

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 14, "Special Zones" as follows:

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.