

**Zoning Ordinance Rewrite  
Digest of Public Commentary  
January 7, 2026**

**Comments Regarding the Zoning Ordinance Rewrite**

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## Holly Simmons

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**From:** Bunny Miu [REDACTED]  
**Sent:** Monday, April 21, 2025 4:48 PM  
**To:** Mahoney, Emilie (Van Hollen); michael.mckay@senate.state.md.us; mayorcouncil; Jenny Snapp; Holly Simmons  
**Cc:** [REDACTED] Amy Ward; Mousy Brown  
**Subject:** proposal of new bill to remove the restrictions on the number of unrelated occupants permitted to live together in a single family house in Rental Properties in Rockville and Montgomery County  
**Attachments:** new bill to remove the restrictions on the number of unrelated occupants permitted to live in city of rockville and montgomery county.pdf

**WARNING - External email. Exercise caution.**

Dear Sir/madam,

We are writing to respectfully request that the City of Rockville and Montgomery county consider introducing a new policy bill of amending its residential occupancy regulations to remove barriers and restrictions on the number of unrelated occupants permitted to live together in a single family house in Rental Properties in Rockville and Montgomery County, and allow up to eight tenants (based on total sqft of the house) in a single rental property, as long as parking is not an issue.

Attached please see our proposal in the PDF document. We would love to hear back from you.

Thank you!

**Proposal of introduction a new policy bill to remove barriers and restrictions on the number of unrelated occupants permitted to live together in a single family house in Rental Properties in Rockville and Montgomery County**

Dear Sir/madam,

We are writing to respectfully request that the City of Rockville and Montgomery county consider introducing a new policy bill of amending its residential occupancy regulations to remove barriers and restrictions on the number of unrelated occupants permitted to live together in a single family house in Rental Properties in Rockville and Montgomery County, and allow up to eight tenants (based on total sqft of the house) in a single rental property, as long as parking is not an issue.

This change would reflect the evolving needs of our community. Many single residents—including students, and working professionals—are seeking more flexible and affordable housing options. Allowing up to eight tenants would help address housing affordability and availability without compromising neighborhood integrity.

Importantly, Howard County and all the other counties in Maryland have already updated their regulations to allow up to eight unrelated tenants per property. This model demonstrates that such policies can be implemented responsibly, with appropriate oversight to ensure compliance with safety, zoning, and health codes.

Rockville and housing in montgomery county has an opportunity to follow suit by modernizing its housing policies to:

- Support diverse living arrangements
- Increased housing availability: raising the occupancy limit could allow more people to live in existing housing units, potentially easing a shortage of available rental properties
- Lower housing costs for the hard working professionals: If the demand for rental units is high and the supply is limited, higher occupancy limits could put downward pressure on rent prices.
- Align with regional trends in housing policy

Thank you for your time and consideration. We would welcome the opportunity to discuss this further or support any efforts to review and update the current ordinance.

## Holly Simmons

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**Subject:** RE: Zoning Ordinance Re-write & Height Transitions

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**From:** Ryan P. Murphy [REDACTED]  
**Sent:** Friday, May 2, 2025 9:34 AM  
**To:** mayorcouncil <[mayorcouncil@rockvillemd.gov](mailto:mayorcouncil@rockvillemd.gov)>  
**Cc:** Jim Wasilak <[jwasilak@rockvillemd.gov](mailto:jwasilak@rockvillemd.gov)>; CMO <[CMO@rockvillemd.gov](mailto:CMO@rockvillemd.gov)>  
**Subject:** Zoning Ordinance Re-write & Height Transitions

**WARNING - External email. Exercise caution.**

Dear Mayor & Council,

I'm writing today because of my concern regarding a proposal to apply height transition requirements to properties in the new MXT or new MXRO zones adjacent to the "Core" town center planning area. Firstly, I do not see a need for a new zone restricting the potential MXRO properties from commercial uses, reducing potential options for property owners and potential amenities for Town Center residents. More importantly, if the transition height requirements were applied to these properties, it could have a substantial impact on the ability to build housing on the nearby properties.

In general, I do not believe height transition requirements are necessary at all (aesthetic concerns like "sightlines" and "shade" are not a reason to waste valuable space which could be used to provide people homes - and [shade is a good thing!](#)). However, I think the current proposal recommended by city staff (10 ft setback over 2 stories, another 10 ft setback over 85 ft) would be an improvement over the existing requirements, which "place difficult restrictions on properties that are intended for dense development, and undermining the ability to achieve the residential densities included in the city's adopted plans".

However, expanding the application of even these improved requirements to properties which have office or commercial uses would undermine some of the great work done by the council and city staff on planning for the future of Town Center. As an illustrative example, if the properties on the West side of Washington St. between Jefferson and Martin's Lane had the proposed height transition requirements applied to them, it could force the "Core" planning area on the East side of this stretch to lose approximately 1,000,000 sqft of potential living space (yes, one million - I break down the math below\*\*). That could be 1,000 apartments! Under the existing layback slope requirements the impact could be much larger.

In summary, I am strongly opposed to any efforts to weaken the approved Town Center Master Plan by forcing transition requirements for properties that are not even currently residential, to appease folks looking for any excuse to lessen potential (much-needed) density in Town Center.

Thank you,  
Ryan P. Murphy  
107 Virginia Ave  
Rockville, MD 20850  
[REDACTED]

\*\*Washington between Jefferson and Martin's Lane is about 2,500 feet long, with an allowable base height of 200 ft (300 with bonus height). If this was all developed at an average of 250 ft tall, and we assume each story is 10 ft, this could become 25 story buildings. Under the proposed new transition height rules:

- The first two stories would be unaffected.



- The next 6 stories would have to be set back by 10 ft, for a lost potential space of  $10 \times 2,500 \times 6 = 150,000$  sqft
- The next 17 stories would have to be set back by 20 ft, for a lost potential space of  $20 \times 2,500 \times 17 = 850,000$  sqft
- The total lost potential from this block alone is  $150,000 + 850,000 = 1,000,000$  sqft.

## Holly Simmons

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**From:** Mike Stein [REDACTED]  
**Sent:** Monday, June 23, 2025 9:01 PM  
**To:** Holly Simmons; Katie Gerbes  
**Cc:** Jim Wasilak; mayorcouncil  
**Subject:** Thank you - Zoning Presentation

WARNING - External email. Exercise caution.

Dear Holly and Katie,

I wanted to reach out and thank you again for your excellent presentation to the Twinbrook Community last week about Rockville's zoning update project. I thought you both did an excellent job highlighting the important changes and presenting in a clear and concise manner. Your examples, in particular, helped the community understand the proposals and alleviate many concerns. Your interactions with the community were respectful, kind, and your expertise came through. Thank you again.

Best,

Mike Stein  
Twinbrook resident and Treasurer, Twinbrook Community Association

## Holly Simmons

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**From:** Sean Cullinane [REDACTED]  
**Sent:** Wednesday, July 2, 2025 2:04 PM  
**To:** zoning  
**Subject:** Zoning Regulations and Policies

**WARNING - External email. Exercise caution.**

Good afternoon,

I attended the rezoning meeting on 6/26. The meeting was incredibly well run, organized, and full of valuable information. Thank you to everyone who planned and spoke during it. I got a lot out of it.

I am excited to see Rockville is updating the zoning laws and policies. Adding more options to building duplexes, triplexes, and quads is a great use of existing land that easily adds more housing options for people like myself. I was also happy to see that a number of flat surface parking lots will have options for construction if a developer chooses to do something new with the land.

However, I want to advocate for more parks and green spaces. The DC area has an almost automatic response to add more housing or multi-use structures when the area needs dedicated land for grass and trees. With climate change becoming a bigger and more critical threat, more intense stormwater management, and basic health, Rockville would benefit from dedicating more area to parks and wild growth.

Driving along almost any major roadway, strip malls go on for miles. Furthermore, many experts believe the housing shortage is a temporary issue that will not be a problem as baby boomers move into care centers and their homes go on the market. Although this will take a few years, it is important to keep in mind when deciding what to build with available land. It would be a waste to address a problem that may only last for 10 years, and then we have hundreds of empty homes, apartments, and condos. The longer term benefit would have been parks and bicycle pathways.

Thanks a lot for taking comments from the public.

Sean Cullinane

**From:** Ryan Murphy [REDACTED]  
**Sent:** Wednesday, August 6, 2025 9:05 AM  
**To:** Holly Simmons <hsimmons@rockvillemd.gov>  
**Cc:** Katie Gerbes <kgerbes@rockvillemd.gov>  
**Subject:** Re: Invitation: Join a Rockville Zoning Ordinance Focus Group

**WARNING - External email. Exercise caution.**

Hi Holly and Katie,

Apologies if this has been discussed and I missed it, but as part of the zoning ordinance rewrite, has there been any effort to revisit minimum lot sizes in the code?

There has been a lot of literature regarding how having minimum lot sizes too high can drive housing unaffordability.

[https://open.substack.com/pub/populationnews/p/how-minimum-lot-sizes-shape-cities-home-prices?r=dinhs&utm\\_medium=ios](https://open.substack.com/pub/populationnews/p/how-minimum-lot-sizes-shape-cities-home-prices?r=dinhs&utm_medium=ios)

<https://cayimby.org/blog/lot-sizes-when-the-bare-minimum-is-way-too-much/>

<https://www.strongtowns.org/journal/2024/12/10/how-minimum-lot-size-requirements-maximize-the-housing-crisis>

<https://aier.org/article/want-starter-homes-cut-minimum-lot-sizes/>

Some cities have been taking action on this. Austin, for example, reduced last year from 5,750 to 1,800 feet.

<https://www.texastribune.org/2024/05/16/austin-lot-size-housing-affordability/>

Houston lowered from 5,000 to 1,400 feet.

<https://bipartisanpolicy.org/blog/reducing-minimum-lot-sizes-in-houston-texas/>

Pittsburgh just did something similar: <https://archive.ph/Y9d2c>

I know any action on this front depends on there being an appetite for change from the mayor and council, but if this is something they'd be willing to consider, the ZOR process seems like the appropriate time to do it.

Thanks,

Ryan Murphy

## Holly Simmons

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**From:** Sheila Bashiri <sbashiri@rockvillemd.gov>  
**Sent:** Sunday, September 28, 2025 1:23 PM  
**To:** Katie Gerbes  
**Cc:** Holly Simmons; Jim Wasilak  
**Subject:** FW: Retain community-initiated historic nominations in the Zoning Ordinance Rewrite

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI

*Regards,  
Sheila*



**Sheila Bashiri**  
Preservation Planner  
**Community Planning & Development Services**  
P. 240-314-8236  
[www.rockvillemd.gov](http://www.rockvillemd.gov)



### \*\*\*New Online Application Process\*\*\*

On July 1, 2025, Rockville began accepting all development review applications online through MGO Connect (MGOC). The system features a customer dashboard that allows for online payment and convenient tracking of projects. Since the system is live, we will no longer accept email applications for any development review applications such as site plans, project plans, plats, special exceptions, variances, historic preservation, and others. All applications will be made through MGOC. If you haven't previously registered, please create a **free account** at <https://www.mgoconnect.org/cp/info-account>.

How was your experience with us? Take a quick survey and let us know - <https://www.surveymonkey.com/r/JD9CWXC>

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**From:** Max van Balgooy [REDACTED]  
**Sent:** Saturday, September 27, 2025 2:11 PM  
**To:** mayorcouncil <mayorcouncil@rockvillemd.gov>  
**Cc:** Peerless Rockville Info <info@peerlessrockville.org>; Sheila Bashiri <sbashiri@rockvillemd.gov>; Eileen McGuckian [REDACTED]  
**Subject:** Retain community-initiated historic nominations in the Zoning Ordinance Rewrite

**WARNING - External email. Exercise caution.**

Dear Mayor Ashton and Members of the Council,

I'm writing regarding the Zoning Ordinance Rewrite (ZOR) work session on Sept. 29, which lists **Historic Preservation** among the discussion topics. I'm concerned about any change that would **limit or condition historic-designation nominations to property owners alone** (or effectively give owners a veto). Please **reject** such a change and retain avenues for **community-, staff-, and commission-initiated nominations** within the ordinance.

Why this matters:

- **Neighborhood character is a public good.** Historic resources shape the identity, cohesion, and economic appeal of our neighborhoods. If only owners can initiate, significant places may never be considered—especially under redevelopment pressure.
- **Equity and inclusion.** Many stories—particularly of underrepresented communities—come to light through neighbors, historians, and civic groups. Closing off third-party nominations risks silencing those voices.
- **Proactive, not reactive.** Allowing staff, HDC, and community nominations lets the City identify and evaluate resources **before** they're altered or demolished—saving time, money, and heritage.
- **Consistency with Rockville's goals.** ZOR aims to align with Rockville 2040 and the City's commitments to resilience and social equity. Preservation is a core tool for both.

What I urge you to do:

1. **Continue to maintain multiple nomination paths** (property owner, staff, HDC, community organizations, and residents).
2. **Continue to require a fair, evidence-based review** for any properly filed nomination, irrespective of who files it.
3. **Continue to offer owners strong engagement and due process** (notice, hearings, clear criteria) **without granting a unilateral veto** at the nomination stage.
4. **Continue to publish clear criteria and timelines** so all parties understand the process and expectations.
5. **Continue to pair preservation with incentives** (technical assistance, small grants, tax credits information) to help owners steward designated properties.

This balanced approach respects property rights **and** preserves Rockville's shared heritage. Please keep the door open for the community to help identify what is significant—once these places are gone, we can't get them back.

Thank you for your consideration and for your work on the ZOR.

Sincerely,

Max A. van Balgooy

313 Twinbrook Parkway, Rockville

[REDACTED]

Reference: ZOR Work Session agenda lists “Historic Preservation” among remaining topics for Council direction.

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October 4, 2025

Mayor and Council  
City of Rockville  
Via email

Re: Zoning Ordinance Rewrite (Historic Preservation)

Dear Mayor and Council,

I am an appointed Historic District Commissioner for the City of Rockville, and while these comments arise from my knowledge of preservation issues and experience serving on the Historic District Commission (HDC) for the past three years, I am writing this letter as an individual and resident of the City of Rockville. The views expressed in this letter are entirely my own.

I strongly support reviewing and updating the portions of the Zoning Ordinance that are related to historic preservation, the HDC, and the property review processes. I agree with most of the recommendations, but would like to explicitly provide my views on all of the suggested changes, and express concern about some of what has been put forward. I will address the changes in the order they are presented in the slides in the agenda book for the October 6th meeting (starting on page 161).

#### Certificate of Approval (COA)

The recommendation to expedite COAs for work considered minor will streamline the process of approval. The definition of “minor” work must be clearly defined, and the process by which staff make such assessments needs to be transparent. The ordinance should require that staff report all administrative decisions to the HDC for review.

The recommendation to extend the expiration period of a COA to 5 years is a much needed improvement that will reduce unnecessary work for property owners, city staff, and the HDC.

#### Local Designation Process and Consent

While on the surface this may look anti-democratic, limiting who is able to file a nomination application to the property owner, HDC, and Mayor and Council will be beneficial to the openness of the process. The current situation, in which anyone can file a nomination application, is potentially open to misuse. Even with such a restriction, there would be nothing to stop members of the public or organizations from recommending to the HDC that they initiate the process. So there would still be a route for members of the public to make recommendations.

I am very concerned, however, about the recommendation regarding owner consent for designation. There is significant debate nationally on this matter, and the rules on this vary by municipality. As far as I understand it from my research, there is no accepted widespread view that owners should have the ability to prevent designation of their property. It is an area of ongoing debate. In fact, the National Trust for Historic Preservation explicitly advises against requiring owner consent. While I am sympathetic to the concerns of not putting undue restrictions and financial burdens on property owners, in the case of historic preservation there is a lot of misinformation about the impact of designation.

Allowing owners control over whether or not a property is designated would be a significant barrier to a coherent approach to historic preservation in our 250 year old city. The most recent example of a notable property that has been through this process in Rockville, the Farmer's Banking and Trust Building at 4 Courthouse Square, would not have been designated because the owner did not consent to the designation, despite widespread interest in the community and agreement by the HDC, the planning commission, and Mayor and Council that it is one of the best remaining historic buildings in downtown Rockville.

Instead of giving an owner the power of consent, a robust ordinance should provide a clear process and ensure the owner is an informed participant throughout the designation process. The ordinance should set out a process by which the owner is formally contacted by the city's legal representatives, and then has a period in which to register their view. If an owner actively opposes the designation, this should be taken into account by the HDC and Mayor and Council when they make their recommendation and decision, but an individual owner should not be able to block historic designation. Giving individual owners veto power would shift the balance away from the community in ways that could potentially harm the city's efforts to preserve historically significant properties.

### Delisting

A process for delisting properties and structures will be beneficial for the coherence of the historic districts in our city, and is an important addition to the code. It should be made clear in the code that this process exists only to deal with structures that no longer contribute or retain their historic status, not as a means to remove resources that an owner has decided they do not want to be listed. Requiring that Mayor and Council initiate an application will prevent misuse of the procedure, but there should also be review by the HDC of all structures to be delisted.

### Demolition.by.neglect

I strongly support this recommendation to add provisions expressly forbidding and providing a mechanism to enforce the violation of demolition by neglect. This will greatly improve the ability of the city to protect important historical structures.

### Evaluation.of.Significance.(EOS)

The HDC should continue to be asked to review all proposed demolitions of structures, regardless of age or historic status. Once a building is demolished there is no going back, and keeping this high level of scrutiny on all proposed demolitions is important to prevent anything from slipping through the cracks.

Additionally asking the HDC to review all demolitions provides the commissioners with an overview of how the city is changing, which is a vital part of understanding the history of our neighborhoods and communities and thus doing the work that the commission is tasked with. While I have no doubt that the staff would exercise care in reviewing these applications and bring any that were potentially questionable to the commission, I don't see the need to remove this work from the purview of the appointed body.

In FY24 the HDC conducted 3 EOS reviews, so these represent only a small fraction of the work of the commission. From the point of view of a commissioner, there is little need to reduce the workload of HDC volunteers. The number of applications of all types in any given month is never so great as to create an undue burden on the commissioners.

That concludes my comments on the proposed changes. I want to thank Mayor and Council for your time. I also want to thank the city staff that have put a lot of time and thought into getting us this far in the process. I look forward to the next steps in bringing this important facet of Rockville's zoning ordinance up to date so that it continues to serve the needs of our city and helps the citizens of Rockville to preserve the history that we all value.

Sincerely,

Seth Denbo  
1535 Baylor Avenue  
Rockville, MD 20850

## Holly Simmons

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**From:** Kominers, William [REDACTED]  
**Sent:** Monday, October 6, 2025 11:16 AM  
**To:** Jim Wasilak; Holly Simmons  
**Cc:** [REDACTED] Jeff Mihelich; Nicholas Dumais; Robert Dawson  
**Subject:** 1470 Rockville Pike -- Zoning Recommendation  
**Attachments:** RPR ZOR Ltr 10.6.25.pdf

**WARNING - External email. Exercise caution.**

Dear Jim and Holly,

Attached is a letter sent jointly by Steve VanGrack and me, to follow up my conversation with Holly last Monday about the positive recommendation made for rezoning of 1470 Rockville Pike to the MXTD-200 Zone, and the problem that the corresponding recommendation, to prohibit drive-throughs in the MXTD zones, will then create for the cannabis dispensary drive-through that is planned for the property at 1470 Rockville Pike.

We look forward to an opportunity to discuss these issues with City Staff.

Thank you.

Bill Kominers

---

William Kominers, Attorney  
Lerch, Early & Brewer, Chtd. rising to every challenge for 75 years  
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814  
[REDACTED]

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October 6, 2025

***Via Electronic Mail***

Mr. James Wasilak  
Ms. Holly Simmons  
Community Planning and Development Services  
City of Rockville  
111 Maryland Avenue  
Rockville, MD 20850

Re: Zoning Ordinance Rewrite – 1470 Rockville Pike

Dear Ms. Simmons and Mr. Wasilak:

This letter is written on behalf of our mutual client, RPR, LLC (“RPR”), owner of the property at 1470 Rockville Pike (the “Property”). The Property is currently zoned MXCD and is improved with a former bank building that includes an area for drive-through service. RPR plans to convert the building to a cannabis dispensary, with drive-through service, to implement the provisions of text amendment TXT 2025 – 00270, adopted on June 9, 2025, as Ordinance No. 10–25.

In reviewing the Staff Report for the planned September 29, 2025, worksession on the Zoning Ordinance Rewrite, we believe there is an unintended consequence of the Staff’s otherwise-positive recommendation related to the proposed zoning for the Property. We bring this matter to your attention to explain the adverse effect, and to suggest some alternative means to avoid the unintended consequence, while simultaneously supporting the City’s goals.

The Staff Report proposes to rezone the Property to the MXTD – 200 Zone (see Attachment 1, an excerpt from the Staff Report, pages 288 and 290). RPR supports the proposed rezoning, but subject to an essential caveat.

The caveat arises because the same Staff Report suggests that in the MXTD zone, two uses should be prohibited – gas stations and drive-throughs. Prohibition of drive-throughs is naturally a matter of grave concern to RPR, as they are proceeding to revitalize the vacant bank building into a cannabis dispensary, including modification of the existing drive-through service. The RPR project is a

direct response to TXT 2025–00270, which created a new use for the City: “cannabis dispensary with drive-through dispensing services,” permitted as a Conditional Use in the MXTD and MXCD zones (among others). The Staff Report proposal to prohibit drive-throughs in the MXTD zones, represents a direct reversal and contradiction of the Mayor and Council decision of only four months ago, to allow the identical drive-through use for cannabis dispensaries.

The cannabis dispensary drive-through use in the new MXTD Zone would become nonconforming under the Staff proposal. This impairs the ability to modify or expand the use, rendering the business unable to respond to future commercial success. Nonconforming uses often also have challenges in securing financing or refinancing.

As was noted in the discussion of TXT 2025–00270, the General Assembly has specifically authorized cannabis dispensaries to operate with drive-through service. The Mayor and Council followed that lead with the Text Amendment, setting up cannabis dispensaries with drive-through as a separately identified use, with its own Conditional Use standards, more extensive than those applicable to a simple dispensary alone. (See Sections 25.13.04.g and h.)

The Staff's recommendation appears to inadvertently undermine and override the Mayor and Council's specific action about how cannabis dispensaries can operate in the City. But that decision belongs with the Mayor and Council.

To try to reconcile the Staff's goal of limiting drive-throughs with the Mayor and Council actions on TXT 2025-0027, we offer three suggestions that could be integrated into the new Zoning Ordinance text to avoid this unhappy result.

1. Preserve the status quo and the good faith efforts of businesses by making existing or pending applications for drive-throughs treated as conforming. Only prohibit the drive-through uses prospectively – those seeking to arise after the effective date of the new Zoning Ordinance.

2. Pending applications or approved site plans or construction permits would be allowed to complete all of the necessary steps to occupancy, and then be deemed conforming going forward.

3. Pending applications or approved site plans or construction permits only for cannabis dispensary drive-throughs, would be allowed to complete the necessary steps toward occupancy, and then be deemed conforming going forward. (This approach would facilitate the state law that allows the cannabis dispensaries to operate as drive-through service and would be consistent with the recent action of the City to support those businesses.)

Any of the three methods above would help effectuate the intent of the prior text amendment on cannabis dispensaries, while also addressing the Staff's concerns to restrict new drive-through facilities.

Once you have had a chance to review these concerns and potential solutions, we would like to meet with you to discuss this matter. We certainly hope that we can find a pathway to address Staff's goals, while also maintaining the intent of the Mayor and Council action on the cannabis dispensary use.

Thank you for your consideration of our comments.

Very truly yours,

STEVE VANGRACK LAW, P.C.

LERCH, EARLY & BREWER, CHTD.

*Steven VanGrack/wk*

*William Kominers*

Steven VanGrack  
110 N. Washington Street  
Suite 300  
Rockville, MD 20850

William Kominers  
7600 Wisconsin Avenue  
Suite 700  
Bethesda, MD 20814

Enclosure

cc: RPR, LLC  
Mr. Jeff Mihelich  
Robert E. Dawson, Esquire  
Nicholas Dumais, Esquire

### **Neighborhood Conservation Plans**

The Zoning Ordinance currently contains provisions related to special “neighborhood conservation plans,” through which neighborhood conservation zoning districts can be established. Neighborhood conservation plans can be initiated in one of two ways: 1.) The Mayor and Council identify areas for designation through a master plan process; or 2.) local property owners may petition the Mayor and Council to initiate a neighborhood conservation district study.<sup>6</sup> The “neighborhood conservation plan” concept was introduced into the Zoning Ordinance in 2009. While the city has many master plans, the Lincoln Park Neighborhood Conservation Plan is the only example of a neighborhood conservation plan within the city.

The ZOR recommends that the concept of “neighborhood conservation plans” be eliminated from the Zoning Ordinance. Eliminating neighborhood conservation plans will not impact the Lincoln Park Neighborhood Conservation District Zone, which will continue to exist in its current form unless it is proposed to be amended, in which case it can be amended through a standard zoning text amendment or sectional map amendment. Master plans, including neighborhood or area plans that address specific areas of the city, will still be undertaken through the master planning process, and rezonings or other changes to the zoning map can continue to occur through sectional and comprehensive map amendments; however, these initiatives would be based solely upon the priorities and timing of the Mayor and Council and aligned with the broader priorities for the city as established in the Comprehensive Plan.

### **Comprehensive Map Amendment**

At their May 5, 2025 work session, the Mayor and Council supported the new MXTD-235 zone, one of a ‘family’ of three Mixed-Use Transit District zones being created to implement the recommendations of the 2025 *Town Center Master Plan*, being applied to the MXTD properties near the Twinbrook and Shady Grove metro stations to ensure that these properties are positioned to be similarly competitive to those in Town Center and transit-oriented properties in Montgomery County. This recommendation implements the Comprehensive Plan’s principle to “Steer the most-dense development to mixed-use, transit-served locations” and the Climate Action Plan’s Action C-16 to “Implement the Comprehensive Plan to steer the densest development/redevelopment to mixed-use, transit-served locations, reduce vehicle miles traveled (VMT) and emissions, and conserve/restore environmental areas.”

Following the May 5 work session the owners of 1460 and 1488 Rockville Pike, properties currently zoned MXCD (Mixed-Use Corridor District; maximum height of 75 feet), sent a letter to the Chief of Zoning (see Attachment 1 – 1460 and 1488 Rockville Pike Comment) expressing support for the proposed rezonings described above and “request[ing] the City expand on its initial recommendations for the South Pike area in the CMA to include additional properties to the north and west, which will ensure that market-responsive zoning is in place for the continued revitalization of this important section of Rockville Pike.” Specifically, they request that the City

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<sup>6</sup> Purpose and procedures related to neighborhood conservation districts and neighborhood conservation plans are outlined in Sec. 25.14.02.



consider rezoning properties within  $\frac{3}{4}$  miles of the Twinbrook Metro Station to the new MXTD-200 (the MXTD zone that corresponds with the Town Center Master Plan's Core Character Area).

Upon further analysis, staff agrees with the basis for the request, finding that such a rezoning would provide a transition similar to the one planned for Town Center while also supporting Comprehensive Plan goals related to transit-oriented development; however, staff's recommendation differs slightly from the request of the property owner. Instead of rezoning all properties within  $\frac{3}{4}$  mile of the metro station to the north and west, staff recommends rezoning the properties currently zoned MXCD that are generally within  $\frac{1}{2}$  mile of the Twinbrook Metro, shown red in Figure 2 below, which corresponds with the South Pike context and development pattern. Properties shown in blue are currently zoned MXTD and are proposed to be rezoned MXTD-235, as supported by the Mayor and Council at the May 5, 2025, work session. A transition to lower-density properties to the west will be afforded by the MXCT (Mixed Use Corridor Transition) Zone along East Jefferson Street.

**Figure 2. Properties Proposed to be Rezoned to MXTD-200 (in red; Previously supported rezoning to MXTD-235 shown in blue)**



## Historic Preservation

In 2023, the Historic District Commission (HDC) and subsequently the Mayor and Council, endorsed the 2023-2033 Historic Preservation Work Plan (HPWP) as an internal document designed to update and modernize Rockville’s preservation program. This document laid out 40 work items across six different themes. Work Item A within the HPWP called for making updates to the Zoning Ordinance to address the following:

- Streamline and clean up existing code;
- Prepare a zoning text amendment regarding the local designation process and local designation criteria;
- Prepare a zoning text amendment regarding administrative Certificate of Approvals;
- Develop a new section on delisting procedures;
- Prepare a zoning text amendment on parties of interest and required owner consent; and
- Prepare a zoning text amendment regarding demolition by neglect.

Since the HPWP was endorsed two years ago, the Zoning Ordinance Rewrite project has been flagged as the primary vehicle to make these updates.

The following bullet points outline the issues with our current code regarding historic preservation that are flagged in the HPWP, followed by the staff’s proposed revisions to solve these issues.

- *Issue:* Historic preservation regulations are currently located within several different articles of the Zoning Ordinance, Chapter 25. As a result, there are many cross-references

October 27, 2025

VIA ELECTRONIC MAIL

Mr. James Wasilak  
Ms. Holly Simmons  
Community Planning and Development Services  
City of Rockville  
111 Maryland Avenue  
Rockville, Maryland 20850

Re: Zoning Ordinance Rewrite – Planned Development Zones

Dear Mr. Wasilak and Ms. Simmons:

This letter requests that as a part of the Zoning Ordinance Rewrite, the City retain the existing Planned Development (“PD”) Zones and those provisions of the current Zoning Ordinance that address the standards for, operations of, and process for amendments to, those Planned Development Zones. In addition, this letter supports the changes proposed in the amendment process for existing Planned Development projects, to help facilitate their evolution. Please include this letter in the Record of the Zoning Ordinance Rewrite.

Background

Many parts of the City have been shaped by planned developments. The specific zones listed in Sections 25.14.08 through 25.14.34 are testament to the effect that planned developments have produced. Each project had unique characteristics that the planned development process allowed to mold to the needs.

For projects in what became the Planned Development Zones in 2009, the specific approval Resolutions, in conjunction with the then-applicable Zoning Ordinance, functioned like an individualized, special purpose zoning ordinance, designed to accommodate the unique needs and character of each project. While originating as Special Development Procedures under Article XII of the former

Zoning Ordinance, primarily for residential projects<sup>1</sup> (which have been effectively built out), the later planned developments have encompassed commercial and mixed-use developments (Comprehensive Planned Development, or CPD, Preliminary Development Plan, or PDP, and I-3 Optional, etc.). Many of these later projects continue to evolve enroute to full completion. Because of their expected lengthy duration for implementation, they must necessarily accommodate changing external conditions. The provisions written into the current Zoning Ordinance are designed to allow these planned development projects to maintain their individual, specific approval standards, but also provide for making changes when sought.

### Planned Development Zones – General

During the creation of the current Zoning Ordinance, a great deal of effort and careful drafting went into the provisions governing planned developments. Each project was given its own zoning category (Sections 25.14.08 - 25.14.34), so as to tailor the provisions of its approval documents and any future changes, in a way that could be narrowly focused on the particular project, without affecting other planned developments or the remainder of that Zoning Ordinance. This approach should be continued in the new Zoning Ordinance Rewrite.

To protect and continue the orderly implementation of the Planned Developments, the new Zoning Ordinance should retain the general (Section 25.14.07), and the individualized Planned Development Zones provisions (Sections 25.14.08 – 25.14.34), the Planned Development Governing Documents definition (Section 25.03.02), the development standards (Section 25.14.07.d.) and the Adequate Public Facilities provisions (Section 25.20.04). The amendment provisions of Section 25.14.07.e. should also be retained, but these should be modified to reflect the revised and simplified planned development amendment process proposed in the Staff Memo for the August 4, 2025, worksession. The simplified process proposed will speed up the currently protracted amendment process that fatigues all the participants. The current amendment process operates as a deterrent, in time and cost, to evolution of the planned developments. The reasoning for retention of each of the referenced provisions is set forth below.

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<sup>1</sup> Special Development Procedures for residential development included: Variable lot size development; Cluster Development; Planned Residential Unit Development (PRU); and Residential Townhouse Development (RTH). See Section 25-487 of former Zoning Ordinance.

## Development Standards

The permutations of development standards for the planned developments are addressed in Section 25.14.07.d. (Copy attached as Exhibit 1.) These were thoughtfully developed during last Rewrite to address the three actions that could be used (together or separately) to implement the planned development approvals. These include: (i) the development standards in the original planned development approval Resolution (including elements/standards existing in the Zoning Ordinance at that time); (ii) the equivalent zone standards, that could be added in the event of amendments to a planned development; and (iii) a method for waiving the use of the equivalent zone standards, where applying them would not fit with the character of the existing project.

This three-part approach still makes sense, and retains continuity of treatment over time for the planned developments. That continuity, and consistency of rules over time, is of critical importance for the planned developments, especially those that are principally commercial or mixed use. Their implementation usually occurs over an extended period, but includes many upfront costs and commitments – all of which are based on the assumption of achieving the designed and approved development result, or its equivalent.

## Planned Development Governing Documents

Retention of the Planned Development Governing Documents definition is another critical element of the planned development approvals. (Copy attached as Exhibit 2.) Through the planned development approval process, modifications of the standards of the Zoning Ordinance could be made. But, any standards in the Ordinance that were not being changed, did not need to be restated in the planned development approval resolutions – they just continued to apply from the vantage point of the then-current Zoning Ordinance. Thus, the Zoning Ordinance became an integral component of each planned development approval. To maintain the content of each planned development approval resolution, the Zoning Ordinance provisions that were left unchanged must be incorporated by reference, as they were de facto at the time. This incorporation is accomplished through the definition of the Planned Development Governing Documents in Section 25.03.02.

## Amendments

The amendment provisions of Section 25.14.07.e. are integral to the continued implementation and evolution of the planned developments. (Copy attached as Exhibit 3.) This Section sets forth the three important elements governing the amendment process: (i) the triggers for an amendment; (ii) the process to follow for approval of an amendment; and (iii) the protections for those areas of the planned development that are not being amended.

Defining actions that trigger the need for an amendment is helpful by creating an objective starting point for consideration. Both the City and an applicant benefit by having a known set of parameters that create the need for an amendment. They also provide safe harbors that minimize conflict. Outside of the specific criteria, there is an escape valve, if needed, through an opportunity for the Planning Commission to determine that a proposed change is a substantial deviation from the approval, even though not rising to the level of the enumerated triggers.

The current process for amendments uses the process for approval of a Project Plan under the existing Ordinance. That process is very time-consuming and expensive. If modified by the Rewrite for Project Plans generally, that process should flow down to adjust this amendment process as well. Changes to the Project Plan process are being proposed as a part of the Rewrite.

This Section also puts limitations on amendments causing changes beyond their intended scope. That protection reduces the risk of amendments affecting other parts of the Planned Development without the Applicant's intent, and therefore encourages use of amendments, when appropriate. The Ordinance limits amendments to the area or substance proposed in the application, thus preventing an amendment from unintentionally spreading to other parts of the project or being used as a collateral attack on the underlying planned development approval. The amendment can only be expanded to other areas of the planned development with the Applicant's consent. This limitation removes the fear factor of risking other parts of the planned development being drawn into the amendment and then impacted or impaired – *i.e.*, that proposing to amend something in one place will open Pandora's Box and allow changes affecting another. This limitation, and its corresponding protection, is important to maintain the long-term investment-backed expectation of the property owner and the underlying planned development approval.

These amendment provisions were carefully negotiated in the 2009 Rewrite, and should be retained in the new Rewrite.

### Adequate Public Facilities

Section 25.20.04, regarding Adequate Public Facilities ("APF") approvals for each planned development must also be retained. (Copy attached as Exhibit 4.) This provision establishes the APF duration under which previously approved planned developments have been operating, and provides protection during the intended time horizon for their implementation.

Most of the approved planned developments that remain active within their APF validity period, have made significant public infrastructure improvements designed to accommodate their impacts. To the extent that the planned development has not been built out, the public has had the benefit of the improvements since their construction. If instead, the uses in the planned development have changed, such that infrastructure impacts (mostly traffic) have decreased, then the public benefits from the excess capacity that will now remain available. In either case, the planned development has fulfilled the infrastructure expectation obligation of its approval, and should be protected, as the current APF provision does.

### Summary

For all the foregoing reasons, the existing provisions governing the existing planned development zones, as well as the individualized zones themselves, and the related APF provisions, should be retained for inclusion in the new Rewrite. The only exception being that the simplifying modifications to the Project Plan approval process, that are applicable to the Planned Development amendment process, should also be included as an overall change.

Please contact me if you have any questions about these issues.

Very truly yours,

LERCH, EARLY & BREWER, CHTD.

*William Kominers*

By:

\_\_\_\_\_  
William Kominers  
7600 Wisconsin Avenue, Suite 700  
Bethesda, MD 20814



Enclosures

cc: Christopher M. Ruhlen, Esquire



# EXHIBIT 1.

## ZONING ORDINANCE

§ 25.14.07

- (b) PD-FG—Fallsgrove;
  - (c) PD-UR—Upper Rock;
  - (d) PD-TO—Tower Oaks;
  - (e) PD-KSI—KSI Apartments;
  - (f) PD-TC—Twinbrook Commons;
  - (g) PD-RCI—Rockville Center, Inc.; and
  - (h) PD-TS—Town Square.
3. *Principally commercial development.* The following are principally commercial developments in the City:
- (a) PD-SG—Shady Grove;
  - (b) PD-MC—Metro Center; and
  - (c) PD-CB—Champion Billiards.
- d. *Development standards.*
- 1. *General policy.* The planned developments located in the planned development zones were approved by resolution of the Mayor and Council or action by the Planning Commission as a unified, coherent design. In some instances the development standards of the underlying zone applied to some aspects of the development project but were not restated in the Mayor and Council or Planning Commission development project approval. In addition, a number of the planned development projects are subject to annexation agreements or development agreements with the City that have specific terms for how the development will proceed. All of these documents constitute the planned development governing documents as defined in section 25.03.02.
  - 2. *Approved development standards.* The development standards (including, but not limited to, those standards for building heights, setbacks, lot coverage, lot sizes, density, and open space) set forth in the planned development governing documents apply to the following:
    - (a) Completed planned development projects;
    - (b) Undeveloped or partially completed individual sites within a planned development;
    - (c) Replacement in kind of any completed portion of a planned development project. Such replacement does not have to duplicate the footprint of the replaced portion of the project.
  - 3. *Equivalent zone development standards.*
    - (a) Except as provided in subsection 25.14.07.d.4., the development standards of the equivalent zone designation for a planned development zone apply:
      - (i) In the absence in the planned development governing documents of specific development standards related to minimum setbacks, maximum building height, lot coverage or lot dimensions;

- (ii) To that portion of an approved planned development for which an amendment to the planned development governing documents is sought;
  - (iii) To the redevelopment of any portion of a planned development with new development that is not in substantial compliance with the planned development governing documents.
- (b) The development standards for the equivalent zone will supersede the development standards contained in the planned development governing documents for only that portion of the planned development subject to the amendment or redevelopment.
- (c) Street frontage. Record lots for each dwelling unit, if provided, must front on a public street, private street, or a common open space.
- 4. *Waiver of equivalent zone standards.* The Approving Authority may waive the application of one (1) or more of the development standards of the designated equivalent zone upon a finding that the applicant has shown good cause as to why the development standard should not apply to any portion of the planned development project. In determining whether the burden of establishing good cause has been met, the Approving Authority must consider the following:
  - (a) Whether the development standard of the equivalent zone is compatible with the completed portions of the planned development;
  - (b) Whether applying the development standard of the equivalent zone is consistent with good planning and design principles;
  - (c) Whether applying the development standard of the equivalent zone is reasonable and practically feasible. The cost of applying the standard may, but does not necessarily, demonstrate that applying the development standards of the equivalent zone is reasonable or practically feasible; and
  - (d) Such other factor as the Approving Authority reasonably deems appropriate.
- e. *Amendment of a planned development.*
  - 1. *Required, general.* The following are planned development amendments subject to the equivalent zone development standards and will require approval of an amendment to the planned development governing documents by the Mayor and Council.
    - (a) Any increase in the intensity of the development (dwelling units, gross square footage, etc.) beyond what is authorized in the planned development governing documents;
    - (b) Any increase in building heights beyond what is authorized in the planned development governing documents;
    - (c) Addition of new uses not approved in the planned development governing documents;
    - (d) A major relocation of public streets;

## EXHIBIT 2.

### ZONING ORDINANCE

§ 25.03.02

*Permitted use.* See "Use, permitted."

*Person* means an individual, association, firm, partnership, corporation, or government agency, not including the City.

*Person with a disability* means a person who is determined by a qualified medical authority to have physical or mental impairments that:

1. Are expected to be long continued and of indefinite duration;
2. Substantially impede the ability to live independently; and
3. Are of such a nature that the ability to live independently could be improved by more suitable housing conditions.

*Personal living quarters* means a permanent residential unit with incomplete kitchen or bathroom facilities, occupied by no more than two (2) persons in each such unit, and located within a larger structure that contains at least five (5) such units, plus a residential unit for an on-site manager.

*Personal care facility* means a commercial facility providing services such as a barber shop, beauty salon, massage therapy, cosmetology, and similar uses. Items separately regulated in this chapter are not included in this definition.

*Personal services office* means offices directly serving the public, such as real estate office; travel agency; investment broker; insurance sales; and similar uses. Items separately regulated in this chapter are not included in this definition.

*Pet grooming* means a facility, other than a veterinary hospital, used for the grooming of household pets for profit, and not including overnight boarding.

*Petitioner.* See "Applicant."

*Philanthropic institution.* See "Charitable or philanthropic institution."

*Pipe stem lot* means a lot that does not meet the required frontage at the normal minimum front setback line, due to being configured with a narrow panhandle or pipe stem, which panhandle or pipe stem provides vehicular and pedestrian access to a street, with the bulk of the property lying to the rear of one (1) or more lots.

*Plan* means the policies, statements, goals, and interrelated plans for private and public land use, transportation, and community facilities documented in texts and maps which constitute the guide for the City's future development. For the purposes of this definition, the word "plan" shall include general plan, master plan, neighborhood plans, and the like as adopted in accordance with the applicable provisions of State law. "Plan" does not include the term "project plan" as defined elsewhere in this article.

*Planned development governing documents* mean the collection of documents that establish the density, use, development standards, and special provisions that guide the



build-out of a planned development located in any of the planned development zones contained in article 14 of this chapter. Those documents include one or more of the following:

1. Any resolution of approval by the Mayor and Council and any subsequent amendment thereto including any attachments;
2. Any preliminary development plan approval by the Planning Commission and any subsequent amendment thereto including any attachments;
3. Any annexation agreement or other development agreement;
4. The provisions of this chapter applicable to the particular planned development prior to March 16, 2009 and not inconsistent with the resolution of approval or the approved preliminary development plan, or the annexation agreement or other development agreement.

*Plat* means a plotted map, chart or plan; or a map of a legally recorded subdivision showing the boundaries and locations of the lot or lots recorded thereon.

1. *Plat, ownership.* See "Ownership plat."
2. *Plat, final record* means a map that illustrates a metes and bounds description of the property into a system of lot and block numbering, the naming of the tract (subdivision name), and the assignment of a plat number when recorded among the land records of Montgomery County, Maryland.

*Porch* means a roofed, open area attached to or part of a building, and with direct access to and from the building.

*Portable sign.* See "Sign, portable."

*Pre-existing grade* means the height of the ground prior to construction or earth moving by human means as of March 16, 2009.

*Preliminary report* means an initial report prepared by the Planning Commission providing recommendations on appropriate zoning classifications for properties being annexed into the City.

*Premises* means a lot, a building, or part of a building, including any appurtenances.

*Private club* means an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational, or like activities, operated for the benefits of its members and not open to the general public.

*Prohibited use.* See "Use, prohibited."

*Project plan* means a conceptual plan of development for a major project proposal as determined under the provisions of section 25.07.02 that must be approved by the Mayor and Council and may encompass multiple buildings or multiple uses, and which may include a phasing plan for completion of the development over time.

# EXHIBIT 3.

§ 25.14.07

## ROCKVILLE CITY CODE

- (ii) To that portion of an approved planned development for which an amendment to the planned development governing documents is sought;
  - (iii) To the redevelopment of any portion of a planned development with new development that is not in substantial compliance with the planned development governing documents.
- (b) The development standards for the equivalent zone will supersede the development standards contained in the planned development governing documents for only that portion of the planned development subject to the amendment or redevelopment.
- (c) Street frontage. Record lots for each dwelling unit, if provided, must front on a public street, private street, or a common open space.
- 4. *Waiver of equivalent zone standards.* The Approving Authority may waive the application of one (1) or more of the development standards of the designated equivalent zone upon a finding that the applicant has shown good cause as to why the development standard should not apply to any portion of the planned development project. In determining whether the burden of establishing good cause has been met, the Approving Authority must consider the following:
  - (a) Whether the development standard of the equivalent zone is compatible with the completed portions of the planned development;
  - (b) Whether applying the development standard of the equivalent zone is consistent with good planning and design principles;
  - (c) Whether applying the development standard of the equivalent zone is reasonable and practically feasible. The cost of applying the standard may, but does not necessarily, demonstrate that applying the development standards of the equivalent zone is reasonable or practically feasible; and
  - (d) Such other factor as the Approving Authority reasonably deems appropriate.
- e. *Amendment of a planned development.*
  - 1. *Required, general.* The following are planned development amendments subject to the equivalent zone development standards and will require approval of an amendment to the planned development governing documents by the Mayor and Council.
    - (a) Any increase in the intensity of the development (dwelling units, gross square footage, etc.) beyond what is authorized in the planned development governing documents;
    - (b) Any increase in building heights beyond what is authorized in the planned development governing documents;
    - (c) Addition of new uses not approved in the planned development governing documents;
    - (d) A major relocation of public streets;



- (e) A material reduction in the cumulative amount of public or private open space; and
  - (f) Such other proposed change in the project that the Planning Commission determines to be of such significance as to be a substantial deviation from the planned development governing documents and therefore require an amendment to the planned development governing documents.
2. *Procedure.* Any proposal to amend the planned development governing documents requires the filing of a project plan amendment application with the Chief of Planning. Such application must comply, and will be processed in accordance, with the requirements for a project plan as set forth in article 7 of this chapter.
  3. *Limitations.* Amendments to a the planned development governing documents for a planned development shall be limited to the substance or area encompassed by the amendment application and may not affect other aspects of the approved planned development project without the consent of the applicant or its successor. Nothing, however, shall preclude the Mayor and Council from considering all aspects or areas of the approved planned development in determining whether or not the requested amendment is appropriate.

f. *Site plan required.* An approved planned development must be implemented through approval of one or more site plans in accordance with the requirements for a level 2 site plan as set forth in article 7.

(Ord. No. 29-09, § 14, 10-26-09; Ord. No. 16-10, § 5, 9-13-10; Ord. No. 7-11, § 14, 6-6-11)

#### **Sec. 25.14.08. PD-RS (Rockshire).**

a. *Exploratory application approved.* The PD-RS zone is regulated in accordance with the exploratory application approved by the Mayor and Council by Resolution No. 21-66 on March 7, 1966, as may be amended.

b. *Designated equivalent zones.*

1. Designated equivalent zone (commercial development areas only): Mixed-Use Neighborhood Center (MXC).
2. Designated equivalent residential zones:
  - (a) Single unit residential detached areas: R-60.
  - (b) Single unit residential attached areas: RMD-10.

#### **Sec. 25.14.09. PD-FM (Fallsmead).**

a. *Planned residential unit approved.* The PD-FM zone is regulated in accordance with the exploratory application approved by the Mayor and Council by Resolution No. 2-66 on January 3, 1966, as may be amended.

b. *Designated equivalent zone.* Designated equivalent residential zone: R-60.

- B. Completion of infrastructure required to serve the next stage of the amended development schedule.
  - (iii) No additional development beyond the amount approved in the determination of adequate public facilities may be proposed or approved.
  - (iv) No additional public improvements or other conditions beyond those required for the original project approval may be required.
- 5. *Extension not automatic.* Compliance with the conditions of this section 25.20.03, including instances where the applicant has completed all conditions imposed at the time of development approval to meet adequate public facilities requirements, does not require the Approving Authority to extend the validity period of a finding of adequate public facilities.
- 6. *Reevaluation and reaffirmation.* After the expiration of a determination of adequate public facilities, reaffirmation of the adequacy of the public facilities to serve the project may be granted by the original Approving Authority based on an analysis of the impact of the net remaining development on the public facilities, consistent with the adequate public facilities standards. The analysis shall apply credits for infrastructure that has been provided in conjunction with the development. If the analysis indicates that existing and programmed public facilities will be overburdened, mitigation of said impacts shall be required as a condition of reaffirmation.
- c. Notwithstanding the above, the adequate public facilities determination for water and sewer service is confirmed prior to the issuance of a building permit.  
(Ord. No. 29-09, § 19, 10-26-09; Ord. No. 16-19, 7-8-19)

#### **Sec. 25.20.04. Applicability to previously approved planned development.**

a. *[Validity periods.]* Any planned development identified in section 25.14.07 of this chapter is deemed to satisfy the adequate public facilities standards for the following validity periods:

1. The number of years specified in the original approval, if explicitly stated; or
2. If the original approval does not specify the number of years that public facilities are deemed adequate, the validity period ends twenty-five (25) years from November 1, 2005.

b. *Extension.* The Mayor and Council may approve one (1) five-year extension to implement the approved development when the applicant demonstrates that either:

1. Development of the project has proceeded with due diligence but that factors beyond the control of the developer, such as economic conditions or change in governmental regulations, have precluded development of the project within the approved time frame; or
2. The project is substantially complete, provided that all infrastructure required by the conditions of the approved exploratory application, concept plan, or preliminary

development plan have been constructed, bonded, or payments for construction have been made. Internal infrastructure improvements required only to serve the unconstructed portions of the project do not need to be completed.

c. *Expiration.* If the adequate public facility determination expires, the unconstructed portion of the development must satisfy the relevant public facilities standards, with credit for provided facilities, prior to approval of subsequent detailed applications, use permits, or final record plats.

d. Notwithstanding the above, the adequate public facilities determination for water and sewer service is confirmed prior to the issuance of a building permit.  
(Ord. No. 16-19, 7-8-19)

## ARTICLE 21. PLATS AND SUBDIVISION REGULATIONS\*

### Sec. 25.21.01. Plats.

a. There are two (2) types of plats:

1. Final record plats which are either:

- (a) Subdivision plats (when there is an assemblage or division of land); or
- (b) Recordation of an existing single unit detached residential lot; and

2. Ownership plats.

b. Recordation required for development.

1. Every structure must be erected and located on a record lot.

2. Except as provided in this chapter, there cannot be more than one (1) single unit detached residential dwelling on one (1) lot.

(Ord. No. 8-14, § 1, 4-21-14)

### Sec. 25.21.02. Final record plats.

a. *Subdivision plats.* Subdivision is the process of assembling or dividing land. Final record plats are the illustrated system of mapping and identifying lots within densely populated areas into a single mapping system.

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\*State law reference—Subdivision control, Anno. Code of Md. Art. 66B, § 5.01 et seq.



## Judy Penny

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**From:** Max van Balgooy [REDACTED]  
**Sent:** Monday, November 24, 2025 10:32 PM  
**To:** mayorcouncil  
**Cc:** Peerless Rockville Info; History  
**Subject:** Comment on Restricting Historic Nomination Eligibility in Article 11, Draft Zoning Code

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**WARNING - External email. Exercise caution.**

**Mayor and Council**  
City of Rockville  
111 Maryland Avenue  
Rockville, MD 20850

### **Re: Public Comment on Proposed Changes to Historic Designation Nomination Eligibility**

Dear Mayor and Councilmembers,

I am writing to comment on the proposed revisions to Article 11 of the draft Zoning Ordinance, specifically the provisions related to **who may nominate a property for historic designation**. After closely reviewing the draft ordinance, particularly pages **335** and **643** of the December 1, 2025 agenda packet, I am very concerned that **community members, residents, or other interested parties will NO longer be able to submit a nomination**.

I appreciate the City's efforts to modernize and strengthen its historic preservation framework, and many components of the draft ordinance—such as expanded administrative approvals and demolition-by-neglect provisions—are clear improvements. However, restricting nominations so that only the property owner, the Historic District Commission, or the Mayor and Council may initiate designation raises significant concerns.

#### **1. Limiting nomination eligibility is inconsistent with how historic preservation is intended to function under Maryland law.**

The Maryland Land Use Article (formerly Article 66D) envisions **historic preservation as a public responsibility**, not a private one. The state enabling legislation does not limit who may bring forward a nomination, and in practice **most Maryland municipalities allow multiple entities to initiate consideration of historically significant properties**.

Recognizing potential resources should be open to the broader community because **historic value is shared**, even when legal ownership is private.

## **2. Restricting nominations reduces the City’s ability to identify and protect historic resources.**

Community members, neighborhood associations, and local historians often identify:

- early 20th-century subdivisions
- mid-century architecture
- sites associated with underrepresented communities
- landscapes or structures whose significance is not widely known

If only owners or City bodies may nominate properties, Rockville risks missing properties that merit evaluation—but whose owners may not yet be aware of their significance, may fear regulatory consequences, or may be preparing redevelopment plans.

## **3. The change may have unintended consequences for equity, community engagement, and early intervention.**

Many important Rockville stories—particularly those linked to African American history, immigrant communities, women’s history, and working-class neighborhoods—have been brought forward by residents rather than property owners. Restricting nominations closes an avenue that has historically allowed these stories to surface.

Additionally, third-party nominations can be crucial to:

- **preventing demolition** of significant properties,
- **alerting the City** to late-emerging historical evidence,
- **supporting earlier dialogue** with owners, often leading to collaborative preservation outcomes.

## **4. Recommendation**

For these reasons, I urge the Mayor and Council to **restore the ability of Rockville residents, community groups, and other members of the public to nominate properties for historic designation.**

Maintaining multiple nomination pathways does not predetermine an outcome. The draft ordinance already includes strong due-process protections—notice, public hearings, application of clear designation criteria, and review by the Historic District Commission and Mayor and Council. These safeguards ensure a fair, transparent process regardless of who initiates it.

**Rockville’s history belongs to the entire community.** Maintaining broad access to the nomination process supports transparency, civic participation, and the City’s long-term commitment to preserving the character and stories that define our community.

Thank you for your consideration and for your continued work on this important part of the zoning rewrite.

Sincerely,

Max A. van Balgooy  
313 Twinbrook Parkway, Rockville, MD



## Holly Simmons

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**From:** Jeff Mihelich  
**Sent:** Tuesday, November 25, 2025 3:20 PM  
**To:** Craig Simoneau; Jim Wasilak; Holly Simmons; Katie Gerbes  
**Subject:** FW: Rockville Draft Zoning Ordinance Regarding Article 11: Historic Preservation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI and thanks.



**Jeff Mihelich – ICMA-CM**

City Manager

**City Manager's Office**

P. 240-314-8102

[www.rockvillemd.gov](http://www.rockvillemd.gov)



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**From:** Mary van Balgooy

**Sent:** Tuesday, November 25, 2025 2:23 PM

**To:** mayorcouncil  
<mayorcouncil@rockvillemd.gov>;  
Executive Director

History <History@rockvillemd.gov>

**Subject:** Rockville Draft Zoning Ordinance Regarding Article 11: Historic Preservation

**WARNING - External email. Exercise caution.**

**Mayor and Council**

City of Rockville

111 Maryland Avenue

Rockville, MD 20850

**Re: Public Comment on Proposed Changes to Historic Designation Nomination Eligibility**

Dear Mayor and Councilmembers:

I am writing to add my comments to those submitted by Max van Balgooy regarding the proposed revisions to Article 11 of the draft Zoning Ordinance. I do so as a former Executive Director of Peerless Rockville (not speaking on behalf of Peerless), the current President of the Twinbrook Community Association (not speaking on behalf of TCA), and as a longtime Rockville resident who has worked in historic preservation at the local, state, and national levels for more than twenty years.

While I appreciate the City’s efforts to modernize its preservation ordinance, I am deeply concerned that the proposed restriction on who may nominate a property for historic designation will significantly weaken Rockville’s ability to recognize and protect meaningful places. Under the current ordinance, “*any person may nominate*” a property for designation. Eliminating this long-standing avenue for community participation removes a key mechanism that has shaped Rockville’s preservation efforts for decades.

**Despite being directly affected, Twinbrook residents were never engaged in discussions about these proposed changes.**

City staff presented portions of the zoning rewrite to the Twinbrook Community Association twice at our meetings; however, the proposed changes to historic designation eligibility were **not** discussed. As a result, residents, many living in homes now more than fifty years old, were unaware that a major shift in preservation policy was under consideration.

This lack of engagement is particularly concerning because Twinbrook is one of Rockville’s most historically significant neighborhoods and would be directly impacted by these revisions. More broadly, these proposed changes do not appear to have been presented to other neighborhood associations or resident groups. A decision that fundamentally alters how the City evaluates and protects historic resources should not emerge from such a narrow set of conversations.

Twinbrook’s origins underscore why community involvement is essential. Platted on October 18, 1946, the neighborhood was developed by four builders on nearly 200 acres of former farmland to provide modest, affordable housing for returning World War II veterans. The early Cape Cod–style homes—many with unfinished upper levels designed for future expansion—reflect the aspirations and challenges of the postwar era. Twinbrook was annexed into the City in 1949, making it one of Rockville’s earliest and most influential postwar subdivisions.

Peerless Rockville has studied and interpreted Twinbrook’s history extensively, including through its *Twinbrook Tours* brochures, which highlight:

- Three original model homes on Twinbrook Parkway, still largely unaltered on the exterior;
- The former Twinbrook sales office and the “Anniversary Home” on Veirs Mill Road that are tied directly to the development’s creation;
- Historic plans, marketing materials, and building documents preserved in Peerless Rockville’s collections.

These resources demonstrate the architectural, cultural, and social significance of Twinbrook. Yet under the proposed ordinance, Peerless Rockville, TCA, and residents would have no ability to initiate preservation review for any of these properties.

**Residents increasingly value history, not just architecture.**

Many Twinbrook residents have expressed interest in nominating homes not because they were designed by notable architects, but because of their association with the neighborhood’s origins and

with the families who shaped this community. The social history of a home—its stories, its long-term residents, its role in the neighborhood—is often as important as its architectural integrity.

Community-initiated nominations have been essential in surfacing these values. A recent example on Scott Avenue where neighbors sought guidance from me on how to preserve a house with deep cultural associations demonstrates this. Under the proposed ordinance, those residents would have no path to bring that forward.

### **Restricting nominations contradicts the City’s stated goal of proactive preservation.**

During my years at Peerless Rockville, I frequently heard the same refrain from those opposing designation:

*“It’s not architect-designed,” “It’s too modest,” “It’s not historically significant enough.”*

These assumptions often discouraged owners from considering designation and overshadowed the truth that everyday buildings collectively tell Rockville’s story.

Even today, many residents who might pursue designation simply do not know how. My own neighbor across the street has asked about the process because they could not find clear information. Meanwhile, the City’s messaging tends to emphasize tax credits. These are important, but far from the main reason people choose to preserve their homes. The pride of stewardship, the sense of contributing to community identity, and the responsibility of protecting history for future generations rarely receive equal emphasis.

Restricting nominations sends a message that the City prefers fewer opportunities and not more to evaluate its historic assets.

### **Creating a delisting process introduces a troubling precedent.**

Introducing a delisting mechanism risks destabilizing the City’s preservation framework. Once properties can be removed from the register, preservation decisions can become more vulnerable to redevelopment pressures rather than grounded in genuine reassessment of significance. Rockville must move cautiously before adopting any process that weakens the stability of existing districts or landmarks.

### **Recommendation**

Therefore, I respectfully urge the Mayor and Council to restore the ability of Rockville residents, community organizations, and neighborhood associations to nominate properties for historic designation. Maintaining this long-standing pathway does not predetermine outcomes—the ordinance already provides clear criteria, public hearings, and multiple layers of review. But without a public nomination option, many historically important properties will simply never come before the City.

Rockville's heritage belongs to everyone who lives here. Preserving an open nomination process supports civic engagement, encourages early identification of significant places, and strengthens our shared investment in the City's character and history.

Thank you.

Mary A. van Balgooy  
313 Twinbrook Pkwy, Rockville, MD  
[REDACTED]

**Judy Penny**

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**From:** Lauren Hanna [REDACTED]  
**Sent:** Thursday, November 27, 2025 3:20 PM  
**To:** mayorcouncil  
**Subject:** Subject: Request for Mayor and Council to Adopt the Montgomery Country's 2003/2004 Deer Fencing Amendment/ Zoning Text Amendment (ZTA) 03-12

**WARNING - External email. Exercise caution.**

Rockville Mayor and Council  
City of Rockville  
111 Maryland Avenue  
Rockville, MD 20850

Dear Mayor Ashton and Members of the Council,

I am writing to respectfully urge the City of Rockville to adopt the proposed **Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12 that was adopted in 2003.**

Our community is experiencing significant challenges due to the ongoing overpopulation of deer, and homeowners are increasingly struggling to protect their properties, landscaping, and safety.

In recent years, the deer population has grown to a level that is no longer compatible with a healthy suburban environment. Homeowners throughout Rockville are facing substantial damage to gardens, shrubs, and trees—damage that is often costly to repair or impossible to reverse. Beyond property loss, these issues raise broader concerns, including an increased risk of Lyme disease.

A thoughtfully crafted deer fencing amendment would give homeowners a much-needed tool to protect their properties while still aligning with the City's aesthetic standards and commitment to environmental stewardship. For many residents, effective fencing is the only practical and humane method to deter deer and preserve the natural landscape we all value.

By adopting this amendment, Rockville would be acknowledging the real, everyday challenges faced by residents and providing a reasonable, responsible solution.

Thank you for your consideration of this important matter. I appreciate the Council's ongoing efforts to maintain Rockville as a safe, beautiful, and thriving community, and I strongly encourage you to approve the deer fencing amendment.

Sincerely,  
Lauren Hanna  
408 Great Falls Road, Rockville, MD 20850  
[REDACTED]



## Judy Penny

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**From:** Donna Sprague [REDACTED]  
**Sent:** Friday, November 28, 2025 3:18 PM  
**To:** mayorcouncil; History  
**Subject:** Support for Deer Fencing Amendment

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**WARNING - External email. Exercise caution.**

Dear Mayor and Council and Members of the Rockville HDC,

My name is Donna Sprague and I have been a resident of Rockville for nearly 20 years. Like many in the West End and throughout Rockville, I care deeply about the historic character of the neighborhood.

It has come to my attention that the City and HDC have cited the homeowners at 419 W. Montgomery for adding deer mesh to protect their property from deer. I don't know how much time City Staff or HDC spend in the neighborhoods, but this property in particular is a Rockville gem, in large part due to the care the homeowners have taken to create a truly gorgeous landscape and certified wildlife habitat that is admired by so many in the community, and that adds significantly to the beauty of the neighborhood. As with so many frustrated homeowners in Rockville, they have also spent thousands to replace plantings ravaged by deer, and to try to keep the deer off their property. The deer mesh they have added to their fence takes nothing away from the historic character of the house, is very inconspicuous, and -- unlike the result of erecting a tall stockade fence -- allows passersby to enjoy the views of their outstanding backyard gardens.

The City has wrestled unsuccessfully over many years with the explosion of the deer population, to the dismay of many homeowners -- myself included -- who have seen their time and money spent on landscaping go down the drain, while their worries about the health threats to themselves, their pets, and their children increase. Since there is no easy solution and clearly zero likelihood of reducing the number of deer, the diseases they carry, or their destruction of property, the City should support allowing homeowners -- at their own expense -- to erect barriers to protect themselves and their property. The City does not need to create new legislation from scratch, since Montgomery County already adopted a deer fencing amendment in 2003 to allow all other County homeowners outside the Rockville City limits to protect their health and property by following specific regulations on deer fencing.

To address the City's lack of current guidelines on deer fencing, I urge the Mayor and Council to adopt the **Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12**. City residents support practical solutions to real problems, solutions that are responsive to their concerns. The deer debate that has raged for so long in Rockville has been over how to safely, effectively, and humanely reduce the number of deer. Clearly there is no easy answer there. But punishing homeowners and preventing them from protecting their property and health helps no

one. The decision to adopt this Amendment should be an easy one, demonstrating that you are responsive to the concerns of your citizens.

Thank you,

Donna Sprague

300 Great Falls Road

Rockville, MD 20850

## Judy Penny

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**From:** ellen gagnon [REDACTED]  
**Sent:** Saturday, November 29, 2025 1:48 PM  
**To:** mayorcouncil  
**Subject:** Subject: Request for Mayor and council to adopt the Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12 (sometimes referred to as part of ZTA 03-14 in early discussions)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**WARNING - External email. Exercise caution.**

Dear Mayor and Council Members,

My name is Ellen Gagnon I have been a Resident of Rockville for almost 28 years. When many of you stopped by my house and wanted to put a sign out front, the first question I asked was what are your deer plans? This is an opportunity to take a step forward.

Rockville homeowners have been faced with tremendous deer pressure over the last many years. I would like the Mayor and Council to consider adopting the **Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12 that was adopted in 2003**. Currently the City of Rockville has no guidelines around Deer Fencing despite the urgent need and the overwhelming demand from the citizens for relief from ongoing and severe property damage and serious health risks due to the exposure to deer ticks and Lyme disease.

Ellen Gagnon

314 West Montgomery Ave  
[REDACTED]

## Judy Penny

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**From:** Dawn lype [REDACTED]  
**Sent:** Saturday, November 29, 2025 5:30 PM  
**To:** mayorcouncil  
**Subject:** support for deer fencing amendment

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**WARNING - External email. Exercise caution.**

Dear Mayor and Council Members,

My name is Dawn lype. I have been a resident of Rockville for almost 20 years.

I would like the Mayor and Council to consider instituting a policy similar to **Montgomery County's Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12** that was adopted in 2003. Rockville homeowners have been dealing with the explosion of the deer population in recent years. Currently the City of Rockville has no guidelines around deer fencing, despite the urgent need and the overwhelming demand from the citizens for relief from ongoing and severe property damage and serious health risks due to exposure to deer ticks and Lyme disease. Allowing mesh deer fences (which are barely visible) up to 8 feet tall in residential areas is a common sense approach to protect our property.

I strongly urge you to take up this issue as soon as possible.

Dawn lype  
1066 Grand Oak Way, Rockville, MD 20852  
[REDACTED]

## Judy Penny

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**From:** Douglas Lunenfeld [REDACTED]  
**Sent:** Saturday, November 29, 2025 2:31 PM  
**To:** mayorcouncil  
**Subject:** Request for Mayor and council to adopt the Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12 (sometimes referred to as part of ZTA 03-14 in early discussions)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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City of Rockville Mayor and Council

Rockville City Hall  
111 Maryland Ave.  
Rockville, MD 20850

**Subject: Request for Mayor and council to adopt the Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12 (sometimes referred to as part of ZTA 03-14 in early discussions)**

Dear City of Rockville Mayor and Council Members,

My name is Douglas Lunenfeld. I have been a Resident of Rockville for over 23 years and a lifelong resident of Montgomery County. In addition, I served for 20 years on the Rockville Landlord Tenant Commission most of those years as Chairman and I am a licensed real estate broker active in the Rockville market as well as an attorney.

As I am sure this comes as no surprise to the Mayor and Council as each of you are residents of Rockville but Rockville homeowners have been faced with a tremendous deer population increase over the last many years which is not just a local issue and is present throughout Montgomery County and Maryland. It has come to my attention that Rockville's fence guidelines do not take into account reasonable exceptions or adequate provisions for what out residents deem as necessary deer restricting barriers that seem to fall into the fencing category. I strongly encourage the Mayor and Council to take what I believe is a hardly disputable common sense action to proceed with considering and ultimately adopting an approach to authorizing appropriate deer fencing consistent with the **Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12 that was adopted in 2003**. Currently the City of Rockville has no guidelines around Deer Fencing which results in lumping such barrier materials in the general definition of fencing. This action is needed now as urgent as there is overwhelming demand and support from the citizens of Rockville for relief to prevent the ongoing and severe property damage and prevent serious health risks due to the

exposure to deer ticks and Lyme disease. Montgomery County took this measure up in 2003 and while I respect that Rockville acts independent on things of this nature, it is hard to see how Rockville would not see its way to proceeding in the same and consistent manner as Montgomery County has done to address this issue.

To be clear, I support any resident that uses deer barrier material in their yard given the balancing of the intent to avoid high fencing under typical fencing guidelines is not compromised with deer barrier material as it is hardly visible to the eye and yet it is extremely effective in deterring deer which promotes both public safety as well as protection of property.

I appreciate your consideration on this matter and I expect this is overwhelmingly something the residents of Rockville would gladly support. I ask that you simply canvas your neighbors and you will see this is something that is easily supported and well past due to address. Also, from a real estate perspective, the deer barrier material typically used does not present a negative to the market value of homes or the condition of the neighborhood as it is barely visible to the public. In fact, I would argue that it supports the market value and condition of the area as it shows the pride of protecting one's gardening and lawn while also promoting a public health purpose as well.

Douglas Lunenfeld

727 Anderson Avenue, Rockville, MD 20850

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Thanks,

Doug Lunenfeld

**Judy Penny**

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**From:** Katharine Beckerle [REDACTED]  
**Sent:** Sunday, November 30, 2025 6:41 PM  
**To:** mayorcouncil  
**Subject:** Fwd: Request for Mayor and council to adopt the Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12 (sometimes referred to as part of ZTA 03-14 in early discussions)

**WARNING - External email. Exercise caution.**

**Subject: Request for Mayor and council to adopt the Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12 (sometimes referred to as part of ZTA 03-14 in early discussions)**

Dear Mayor and Council Members,

My name is Kate Beckerle and my husband, and I have been proud Rockville residents for over 30 years.

For far too long Rockville homeowners have been faced with tremendous deer incursion. I would like the Mayor and Council to consider adopting the **Montgomery County's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12 that was adopted in 2003**. Currently the City of Rockville has no guidelines around Deer Fencing despite the urgent need and the overwhelming demand from the citizens for relief from ongoing and severe property damage as well as serious health risks due to the exposure to deer ticks and Lyme disease as more deer are forced to migrate into heavier populated areas.

We are not seeking to change the current Rockville fence zoning, but rather requesting an additive to current fence laws that would provide homeowners with a non-invasive commonsense additional layer of protection to lessen the negative health impacts as well as help mitigate costly damage to property that so many Rockville residents increasingly find themselves due to no fault of their own.

I encourage the Mayor and Council to consider the adoption of this amendment thus allowing residents of Rockville to utilize reasonable and discreet remedies that have been afforded to Montgomery County property owners for over 22 years.

Respectfully,

Kate & David Beckerle

5 Starlight Court

Rockville, MD 20854

[REDACTED]

**Judy Penny**

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**From:** Gary Cole [REDACTED]  
**Sent:** Sunday, November 30, 2025 6:35 PM  
**To:** mayorcouncil  
**Subject:** Request for Mayor and council to adopt the Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12 (sometimes referred to as part of ZTA 03-14 in early discussions)

**WARNING - External email. Exercise caution.**

Dear Mayor and Council Members,

My name is Gary Cole. I have been a Resident of Rockville for all 60 years of my life and have lived in four different homes in Woodley Gardens during this time.

Rockville homeowners have been faced with tremendous deer pressure over the last many years. Over the last several years, my wife and I have lost a considerable amount of our landscaping plants to the deers. I would like the Mayor and Council to consider adopting the **Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12 that was adopted in 2003**. Currently the City of Rockville has no guidelines around Deer Fencing despite the urgent need and the overwhelming demand from the citizens for relief from ongoing and severe property damage and serious health risks due to the exposure to deer ticks and Lyme disease. I would like to be able to protect my property and the landscaping that my wife and I invest in which benefits the beauty of Woodley Gardens (and home values and property taxes—i.e. income for the city). At the moment however, it is unclear to me and my wife what is allowed and what is not. Please adopt Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12.

Thank you for your time and your consideration.

Gary M. Cole  
2 Hawthorn Court  
Rockville, MD 20850  
[REDACTED]



## Judy Penny

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**From:** Peter Cole [REDACTED]  
**Sent:** Sunday, November 30, 2025 5:11 PM  
**To:** mayorcouncil  
**Subject:** Request for Mayor and council to adopt the Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12 (sometimes referred to as part of ZTA 03-14 in early discussions)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Mayor and Council

Rockville City Hall  
111 Maryland Ave.  
Rockville, MD 20850

Dear Mayor and Council Members,

My name is Peter Cole and my family first moved to Rockville in 1963.

Rockville homeowners have been faced with tremendous deer pressure over the last many years. I would like the Mayor and Council to consider adopting **Montgomery Country's 2003/2004 Deer Fencing amendment/Zoning Text Amendment (ZTA) 03-12** that was adopted in 2003. Currently the City of Rockville has no guidelines around Deer Fencing despite the urgent need and the overwhelming demand from the citizens for relief from ongoing and severe property damage and serious health risks due to the exposure to deer ticks and Lyme disease.

Please consider adopting this measure.

Kind regards,

Peter Cole

402 Anderson Ave.

Rockville, MD 20850

## Judy Penny

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**From:** Larry Giammo [REDACTED]  
**Sent:** Sunday, November 30, 2025 2:59 PM  
**To:** mayorcouncil  
**Subject:** please adopt deer fencing zoning text amendment

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**WARNING - External email. Exercise caution.**

Mayor and Council,

I am writing to ask you to, at a minimum, adopt Montgomery County's Deer Fencing Zoning Text Amendment (adopted by Montgomery County over 20 years ago). With apparently nothing being done to control the exploding out-of-control deer population in Rockville, Rockville's residents are suffering a) significant property damage wrought by deer on landscaping, and b) deleterious health impacts resulting from the ticks carried by the same deer. Rockville's residents at least deserve the opportunity to protect their own properties from deer and their own health from the ticks carried by deer.

As I expect you appreciate, landscaping can significantly enhance a property's appearance and, as a result, a property's value. Plants, their planting, and their care are not insignificant investments. As it stands now, with so many deer roaming Rockville, literally everything that's not behind a tall fence is being consumed by deer. Many residents have suffered hundreds, if not thousands, of dollars of damage to landscaping. And, the overall impact on homeowners' property values – from not being able to maintain any meaningful landscaping – across all of the City, certainly totals into the millions of dollars.

At our home, it's not at all unusual for us to have as many as 10 to 12 deer at a time in, or within sight of, our front yard. What little we've planted in our front yard has basically been obliterated by deer. And, we've purposefully not planted anything else – there's literally no point, since we can be sure whatever we would plant would get destroyed by deer.

As for the health impacts of deer, as a community, we're already too well acquainted with Lyme disease, which is transmitted by ticks that spend an integral part of their life cycle on deer. And, there are additional tick-borne diseases carried by deer in Rockville to be concerned about. For example, bites the Lone Star tick, which feeds on white-tail deer throughout the mid-Atlantic now, can induce what's known as "alpha-gal syndrome" that results in being highly allergic to red meat. Overall, I have to wonder how anyone in City government can feel complacent every time they hear of a Rockville resident who has suffered from a tick-borne illness.

So, back to why I'm writing. Please adopt Montgomery County's Deer Fencing Zoning Text Amendment (adopted by Montgomery County over 20 years ago). AND, if/when you do, please be sure that deer fencing can be installed on all sides of corner lots, including any side yard that faces a street. Owners of corner lots deserve no less an opportunity to protect their properties and their health than other homeowners.

Larry

**Larry Giammo**

124 Monument St, Rockville, MD 20850  
[REDACTED]

**Judy Penny**

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**From:** [REDACTED]  
**Sent:** Sunday, November 30, 2025 8:57 PM  
**To:** mayorcouncil  
**Subject:** Deer Fence Amendment

**WARNING - External email. Exercise caution.**

Mayor and Council  
Rockville City Hall  
111 Maryland Ave.  
Rockville, MD 20850

**Subject: Request for Mayor and council to adopt the Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12 (sometimes referred to as part of ZTA 03-14 in early discussions)**

Dear Mayor and Council Members,

My name is Erin Mahony. I have been a Resident of Rockville for almost 24 years.

On behalf of myself and my husband, John Barker, I am writing to ask that Mayor and Council consider adopting the **Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12 that was adopted in 2003.**

Despite the urgent need to address the City's significant deer problem and the overwhelming demand from the citizens for relief, Rockville does not conduct its own deer management program but instead refers homeowners to Montgomery County for guidance. Such guidance includes the use of deer fences.

Currently, the City of Rockville has no guidelines around deer fencing and instead treats deer fencing as regular fencing subject to the same setback requirements. Rockville zoning allows 8' fences in side and rear yards, however, this does not apply to corner lots wherein the side yard along the cross street becomes a second "front" yard subject to a 4' height limitation. Furthermore, it is my understanding that for these purposes the City measures the side "front" yard from the side lot line to the *furthest* rear point of the building, contrary to the zoning code section 25.0302 that defines the "front" yard as the open space between the lot line and the *"nearest"* line of the building or any enclosed portion thereof. The depth of such yard is the *shortest horizontal distance between the front lot line and the nearest point of the building.* This 4' height restriction in the second "front" yard, improperly measured from the side lot line to the *furthest* point of the building rather than the closest point of the building as required by 25.03.02, severely limits corner lots from any practical ability to control deer entering the yard.

In 2003 Montgomery County amended its zoning to exempt deer fences from general yard requirements allowing for 8' deer fencing on all lots, including corner lots, provided the deer fencing meets certain requirements. I would ask the City of Rockville to do the same. This amendment would offer owners of corner lots the same tools as all other lot owners to address the overwhelming

deer population and protect their property from damage and themselves from serious health risks due to the exposure to deer ticks and Lyme disease.

Please consider adopting the **Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12** that was adopted in 2003.

Thank you.

Erin Mahony and John Barker  
405 W Montgomery Ave  
Rockville, MD 20850

**Judy Penny**

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**From:** Shannan Cole [REDACTED]  
**Sent:** Sunday, November 30, 2025 6:55 PM  
**To:** mayorcouncil  
**Subject:** Request for Mayor and council to adopt the Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12

**WARNING - External email. Exercise caution.**

Dear Mayor and Council Members,

My name is Shannan Turner-Cole. I live in Woodley Gardens.

Rockville homeowners have been faced with tremendous deer pressure over the last many years. Over the last several years, I have lost a considerable amount of our landscaping plants to the deer. I would like the Mayor and Council to consider adopting the **Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12 that was adopted in 2003**. Currently the City of Rockville has no guidelines around Deer Fencing despite the urgent need and the overwhelming demand from the citizens for relief from ongoing and severe property damage and serious health risks due to the exposure to deer ticks and Lyme disease. I am working in my garden all spring and summer would like to be able to protect my property and the gardening I have invested in, which benefits the beauty of Woodley Gardens. I am also very concerned about the deer and the risk of Lyme disease they carry by being in our gardens. At the moment however, it is unclear what is allowed and what is not. I see deer nets along Martins lane covering the complete front yard with no complaints. Please adopt Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12. Having a clear amendment would benefit the entire city.

Shannan Turner-Cole  
2 Hawthorn Court  
Rockville, MD 20850  
[REDACTED]

**Judy Penny**

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**From:** Todd Loy [REDACTED]  
**Sent:** Monday, December 1, 2025 7:53 AM  
**To:** mayorcouncil  
**Subject:** Request to adopt the Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12 that was adopted in 2003.

**WARNING - External email. Exercise caution.**

Dear Mayor and Council Members,

My name is Todd Loy and I have been a Resident of Rockville for about 8 years.

Rockville homeowners have been faced with tremendous deer pressure over the last many years. I would like the Mayor and Council to consider adopting the **Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12 that was adopted in 2003**. Currently the City of Rockville has no guidelines around Deer Fencing despite the urgent need and the overwhelming demand from the citizens for relief from ongoing and severe property damage and serious health risks due to the exposure to deer ticks and Lyme disease.

Thank you and very respectfully,

Todd

Todd Loy

105 Beall Ave  
[REDACTED]

## Judy Penny

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**From:** Rebecca Parlakian [REDACTED]  
**Sent:** Monday, December 1, 2025 9:42 AM  
**To:** mayorcouncil  
**Subject:** Deer Fencing Amendment

**WARNING - External email. Exercise caution.**

Hi there,

We just spoke. I am interested in speaking tonight on the Deer Fence Amendment. I also would like to submit the comments below on this subject.

What time should I arrive? Thanks,  
Rebecca Parlakian

Dear Mayor and Council Members,  
My name is Rebecca Parlakian. I have been a Resident of Rockville for 27 years.

My home is next to parkland that offers a deer habitat area (Monument Park). At least once a day, a herd of 4 and up to 12 deer graze across my front yard. Our front plantings have been decimated by hungry deer. With no management of the deer population, adult bucks stare back at me while I take out the garbage. Suffice it to say, I am familiar with Rockville's burgeoning deer population issues.

I share my own story to ask you to consider adopting the **Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12 that was adopted in 2003**. Currently the City of Rockville has no guidelines around Deer Fencing despite the urgent need and the overwhelming demand from the citizens for relief from ongoing and severe property damage.

As someone who watches it happen every day, hungry deer destroy every plant in their path. These plantings costs hundreds, and sometimes thousands, of dollars to purchase and plant. A landscaped property is a boon to Rockville. The city's beautiful neighborhoods are one of the reasons it is repeatedly named one of the best places to live in the DC area. Landscaping represents a significant financial investment for homeowners and often represents decades of time and effort—a financial and time investment that can be lost in a matter of days if hungry deer find their way onto your property.

Imagine if Rockville was facing a situation where roaming gangs were destroying thousands of dollars of homeowner property on a regular basis. I imagine City staff would find that concerning and respond urgently. But their position on deer doing the same level of property damage is: *Oh well*.

There is an unspoken contract between government and the governed. We place our trust you to make wise decisions for the best of our community. Currently, we have a situation where the City is actively and knowingly contributing to homeowner damage by taking minimal action to manage the deer

population. Even worse, the City is then *fining homeowners \$1000 a day* for protecting their home (ie, hanging removable deer mesh). This is simply not acceptable. It's time for common sense: **I urge you to consider adopting the Montgomery Country's 2003/2004 Deer Fencing amendment/ Zoning Text Amendment (ZTA) 03-12.** Thank you for your attention.

Rebecca Parlakian

124 Monument Street – Rockville, MD 20850





## Judy Penny

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**From:** Jack Thirolf [REDACTED]  
**Sent:** Monday, December 1, 2025 9:33 AM  
**To:** mayorcouncil  
**Cc:** Catherine Frances Peff  
**Subject:** Support for Adopting County's Deer Fencing Standards

**WARNING - External email. Exercise caution.**

Hello, Mayor Ashton and Councilmembers,

I understand you are considering updating the City's rules for deer fencing by adopting the County's rules adopted back in 2003. We live at 100 Forest Ave in Rockville and are writing to support this action.

Deer are majestic animals; because of severe overpopulation, they're also a major threat to our habitats and ecology. See a good short summary on the regional problem [here](#) from *Audubon Magazine*. Closer to home, the native pollinator gardens the Beall Elementary School PTA helped fundraise for and that the Beall kids planted are almost all eaten up and destroyed due to deer. The native trees that would normally propagate in the forest preserves near Welsh Park, Croydon Creek, or elsewhere in the City are eaten up almost immediately. Without intervention, invasive trees and plants all that will be left in a few decades. The great tomatoes and lettuce we used to grow when I was growing up in Hungerford are now impossible without cages--my father has moved all his produce gardening to the protected enclosure at the Senior Center.

There isn't an easy physical or political solution to this challenge, but allowing residents to put up simple, removable eight-foot high screens is a reasonable and low-risk approach. The City should encourage and make it easy for residents to take good care of their homes and land. This costs the City nothing, comports with the approach from surrounding communities around the County, and will encourage a healthier natural Rockville.

Jack and Catherine Thirolf