

Ordinance No. \_\_\_\_\_ ORDINANCE: To amend Chapter 21 of the Rockville City Code, entitled “Street and Public Improvements” by amending Article II, entitled, “Road Construction, Excavations and Maintenance,” Division 1 entitled, “Generally,” Section 21-16, entitled, “Definitions,” to add definitions of Business District Road - Class I and Business District Road – Class II; by amending Article II, entitled, “Road Construction, Excavations and Maintenance,” Division 1 entitled, “Generally,” Section 21-20 entitled, “Waivers,” to provide clarification that there are certain waivers that may be approved by the Director of Public Works for business district roads, pursuant to Section 21-60; and by amending Article II, entitled “Road Construction, Excavations and Maintenance,” Division III entitled, “Classification and Minimum Requirements,” Section 21-60 entitled, “Business District Roads,” to create Class I and Class II Business District Roads, to amend the width of business district roads based on class, to amend the construction standards and specifications, and to provide certain waivers that may be approved by the Director of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND that Chapter 21 of the Rockville City Code, entitled “Streets and Public Improvements” be amended to read as follows:

**CHAPTER 21. STREET AND PUBLIC IMPROVEMENTS**

**Article II. Road Construction, Excavations and Maintenance**

**Division 1. Generally**

**Sec. 21-16. Definitions**

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Business District Road – Class I refers to any road (other than an arterial road) which lies within or is contiguous to any area which has been approved for any class of commercial or mixed use consisting of two (2) or more lanes in each direction and may be divided by a median.

Business District Road – Class II refers to any road which lies within or is contiguous to any area which has been approved for any class of commercial or mixed use that is a single lane in each direction, undivided or not separated by a median.

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### **Sec. 21-20. Waivers**

(a) \*\*\*

(b) \*\*\*

(c) Upon applying for a permit under this article any person may file a written request for a waiver of any requirement of this article for sidewalks, rights-of-way and paving widths, grade percentages, drainage structures and curbs and gutters. Except as provided in Section 21-60, [T]the City Manager may expressly approve any requested waiver as to any one (1) or a combination of the above items where he finds that it is in the public interest that the waiver be granted. Upon approving the waiver, the City Manager shall submit a written report to the Council of his actions, and the reasons therefor at its next meeting. Such approval shall be subject to final approval by resolution of the Council in open session. Any person feeling aggrieved by the failure or refusal of the City Manager to approve a waiver may appeal from such action by filing a request in writing with the Council to review the request for a waiver and to grant same. Upon receipt of the written notice of appeal, the City Clerk shall set a time and place for a hearing on the matter at the earliest practicable date. After the hearing the Council shall by formal resolution adopted at an open meeting of the Council grant or reject the request for a waiver. In granting a waiver the City Manager and the Council shall be guided by the general purposes and intent of this article, and shall require that the work be done in accordance with sound engineering principles, with due regard to present and future circumstances and conditions affecting the public safety of the inhabitants of the City and with due regard to minimizing the future maintenance expenditures by the City. It is, however, the intent of the Council in enacting this article that the requirements thereof shall not impose undue economic hardship upon individuals and persons proposing to install facilities designed principally to provide service for individual as opposed to present or future general public needs.

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### **Division 3. Permits**

#### **Sec. 21-60. Business District Roads**

(a) Width.

(1) [Width. The right-of-way shall be at least seventy (70) feet wide unless prior to May 25, 1955, a dedication plat has been duly recorded among the land records of the County which established a right-of-way less than seventy (70) feet for a particular road, in which case the width of the right-of-way on such plat shall control. Paving shall be at least forty-eight (48) feet wide;] Unless prior to (date of approval by Mayor and Council), right-of-way has been dedicated to public use and has been recorded among the land records of the County, the right-of-way for newly constructed roads shall meet the standards as contained herein.

a. Business District Road – Class I: The right-of-way shall be a minimum of ninety-four (94) feet wide. The pavement will consist of two (2) sections each a minimum of twenty-seven (27) feet wide and may be separated by a median. When a median is not practicable (as determined by the Director), the minimum right-of-way width shall be eight-eight (88) feet. Each twenty-seven (27) foot section shall include a bicycle lane.

b. Business District Road – Class II: The right-of-way shall be a minimum of seventy-two (72) feet wide. The pavement will be a minimum of thirty-eight (38) feet wide.

(2) All business district roads will include buffers and sidewalks. The buffer shall be a minimum of seven (7) feet wide and the sidewalk shall be a minimum of ten (10) feet wide. The sidewalk width may be reduced by two (2) feet on both sides of the roadway where buildings are not placed at the property line. In its place, two (2) foot easements shall be provided.

[(2) Construction. The entire right-of-way shall be graded and there shall be installed paving, drainage structures, curbs and gutters and sidewalks;]

(b) Construction Standards and Specifications. The entire right-of-way shall be graded and shall include paving, storm drainage systems, curbs and gutters, buffers, and sidewalks. The buffer shall be located between the back line of the curb and the inside edge of the sidewalk. The sidewalk shall be installed from the property line to the outside of the buffer. If approved by the Director, where buildings are positioned at or near the property line, dry utilities may be located within the right-of-way under the sidewalk or in locations that do not create conflicts with other utilities. Otherwise, dry utilities shall be located in an easement pursuant to Article 17 of Chapter 25, as amended. When redevelopment and/or public projects occur within the City, existing business district roads are to be reconstructed to bring them to these standards to the maximum extent practicable within the right-of-way, when additional right-of-way or easements cannot be obtained.

[(3) Standards and specifications.

- a. Grading. All grading shall be done in accordance with plans and profiles approved by the Engineer and shall comply with City standards and specifications;
- b. Drainage Structures. See section 21-28;
- c. Paving. Paving shall be of the required width and in accordance with City standards and specifications;
- d. Curbs and Gutters. Curbs and gutters shall be built in accordance with City standards and specifications;
- e. Sidewalks. Sidewalks shall be built from the property line to the back line of the curb and in accordance with City standards and specifications.]

(c) Waivers. Waivers for right-of-way and/or pavement width requirements for business district roads as provided herein shall be approved or denied by the Director. All other waivers of this article shall be made pursuant to Section 21-20, as amended. The Director may approve a waiver from the required right-of-way and/or pavement width requirements, if any of the following are requested as part of a permit application:

- (1) Wide lanes for vehicular movements at access points, and/or immediately adjacent to parking lands on Class II roads;
- (2) The addition of bicycle sharing systems;
- (3) The addition of turn bays at intersections;
- (4) The addition of parking lanes within the paved section of Class I roads;
- (5) The addition of bicycle facilities on Class II roads as required in accordance with the Bikeway Master Plan. Where right-of-way constraints are present, parking lanes may be replaced with bicycle facilities along Class II roads;
- (6) The addition of stormwater management systems other than standard storm drainage systems.

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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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 Douglass Barber, City Clerk