



PLANNING COMMISSION

Meeting No. 10-25
Wednesday, August 13, 2025 - 7:00 PM

AGENDA

Jaime Espinosa, Chair

Susan Pitman
Eric Fulton

Shayan Salahuddin
Meng Sun

Jim Wasilak, Staff Liaison
Nicholas Dumais, Senior Assistant City Attorney

Rockville City Hall 111 Maryland Ave and
Virtually via WebEx

Watch LIVE on Comcast Cable Rockville Channel 11 and online at <https://www.rockvillemd.gov>

See page 2 for more information

1. Convene

2. Work Session

Third Work Session on the Zoning Ordinance Rewrite (ZOR): Uses and Parking

3. Commission Items

- A. Staff Liaison Report
- B. Old Business
- C. New Business
- D. Minutes Approval
 - April 23, 2025
 - May 14, 2025
 - May 28, 2025
 - July 23, 2025
- E. FYI/Correspondence

4. Adjourn

PLANNING COMMISSION

HYBRID MEETING AND PUBLIC HEARING PROCEDURE

The Planning Commission meets in person in the Mayor and Council Chambers at Rockville City Hall, 111 Maryland Avenue. The public is invited to participate in person or virtually via Webex. Anyone wishing to participate virtually may do so per the instructions below.

HYBRID MEETING AND PUBLIC HEARING PROCEDURE

1. Pre-meeting Platform: Webex

- A. Applicant Access: Provided by Community Planning and Development Services/IT
- B. Access for Oral Testimony and Comment: Provided by CPDS/IT (see below)

2. Pre-Meeting Preparations/Requirements:

A. Written Testimony and Exhibits

Written testimony and exhibits may be submitted by email to Jim Wasilak, Staff Liaison to the Planning Commission, at jwasilak@rockvillemd.gov or by regular mail to:

Jaime Espinosa, Chair
Rockville Planning Commission
111 Maryland Avenue
Rockville, MD 20850

Written testimony must be received no later than nine (9) days in advance of the hearing in order to be distributed with the Planning Commission briefing materials. Written testimony and exhibits received after this date, until 4:00 pm on the day before the hearing, will be provided to the Planning Commission by email.

B. Webex Orientation for Applicants

- i. Applicants must contact the planning case manager assigned to the Application no later than five(5) days in advance of the hearing in order to schedule Webex orientation, which must be completed prior to the hearing.

C. Oral Testimony by Applicants and the Public

- i. Applicants – Applicants must provide to the planning case manager a list of presenters and witnesses who will testify on behalf of the Application to the planning case manager no later than five (5) days prior to the date of the hearing.
- ii. Public Testimony/Comment on an Application – Any member of the public who wishes

to comment on an application must submit their name and email address to the Staff Liaison Jim Wasilak (jwasilak@rockvillemd.gov) no later than 9:00 am on the day of the hearing to be placed on the testimony list.

Members of the public who seek technical assistance from City staff must submit their name and email address to Jim Wasilak no later than two (2) days in advance of the hearing so that an orientation session may be scheduled.

If a member of the public is unable to meet the deadline to be placed on the testimony list, they can submit written testimony to the Staff Liaison to the Planning Commission by email to jwasilak@rockvillemd.gov.

3. Conduct of Online Meeting and Public Hearing

A. Rules of Procedure

The Meeting and Public Hearing will be held in accordance with the Planning Commission Rules of Procedure, including the order of testimony and applicable time limits on testimony. The Rules may be viewed here: <https://www.rockvillemd.gov/DocumentCenter/View/2023/Planning-Commission---Rules-of-Procedure>

B. Oral Testimony

During the hearing, the Chair will sequentially recognize each person on the testimony list and ask the host to allow the speaker to speak. Each speaker must wait to be specifically recognized by the Chair before speaking.

If during the hearing a party wishes to speak, or a speaker wishes to request the opportunity to engage in cross-examination following specific testimony, the party must contact the Staff Liaison/Host by email at jwasilak@rockvillemd.gov with the specific request. The Host/Staff Liaison will inform the Commission. The Chair will determine if the party may be heard.

C. Continuance of Hearing

The Planning Commission, at its discretion, reserves the right to continue the hearing until another date.

HELPFUL INFORMATION FOR STAKEHOLDERS AND APPLICANTS

A. GENERAL ORDER OF SESSION FOR DEVELOPMENT APPLICATIONS

1. Staff presentation
2. City Board or Commission comment
3. Applicant presentation (10 min.)
4. Public comment (3 min, or 5 min for the representative of an association)
5. Planning Commission Discussion and Deliberation
6. Decision or recommendation by vote

The Commission may ask questions of any party at any time during the proceedings.

B. PLANNING COMMISSION BROADCAST

- Watch LIVE on Comcast Cable Rockville Channel 11 and online at: www.rockvillemd.gov
- Replay on Comcast Cable Channel 11:
 - o Wednesdays at 7:00 pm (if no live meeting)
 - o Sundays at 7:00 pm
 - o Mondays, Thursdays and Saturdays at 1:00 pm
 - o Saturdays and Sundays at 12:00 am (midnight)
- Video on Demand (within 48 hours of meeting) at: www.rockvillemd.gov/VideoOnDemand.

C. NEW DEVELOPMENT APPLICATIONS

- For a complete list of all applications on file, visit: www.rockvillemd.gov/DevelopmentWatch.

D. ADDITIONAL INFORMATION RESOURCES

- Additional resources are available to anyone who would like more information about the planning and development review process on the City's web site at:
www.rockvillemd.gov/cpds

Maryland law and the Planning Commission's Rules of Procedure regarding ex parte (extra-record) communications require all discussion, review, and consideration of the Commission's business take place only during the Commission's consideration of the item at a scheduled meeting. Telephone calls and meetings with Commission members in advance of the meeting are not permitted. Written communications will be directed to appropriate staff members for response and included in briefing materials for all members of the Commission. Wednesdays at 7:00 pm (if no live meeting)



PLANNING COMMISSION Meeting Date: August 13, 2025
Agenda Item Type: WORKSESSION
Department: PC - CHIEF OF ZONING REVIEW
Responsible Staff: HOLLY SIMMONS

Planning Commission Memo

MEETING DATE: August 13, 2025

REPORT DATE: August 6, 2025

RESPONSIBLE STAFF: Holly Simmons

SUBJECT:

Third Work Session on the Zoning Ordinance Rewrite (ZOR): Uses and Parking

DISCUSSION:

Background

The city is undertaking a comprehensive rewrite of the city's Zoning Ordinance to modernize this chapter of the city code so that it better accommodates the changing living, working, and recreation trends of the 21st century. In conjunction with the Zoning Ordinance Rewrite, the city's zoning map will be updated through a Comprehensive Map Amendment (CMA) that will implement the rezonings recommended in the Rockville 2040 Comprehensive Plan.

The following objectives have been identified for the project:

- Implement many of the recommended land use actions identified in the Rockville 2040 Comprehensive Plan, including implementing the Plan's zoning recommendations.
- Accomplish goals from the city's ongoing FAST Initiative, making the development review and permitting process Faster, Accountable, Smarter, and Transparent.
- Incorporate planning and zoning best practices that have become common in the field of urban planning and in other similarly situated communities.
- Incorporate the city's commitment to equity, resilience, and sustainability, as described in the 2021 Mayor and Council social justice resolution and the 2022 Climate Action Plan.
- Ensure compliance with current federal and state regulations.

- Create a modern ordinance that can accommodate the changing living, working, and lifestyles of the 21st century.
- Create a user-friendly, accessible, and well-organized document that provides appropriate graphics and information to aid in its understanding.

The August 4 work session is intended to focus on the following elements of the ongoing Zoning Ordinance Rewrite and Comprehensive Map Amendment project:

- Uses (including the FAST 2 objective to transition certain Special Exception uses to Conditional uses)
- Parking
- Development review process (PC recommendations from the April 23rd and June 11th work sessions)

Prior to the planned Authorization to file the zoning text amendment and comprehensive map amendment applications on December 1, 2025, one more topical work session is scheduled for September 15 (a review of remaining topics, including public use space requirements, historic preservation, and signs, among others).

Uses

Use regulations overview

Regulating uses¹ (i.e., legally identifying where different activities, such as residential, commercial, or industrial activities, can be located within the City and the conditions under which they may persist) is one of the primary functions of the City's Zoning Ordinance. Each zone within the city permits certain uses while prohibiting or restricting others through *use permissions*. Use permissions define whether a use is allowed in each zoning district and generally answer the question, "Can this use occur here?" Rockville's Zoning Ordinance includes four use permissions:

- Permitted use: a use of land permitted by right anywhere within the zone
- Conditional use: a use that is permitted in a zone, but which must comply with specified conditions that may limit some aspect of that use (staff decision)
- Special exception use: a specific use that would not be appropriate generally or without restriction and must be based upon a finding that certain conditions exist, that the use conforms to the plan, and that the use is compatible with the existing neighborhood (Board of Appeals decision)
- Prohibited use: a use of land or building not permitted anywhere within the zone, either by right or by special exception

¹ The City of Rockville Zoning Ordinance currently defines the term *use* as "the purpose for which a lot or portion thereof or the building or structure thereon or part thereof is designed, arranged, or intended and for which it is or may be used, occupied or maintained." (Sec. 25.03.02).

In the current Zoning Ordinance, the array of land uses anticipated in the city is arranged in matrices called *use tables*, with one of the four use permissions assigned to each use in each zone, as follows:

- Permitted use: P
- Conditional use: C
- Special exception use: S
- Prohibited use: Blank

In addition to use permissions, uses are regulated by *use standards*, which are specific conditions or requirements that a particular use must comply with. Use permissions answer the question, “How can this use occur here?” For example, Funeral Homes may provide cremation services only when the use was established prior to (and has been continually operating since) March 16, 2009; and Auction and Commercial Galleries in the lower-density mixed-use zones (MXNC, MXC, and MXT) are limited to 2,500 sf gross floor area (GFA). A given use may have generally applicable use standards, which it must comply with regardless of the zone in which it is located, or it may have use standards that are zone-specific and tailored to ensure the use conforms to the purpose of the zone.

Finally, uses regulations are described by *use definitions*. Use definitions provide a legal explanation of what each land use is, distinguishing between similar land uses, and clarifying what types of activities are included (or excluded) from certain land use. Clear and exact use definitions can help reduce confusion and ensure consistent interpretation and application of use permissions and use standards across different projects and zones. For reference, all current use definitions can be found in Sec. 25.03.02, Words and Terms Defined.

Modernizing the use table(s)

The Zoning Ordinance currently contains four use tables; one each for single-unit residential zones (located at Sec. 25.10.03), residential medium density zones (Sec. 25.11.03), industrial zones (Sec. 25.12.03), mixed-use zones (Sec. 25.13.03), and the Park zone (Sec. 25.14.06). The Zoning Ordinance Rewrite proposes several changes to the use tables to simplify and modernize them, increase their accessibility and equity, and increase flexibility for business owners. General recommendations are outlined below.

Transitioning to one unified use table. The Zoning Ordinance Rewrite proposes to include one comprehensive list of uses in a single, unified use table to increase accessibility, transparency, and consistency. Currently, the City’s Zoning Ordinance contains multiple use tables dispersed throughout various articles (identified above). To gain a complete understanding of which zones would accommodate a specific use, one needs to reference multiple sections of the Zoning Ordinance. This can cause difficulty for code users, particularly business owners or prospective buyers trying to determine where to locate or invest in the City.

Additionally, the various use tables are inconsistent with one another, both in terms of the uses they include (e.g., the “Live/work unit” use appears in the mixed-use zones and industrial zones use tables, but not in the single-unit residential zones or residential medium density zones use

tables) and the specific language used (e.g., the mixed-use zones table includes the use “Veterinary office *and/or* animal hospital”, while the industrial zones table includes the use “Veterinary office *and* animal hospital” [emphasis added]). Listing all uses in one table will eliminate these inconsistencies, thereby aiding understanding and interpretation.

Ensuring use terms are clear and current and that every use is defined. Currently, many uses included in the use tables are outdated or their meaning is unclear, and many lack definitions. This can lead to inconsistency in the interpretation and application of the regulations and create difficulty for business owners and applicants trying to understand which use and associated regulations apply to their businesses or development projects. To address this issue, the Zoning Ordinance Rewrite proposes to 1) revise uses to ensure they are clear and up-to-date and 2) define all use terms included in the table. For example, the use ‘Alcoholic beverages for consumption off the premises,’ which lacks clear meaning and is not defined in the Zoning Ordinance, will be revised to the clearer ‘Alcoholic beverage retail establishment’ and defined as an “establishment serving as a point of sale of beer, wine, or liquor in sealed packages or containers that may not be opened or consumed on the premises where sold.” Staff and consultants are also reviewing definitions for all use terms to ensure clarity and accuracy, to eliminate overlap between uses, and to ensure that definitions do not include regulations.²

One notable change to use definitions would change the policy regarding home-based businesses. Staff recommend that the city definitions mirror those of Montgomery County, so that there will be three categories, including No Impact, Low Impact, and Major home-based businesses. A no impact home-based business would have no non-resident employees or other visits coming to the site, excepting deliveries. An example might be a resident that operates an office use out of the home, with most of the business occurring online. A low impact home-based business would be allowed to have non-resident employees and a minimal amount of additional vehicle trips to the site. An example of this would be an attorney or similar practitioner working out of their home with occasional client visits. A Major home-based business would be allowed to have non-resident employees and to have regular client or customer visits throughout the day. An example of this would be a medical or dental practice or a similar practitioner having a full day of client visits. This requires Conditional Use approval as recommended, rather than special exception approval. Ultimately, the Chief of Zoning would determine how a proposed home-based business would be categorized.

Updating the list of uses. The ZOR will also update the overall list of uses by introducing new uses that are not currently accounted for, eliminating outmoded uses, and consolidating uses. This

² Currently, use definitions contained in the city’s Zoning Ordinance often include regulations and standards. The ZOR proposes to remove regulations from the definitions and to generally relocate them to the body of the Zoning Ordinance, consistent with guidance from the American Planning Association (APA). Per the APA, “Definitions should not contain the control standards that regulate the defined word or phrase. For example, most ordinances attempt to define home occupations in terms of the standards under which the home occupation can operate. These standards usually include the percentage of floor area that can be occupied, limitations on nonresident employees, parking requirements, lots sizes, and sign controls. These control elements do not belong in the definition; rather, they belong in the body of the ordinance...” (APA. *A Planner’s Dictionary*; p. 3).

proposal will generally make the use table clearer and simpler, which is anticipated not only to enhance user-friendliness, but also to eliminate unnecessary review.

New uses are proposed to be introduced into the Zoning Ordinance to implement Comprehensive Plan recommendations around housing diversity, economic development, and climate action; account for emerging trends; or clarify regulations. Examples of new uses to be shown in the use table include:

- ‘Multiplex dwelling’ and ‘Cottage court,’ as supported by the Comprehensive Plan housing goals and Mayor and Council priorities.
- ‘Electric vehicle (EV) charging’ and ‘Walk-up windows,’ as supported by EV Readiness Plan and Comprehensive Plan recommendations.
- ‘Backyard chicken coops’ are currently allowed through Chapter 3 of City Code, but not clearly addressed in the use table.
- ‘Data center or data/cryptocurrency mining,’ an emerging use that requires clear regulation, and which is recommended by the ZoneCo consultant team and Rockville Economic Development, Inc., to be prohibited in all zones.

Additionally, to keep the Zoning Ordinance current, uses that are functionally obsolete or not reasonably anticipated to be located within the city in the future are proposed to be eliminated. These include ‘Duplicating service,’³ ‘Archival record storage,’ ‘Pet sales,’⁴ and ‘Taxicab service’.

Finally, where logical or supported by the Comprehensive Plan, multiple uses are proposed to be consolidated. This will address ZOR goals to make the ordinance more accessible and easier to understand. It will also reduce unnecessary review by reducing the number of tenant fit-out applications that would be considered a *change of use* and therefore subject also to a Minor Site Plan Amendment, saving applicants an estimated two to four months.⁵ For example, the Zoning Ordinance currently distinguishes between the uses ‘Consumable goods to be used in the home’ (e.g., grocery store; hobby and craft supply; drug store) and ‘Durable goods to be used in the home’ (e.g., bicycle shop; hardware store; home furnishings). Under the ZOR, both are proposed to be included and addressed in the ‘Retail establishment’ use. This would allow, for example, a space previously occupied by a hobby shop to be refitted for an antique store through a tenant fit-out permit only. In some instances, distinctions between uses that are proposed to be consolidated will still be captured in the use permission (e.g., the existing ‘Attached accessory dwelling unit’ and ‘Detached accessory dwelling unit’ uses will be consolidated into a single ‘Accessory dwelling unit’ use, with use standards to distinguish how each can be provided).

³ If a duplicating service were proposed in the city, it would still be accommodated under the new proposal. A retail copy shop would be classified under the proposed Retail Establishment use, while a business-to-business printing service would be classified under the Office use.

⁴ H.B. 1662, effective January 1, 2020, banned the retail sale of cats and dogs statewide. The retail sale of other types of animals would be classified under the proposed Retail Establishment use.

⁵ Tenant finish-out applications that entail a change of use are required to go through the Minor Site Plan Amendment Process, even if not site work is proposed, simply because the applicant proposes to change the use.

One notable change to the list of uses pertains to room rentals in single-unit dwellings. The ZOR proposes to relocate the regulation of room rentals from the Zoning Ordinance to Chapter 18 of City Code (Rental Facilities and Landlord-Tenant Relations), as these regulations apply to all single-unit dwellings regardless of zone, and significantly increase their transparency and equity. Currently, the city limits the number of rooms that can be rented in a single-unit dwelling through a circuitous combination of legal definitions, use permissions, and rental license requirements. Through a close reading of the Zoning Ordinance’s legal definition of ‘Boardinghouse’ and ‘family,’ and the Boardinghouse use permissions, as well Chapter 18’s rental license requirements, one can deduce that no more than 5 unrelated individuals can live in a dwelling (rental license required), and, if owner-occupied, the owner and their family can rent up to two rooms without a rental license. Nowhere are these limitations clearly stated within the Zoning Ordinance or within Chapter 18. Not only does the current structure lack transparency, making it difficult for both Community Enhancement/Code Enforcement staff and the City Attorney’s Office to enforce the regulations and issue violations, but it also poses equity concerns, as it places the city’s Code Enforcement Inspectors in the position of determining whether individuals living together constitute a ‘family.’ To increase transparency, equity, and enforceability, the ZOR proposes that Chapter 18, Division 3, clearly establish the occupancy limit for single-unit dwellings and the Zoning Ordinance be revised to remove the ‘Boardinghouse’ use and definition, as well as the ‘family’ definition. This change helps the city with enforcement because we can more easily deny a rental license and remove the ability of the owner to charge and collect rent when they attempt to have more than one rental license per single-family home.

Updating use permissions and use standards. Use permissions and use standards are being reviewed by staff and consultants to ensure that the proposed use permissions and standards align with the goals and recommendations of the Comprehensive Plan and associated master plans, particularly those associated with reducing barriers to small and local businesses; further the Mayor and Council’s 2021 Social Justice Resolution; and incorporate best practices. For example, through a review of the MXTD zone⁶ use permissions by CPDS and DPW – Environmental Management Division staff, notable changes to the permissions for two uses are proposed to ensure this zone most effectively implements the goals of the Climate Action Plan and the Town Center Master Plan:

- *Automobile Filling Stations.* Automobile Filling Stations are currently a Special Exception use within the MXTD zone; however, understanding that Town Center is proposed to be rezoned to the MXTD-85, MXTD-200, and MXTD-235, the ZOR recommends that this use be reclassified as Prohibited within these zones to support and enhance their transit-oriented, walkable character. Existing Automobile Filling Stations would be allowed to continue, but development onsite would be constrained by the Zoning Ordinance’s nonconforming use provisions; no new Automobile Filling Stations would be permitted.

⁶ The Mixed-Use Transit District zone is the city’s most walkable and transit-oriented zone. Through the ZOR, and as discussed with Mayor and Council during the May 5 work session, this zone is proposed to be expanded into a ‘family’ of mixed-use zones (the MXTD-85, MXTD-200, and MXTD-235) to implement the recommendations of the Town Center Master Plan.

- *Automobile and Recreational Vehicle Sales or Rental.* Currently, automobile rental is permitted in the MXTD, while automobile sales are not. Staff believes that allowing automobile rental will support the purposes of these transit-oriented zones, while also perceiving that allowing sales is not inconsistent with the purposes of the zone, so long as use standards are applied to ensure the use would be developed in a manner that does not hinder walkability.⁷

As a second example, the proposed Animal boarding establishments use (which, as noted above in this staff report, is proposed to replace the Kennel use, a use which is currently permitted only in the Industrial zones and the Mixed-Use Employment zone) is proposed to be expanded to all Mixed-Use zones, with requirements for soundproofing and a condition that no over-night boarding may occur. This change would allow for doggy day cares and similar uses in more locations, and particularly near denser, more urban housing where pet ownership is high, supporting goals to increase walkability and reduce barriers to small businesses.

One notable set of changes proposed to be implemented through the ZOR is to convert most Special Exception uses (which are subject not only to site plan approval, but also to approval by the Board of Appeals through a separate process with additional findings (Sec. 25.15.01)) to Conditional or Permitted uses (which are approved through the applicable site plan process), as recommended by FAST 2. In determining which uses should be converted to Conditional or Permitted uses, staff considered both the Comprehensive Plan recommendations and guidance of the American Planning Association's *Equity in Zoning Policy Guide*. The proposal would reduce the number of uses that are classified as Special Exceptions in one or more zones from more than 20 down to 10. This will simplify and streamline approval processes, retaining Board of Appeals review for only those uses that have the highest potential for public health, safety, or other land use impacts on surrounding areas. Impacts from uses are still mitigated through the conditions that these uses must meet through the conditional use process. Staff anticipates that converting these less impactful Special Exception uses to a Conditional or Permitted use permission will result in a time savings of between two and four months (the typical time required to obtain a Special Exception) per application, thereby easing burdens on small businesses and making it easier to invest in the Rockville community.

Examples of Special Exception uses which are proposed to be converted to Conditional or Permitted uses include Hotel, Pawnbroker, and Non-accessory Swimming Pool (all of which would continue to have use standards associated with the proposed Conditional use); Special Exception uses which are proposed to be retained as such include Adult Oriented Establishment, Automobile Filling Station, and Shooting Gallery. Of note, Mayor and Council have recently endorsed changing the Child Care Center use from a Special Exception use to a Conditional use

⁷ The following use standards are proposed for the Automobile and Recreational Vehicle Sales or Rental use:

- Sales and rental are limited to non-commercial vehicles and passenger vans. The sales or rental of commercial trucks or recreational vehicles is not allowed;
- All vehicles available for sale or rental must be stored in a showroom or structured parking facility;
- Maintenance and refueling of the vehicles available for sale or rental may not occur on-site;
- The storage, display, sale, or leasing of vehicles that are not in operating condition is not allowed.

at the June 2, 2025, work session. The full list of existing Special Exception uses and their tentatively proposed disposition, as well as relevant policies from the APA *Equity in Zoning Policy Guide*, are included in Attachment 1 – Conversion of Special Exception Uses to Conditional or Permitted Uses.

Another notable change is proposed to allow the development of multifamily housing on property owned by non-profits and places of worship, regardless of zone. Many places of worship are interested in using excess land for mission-based purposes, such as affordable housing; however, as many of these properties are located in the city's single-unit detached residential zones, they are currently not permitted to develop multifamily units.⁸ Both the State of California and Montgomery County, Maryland, are examples of places that have amended laws to allow religious and other institutions to build multi-family housing. This policy enables these institutions to co-locate housing with existing facilities and would align with Comprehensive Plan goals to "Create and improve incentives, programs, and policies for production and preservation of quality affordable housing" (Housing Goal 2; p. 202).

Parking and Loading

The Zoning Ordinance Rewrite also proposes significant changes to modernize parking, loading, and access requirements. This staff report focuses on enhancements related to Vision Zero, as well as revisions proposed to right-size the Zoning Ordinance's minimum and maximum parking requirements, including associated adjustments. In addition to these highlighted items, the ZOR proposes new standards related to the provision of compact parking spaces, electric vehicle (EV) parking, and electric vehicle supply equipment (EVSE); loading spaces; and parking lot solar canopies.

Vision Zero

Staff propose several changes to the bicycle and pedestrian requirements in the Zoning Ordinance to further Vision Zero. These include the following:

- *Adding a new pedestrian and bicycle facilities Division.* Currently, bicycle and pedestrian facilities are addressed in various locations in the Zoning Ordinance, most notably the Parking and Loading Article and the Mixed Use Zones Article. Having these requirements spread throughout the Ordinance can make locating them difficult. Relevant requirements are proposed to be combined in one location for ease of use and transparency.
- *Requiring bicycle parking for both principal and accessory uses.* Currently, bicycle parking requirements are calculated only for the principal use on a site, unlike vehicular parking requirements, which are calculated for all uses on a development site. The ZOR proposes

⁸ This policy would be separate from and in addition to the provisions of the State's Housing Expansion and Affordability Act (HEAA), which went into effect January 1, 2025. The HEAA allows additional density for 'qualified projects', which includes development projects on land owned or controlled by a non-profit. In single-unit residential zones, the HEAA enables the development of duplex, triplex, fourplex, and town house dwellings, but does not enable the construction of apartment buildings; and it stipulates that the non-profit must be a 501(c)(3).

to rectify this issue by requiring that bicycle parking be provided for all uses on a site, whether principal or accessory.

- *Clarifying bicycle parking location requirements.* Bicycle parking requirements are proposed to be revised for clarity and understandability.
- *Sidewalks at parking facility entrances.* New standards are proposed to address pedestrian safety at parking facility entrances. These will establish an area within which no structures may be constructed or located.

Revising and right-sizing parking minimums, maximums, and adjustments

The Zoning Ordinance establishes minimum parking requirements for anticipated uses. These minimum parking requirements are shown in a *parking table*, a matrix that identifies the minimum number of parking spaces required for each use, regardless of zone. Parking minimums are presented as ratios based on unit measures that correspond to the use type. For example, currently in the City's Zoning Ordinance, the minimum required parking for a 'Multiple-unit dwelling' (i.e., apartment unit) is based on the number of bedrooms; a 'Health and fitness establishment' is based on gross floor area (GFA); and a 'Funeral home' is based on a combination of GFA, number of employees, and number of work vehicles.

Use	Unit Measure	Based Number Required
Dwelling, multiple-unit	Zero bedrooms	1
	1 bedroom	1
	2 or more bedrooms	1.5
Health and fitness establishment	Per 200 sf of GFA	1
Funeral home	Per 50 sf of assembly area	1 and
	Per employee	1 and
	Per vehicle used in the business	1

The ZOR proposes revising the parking table and right-sizing the associated parking minimums, maximums, and any adjustments.

Aligning the uses in the parking table with those in the use table. The ZOR proposes updating the uses listed in the parking table to match the uses listed in the use table (described above in this staff report). Currently, the use table and the parking table are misaligned, making it difficult for business owners, developers, and staff to determine which parking requirements should be applied to a given use. For example, the parking table contains the use of the 'Health maintenance organization facility,' but this use does not exist in the use table; to confuse matters further, this use is not defined and is separate from the 'Health and fitness establishment' use, which is included in both the parking table and the use table.

Revising and right-sizing parking minimums. ZoneCo has provided preliminary recommendations for updating the parking table based on guidance from city staff. Specifically, staff requested the following:

1. Update the minimum requirements based on best practices, and
2. Base minimum parking requirements on objective unit measures that are knowable at the time of entitlement

To address the first request, ZoneCo's recommendations are based on their understanding of other municipalities and reflect the regional and national trend toward more flexible parking requirements. Where a range of ratios existed, they selected standards closer to the more liberal end of the spectrum, aligning with their experience in other communities as well as best practices. This approach is supported by Comprehensive Plan recommendations to "Integrate land use and transportation planning to maximize the value of Rockville's transportation assets" (Land Use Goal 3; p. 27) and "Identify regulatory approaches to reduce housing costs that balance the competing needs of development, such as amending minimum requirements in exchange for more affordable units or other needs" (Housing Action 1.4; p. 196).

To address the second request, ZoneCo revised existing parking requirements that include more subjective unit measures, as well as unit measures that may not be known at the time of entitlement. For example, parking minimums that are based on the number of employees or the number of work vehicles, which are difficult or impossible to accurately calculate during the development review process (when an applicant likely has not identified specific tenants to fill commercial spaces), are instead proposed to be based on GFA.

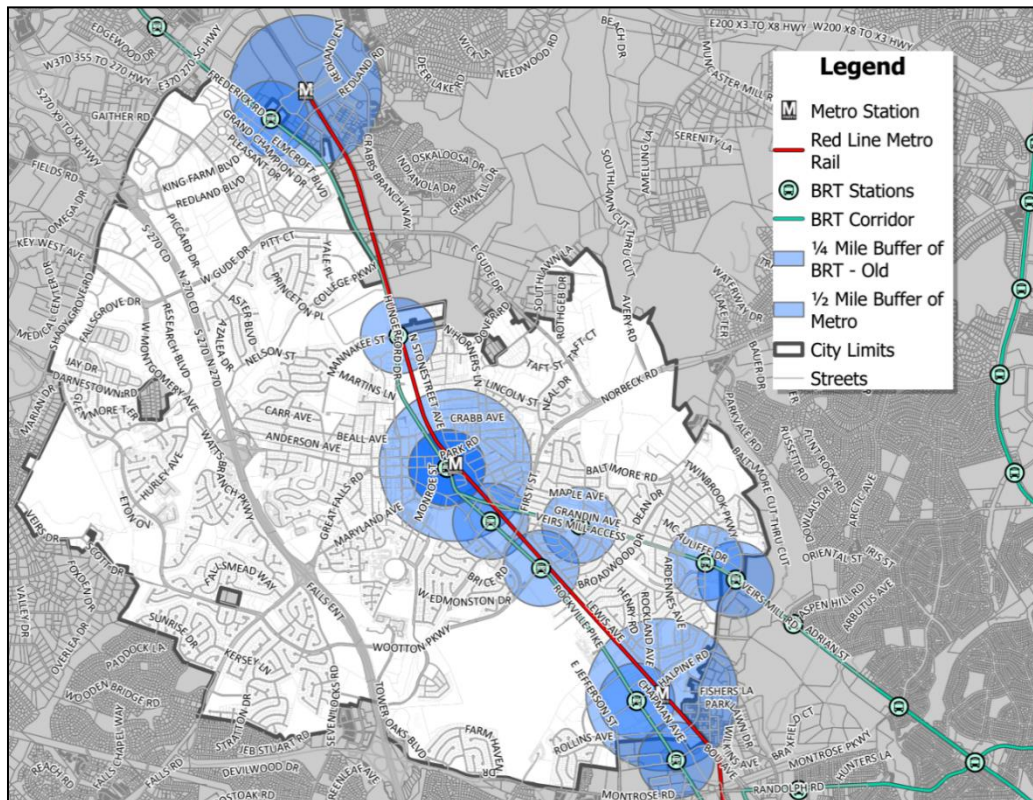
Additionally, CPDS staff are working with DPW and DHCD staff to update the provisions that describe when the minimum parking standards apply, with the goal of introducing flexibility for redevelopment projects where minimum parking requirements are proposed to increase by a limited amount.

Introducing parking adjustments and increased flexibility for minimum parking requirements. The ZOR also proposes to introduce new adjustments and reductions to the parking minimums, some of which are proposed to be by-right, as follows:

- *No minimum parking requirements for developments within ½ mile of a Metro station or ¼ mile of BRT.* Jurisdictions across the country are increasingly eliminating parking minimum requirements, a strategy that is perhaps most important near transit. Eliminating parking minimums as described is anticipated to encourage transit use, reduce housing costs, allow for more density and associated walkability, and increase equity.⁹ The policy is also consistent with Montgomery County's parking regulations and

⁹ Eliminating parking minimums in proximity to transit can encourage individuals to use alternate modes of transportation. Without the incentive of parking, more people who are able opt for walking, biking, or taking transit. The policy can also reduce the cost of housing. While it is still anticipated that some amount of parking will continue to be provided, eliminating minimum parking requirements can allow developers to provide only what the market demands. In the city's densest areas, where land is at a premium, parking is typically provided within garages. Structured parking can cost \$30,000-\$40,000 per space, and the cost of parking is ultimately passed on to renters and buyers regardless of whether they own a vehicle. This not only increases the cost of housing, but also creates a

would expand citywide the application of the policy adopted by Mayor and Council through the Town Center Master Plan for areas within Town Center. Finally, it is consistent with the Comprehensive Plan’s housing, transportation, and climate goals, including to “Reduce off-street parking requirements to disincentivize driving, especially in mixed-use, high-density, and transit-served areas” (Transportation Action 14.7; p. 76).



- *By-right adjustments aligned with City goals.* To account for conditions not addressed through the minimum parking requirements and to align with city goals and policies related to EV parking, affordable housing, and Vision Zero, the ZOR proposes to introduce by-right adjustments, as outlined below. Because the proposed adjustments are by-right, they will also reduce uncertainty and risk for developers to a certain degree.¹⁰
 - *EV parking.* The ZOR proposes that each EV parking space would be equal to two required parking spaces, for up to 10% of the required parking spaces. This would align with the recommendations of the EV Readiness Plan, allowing flexibility for the retrofit of existing parking spaces to EV accessible spaces (which typically require the conversion of one parking space to an access aisle), and incentivizing the development of EV spaces.

situation in which those who do not own cars subsidize parking for those who do; as such, eliminating this requirement will also increase equity.

¹⁰ Currently, any reduction in parking must be sought through a discretionary process outlined in Sec. 25.16.03.h.

- *MPDU apartments*. The ZOR proposes allowing the parking requirement for MPDU apartment dwelling units to be reduced by 50% to lessen the cost of developing MPDU units. This would be more consistent with Montgomery County's requirements (which allow a 50% parking reduction for all MPDU units) but limit the reduction to products where parking is typically provided in a common area, resulting in an equitable outcome.
- *Bicycle commuter facilities*. The ZOR proposes allowing parking requirements to be reduced by 10% for developments that provide additional enclosed (indoor and locker) and secure bicycle parking spaces equal to at least five percent of the number of vehicle parking spaces provided; and shower and dressing areas for employees.
- *Pick-up/Drop-off (PUDO)*. The ZOR proposes that one on-site PUDO space located near an entrance is equal to two required parking spaces. This is intended to assist with curbside management and pedestrian safety by encouraging the development of rideshare/delivery spaces in convenient locations, outside of the flow of traffic.
- *Revised process for requesting parking reductions*. To ensure flexibility for projects that may not qualify for the limited by-right adjustments described above, the ZOR proposes that, if an applicant can demonstrate through a parking demand analysis that the minimum required parking for the proposed development exceeds the practical demand for the proposed uses, the Approving Authority may permit a reduction in the minimum number of required parking spaces. The ZOR also proposes a *de minimis* reduction of up to 10% without a parking demand analysis. This proposal would allow a path for all projects to seek a parking reduction based on demand, or to make use of the low *de minimis* threshold and would be approved in conjunction with the development application. Staff anticipates that this will reduce the amount of time (approximately 3-4 weeks) currently associated with seeking a parking reduction in conjunction with an administrative approval, as it eliminates the bifurcated approval process whereby the larger application is approved by the Chief of Zoning, but the parking reduction must go before the Planning Commission for approval.¹¹
- *Shared parking*. Shared parking provisions allow multiple uses that have different peak hours to share the same parking spaces. For example, because an office and a restaurant have different peak hours (daytime and evening, respectively), they can "share" the same parking facility while generating an aggregate parking demand that would be less than if they had the same peak hours. The ZOR proposes replacing the Zoning Ordinance's current shared parking model, which was developed for the 2009 update, with the Urban Land Institute's (ULI) Shared Parking model.¹² ULI's model is updated periodically (most

¹¹ This type of application is considered by CPDS to be a "parking waiver"; however, of note, the Zoning Ordinance does not classify a parking reduction as a "waiver," per se. Parking "waivers" were instituted following the 2009 Zoning Ordinance Rewrite as an operational solution to all parking reductions to be processed in the same manner as Zoning Ordinance waivers, without creating a bespoke application.

¹² The current shared parking provisions are found at Sec. 25.16.03.h.6.

recently in 2020) and is considered an industry standard. It is also used by Montgomery County and is considered user-friendly by the applicants that CPDS staff consulted with.

Institute parking maximums. Currently, the Zoning Ordinance includes parking maximums (which cap the total number of parking spaces allowed for a development) only for the MXTD and the MXCD.¹³ Staff recommends instituting maximum parking requirements for all MX zones, all I zones, and the RHD, RMD-25, RMD-15, and RMD-10, at 125% of the minimum parking requirement. As with other proposals described above in this staff report, this recommendation is anticipated to encourage the use of alternative modes of transportation, promote walkability, and support climate and housing goals.

Conclusion

Staff will update the Planning Commission on the Mayor and Council's discussion of these items at the meeting.

Attachments

Conversion of Special Exceptions

¹³ Currently, the Zoning Ordinance includes the inflexible requirement that the minimum required parking amounts also serve as the maximum allowed parking in the MXTD and MXCD zones.

Attachment 1 – Conversion of Special Exception Uses to Conditional or Permitted Uses

The ZOR proposal would reduce the number of uses which are classified as Special Exceptions in one or more zones from more than 20 down to 10. In drafting this proposal, staff considered both Comprehensive Plan recommendations and the guidance of the American Planning Association's 2021 *Equity in Zoning Policy Guide*.

Relevant policies from the APA Guide include:

- PERMITTED USE POLICY 9. Evaluate the permitted uses regulations applied to small-scale commercial uses and eliminate restrictions and standards that are not based on documented public health, safety, economic, or other land use impacts on surrounding areas.
- PERMITTED USE POLICY 4. Treat assisted living facilities, congregate care communities, retirement villages, and supportive housing types as residential (not commercial) uses and allow them in a wide variety of residential zoning districts where the scale of the facility is similar to other permitted uses in the district.
- PERMITTED USE POLICY 5. Treat housing with supportive services for people with disabilities the same as similarly sized residential uses.
- PERMITTED USE POLICY 10. Allow small-scale child and elder care and outpatient medical and health support facilities in a wide variety of zoning districts to allow convenient access by all residents and treat non-residential addiction services like other outpatient treatment facilities.
- PERMITTED USE POLICY 16. Update home occupation regulations to broaden the types of activities allowed to be conducted from dwelling units of all types.

The table below shows the proposed use permissions under the ZOR. Uses which are currently designated as Special Exception uses, but which are proposed to be converted to Conditional or Permitted uses, are shown in **red**. Special Exception uses proposed to be retained as such are shown in **black**. All proposed use permissions for the RHD are shown in **black**, as this is a new zone and currently has no permissions for any use. Please note that the recommendations for specific use permissions shown in the table are preliminary and recommendations may change as staff continue to work through this Article.

Use		All MXTD Zones¹												PARKS											
		R-400	R-200	R-150	R-90	R-75	R-60	R-40	RMD-Infill	RMD-10	RMD-15	RMD-25	RHD	I-L	I-H	MXCD	MXE	MXB	MXCT	MXNC	MXC	MXT			
Residential																									
Group Home, Large Housing for senior adults and persons with disabilities	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S			
	C	C	C	C	C	C	C	C	C	P	P	P			P	P	P	C	P	C	C				
	S	S	S	S	S	S	S	S	S	S	S	S			P	P	P	C	C	C	C				
Retail and Sales																									
Adult Oriented Establishment													S												
Bed and Breakfast	C	C	C	C	C	C	C	C	C	C	C	C			C	C	C	C	C	C	C				
Eating and Drinking Establishment													C		P	P	P	P	P	P	P				
Event Space, Club, and Lodge	C								C				P		P	P	P	P	C		C				
Hospital													P		P	P	P	P	C						
Hotel													P		P	P	P	C	C						
Pawnbroker													C												
Recreational Facility, Outdoor, Commercial													P		P	P		P							
Shooting Gallery													S	S											
Swimming Pool	C	C	C	C	C	C	C	C	C	C	C	C			C	C	C	C	C	C	C				
Veterinary Services	C	C											P		P	P	P	P	C	P	C				
Institutions and Public																									
Adult Day Care	C	C	C	C	C	C	C	C	C	C	C	C	P		P	P	P	P	P	P	C				
Child Care Center	P	P	C	C	C	C	C	C	P	P	P	P	P		P	P	P	P	P	P	P				
Educational Institution, Private	C	C	C	C	C	C	C	C	C	C	C	C	P		P	P	P	P	C	P	C				

¹ The 'All MXTD Zones' category includes the proposed MXTD-85, MXTD_200, and MXTD-235.

Use P = Permitted C = Conditional SE = Special Exception Blank = Prohibited		All MXTD Zones ¹															Parks									
		R-400	R-200	R-150	R-90	R-75	R-60	R-40	RMD-Infill	RMD-10	RMD-15	RMD-25	RHD	I-L	I-H	P	P	P	P	P	P	P	P	C		
		S	S	S	S	S	S	S	S	S	C	C	C	C	P	P	P	P	P	P	P	P	P	C		
		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	C		
Automotive																										
														S	S	S	S	S	S	S	S	S				
Automobile Filling Station														S	S	S	S	S	S	S	S	S				
Drive-Through Window ²																		C	C	C	C	C				
Miscellaneous																										
Home-Based Business Enterprise ³		C	C	C	C	C	C	C	C	C	C	C	C			C	C	C	C	C	C	P	C			

² Currently, pharmacies, restaurants, banks, and cannabis dispensaries (a recent addition, as of June 9, 2025) may have a drive-through. Of these, the only type of drive-through window that is a Special Exception use is the Drive-through associated with a Restaurant.

³ Currently, Home-Based Business Enterprises are broken out into those identified as having 'No impact', 'Minor impact', and 'Major impact'. Of these, the only ones that are designated as a Special Exception uses are those designated as 'Major impact'.