Attachment A

Ordinance No. ____

ORDINANCE: To grant Text Amendment Application No. TXT2010-00225, Mayor and Council of Rockville, Applicant

WHEREAS, the Mayor and Council of Rockville, 111 Maryland Avenue, Rockville, Maryland, 20850, filed Text Amendment Application TXT2010-00225 for the purpose of amending various sections so as to make revisions to Chapter 25 of the Rockville City Code entitled, "Zoning Ordinance" adopted December 15, 2008 and effective March 16, 2009; and

WHEREAS, the Planning Commission reviewed the proposed text amendment at its meeting of May 12, 2010, and recommended approval of the application, with certain modifications, as set forth in a memorandum to the Mayor and Council dated May 17, 2010; and

WHEREAS, pursuant to Article 66B of the Annotated Code of Maryland, the Mayor and Council of Rockville gave notice that a hearing on said application would be held by the Mayor and Council at the Lincoln Park Community Center on June 7, 2010, at 7:00 p.m., or as soon thereafter as it may be heard; and

WHEREAS, on June 7, 2010, said application came on for hearing at the time and place provided for in said advertisement; and

WHEREAS, the Mayor and Council having considered the text amendment application and the entire file pertaining thereto, said Mayor and Council having decided that the granting of this application, as amended, in the form set forth below, would promote the health, safety and welfare of the citizens of the City of Rockville.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that Text Amendment Application No. TXT2010-00225, be, and the same is hereby, granted, as amended, by amending various sections of Chapter 25, "Zoning Ordinance" as follows:

SECTION 1. That Chapter 25 of the Rockville City Code entitled, "Zoning Ordinance" be amended by amending Section 25.03.02 entitled "Words and Terms Defined" to amend the definition of "Lot, Buildable" as follows:

* * *

Lot - A parcel or quantity of land. Lots include the following:

1. *Lot, Buildable* – Any record lot [meeting the minimum lot area and frontage requirements of the zone in which it is located] <u>except for lots created prior to August 3, 1932 in a Single Dwelling Unit Residential Zone that contain less than 4,000 square feet in area or are less than 35 feet wide at the building line.</u>

* * *

SECTION 2. That Chapter 25 of the Rockville City Code entitled, "Zoning Ordinance" be amended by amending Section 25.09.05 entitled "Setback Encroachments" as follows:

Sect. 25.09.05. Setback Encroachments.

* * *

2. *Fences*

(a) *Fences – Residential Zones* – Fences are subject to the following limitations in residential zones:

i. *Dangerous Fences Prohibited* - Fences on residential properties must comply with the provisions of Chapter 5, *Buildings and Building Regulations* of this Code regarding fences.

ii. *Development Standards*

A. *Side and Rear Yards* – A fence not exceeding eight (8) feet in height is permitted in the side or rear yard of any lot.

B. *Front Yard* – A fence not exceeding four (4) feet in height is permitted in the front yard, except as provided below.

* * *

v. *Fences in Planned Development Zones* – In a Planned Development Zone approved prior to January 1, 1975, fences up to six (6) feet tall may be approved to replace an existing fence or where the location of the fence is approved by the homeowner's association.

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SECTION 3. That Chapter 25 of the Rockville City Code entitled, "Zoning Ordinance" be amended by amending Article 10 "Single Dwelling Unit Residential Zones," Section 25.10.05 entitled "Development Standards" as follows:

Article 10. Single Dwelling Unit Residential Zones

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a. Table of Development Standards

Zone	Minimum Lot Dimensions			Building Envelope Requirements						Lot Coverage		Additional Regulations
				Minimum Setbacks					Max. Height	Max. Lot Coverage (All main and accessory buildings) (See Sec. 25.10.05.b)	Maximum Impervious Surface in Front Yard[1]	
				Front		Side		Rear				
	Area	Width at Front Setback Line	Width at Front Lot Line	Standard	Where established setback exceeds standard (See Sec. 25.10.05.e.2)	Where street abuts	Where land abuts					
R-400	40,000 sq ft	150'	[N/A]25'	50'	Est. setback up to 100'	30'	20'	50'	40'	15%	10%	
R-200	20,000 sq ft.	100'	[N/A]25'	35'	Est. setback up to 100'	25'	13'	35'	40'[2]	25%	20%	
R-150	15,000 sq ft	90'	[N/A]25'	35'	Est. setback up to 60'	30'	13'	30'	40'	25%	25%	
R-90	9,000 sq ft	80'	[N/A]25'	30'	Est. setback up to 60'	20'	11'	25'	35'	25%	30%	See Sec. 25.10.09 fc limitations on buildi height in R-60, R-75 R-90 zones
R-75	7,500 sq ft	70'	40'	25'	Est. setback up to 50'	20'	9'	20'	35'	35%	35%	
R-60	6,000 sq ft	60'	35'	25'	Est. setback up to 50'	20'	8'	20'	35'	35%	40%	
R-60 qualifying undersized lots	5,000 sq ft	50'	35'	25'	Est. setback up to 50'	20'	7'	20'	35'	35%	40%	See Sec. 25.08.03
R-40	4,000 sq. ft.	40'	25'	25'	Est. setback up to 50'	25'	10'	20'	35'	40%	45%	Single unit detache dwellings: R-60 standards in lieu of F 40 standards
Lincoln Park Conservation District	6,000 sq ft	60'	35'	25'	Est. setback up to 50'	20'	8'	20'	25'	1,500 square feet	40%	See Sec. 25.14.03

* * *

SECTION 4. That Chapter 25 of the Rockville City Code entitled, "Zoning Ordinance" be amended by amending Article 13, "Mixed Use Zones," Section 25.13.05 entitled "Development Standards" as follows:

Article 13. Mixed Use Zones

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b. Development Standards

1. The following table sets forth the development standards for each of the Mixed-Use Zones:

Zone	Maximum Height (in feet)[2]	Minimum width at front lot line (in feet)	Public Use Space (min. %)	Setbacks					Special Regulations
				Public Right-of-way Abutting	Side		Rear		
					Residential Land Abutting	Non-residential Land Abutting[1]	Residential Land Abutting	Non-residential Land Abutting	
MXTD	120	10'	20	None	25' or height of building, whichever is greater	None. 10' min. if provided	25' or height of building, whichever is greater	None. 10' min. if provided	See Secs. 25.13.05.b.2(a) and 25.13.05.b.2(d)
MXCD	75	10'	20	None	25' or height of building, whichever is greater	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	See Secs. 25.13.05.b.2(b) and 25.13.05.b.2(d)
MXE	120	10'	20	None required. 10' min. if provided	25' or ½ height of building, whichever is greater	None required. 10' min. if provided	25' or ½ height of building, whichever is greater	None required. 10' min. if provided	See Sec. 25.13.05.b.2(d)
MXB	55	10'	20	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	25' or ½ height of building, whichever is greater	None required. 10' min. if provided	
MXNC	45	10'	20	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	See Sec. 25.13.05.b.2(d)
MXC	30	10'	20	10'	15'	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	
MXT	35	10'	20	10'	10'	None	20'	None required. 10' min. if provided	

[1]***Nonresidential Land Abutting Side Setback*** – This term also includes multi-unit residential uses with a height of 45 feet or greater.

[2] Height is subject to the provisions of Section 25.13.05.b.2, below.

SECTION 5. That Chapter 25 of the Rockville City Code entitled "Zoning Ordinance" be amended by amending Section 25.14.07 entitled "Planned Development Zones," as follows:

Sect. 25.14.07. Planned Development Zones.

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d. *Development Standards*

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3. *Equivalent Zone Development Standards*

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(c) *Street frontage* - Record lots for each dwelling unit, if provided, must front on a public street, private street, or a common open space.

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SECTION 6. That Chapter 25 of the Rockville City Code entitled, "Zoning Ordinance" be amended by amending Section 25.21.03 entitled "Recordation of an Existing Single Unit Detached Dwelling Residential Lot (Property)" as follows:

Sect. 25.21.03. Recordation of an Existing Single Unit Detached Dwelling Residential Lot (Property).

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b. *Required Criteria* – The Planning Commission must approve a plat, only when one or more of the following conditions are met and the plat has frontage as required in the zone or public access to a public street:

1. The property being platted is a deeded lot that has existed in the same configuration since at least October, 1957;

2. The property being platted is a multiple-lot property that required a minimum of two (2) lots for development at the time the substandard lots were created and the plat seeks to consolidate the lots into a single record lot; or

3. The property being platted is a multiple-lot property that contains an existing house that straddles the common lot line and the plat seeks to consolidate the property into a single record lot.

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SECTION 7. That Chapter 25 of the Rockville City Code entitled, "Zoning Ordinance" be amended by amending Article 21, "Plats and Subdivision Regulations," Section 25.21.07 entitled "Waivers; Modifications" as follows:

Article 21. Plats and Subdivision Regulations

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Sect. 25.21.07 Waivers; Modifications

a. *Application* - Where a subdivider desires a waiver from, or modification to, any provision of this [Article] Chapter, an application must be submitted to the Planning Commission with a statement of reasons for such request and such information as may reasonably be required by the Planning Commission.

b. *Findings* – If the Planning Commission finds that undue hardship will result from strict compliance with any requirement of this [Article] Chapter, it may grant a waiver or modification from such requirement so that substantial justice may be done if the public health, safety, aesthetics, [morals,] or general welfare will not be impaired and the waiver will not be contrary to the intent and purpose of the Plan or this Chapter.

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NOTE: [Brackets] indicate material deleted
Underlining indicates material added
Asterisks * * * indicate material unchanged by this ordinance

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I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of

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Claire F. Funkhouser, CMC, City Clerk