- Additions should be constructed on the rear of the building or on a side, which ever has less impact on the character of the structure and streetscape.
- Roof heights of new additions should not dominate original rooflines. A graduated 45% line of sight slope from the front property line to the highest point of the addition may be acceptable with an appropriate design.
- Materials and design elements for new construction or additions should be selected that are sympathetic with surrounding historic buildings in the district.
- Mechanical systems should be incorporated into new construction in an inconspicuous manner.
- Churches and institutional uses located within the conservation district do not have separate standards for development but must comply with the regulations of the underlying zones and other applicable standards of the Zoning Ordinance.

LOT COVERAGE STANDARD FOR ADDITIONS TO EXISTING ONESTORY HOMES

The majority of single family houses in Lincoln Park are one-story dwellings, 1,200 square feet in lot coverage or less excluding any attic or basement space. The lot coverage proposed for new construction is 1,500 square feet, or 25% of the allowable smallest lot (6,000 square feet.) This does not address the needs of one-story houses built upon slabs or without basements due to the high water table in Lincoln Park. Many of these structures cannot accommodate a second story as built and will need to expand beyond the 1,500 square feet of lot coverage to gain space and amenities, or demolish and build a new house. Staff proposes the following as an incentive to preserve the existing housing stock and character:

- If existing one-story house is retained, an addition to bring total lot coverage up to 35% of the smallest lot size available or to 2,100 square feet is permitted. However, the total of the addition cannot exceed the present total square footage of the house without obtaining a new single family dwelling permit.

STREETS:

Streets were platted within the subdivisions as a rough north-south-east-west grid. Lincoln, Frederick, Spring, Elizabeth, and Ashley are east-west aligned. Douglass, Westmore, Stonestreet (Biltmore) and Horners Lane are north-south aligned. Horners Lane varies in direction, but existed prior to the platting of Lincoln Park only to the intersection of Parklawn Drive. Moore Drive was created in the late 1950's on a non-platted parcel to service an apartment complex, Lincoln Terrace. Johnson Drive is a private lane created before the present zoning code was adopted. Lenmore was created to serve the Lenmore Apartments and is not an original platted street. These existing later streets are grandfathered in, but additional streets should not be added. The original street grid is a character feature of Lincoln Park and should be preserved.

- New streets and private access driveways that function as streets are not permitted within the existing residential platted subdivisions. New streets in character with the community are permitted within redevelopment areas.
- Cul de sacs accessing structures set back from the main roads are not permitted.

APPEAL OF CONSERVATION DISTRICT STANDARDS:

Requests for a variance from the Lincoln Park Conservation District Standards would be processed by the City of Rockville Board of Appeals.

DEMOLITION:

Demolition of any structure 50 years old or older in any part of Rockville is evaluated for historic, architectural, archaeological, or cultural significance by the Historic Preservation staff and the Historic District Commission and may be recommended as eligible for designation as a single site historic district to the Planning Commission and Mayor and Council. The Mayor and Council may hold a separate public hearing and make the final decision. Historic Designation may result in denial of the demolition application.

Examples of new houses in Lincoln Park that meet the proposed height and lot coverage standards:



325 Lincoln Avenue

325 Lincoln Avenue

- 1-1/2 stories. Less than 25 feet high
- 1,120 square foot lot coverage excluding porch
- Full basement
- Substantial portico
- Total square footage: 2,660 SF with basement
- No garage

211 Lincoln Avenue

- 1-1/2 stories
- Less than 25 feet high
- 1,050 square foot lot coverage
- No basement
- Visual separation between stories on front elevation
- Total square footage: 2,100 SF
- No garage



211 Lincoln Avenue