MAYOR AND COUNCIL AGENDA

NO. 9 DEPT.: Community Planning and Development Services DATE: December 28, 2004
Contact: Jim Wasilak, Chief of Long Range Planning

ACTION: Public Hearing on Text Amendment Application TXT2004-00215, Mayor and Council of Rockville, applicant

Zoning Text Amendment to Amend the Zoning Ordinance per Recommendations in the Town Center Master Plan.

ACTION STATUS:

FOR THE MEETING OF: 1/10/05
INTRODUCED
PUB. HEARING
INSTRUCTIONS
APPROVED
EFFECTIVE
ROCKVILLE CITY CODE,
CHAPTER
SECTION
☐ CONSENT AGENDA

RECOMMENDATION: Hold the public hearing, and hold the record open for three weeks until 5:00 p.m. on January 31, 2005.

IMPACT: ☒ Environmental ☒ Fiscal ☒ Neighborhood ☐ Other:
The adoption of the Text Amendment will allow for further implementation of the vision and recommendations contained in the Town Center Master Plan.

BACKGROUND:

This application is a Zoning Text Amendment that is intended to implement recommendations of the Town Center Master Plan, adopted by the Mayor and Council on October 22, 2001. Changes to the optional method of development have not been made, except for consistency in language concerns, pending additional discussions.

The Text Amendment as proposed would allow the renaming of the Town Center zones from TCO-1, TCO-2, TCM-1 and TCM-2 to TC-1, TC-2, TC-3 and TC-4 respectively. Other changes include:

Currently, reductions of up to 30 percent from the required amount of nonresidential parking spaces may be granted by the Planning Commission, in the TCO-1, TCO-2, TCM-1 and TCM-2 Zones. A tiered system of reductions, assigning a portion of the total percentage to each individual criterion, is now proposed, as follows:

-For projects within 1,500 feet of the entrance to the Rockville Metro station – up to 10 %
-For projects with common patrons or onsite users within the building or buildings, or there are non-overlapping peak parking needs among the uses on the site – up to 10 %

-For projects with a parking management plan, approved by the relevant approval authority, that incorporates car and van pooling, or public or private transit – up to 10 %

For projects that request more than a 30 percent reduction and up to 40 percent, which would continue to be granted only by the Mayor and Council, the applicant would be required to provide a Transportation Demand Management (TDM) Plan with the specific goal of reducing the parking demand for the project. Monitoring of the effectiveness would be required as part of any agreement.

Another aspect related to the measurement of height in Town Center is that, for the TCM-2 Zone, heights are measured from the 448 elevation. That elevation is above grade level of the majority of the land area in the TCM-2 Zone, and is equivalent to the elevation of the main level of the 255 Rockville Pike and 51 Monroe Street buildings, and the promenade in between them. Since the recommended development pattern has changed since this was instituted in order to promote street-level activity, there is not a compelling reason to retain this requirement, and is recommended for deletion. Existing approvals in the TCM-2 Zone (Rockville Center and Rockville Metro Plaza) accounted for measuring the height of those projects from the 448 level, and existing approvals would continued to be measured from the 448 level.

The Town Center Plan recommended more flexibility in the mix of uses in the Town Center zones. This primarily relates to the TCO-1 (new TC-1) zone, as the other three TC zones allow some uses that are not permitted in the TCO-1. Some of these include the retailing of alcoholic beverages for consumption off-premises, household appliances and sporting goods, auctioneer and commercial gallery, taverns and nightclubs, automobile rental, retailing of office furniture, libraries, museums and art galleries, indoor entertainment facilities, and hotels. Many of these uses may be desirable in the new TC-1 Zone, and would contribute to the redevelopment of Town Center.

An issue that arose in the Rockville Town Square project is the requirement that all loading spaces in the TCM-2 Zone be located underground or in a building. While this is desirable in most cases, there may be instances when the requirement cannot be fully met. This requirement should be extended to the new TC-3 Zone as well, which contains the bulk of the redevelopable land in Town Center. To provide some flexibility, a waiver of this requirement for good cause shown, is included.

Based on a review of developable parcels in the TC zones, staff recommends a reduction in the minimum lot size from 20,000 square feet to 15,000 square feet. Particularly in the TC-1 Zone, this could allow some small parcels to redevelop at an appropriate scale without the impediment of obtaining a variance for minimum lot size.

PREPARED BY:

R. James Wasilak

R. James Wasilak, AICP, Chief of Long Range Planning

APPROVE:

Arthur D. Chambers, AICP, Director — Date 12/20/04

Scott Ullery, City Manager — Date 1/01/05

LIST OF ATTACHMENTS:

1. Planning Commission Recommendation
2. Staff Report

Attachment 1

City of Rockville

MEMORANDUM

November 22, 2004

TO: Mayor and Council

FROM: Planning Commission - Members Present: Commissioners Britton, Hilton, Johnson, Mullican, Ostell and Wiener

SUBJECT: Map Amendment Application MAP2004-00091, Text Amendment TXT2004-00215, Mayor and Council of Rockville

The Planning Commission considered this application at its November 3, 2004 meeting. The application is a Sectional Map Amendment that will either modify or confirm the zoning on property in the Town Center Planning Area. Certain properties will be rezoned per recommendations in the Town Center Master Plan and subsequent discussions at Mayor and Council worksessions. The accompanying text amendment establishes the new zones, and makes various modifications to requirements in the Town Center Planning Area.

Two members of the public addressed the Commission regarding this matter. Rev. Wood of Jerusalem Methodist Episcopal Church supported the application, as its recommendation to rezone the church's properties to the O-2 Zone would be beneficial to the future of the church. The church's property consists of several parcels in three different zones. Rezoning the existing parcels to be in the same zone, which would make property assembly simpler. Although the O-2 Zone prohibits property assembly for the purposes of combining lots, the text amendment provides an exception for existing churches with combined property of less than 40,000 square feet.

Patrick Attridge, the owner of 39 West Montgomery Avenue that is proposed for rezoning from the O-2 to the C-T Zone, addressed the Commission. He spoke in favor of leaving the property in the O-2 Zone, or of placing the portion of the property containing the former residence in the C-T Zone, as had previously been recommended, but would prefer the remainder of the property that is buildable to remain in the O-2 Zone. This would potentially allow another office structure to be built on the site at a residential scale. Rezoning the property to C-T would not allow future subdivision. He represented that he is considering an ownership plat for the property, which

would establish a line for ownership purposes, and potentially this could be the zone boundary as well.

Commission members supported the staff recommendation on both the Map and Text Amendments, and included the recommendation that the property at 39 West Montgomery Avenue be split-zoned between the O-2 and C-T Zone. The Commission then voted unanimously to recommend approval of the applications, along with the recommendation for split zoning on the 39 West Montgomery Avenue property.

/rjw
cc: Planning Commission

Attachment 2

CITY OF ROCKVILLE LONG RANGE PLANNING DIVISION
STAFF REPORT

October 27, 2004

SUBJECT:

Text Amendment Application TXT2004-00215

Applicant: Mayor and Council of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Planning Commission Review Date: November 3, 2004
Mayor and Council Public Hearing: December 6, 2004

REQUEST:

This application is a Zoning Text Amendment that is intended to implement many of the recommendations of the Town Center Master Plan. Sectional Map Amendments are defined by Section 25-116 of the Zoning Ordinance as covering a section of the City, portions of which may be classified in different zones.

BACKGROUND:

The Mayor and Council adopted the Town Center Master Plan on October 22, 2001. Within that document, several recommended changes to the Zoning Text were included in order for the Plan's recommendations to be realized. The processing and adoption of a Zoning Text Amendment application will implement these recommendations. Changes to the optional method of development have not been made, except for consistency in language concerns, pending additional discussions.

DISCUSSION:

The Text Amendment as proposed would create the renaming of the Town Center zones from TCO-1, TCO-2, TCM-1 and TCM-2 to TC-1, TC-2, TC-3 and TC-4 respectively, which was a recommendation of the Town Center Master Plan. In addition to changes to the purpose and intent of the section, and to certain recommendations in the Town Center Master Plan, the following key issues are addressed:

<u>Parking reductions in the Town Center zones</u>

Currently, reductions of up to 30 percent from the required amount of nonresidential parking spaces may be granted by the Planning Commission, or other approving body as appropriate, in the TCO-1, TCO-2, TCM-1 and TCM-2 Zones. These are granted as part of the Use Permit

approval. The parking reduction must meet one of the following criteria: 1) there are common patrons or onsite users within the building or buildings, or there are non-overlapping peak parking needs among the uses on the site; 2) a major point of pedestrian access is within 1,500 feet of the Rockville Metro station; or 3) a parking management plan, approved by the relevant approval authority, that incorporates car and van pooling, or public or private transit. The Mayor and Council may authorize an additional 10 percent reduction, for a total of forty percent.

The Mayor and Council agreed to a tiered system of reductions, assigning a portion of the total percentage to each individual criterion. The Mayor and Council agreed that there should be some type of enforcement mechanism that would ensures that parking reductions are not abused, or whether the reductions are effective. Staff recommends the following adjustments to the potential parking reductions in the TC zones.

-For projects within 1,500 feet of the entrance to the Rockville Metro station – up to 10 %

-For projects with common patrons or onsite users within the building or buildings, or there are non-overlapping peak parking needs among the uses on the site – up to 10 %

-For projects with a parking management plan, approved by the relevant approval authority, that incorporates car and van pooling, or public or private transit – up to 10 %

For projects that request more than a 30 percent reduction and up to 40 percent, which would continue to be granted only by the Mayor and Council, the applicant would be required to provide a Transportation Demand Management (TMD) Plan with the specific goal of reducing the parking demand for the project. Monitoring of the effectiveness would be required as part of any agreement.

Limits and measurement of height

The Plan also recommended that ground floor retail floor area not count toward the maximum FAR limitations and that the maximum height limitation be measured starting from the second floor or 16 feet above the street level, whichever is lower. This potentially results in effective height limits of 116 feet under the Optional Method in TC-3 (former TCM-1). Based on Mayor and Council discussions, this has not been included in the text amendment.

Another aspect related to the measurement of height in Town Center is that, for the TCM-2 Zone, heights are measured from the 448 elevation. That elevation is above grade level of the land area in the TCM-2 Zone, and is equivalent to the elevation of the main level of the 255 Rockville Pike and 51 Monroe Street buildings, and the promenade in between them. This requirement derives from the original concept for the redevelopment of Town Center after urban renewal, in which buildings were built on elevated platforms connected by pedestrian bridges and connections, rather than having street frontage. The Mayor and Council agreed that, since the recommended development pattern has changed since this was instituted in order to promote street-level activity, there is not a compelling reason to retain this requirement. The recommended text amendment deletes this provision. It should be noted that the existing approvals in the TCM-2

Zone (Rockville Center and Rockville Metro Plaza) accounted for measuring the height of those projects from the 448 level, so there may be reduction in height for future phases.

Permitted Uses

A recommendation in the Town Center Master Plan was to allow more flexibility in the mix of uses in the Town Center zones. This primarily relates to the TCO-1 (new TC-1) zone, in that the other three TC zones allow some uses that are not permitted in the TCO-1. Some of these include the retailing of alcoholic beverages for consumption off-premises, household appliances and sporting goods, auctioneer and commercial gallery, taverns and nightclubs, automobile rental, retailing of office furniture, libraries, museums and art galleries, private clubs and social halls, indoor entertainment facilities, and hotels. Many of these uses may be desirable in the new TC-1 Zone, and would contribute to the redevelopment of Town Center. The Mayor and Council generally agreed that these uses should be included in the TC-1 Zone, and have been incorporated in the text amendment.

Loading Spaces

One issue that has arisen in the Rockville Town Square project is the requirement that all loading spaces be located underground or in a building, in the TCM-2 Zone. While this is desirable in most cases, there may be instances when the requirement cannot be fully met. Staff suggests that this requirement perhaps be extended to the new TC-3 Zone as well, which contains the bulk of the redevelopable land in Town Center. To provide some flexibility, a provision that allows a waiver of this requirement for good cause shown, may be appropriate.

Minimum Lot Size

Based on a review of developable parcels in the TC zones, staff has recommended a reduction in the minimum lot size from 20,000 square feet to 15,000 square feet. Particularly in the TC-1 Zone, this could allow some small parcels to redevelop at an appropriate scale without the impediment of perhaps obtaining a variance for minimum lot width.

Recommendation

Most of these changes were considered as part of public policy discussions of either a Master Plan or Text Amendment. Staff therefore recommends approval of the application as submitted, for the reasons noted above.

/rjw
Attachments

1. Application Form
2. Proposed Zoning Text
3. Pages from Town Center Master Plan

APPLICATION TO THE CITY OR ROCKVILLE
FOR A TEXT AMENDMENT
TO THE ZONING AND PLANNING ORDINANCE

THIS APPLICATION MUST BE TYPEWRITTEN OR PRINTED AND NOTARIZED AND SUBMITTED IN DUPLICATE TO THE CITY CLERK FOR FILING. ALL ITEMS MUST BE COMPLETED AND THE FILING FEE MUST ACCOMPANY THIS APPLICATION.

DO NOT WRITE IN THIS SPACE

Mayor and Council of Rockville
Name of Applicant

Application No. TXT2004-00215

Filing Date 10/6/04

111 Maryland Avenue
Address

Filing Fee

Public Hearing Date 11/1/04

Rockville, Maryland 20850

Decision/Date

Telephone Number
240-314-5000

APPLICATION IS HEREBY MADE WITH THE ROCKVILLE MAYOR AND COUNCIL FOR APPROVAL OF A CHANGE IN THE TEXT OF THE ZONING AND PLANNING ORDINANCE OF ROCKVILLE, MARYLAND.

Page _____ Article _____ Section _____

FROM: Which reads as follows:

(SEE ATTACHED)

TO: Read as follows:

By: _____
Signature of Applicant

Subscribed and sworn before me this _____ day of _____, 19_____

My Commission Expires: _____ _____
Notary Public

Town Center Text Amendment
November 3, 2004

Sec. 25-120. Same--Limitation on amendments relative to certain zones.
(a) R-20, R-60, R-H, TC-1, TC-2. TC-3, TC-4 ~~TCO-1, TCO-2, TCM-1, TCM-2~~ and RPR Zones. The City Clerk shall not accept for filing any application for a local amendment to the zoning map for the reclassification of the whole or part of any land to the R-20, R-60, R-H, TC-1, TC-2. TC-3, TC-4 ~~TCO-1, TCO-2, TCM-1, TCM-2~~ and RPR Zones.

Sec. 25-271. Zoning districts established.
(a) For the purpose of this chapter, the City is divided into the following zones:

R-E Residential Estate;

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~~TCO-1~~TC-1 Town Center ~~Office~~--One (1);

~~TCO-2~~TC-2 Town Center ~~Office~~--Two (2);

~~TCM-1~~TC-3 Town Center ~~Mixed Use~~ --Three (3) ~~One (1)~~;

~~TCM-2~~TC-4 Town Center ~~Mixed Use~~ --Four (4) ~~Two (2)~~;

RPC Rockville Pike Commercial;

RPR Rockville Pike Residential.

Sec. 25-272. Purposes of zones.

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(k) TC-1~~TCO-1~~ Zone. The purpose of the TC-1~~TCO-1~~ Zone is to provide for mixed-use developments, containing office, commercial and multifamily residential uses ~~office space, with convenience retail uses~~ within the Town Center Planning Area ~~Performance District~~. It is also a transition between high density mixed ~~commercial~~ uses in the Town Center and low density, residential scaled office uses and residences adjacent to the Town Center.
(l) TC-2~~TCO-2~~ Zone. The purpose of the TC-2~~TCO-2~~ Zone is to provide for mixed use developments, containing office, commercial and multifamily uses ~~office space for private, quasi-public, and public uses with~~ in the Town Center Performance District.
(m) TC-3~~TCM-1 Zone~~. The purpose of the TC-3~~TCM-1~~ Zone is to provide for mixed-use developments, containing office, commercial and multifamily residential uses in the Town Center Performance District ~~separately or in any combination~~ in accordance with the Plan.

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(n) TC-4 ~~TCM-2~~ Zone. The purpose of the TC-4 ~~TCM-2~~ Zone is to provide for mixed-use developments, containing office, commercial and multifamily residential uses, at the greatest development density within the Town Center Performance District in accordance with the Plan.

Sec. 25-296. Tables of uses.

[In all charts, replace references to TCO-1 with TC-1, TCO-2 with TC-2, TCM-1 with TC-3 and TCM-2 with TC-4]

Commercial Office and Industrial Uses

[All retail sales and personal services uses that are permitted in the TC2, TC3 and TC4 zones will also be permitted in the TC1 Zone.]

a. Retail sales and personal services
17. Restaurant
B. Restaurant, full service or fast food, free standing, no drive through
[Permitted use in TC-1, TC-2 Zones]

Sec. 25-311. Tables of development standards.
[In all charts, replace references to TCO-1 with TC-1, TCO-2 with TC-2, TCM-1 with TC-3 and TCM-2 with TC-4]

III. Development Standards for Town Center Zone

[Change "Minimum Lot Area (Square Feet)" from 20,000 to 15,000]

[Add to notes section]

(7) A sixty foot build-to line on the east side of Hungerford Drive only.
(8) Building height may be measured from the four hundred forty eight (448) foot elevation **for preliminary development plans and use permit applications approved before (effective date of ordinance)**
(11) Additional standards to mitigate....
(12) For properties in the TC-2 Zone, located immediately south of Church Street and east of MD 355, and built prior to July 1, 2001, the maximum height limit shall be 110 feet. [Note for TC-2 Zone]

Sec. 25-315.1 Special development standard for zone area in the O-2 Zone.

The minimum zone area.....is 6,000 square feet. Resubdivision for the purpose of assembling existing lots is not permitted, except for **lots containing an existing** ~~**the purposes of locating a**~~ church, synagogue or house of worship with a **proposed** lot size of 40,000 square feet of less.

ARTICLE XIII. TOWN CENTER PLANNING AREA

DIVISION 1. GENERALLY

Sec. 25-671. Intent.

The objective of this article is to encourage development within the Town Center Planning Area in accordance with the Plan. The regulations contained in this article are intended to:

(1) Provide for a mixed-use, pedestrian-oriented, urban neighborhood environment that is supportive of living, working, shopping and entertainment activities ~~Integrate circulation plans with development;~~

(2) Encourage ~~high rise office with~~ street level retail developments in mixed-use buildings ~~arrangements~~ within the Town Center Planning Area ~~Performance District~~;

(3) Encourage medium to high density residential development within the Town Center Planning Area ~~Performance District~~;

(4) Encourage quality development that ~~and~~ enhances the City's position as a unique, high amenity destination ~~economic base~~;

(5) Emphasize excellence in urban design and improvement in the Town Center's ~~overall City~~ appearance to define the character of the Town Center;

(6) Protect stable residential areas adjoining the Town Center Planning Area ~~Performance District~~ from non-residential encroachment;

~~(7) Promote efficient use of land;~~

(7) Provide sufficient parking for new development and visitors to Town Center;

(8) Promote effective use of transit facilities through improved accessibility and visibility;

(9) Promote ~~Ensure consistency of~~ redevelopment consistent with the goals and objectives of the Plan throughout the Town Center Planning Area ~~Performance District~~;

(10) Implement a City streetscape improvement program throughout the Town Center Planning Area by establishing specific standards for coordination of façade design, landscaping and street trees along public rights-of-way, public pedestrian ways and sidewalks, utility undergrounding, and buffers between dissimilar uses outside of the mixed-use area.

(Laws of Rockville, Ch. 6, § 5A-101; Ord. No. 25-93, § 6, 12-13-93)

Secs. 25-672--25-680. Reserved.

DIVISION 2. APPROVAL PROCEDURES

Sec. 25-681. Use permit approval.

(a) All developments in the Town Center Planning Area shall require approval of the use permit application in accordance with division 2 of article V of this chapter, except that the following additional requirements shall apply:

(1) The Planning Commission shall approve a use permit application only if it finds:

a. That the proposed development will be consistent with the Plan;

b. That the proposed development will be consistent with the intent and purpose of this article; and

c. That the proposed development will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, school capacity and other public improvements;

(2) In approving a use permit application, the Planning Commission may impose such conditions in connection therewith as will, in its opinion, assure that the improvement and development will conform to the foregoing requirements, including, but not limited to, provisions for the protection of adjacent property, access and design for off-street parking and loading, and provisions for community facilities.

(3) Prior to approval of a use permit application for any optional method development, approval of a preliminary development plan shall first be obtained in accordance with section 25-683 of this article.

(b) Requests for parking requirement reductions shall be submitted for concurrent consideration with the use permit application.

(Laws of Rockville, Ch. 6, § 5A-301; Ord. No. 34-90, § 4, 11-26-90; Ord. No. 25-93, § 6, 12-13-93)

Sec. 25-682. Optional method of development.

Use of the optional method of development is a voluntary option for large tracts of land in the TC-3~~M-1~~ and TC-4~~M-2~~ Zones where multiple buildings are planned to be developed over a long period of time. Submission of an application under the optional method commits the applicant to a greater degree of development control authority by the Mayor and Council. The Mayor and Council may grant additional building height and F.A.R. where a development complies with more extensive standards of urban design review and traffic impact review and mitigation. Any development that receives approval may exceed the normal building height and F.A.R. specified in Table III contained in section 25-311 of this chapter, provided that in no event shall the resulting building exceed the maximum height and F.A.R. allowed in the zone. Developments submitted for approval under the optional method of development shall be subject to the following additional modifications and requirements:

(1) A minimum area of two (2) acres shall be required for applications under the optional method;

(2) All applicants shall prepare and submit a traffic impact study in conformance with the "Standard Traffic Methodology," (STM) and shall provide mitigation of traffic impacts which exceed the standards of the STM as may be acceptable to the Mayor and Council;

(3) All developments shall be subject to an urban design review process employing the urban design guidelines contained in the Plan;

(4) Developments shall be so planned in relation to one another that no building shall cast a shadow on existing or approved residential structures between 10:00 a.m. and 2:00 p.m. on December 21. This requirement shall not apply to residential towers separated by a distance at least equal to the height of the tallest residential building in the proposed development and having a length less than ten (10) percent greater than width;

(5) All developments shall contain a mix of uses, including at least residential, office, and commercial components. The Mayor and Council may authorize modification to this use requirement where the strict application would result in practical difficulty or unnecessary hardship upon the owners;
(6) All developments shall provide a system of public pedestrian ways linking all elements of the development with neighboring properties and the W.M.A.T.A. Rockville Metro Station;
(7) Within the ~~TCM-1 and~~ TC-4~~M-2~~ Zone~~s~~, the Mayor and Council may authorize additional building height up to a maximum of two hundred thirty-five (235) feet and F.A.R. up to a maximum of six (6);
(8) All developments that provide right-of-way or easements for public streets or pedestrian ways may include the area of such right-of-way or easements in the net development area for the purpose of calculating F.A.R.
(b) Procedures following filing.....

(Laws of Rockville, Ch. 6, § 5A-302; Ord. No. 34-90, § 4, 11-26-90; Ord. No. 25-93, § 6, 12-13-93)

Sec. 25-683. Optional method approval.

(a) Preliminary development plan. All land developed in accordance with the optional method shall be included in a Preliminary Development Plan
(b) ...
(c) ...
(d) The fact that an application complies with all of the specific requirements and purposes of the applicable zone or the article shall not be deemed to create a presumption that the development shall be approved.
(Laws of Rockville, Ch. 6, § 5A-208; Ord. No. 34-90, § 4, 11-26-90; Ord. No. 21-91, § 1(2), 8-5-91; Ord. No. 25-93, § 6, 12-13-93)

Secs. 25-684--25-690. Reserved.

DIVISION 3. USE AND DEVELOPMENT REQUIREMENTS

Sec. 25-691. Use requirements.

(a) Uses within the Town Center Planning Area shall be as set forth for the various zones in section 25-296 except that the following limitations shall apply in the Town Center Planning Area ~~Performance District~~ to the amount of floor area devoted to retail sales and personal services, and/or home and business services:
(1) In the TC~~O~~-1 and TC-2 Zones, not more than twenty-five (25) ~~fifteen (15)~~ percent of the gross floor area of a building or one hundred (100) percent of the first two (2) floors of a building, whichever is greater, shall be devoted to:
a. Retail sales and personal services; and/or
b. Home and business services;

~~(2) In the TCO-2 Zone, not more than twenty-five (25) percent of the gross floor area of a building shall be devoted to:~~
~~a. Retail sales and personal services; and/or~~
~~b. Home and business services;~~
(2~~3~~) In the TC-3~~M-1~~ and TC-4~~M-2~~ Zones, there shall be no limit on the amount of floor area devoted to retail sales and personal services, and/or home and business services;
(b) Retail sales and personal services and/or home and business services provided in accordance with this section shall be located adjacent to public pedestrian circulation improvements as specified in the Plan. Ground floor retail uses must be provided in all structures that front on Maryland Avenue.
(Laws of Rockville, Ch. 6, § 5A-201; Ord. No. 11-92, § 3, 7-13-92; Ord. No. 25-93, § 6, 12-13-93)

Sec. 25-692. Development standards.

Development standards within the Town Center Planning Area shall be as set forth for the various zones in section 25-311 except as otherwise provided for in this article.

(Laws of Rockville, Ch. 6, § 5A-202; Ord. No. 25-93, § 6, 12-13-93)

Sec. 25-693. Parking, loading and access requirements.
Parking, loading and access requirements within the Town Center Planning Area shall be as set forth in article IX of this chapter except that the following additional modifications and requirements shall apply within the Town Center Performance District:

(1) Within the TC~~O~~-1, TC~~O~~-2, TC-3~~M-1~~ and TC-4~~M-2~~ Zones, the Planning Commission shall have the authority, in the granting of a use permit to reduce the required number of parking spaces by an amount not to exceed thirty (30) percent of the total number of spaces required for nonresidential uses in the building or buildings to be constructed; provided that:
a. Such reduction is calculated and justified on the basis of the following:
1. Common patrons and on-site users of the uses within the building or buildings; and~~/or~~
~~2.~~ Non-overlapping peak parking needs of the uses within the building or buildings, an amount not more than 10 percent may be granted; or
b. A major point of pedestrian access to such building or buildings is within a fifteen hundred (1500) foot walking distance of a transit station shown on the Washington Metropolitan Area Transit Authority Adopted Regional Rail Transit System, an amount not more than 10 percent may be granted; or
c. A parking management plan approved by the Planning Commission will be implemented with occupancy of the building or buildings using such features as car and van pooling and public or private transit, an amount not more than 10 percent may be granted;
d. In addition to any action taken under this section, the Council, following the issuance of a use permit pursuant to this section, shall have the authority to reduce the

number of parking spaces required by the use permit by an amount not to exceed ten (10) percent of the full amount of parking ordinarily required for the use in question. A Transportation Demand Management strategy must be submitted with the goal of reducing parking demand in the building to meet the amount of reduction requested. The effectiveness of this plan should be demonstrated periodically after the use has been operating, as determined by the Mayor and Council. Application for the amount of parking reduction shall be filed with the City Clerk and final approval shall be by resolution of the Council;

(2) Within any development with an approved Preliminary Development Plan under the Optional Method of Development under section 25-683, the number of parking spaces is computed by multiplying the minimum amount of parking normally required for each land use, as reduced under sections (1)a. through d. above, by the appropriate percentage as shown in the parking credit schedule for each of the five (5) time periods shown. The number of parking spaces required is determined by totaling the resulting numbers in each column; the column total that generates that highest number of parking spaces then becomes the parking requirement.

	Weekday		Weekend		Nighttime
	Daytime 6 a.m.- 6 p.m.	Evening 6 p.m.-mid	Daytime 6 a.m.- 6 p.m.	Evening 6 p.m.- 6 a.m.	Mid-6 a.m.
Office/industrial	100%	10%	10%	5%	5%
General retail	50%	90%	100%	70%	5%
Hotel, motel, inn	70%	100%	70%	100%	70%
Restaurant	50%	100%	100%	100%	10%
Indoor or legitimate, theater, commercial recreational establishment	40%	100%	80%	100%	10%
Clubs*	50%	100%	100%	100%	10%
Residential	60%	90%	80%	90%	100%
Institutional	50%	100%	100%	30%	5%

and public uses					
All other uses	100%	100%	100%	100%	100%

*Clubs - community center, museum, civic club, private club, lodge and health and fitness establishment.

(3) Within the TC~~O~~-1 Zone:

a. Vehicular access to North and South Washington Street is prohibited except where no other means of ingress and egress to a lot can be provided; and

b. Easements shall be provided for public ingress and egress to parking and service areas;

c. No parking shall be permitted between the public right-of-way line and the building line. In the event that a building is set back from the public right-of-way, the area between the public right-of-way line and building line may be devoted to pedestrian oriented amenities including, but not limited to, plazas, sidewalks, trees, awnings, arcades, outdoor dining, and other similar types of pedestrian oriented amenities.

(4) Within the TC~~O~~-2 Zone:

a. A service drive shall be constructed in a public easement adjacent to Hungerford Drive to provide for ingress and egress between adjoining lots. The design of such service drive shall be in substantial accordance with Illustration 5A-1; and

b. No parking shall be allowed between the Hungerford Drive build-to-line and any portion of the building;

(5) Within the TC-3~~M-1~~ Zone:

~~a. A service drive shall be constructed in a public easement adjacent to Hungerford Drive to provide for public ingress and egress between adjoining lots. The design of such service drive shall be in substantial accordance with Illustration 5A-1;~~

a.~~b.~~ Easements shall be provided for public ingress and egress to parking and service areas; and

b. Except for temporary parking lots approved under paragraph (7) of this section, all off-street parking spaces and loading facilities shall be located underground or in a building.

~~c. No parking shall be allowed between the Hungerford Drive build-to-line and any portion of the building;~~

(6) Within the TC-4~~M-2~~ Zone:

a. Except for temporary parking lots approved under paragraph (7) of this section, all off-street parking spaces and loading facilities shall be located underground or in a building; and

b. Easements shall be provided for public ingress and egress to parking and service areas;

(7) Within the Town Center Performance District, the Mayor and Council shall have the authority in the granting of a Preliminary Development Plan to approve temporary parking lots for uses that are part of a staged development program. Such parking may be located on a separate lot from the use served. The Planning Commission shall have the authority, in granting a use permit, to approve temporary parking lots for uses that are part of a staged development program. The Planning Commission or the Mayor and Council for development subject to an approved Preliminary Development Plan or City owned land or land purchased by the applicant from the City, may attach such conditions to the approval of a temporary parking lot as may be reasonable and necessary to assure that the use will be consistent with the purpose and intent of this article.

(8) All development within the Town Center Planning Area ~~Performance District~~ that provides public rights-of-way or easements for roads may include the area of such right-of-way or easement in their net lot area for the purpose of calculating F.A.R.

(Laws of Rockville, Ch. 6, § 5A-203; Ord. No. 34-90, § 5, 11-26-90; Ord. No. 21-91, § 1(5), 8-5-91; Ord. No. 11-92, § 4, 7-13-92; Ord. No. 8-97, § 3, 9-22-97)

Sec. 25-694. Landscaping and screening requirements.

Screening and landscaping requirements within the Town Center Planning Area shall be as set forth in article X of this chapter except that the following additional requirements shall apply:

(1) All developments in the Town Center Planning -Area shall provide street trees in or adjacent to public rights-of-way. The minimum caliper shall be three (3) inches and trees shall be regularly placed not to exceed forty (40) feet on center.

(2) All developments in the Town Center Planning Area shall provide screening of parking from public rights-of-way. ~~,~~ B~~b~~uffers between nonsimilar uses~~,~~ and other landscape treatments must be provided ~~and~~ in substantial accordance with Illustration 5A-2. This does not apply to uses entirely within the TC-1, TC-2, TC-3 and TC-4 Zones, unless reasonably determined by the Planning Commission as necessary to preserve the intent of this chapter.

~~PU Diagrams mp 3931~~

(Laws of Rockville, Ch. 6, § 5A-205; Ord. No. 21-91, § 1(6), 8-5-91; Ord. No. 25-93, § 6, 12-13-93)

Sec. 25-695. Sign requirements.

Sign requirements within the Town Center Planning Area shall be as set forth in article XI of this chapter.

(Laws of Rockville, Ch. 6, § 5A-206; Ord. No. 33-90, § 7, 10-22-90; Ord. No. 25-93, § 6, 12-13-93)

Secs. 25-696--25-710. Reserved.

The following is a list of recommended zoning changes:

1. A change in zoning of the west side of the Metro station property from TCO-2 (FAR of 2.0) to TC-4 (FAR of 4.0) increasing the maximum permitted density to take advantage of the transit opportunities at the site.

2. A change in zoning of the east side of the Metro station property from I-1 (FAR of .75) to TC-3 (FAR of 3) and the institution of a Residential Proximity Slope influencing this property as illustrated in the diagram below.

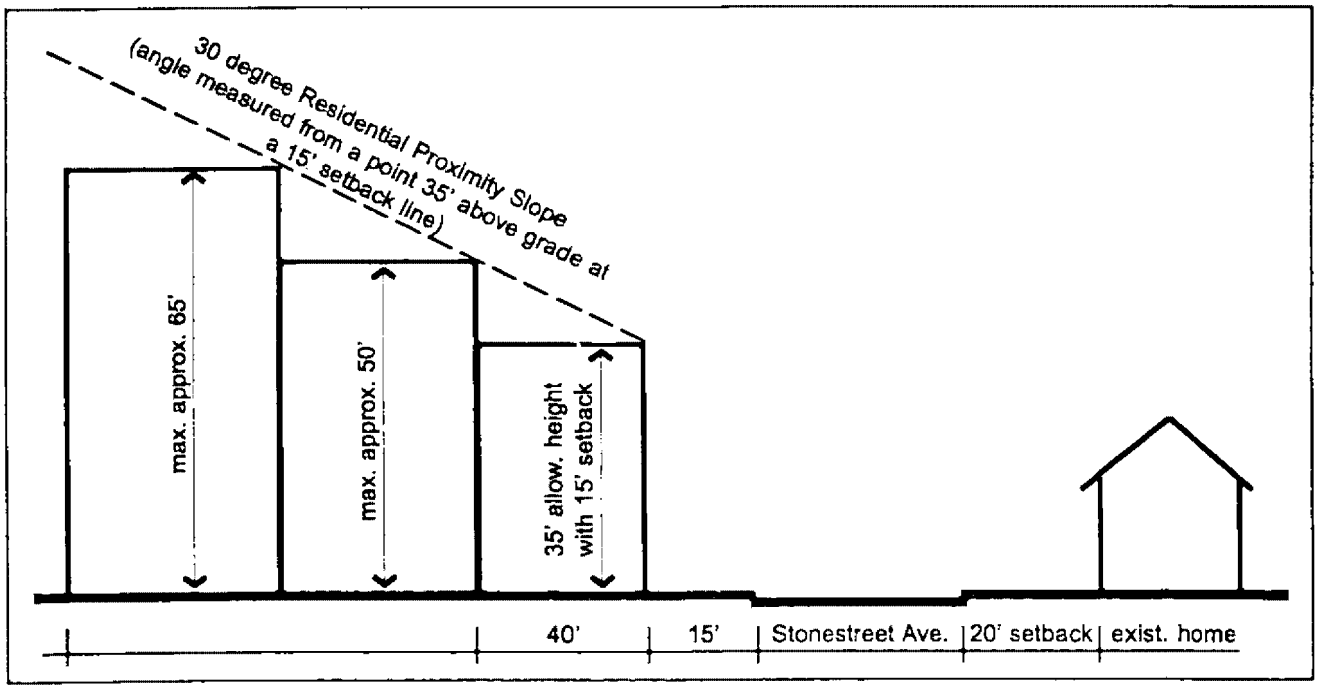
3. A change in zoning of properties on the west side of Washington Street between Jefferson Street and Wood Lane from TCO-1 (FAR of 1.0) to the new TC-1 zone which would not change the density of the properties but would allow greater flexibility in uses.

4. A change in zoning of properties on the west side of North Washington Street and MD 355 between Wood Lane to Ivy League Lane from TCO-1 (FAR of 1.0) and C-2 to the new TC-1 (FAR of 1.0).

5. A change in zoning of properties on the east side of MD 355 north of Park Road from TCO-2 (FAR of 2.0) to TC-2 (FAR of 2.0) to allow for greater flexibility of uses.

6. A potential future change in zoning of properties to the west of North Stonestreet Avenue between Park Road and Lincoln Avenue and to the east of North Stonestreet Avenue between Park Road and Howard Avenue from I-1 (FAR of .75) to TC-1 (FAR of 1.0) to allow for residential and low-density office uses. (Note: Any Zoning changes for property in the Planning Area abutting North Stonestreet Avenue would occur in the context of a Neighborhood Plan for the area.)

7. A change in zoning of property at the southwest corner of Fleet Street and Monroe



A residential proximity slope should be utilized at the Metro station to protect adjacent residences.

Street from R-90 to R-30, or to a new zone that would allow for an appropriate scale of single-family attached or multifamily development.

8. A change in the optional method of development for property north of Beall Avenue and east of Maryland Avenue extended from TCM-1 (FAR of 3.0) to TC-4 (FAR of 4.0) if provisions for proposed public street extension projects are made. Otherwise, properties would be subject to the TC-3 (currently named TCM-1) standards.

9. A change in the optional method of development for property north of Dawson Avenue between North Washington Street and MD 355 from TCM-1 (FAR of 3.0) to TC-4 (FAR of 4.0) if provisions for proposed public street extension projects are made. Otherwise, properties would be subject to the TC-3 (currently named TCM-1) standards.

10. A requirement for ground floor retail uses in properties that front Maryland Avenue; the resulting ground floor retail space would not be included in the FAR calculations and maximum heights would be measured starting from the second floor or 16 feet above the street level, whichever is lower.

11. Allowance of surface parking (except on Maryland Avenue) as long as the lots are screened and no larger than 50,000 square feet.

12. Creation of an Urban Design Overlay District (see map on page 91) within which the *Design Guidelines* recommendations described below would be applicable.

13. A change in the maximum height limit to 110 feet for buildings built prior to July 1, 2001 in the TC-2 Zone, immediately south of Church Street and east of MD 355.

14. Allowing freestanding restaurants in the TC-1 Zone as a permitted use along North Washington Street. Drive-through restaurants shall not be allowed. To encourage restaurants to locate in the proposed restaurant district, flexible parking regulations should be developed to allow for parking reductions when valet or other public or private off-site parking is provided.

These changes are shown on the *Proposed Zoning* map following page 88. No existing zoning requirements other than those described above would change. The Master Plan proposes these changes but recommends that City staff, in conjunction with property owners, evaluate these proposals further.

Design Guidelines Recommendations

The Master Plan recommends the creation of Design Guidelines for use in an Urban Design Overlay District (see map on page 91). The boundary of this district corresponds with the desired urban areas within the Town Center Planning Area. The creation of such standards will help to ensure that the design of new Town Center development meets the *Goal and Objectives* of the Master Plan.

The Town Center Planning Area includes areas at its periphery that are not always identified as being within the urban core of the Town Center. The guidelines would not apply to those areas. In addition, some areas in the Planning Area deserve further study as part of a neighborhood planning effort incorporating other areas beyond the Town Center Planning Area boundaries. The creation of any design standards for those areas should be done in conjunction with those neighborhood planning efforts.

The recommended Design Guidelines for the Town Center are based upon the *Desired Framework* and the goal of reinforcing the East