



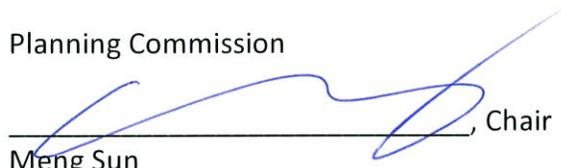
City of Rockville

MEMORANDUM

February 25, 2026

TO: Mayor and Council

FROM: Planning Commission


_____, Chair
Meng Sun

SUBJECT: Zoning Text Amendment Application TXT2026-00271, the Draft Zoning Ordinance;
Mayor and Council of Rockville, Applicants

SUMMARY OF PLANNING COMMISSION RECOMMENDATIONS

This memorandum summarizes the recommendations made by the Planning Commission on topics of interest contained in the Zoning Text Amendment (ZTA) Application TXT2026-00271, the Draft Zoning Ordinance. Note that the Planning Commission did not review all aspects of the Staff Draft Zoning Ordinance. Instead, topics for work sessions were identified by Planning Commissioners, the Mayor and Council, and staff. The Planning Commission considered identified topics across four work sessions held on January 14, January 28, February 4, and February 11, 2026. A full list of discussion topics and the dates on which they were discussed are included as Attachment 1 – Planning Commission Schedule.

The Planning Commission's recommendations as contained in this memo are based solely on the Staff Draft Zoning Ordinance authorized for filing on December 1, 2025. The Commission has not reviewed the forthcoming Revised Staff Draft Zoning Ordinance, which will be prepared by City staff for the Mayor and Council's review after the date of this memo and which is based on the Commission's recommendations.

General

Language in the Staff Draft

One of the goals of the Zoning Ordinance Rewrite is to ensure that the ordinance is clearly written, well-organized, accessible, and easy to use. Staff drafted new provisions and revised

many old provisions with this goal in mind. During the Planning Commission review, two Commissioners have provided comments related to the language used in the ordinance, expressing a desire to see greater use of plain English/plain language, deleting superfluous provisions, putting requirements in active voice, and to eliminate the use of certain terms.

On January 14, staff informed the Commission that they will revise the Staff Draft ordinance to respond to these concerns. Staff intends to make the language clearer while keeping policy intact. Commissioners agreed to defer to staff to revise the draft ordinance to address plain language concerns, based on staff's best judgement and legal considerations, while not altering the meaning of the text being revised. On February 4, the Commission affirmed their position from January 14 and requested that any substantive changes resulting from Planning Commission recommendations be included in the Commission's recommendation memo.

Article 1: General Provisions

The Planning Commission addressed the following topics: the purpose statement and transitional provisions.

Purpose Statement

The Zoning Ordinance contains a general purpose statement in Article 1, which connects the zoning regulations to legitimate public interests while clarifying the broad and aspirational policy goals of the ordinance. Commissioners noted that the purpose statement is different than the purpose of zoning stated in State law. Staff advised that the draft purpose statement is legally sufficient and intentionally aspirational in nature and did not recommend substantive revisions.

Commissioners expressed a desire for increased objectivity, specificity, and inclusivity in the purpose statement.

The Planning Commission recommended the following revisions to the draft purpose statement, specifically Sec. 25.1.1.2(a)(4), (8), (13), and (14):

(4) Promotes ~~alternative~~ all modes of transportation by providing convenient, safe, and connected accessibility to public transportation, pedestrian and bicycle facilities, inviting streetscapes, and a mixture of uses;

(8) Protects and enhances the ~~aesthetic~~ and visual character of the City and its residential neighborhoods;

(13) Provides attractive, ~~high-quality~~ development and design that enhances the community's quality of life; and

(14) Protects and promotes the health, safety, comfort, convenience, and welfare, ~~and happiness~~ of the Rockville community through the comprehensive regulation of the use and development of land and structures.

Transitional Provisions

The Staff Draft Zoning Ordinance includes transitional provisions allowing certain pending applications to proceed under the existing ordinance at the applicant's option.

Staff recommended expanding the eligibility criteria in the Staff Draft to:

- *Include Project Plans in addition to Site Plans;*
- *Extend eligibility to complete applications submitted within 18 months prior to adoption of the new ordinance (rather than 12 months); and*
- *Require eligible applications to obtain approval within two years of the new ordinance's adoption (rather than one year).*

The Planning Commission supported staff's recommended revision to the Staff Draft. Commissioner Zyontz noted that implementation would require staff to administer two versions of the Zoning Ordinance for up to two years following adoption.

Article 3: Administration

The Planning Commission addressed the following topics: Planned Development Adequate Public Facilities (APF) extensions, the Development Review Manual, and notice requirements.

Extension of Planned Development (PD) Adequate Public Facilities (APF) Expiration

The Staff Draft retains the existing PD APF expiration dates but modifies the extension process to align with broader policy changes proposed in the Staff Draft. The Staff Draft would allow two consecutive two-year extensions approved by the Chief of Zoning instead of a single five-year extension approved by the Mayor and Council.

The Planning Commission supported this provision as presented in the Staff Draft.

Development Review Manual

The Development Review Manual is a supplement to the Zoning Ordinance. It provides guidance for the submission and review of development applications to residents, developers, and staff. The Development Review Manual is currently being updated in two phases, the second of which is planned when the new Zoning Ordinance is adopted. The current Zoning Ordinance and the Staff Draft are silent on how updates are authorized and published.

To increase transparency and clarity, Staff recommended adding a provision to the Staff Draft formalizing and clarifying the City's existing practice, as follows:

- *Update the Chief of Zoning's powers and duties to include publishing and amending the Development Review Manual, subject to approval by the City Manager.*

The Planning Commission supported staff's recommended revision to the Staff Draft.

Notice Requirements

Staff provided Commissioners with an overview of both internal policies (outside the Zoning Ordinance) and regulatory requirements associated with development application notice.

The Planning Commission supported the notice requirements as presented in the Staff Draft.

Article 4: Development Applications, Permits, & Procedures

The Planning Commission addressed the following topics: development approval findings and administrative decision appeals timelines.

Approval Findings

To approve Project Plans, Site Plans, and Preliminary Plans of Subdivision, Approving Authorities must make several findings. Reflecting guidance from the Mayor and Council on October 6, 2025, the Staff Draft Zoning Ordinance reworks and simplifies these discretionary findings to the following:

1. The application is consistent with the Plan;
2. The application is supported by adequate existing and programmed public facilities in accordance with Article 8, Division 8.11 and as provided in the adopted Adequate Public Facilities Standards; and
3. The application conforms to the requirements of this Chapter and other applicable law governing health, safety, natural resources, and the environment of the City.

Commissioners discussed approval findings during their work session on January 28, and again on February 11, following testimony related to the proposed rezoning in Planning Area 12. Both discussions largely focused on whether to recommend adding a fourth finding to ensure a development application is compatible with the surrounding area. Staff recommended that the finding, if pursued by the Planning Commission, apply only at the Project Plan and Level 2 Site Plan stage to reduce entitlement risk.

By a 4–2 vote, the Planning Commission recommended adding a compatibility finding for Project Plans and Level 2 Site Plans, as follows:

- *The application is compatible with the surrounding area.*

A majority of the Commission supported a separate compatibility finding would provide for a distinct analysis. It would provide the same emphasis to that given to the APF finding. Both requirements are already a requirement of Chapter 25. Commissioners who voted in the minority expressed concern that the proposed finding would be subjective and redundant of existing findings.

Administrative Decision Appeals Timelines

The Staff Draft includes a provision that individuals wishing for a public hearing on an administrative decision may request the hearing within 15 days of the decision. This process was inserted early in drafting. It conflicts with the general 30-day appeal period for Chief of Zoning decisions.

To avoid internal inconsistency, Staff recommended:

- *Deleting all references to a 15-day period for requesting a public hearing on Chief of Zoning decisions, and*
- *Replacing these references with references to the 30-day appeal period established in draft Article 3.*

The Planning Commission supported staff’s recommended revision to the Staff Draft.

Article 5: Zones & Zoning Map

The Planning Commission addressed the following topics: the official zoning map, floating zones, and zoning map amendments.

Official Zoning Map

The City's official zoning map is currently adopted as a set of static maps which are based on the countywide tax map grid as all prior zoning maps have been based. The city also maintains an interactive online zoning map accessible to the public. Commissioner Zyontz expressed interest in adopting the interactive map as the City's official zoning map rather than the static version, noting that Montgomery County and Prince George's County have done so and suggesting that certain ordinance language could potentially be streamlined as a result.

The City Attorney's Office advised that the language of the Staff Draft Zoning Ordinance would not change based on whether the official map is static or interactive. Staff further noted that the interactive map would continue to be maintained and updated regardless of which format is formally adopted. Commissioner Salahuddin raised concerns about the potential vulnerability of an official web-based map to hacking.

The Planning Commission did not take a position on this issue.

Floating Zones

Comprehensive Plan floating zones were added to the current Zoning Ordinance in 2023, providing a path for development that is consistent with the recommendations of the Comprehensive Plan before the citywide rezoning. Because the Comprehensive Map Amendment (CMA) implements the Comprehensive Plan's land use and zoning recommendations, the Comprehensive Plan floating zones are no longer necessary, and Staff did not include them in the Staff Draft Zoning Ordinance.

The Commission discussed whether new floating zones should be included in the Zoning Ordinance. Several Commissioners noted that floating zones could provide flexibility to address circumstances not anticipated by a master plan. Staff noted that new floating zones are not currently called for in the Comprehensive Plan. Staff recommended considering new floating zones through a separate planning effort following adoption of the ZOR and CMA, to allow time for policy development consistent with the Plan's policy framework.

The Planning Commission recommended that the Mayor and Council consider establishing policy guidance. That guidance may come from a zoning text amendment introduced by the Mayor and Council or through the next Comprehensive Plan update.

Zoning Map Amendments

Currently, the Zoning Ordinance does not require the Mayor and Council to make findings when approving zoning map amendments, and this approach is retained in the Staff Draft. Research conducted in response to a commissioner's question revealed that it is typical for the grant of local map amendments (which are generally initiated by a property owner and result from a

change or mistake in the zoning applied to a property) to be based on certain common law required findings.

Staff recommended including the following findings for local map amendments, adapted from those required for local map amendments in Montgomery County:

- 1. Substantial change in the character of the neighborhood since the original zoning or comprehensive rezoning, or a mistake was made when the existing zoning was applied; and*
- 2. The requested zone is compatible with the surrounding area.*

The Planning Commission supported staff's recommended revision to the Staff Draft.

The Commission also discussed whether owner consent should be required for a local map amendment. Staff noted that requiring owner consent for zoning map amendments would limit the Mayor and Council's ability to implement adopted plans and policies intended to advance city objectives.

By a vote of 5-1, the Commission recommended not requiring owner consent for map amendments. Voting in the minority, Commissioner Zyontz noted that owner consent is not typically required for map amendments, but opined that, as a matter of principle, the Staff Draft should treat local and sectional map amendments in the same manner as a map amendment to place a property in the Historic District Overlay zone. Under the proposed text, the absence of owner's consent in those instances would require a unanimous vote by the Mayor and Council to make the zoning change.

Article 6: Uses & Use Standards

The Planning Commission addressed the following topics: Accessory Dwelling Units (ADUs), Large Group Homes, Front-loaded Townhouses, Adult-Oriented Establishments and Shooting Gallery location requirements, Electric Vehicle Charging, and Use-Based Gross Floor Area (GFA) restrictions. Key changes to the Uses and Use Standards Article were also presented.

Accessory Dwelling Units (ADUs)

The Staff Draft Zoning Ordinance simplifies ADU standards, applying a common framework to both attached and detached units. It removes owner-occupancy and addressing requirements, clarifies legacy provisions, maintains size limits for detached ADUs, and relies on underlying development standards to regulate the scale and compatibility of attached ADUs.

The Planning Commission supported ADU provisions as presented in the Staff Draft.

Large Group Homes (9 to 16 residents)

In alignment with FAST 2 recommendations, the Staff Draft Zoning Ordinance transitions Large Group Homes to conditional uses and introduces new use standards aimed at retaining the intent of the Special Exception while reducing process.

The Planning Commission supported Large Group Homes provisions as presented in the Staff Draft.

Front-loaded Townhouses

Front-loaded townhouses are townhouses where garages face the street instead of an interior alley. Front-loaded townhouse sites can be constrained, as they typically dedicate space for driveways and curb cuts, causing conflicts with required site elements, including utilities, street trees, stormwater management facilities, storm drains, etc. In addition to requiring that front-loaded townhouses must be designed to accommodate these site elements, the Staff Draft requires that garage doors may only take up 50 percent of the ground-floor façade, and that driveways may be no greater than 10 feet wide within the first eight feet of the curb. The Planning Commission received testimony that the proposed standards would make developing front-loaded townhouses difficult or infeasible.

Commissioners expressed a desire to address the city's housing needs, including encouraging a mix of front-loaded and rear-loaded townhomes, while balancing the need to accommodate required site elements. The Commission also noted that the standards related to garages and driveways appear to be unnecessary and overly restrictive and discussed that development applications are reviewed by staff to ensure that site elements are accommodated.

The Planning Commission recommended the Staff Draft be revised as follows:

- *Retain the requirement that front-loaded townhouses must be designed in a manner to accommodate all required site elements.*
- *Delete the following requirements:*
 - *The garage door must not constitute more than 50 percent of the ground-floor facade of the townhouse.*
 - *Within the first eight feet from the curb, driveways of front-loaded units may be no greater than 10 feet wide.*

Adult-Oriented Establishments and Shooting Galleries (indoor only): Location Requirements

Under the current Zoning Ordinance, Adult-Oriented Establishment and Shooting Galleries are limited in potential location. They are permitted only in Industrial zones through the Special Exception process, which requires Board of Appeals approval based on findings that the use will not be detrimental to surrounding properties. The Staff Draft retains these limitations.

In addition, the current ordinance prohibits Adult-Oriented Establishments within 1,000 feet of the nearest property line of any residence, school, church, library, public facility, or public building, and the Staff Draft proposes a new restriction prohibiting indoor Shooting Galleries within 200 feet of a residential zone; outdoor shooting galleries are not permitted. In response to questions from the Mayor and Council about why these setbacks differ, the project's consultant team found that jurisdictions typically apply different setback requirements to these two uses to address different impacts. Adult-Oriented Establishment setbacks are generally aimed at addressing concerns related to crime, property value impacts, and exposure to minors, while Shooting Gallery setbacks are intended to mitigate noise and safety concerns.

By a 4-2 vote, the Planning Commission recommended eliminating the proposed 200-foot setback between Shooting Galleries and residential zones. The majority stated that the additional setback was not clearly justified. Commissioners also expressed concerns that adding such a setback to the Zoning Ordinance could create legal risk. In the opinion of Commissioners, the standards for Shooting Galleries need not mirror those for Adult-Oriented Establishments, due to differing impacts. Well-designed facilities prevent stray bullets from leaving the site, making a 200-foot setback unnecessary. The Commission also discussed that Shooting Galleries are already limited to Industrial zones and permitted only by Special Exception.

Commissioners who voted in the minority expressed a desire to include a 200-foot separation between Shooting Galleries and residential zones. Commissioner Pitman expressed concern about not including such a setback and suggested that a setback greater than 200 feet may be warranted.

Electric Vehicle (EV) Charging

The Staff Draft Zoning Ordinance adds Electric Vehicle Charging as a new use, defined as “a lot or portion thereof containing one or more electric vehicle (EV) parking spaces and associated electric vehicle supply equipment (EVSE).” The Staff Draft would allow EV charging in all zones, while directing sole-purpose EV charging hubs to auto-oriented and industrial areas. The use permissions are as follows:

- Principal use: I-L, I-H, MXCD, MXCT, and MXB zone
- Accessory use: All Residential zones, all MXTD zones, MXNC, MXC, MXT, MXE, and Park zone

In response to concerns expressed by members of the Mayor and Council, Staff recommended revising the Staff Draft to allow EV Charging as a principal use in the MXE, MXNC, and MXTD zones, where the use is converting from a gas station. Commissioners noted this will allow flexibility for existing gasoline stations to transition over time to sole-purpose EV charging facilities.

The Planning Commission supported staff’s recommended revision to the Staff Draft.

Use-Based Gross Floor Area (GFA) Requirements, Generally

The current Zoning Ordinance includes floor area restrictions for certain uses in certain zones. These restrictions were intended to control a use’s intensity, in addition to any height and setback requirements of the zone. The Staff Draft Zoning Ordinance retains many of the current ordinance’s floor area restrictions in principal while updating the specific limits.

This topic was initially discussed by the Planning Commission on January 28, and again on February 11. On January 28, Commissioners expressed a general desire to eliminate the GFA restrictions from the Staff Draft, noting that the restrictions pose an impediment to economic development, do not seem to result in their intended outcomes, and the zones themselves provide limits through setbacks and height restrictions. Before making a final recommendation, the Commission requested a complete list of uses in the Staff Draft to which use-based GFA

restrictions apply, and a comparison of treatment in the current and Staff Draft ordinances. Staff provided the requested information on February 11, as well as specific recommendations regarding which GFA restrictions to retain or consider eliminating.

The Planning Commission ultimately recommended revising the Staff Draft to eliminate GFA restrictions for the following uses in all zones where they apply:

- *Instructional Facility*
- *Wholesale Establishment*
- *Alcoholic Beverage Retail Establishment*
- *Health and Fitness Establishment*
- *Event Space, Club, or Lodge*
- *Hotel*
- *Medical or Dental Laboratory*
- *Veterinary Service*
- *Charitable or Philanthropic Institution*

The Planning Commission also recommended retaining the Staff Draft's GFA restrictions for the following uses in all zones where they apply:

- *ADUs*
- *Cottage Courts*
- *Home-Based Business*
- *Accessory Structures*
- *Office*
- *Retail Establishment*
- *Eating and Drinking Establishment*
- *Hospital*
- *Single-Tenant Commercial Use*

On January 28, Commissioner Pitman also expressed some concern about eliminating the restrictions for neighborhood shopping centers. On February 11, Commissioner Fulton expressed a desire to more broadly permit facilities that brew and bottle alcoholic beverages and have an accessory taproom, while acknowledging this use is not impacted by use-based GFA restrictions.

Article 7: Zone Standards

The Planning Commission addressed the following topics: established setbacks, front yard coverage, bonus height, transition heights; and certain standards in the RMD-Infill zone, RMD-25 zone, and RHD zone.

Established Setbacks

Established setbacks (the average distance from the front lot line of all buildings on a block face) are applied in the City's residential zones. They were historically intended to preserve existing

development patterns; however, they can perpetuate past inequities and are more difficult to calculate than fixed numerical standards.

Staff recommended removing established setbacks from the Staff Draft.

The Planning Commission supported this recommended revision to the Staff Draft.

Front Yard Coverage

Front yard impervious surface coverage limits the portion of a front yard that can be covered by driveways, parking areas, and sidewalks. Introduced to the ordinance in 2009 to prevent front yards from being converted into parking areas, the regulation has not addressed a widespread problem. It is also difficult to enforce, and compliance has typically been gained through after-the-fact enforcement actions.

Staff recommended removing front yard coverage limitations from the Staff Draft.

The Planning Commission supported this recommended revision to the Staff Draft.

Bonus Height

The Staff Draft Zoning Ordinance incorporates bonus height based on guidance from the Mayor and Council on May 5, 2025.

The Planning Commission supported bonus height provisions as presented in the Staff Draft.

Transition Heights

The Staff Draft Zoning Ordinance incorporates transition heights based on guidance from the Mayor and Council on May 5, 2025.

The Planning Commission supported transition height provisions as presented in the Staff Draft. Commissioner Zyontz noted that the transition heights are appropriate when combined with the proposed setback from residential zones.

RMD-Infill zone

Based on questions raised by Chair Sun, staff reviewed the proposed density standards for the RMD-Infill zone against similar zones in other jurisdictions and recommended revised standards to ensure that development in the zone occurs at a scale and pattern similar to surrounding neighborhoods, regardless of housing type.

The Planning Commission supported staff's recommendation to revise the RMD-Infill standards in the Staff Draft as follows:

- *Add a minimum lot area standard of 1 dwelling unit per 2,000 sf.*
- *Eliminate the density standard of 1 dwelling unit per 2,000 sf.*
- *Specify the maximum number of dwelling units per lot based on use/form, as shown in the table below.*

Use	Maximum Dwelling Units per Lot
Single-Unit Detached	1
Multiplex	4 (Unless recommended otherwise by the Plan)
Townhouse	6
Cottage Court	8

To address concerns raised in testimony, Staff intend to make a technical correction, removing design standards from the Multiplex use and applying them the RMD-Infill zone only.

The Planning Commission also recommended reducing these RMD-Infill design standards to those necessary. This includes:

- Retaining the following standard:
 - Facades along street frontages other than alleys must include elements that provide interactions with the street such as stoops, porches, terraces, balconies, and bay windows.
- Eliminating the following standards:
 - A single plane of a facade must be no more not be greater than 40 feet in width.
 - Monotonous unarticulated blank wall surfaces are prohibited.
 - Attached garages or carports, where permitted, must be recessed a minimum of five feet behind the front facade of the main building.

RMD-25 Zone

The Planning Commission discussed the RMD-25 standards as they relate to the proposed rezoning in Planning Area 12 (Tower Oaks). The proposed rezoning was discussed on January 14 and January 28, and testimony from residents opposed to the rezoning was presented at multiple public hearings. Details related to the proposed rezoning and the associated revision to the RMD-25 zone density standard are addressed in the memorandum addressing Planning Commission’s recommendation on the Comprehensive Map Amendment (MAP2026-00126).

Ultimately, the Planning Commission recommended the following:

- Revising the RMD-25 zone density standard through the Zoning Ordinance Rewrite, by adding a footnote as follows:
 - If any vehicular access to a property is provided from a secondary residential street that ended in a cul-de-sac on [effective date], then the maximum development density is limited to 10 dwelling units per acre.

Residential High Density (RHD) Zone

Upon further review of the RHD Zone standards in response to a Commissioner’s questions, staff recommended revising the RHD Zone side and rear setback standards to align with those in the

Mixed Use zones. Staff also recommended revising the language of the front setback requirement for clarity and accuracy. These revisions would allow more consistent treatment of development in the RHD Zone and greater sensitivity where the RHD Zone abuts or confronts residential property.

The Planning Commission supported staff's recommendation to revise the RHD Zone standards in the Staff Draft, as shown in the table below.

Standard	RHD Recommendation
Lot Frontage	10 ft.
Front Setback / Setback Abutting Public Right-of-Way (Min.)	<ul style="list-style-type: none"> • <i>Confronting residential property: 25 ft.</i> • <i>Confronting nonresidential property: 10 ft.</i>
Side Setback (Min.)	<ul style="list-style-type: none"> • <i>Abutting residential property: 25 ft.</i> • <i>Abutting nonresidential property: None required. 10 ft. minimum if provided</i>
Rear Setback (Min.)	<ul style="list-style-type: none"> • <i>Abutting residential property: 25 ft.</i> • <i>Abutting nonresidential property: None required. 10 ft. minimum if provided</i>

The Planning Commission also discussed revisions to the RHD zone associated with the Planning Area 10 (Montrose and North Farm) rezoning. Details related to the proposed rezoning and the associated revision to the RHD zone density and height standards are addressed in the memorandum addressing Planning Commission's recommendation on the Comprehensive Map Amendment (MAP2026-00126).

Noting the Montrose community's support, the Planning Commission supported staff's recommendations, as follows:

- *Revising the RHD zone standards through the Zoning Ordinance Rewrite, as follows:*
 - *Increase the height maximum to 150 feet.*
 - *Increase the maximum density to 100 dwelling units per acre.*

Mixed-Use zones

The majority of the Mixed-Use zones require different setbacks when a development abuts residential land, as follows:

- *Abutting residential land: 25' side/rear setback*
- *Abutting nonresidential land: No side/rear setback required; but if a setback is provided, it must be 10' minimum*

The setback from residential land does not account for the intensity of the proposed development. The setback from non-residential land does not allow flexibility for the provision of a setback between 0' to 10'.

To address these concerns, the Planning Commission recommended the following setbacks, where applicable:

- *Require a 25' side/rear setback only when a proposed development meets the following criteria:*
 - *Abutting residential property*
 - *Proposed height greater than 50'; and*
 - *Proposed uses other than Single-Unit Detached, Cottage Court, Multiplex, or Townhouses*
- *Require a 0' side/rear setback in all other scenarios*

Article 8: General Development Requirements

The Planning Commission addressed the following topics: fencing (specifically deer fences), parking and loading, pedestrian and bicycle facilities, and amenity space requirements.

Fencing

The current Zoning Ordinance and the Staff Draft Zoning Ordinance regulate fencing in general by limiting the height of fences located in the front, side, and rear yards of residential property. The maximum height of fences in side and rear yards is eight feet, while the maximum height of fences in front yards is four feet. For corner lots, the Staff Draft specifies that the yards adjacent to both street frontages are front yards, with fence height limited accordingly. In response to resident testimony expressing concerns related to protecting yards from deer incursions, staff provided options for regulating deer fences.

The Planning Commission recommended the following:

- *Define "deer fence," as "A fence that is up to 8 feet high and constructed of an open mesh ranging in size from 1.5 x 1.5 inches to 2 x 2.75 inches made of heavy weight, plastic or similar material that allows a clear view through the fence and may be constructed with wood, metal, or fiberglass posts."*
- *Continue to permit deer fences in all side and rear yards.*
- *Retain the prohibition on deer fences in the front yard, except as follows:*
 - *On corner lots and through lots, allow deer fences in the front yard behind the front façade of the principal dwelling.*

Commissioners also expressed a desire for the City to pursue a comprehensive urban wildlife management plan, including deer management, in an effort outside of the ZOR and CMA.

Parking and Loading

The Commission initially discussed the Parking and Loading Division on January 14. In the first meeting, all key changes were presented. The Division was addressed again on February 4, during the Commission's discussion of purpose statements. In that conversation, in response to Commissioner questions, staff noted that the purpose statement included in this Division is not necessary. It does not perform a regulatory function. In any event, the aspirational framework for this division is established with the purpose statement in Article 1.

The Planning Commission supported the Division as presented in the Staff Draft, with the following revision:

- *Eliminate the Parking and Loading Division purpose statement.*

Pedestrian and Bicycle Facilities

The Commission initially discussed the Pedestrian and Bicycle Facilities Division on January 14. In the first meeting, all key changes were presented. The Division was addressed again on February 4, during the Commission's discussion of purpose statements. In that conversation, in response to commissioner questions, staff noted that the purpose statement included in this Division is not necessary. It does not perform a regulatory function. In any event, the aspirational framework for this division is established with the purpose statement in Article 1.

The Planning Commission supported the Division as presented in the Staff Draft, with the following revision:

- *Eliminate the Bicycle and Pedestrian Facilities Division purpose statement.*

Amenity Space

The Commission discussed the Amenity Space Division on January 14, with follow-up on February 4. In the first meeting, all key changes were presented.

In initial discussions, two Commissioners expressed concerns related to the exception from amenity space requirements for 100% affordable housing projects located within ¼ mile of a public park or publicly accessible amenity space. Although this is less permissive than the exception in the current Zoning Ordinance, two commissioners expressing concerns that this exception may lead to inequitable outcomes. The Commission requested that staff provide additional information.

Staff provided additional information that the exception is anticipated to improve affordable housing project feasibility without materially reducing resident access to amenities, and encourages the placement of affordable housing in walkable, amenity-rich locations, aligning housing policy with broader goals related to walkability and public health.

The Planning Commission supported the Amenity Space Division as presented in the Staff Draft.

Article 9: Nonconformities

This article addresses uses and structures that were lawful when established but which no longer conform to the requirements of the zone in which they are located. All key changes to the article were presented, along with the proposal to grandfather all uses that are conforming at the time of ordinance adoption, which is contained in the Uses and Use Standards Article (Article 6).

The Commission's discussion focused on three policies proposed in the Staff Draft:

- Grandfathering all uses which were conforming before adoption.
- Allowing nonconforming uses to expand by up to 20%.

- Allow nonconforming uses and structures to be replaced or repaired in kind.

Commissioners were split in their positions on the three topics. Those in support of the proposals considered the policies to be a pragmatic approach to allow businesses to improve their facilities and continue operating in the City, or to rebuild in the event of a disaster. Those opposed expressed that the policies are misaligned with the general zoning doctrine, which intends for nonconformities to expire over time. The intent is for nonconforming uses to come into conformity with the code. During the discussion, staff stated that the city does not have many nonconforming uses, as it has been standard practice with each zoning text amendment to grandfather all uses that would become nonconforming.

Straw polls were taken on two of the three topics, as follows:

By a 4-2 vote, the Planning Commission supported the Staff Draft's proposal to allow nonconforming uses and structures to be replaced or repaired in kind.

By a 4-2 vote, the Planning Commission supported the Staff Draft's proposal to allow nonconforming uses to expand by 20%. Commissioner Pitman expressed that, understanding nonconforming uses are something the City wants to see sunset, nonconformities should not be allowed to expand.

Article 10: Signs

All key changes to the article were presented. The Commission's discussion focused primarily on illuminated signs and electronic message centers (also known as "EMCs," these are digital signs that use LED lights to display dynamic, programmable messages, graphics, animations, and videos), in response to testimony received. The current Zoning Ordinance effectively prohibits EMCs, and the Staff Draft retains this prohibition, making it more transparent. Testimony indicated that the Staff Draft would go so far as to prohibit electronic signs at gas stations showing current prices. Staff perceive this testimony is inaccurate.

Initially, Commissioners expressed a desire to permit electronic gas station signs and electronic menu boards serving drive-through uses. Staff provided the option that the Commission could consider recommending the Staff Draft be revised to allow electronic message centers, along with controlling regulations. A majority of Commissioners expressed interest in exploring regulations on EMCs but had varying levels of comfort with making such a recommendation without seeing the specific language that would regulate the EMCs.

The Planning Commission was split 3-3 on this provision. Chair Sun, Commissioners Espinosa and Zyontz supported the Mayor and Council exploring the regulations of other jurisdictions to allow electronic message centers. Commissioners Fulton, Pitman, and Salahuddin supported retaining the prohibition on electronic message centers as presented in the Staff Draft.

Article 11: Historic Preservation

Article 11 consists of several proposed changes to historic preservation regulations, all of which were presented to and reviewed by the Planning Commission at their meetings on January 14 and February 4.

The Planning Commission supported the provisions related to Certificates of Approval and Evaluations of Significance as presented in the Staff Draft. Generally, the Commission was satisfied with the demolition by neglect provisions but noted that State law did not allow the regulation of all demolitions to be regulated under the historic preservation provisions. Staff indicated that necessary changes would be made.

Owner Consent

The Staff Draft outlines two paths to recommend designation of a historic property, depending on whether the property owner consents to the designation. If the property owner consents to the designation or is silent on the matter, a simple majority of the approving body would be required. In cases where the owner opposes designation, a unanimous vote would be required.

The Planning Commission was split 3-3 on this provision. Chair Sun and Commissioners Espinosa and Zyontz supported the provision as presented in the Staff Draft; Commissioners Fulton, Pitman, and Salahuddin proposed that if an owner was silent on the designation of their property, a unanimous vote should be required.

Delisting

The Planning Commission discussed the delisting protocol in the Staff Draft. The Commission unanimously agreed that a delisting procedure is necessary but requested additional limitations on delisting for “other good cause” in Sec. 25.11.1.3(a) to prevent frequent delistings.

Based on this discussion, the Commission recommended revising the provision in the Staff Draft, as follows:

- *The Mayor and Council may remove a property from the Historic District Overlay Zone if a majority finds that the site or structure has lost the characteristics for which it was originally placed in the zone, but only by unanimous vote for “other good cause.”*

Adaptive Reuse of Historic Buildings & Tax Credits

The Commission also discussed whether to provide recommendations intended to incentivize historic property owners to convert their single-family homes into small multifamily housing projects, such as turning a large single-family home into a duplex or triplex. Commissioner Pitman stated that another pathway to preservation is needed to balance the new delisting process, citing that historic properties are difficult and expensive to maintain. By allowing small multifamily units within the historic footprint, property owners would have a means of affording to maintain the property rather than pursue delisting. She also expressed that such a policy would support housing unit production in the city and address historic inequities, and other Commissioners agreed. Staff advised that this policy is not anticipated in the Rockville 2040 Comprehensive Plan, and as such, would best be pursued through the next update of the Comprehensive Plan or relevant neighborhood master plan.

The Commission also expressed an interest in providing a tax credit or similar incentive to historic property owners who make these alterations, above the existing tax credit for maintenance expenses available to historic property owners offered by Montgomery County. Staff noted that tax credits are not codified in the Zoning Ordinance and are outside of scope for the ZOR and CMA project.

The Commission finds that Rockville 2040 Comprehensive Plan does specifically encourage adaptive reuse (Historic Preservation Action 4.5 "Encourage the adaptive re-use of historic properties when the original use is no longer practical.") To that end the Commission recommends revising the Staff Draft to allow multi-family uses structures located in a Historic District Overlay that has a residential Euclidian zone.

Recommendation

On a motion by Commissioner Espinosa, seconded by Commissioner Fulton, the Commission voted to recommend approval of Zoning Text Amendment TXT2026-00271, based on the recommendations in this memo. Commissioner Zyontz voted in opposition.

Attachment 1 – Planning Commission Schedule

Planning Commission Meeting	Topics
January 14, 2026 Adoption work session #1	<ul style="list-style-type: none"> • Historic preservation • Parking and loading • Pedestrian and bicycle facilities • Amenity space • Comprehensive Map Amendment: <ul style="list-style-type: none"> ○ Planning Area 12 (Tower Oaks) ○ Planning Area 10 (Montrose and North Farm)
January 28, 2026 Adoption work session #2	<ul style="list-style-type: none"> • Fencing, specifically deer fences • Uses, specifically: <ul style="list-style-type: none"> ○ ADUs ○ Large Group Homes ○ Front-Loaded Townhouses ○ Adult-oriented Establishment and Shoot Galleries (location requirements) ○ Electric Vehicle (EV) Charging ○ Use-based gross floor area (GFA) restrictions • Nonconformities • Development Standards, specifically: <ul style="list-style-type: none"> ○ Front Yard Coverage ○ Established Setbacks • Update: Pending State legislation
February 4, 2026 Adoption work session #3	<ul style="list-style-type: none"> • Language in the Staff Draft • Purpose statements • Development review processes, specifically: <ul style="list-style-type: none"> ○ Notice requirements ○ Development Review Manual ○ Approval findings ○ Administrative decision appeals timelines • Follow-up: January 14 work session <ul style="list-style-type: none"> ○ Planning Area 12 (Tower Oaks) ○ Planning Area 10 (Montrose and North Farm) ○ Historic preservation ○ Amenity Space
February 11, 2026 Adoption work session #4	<ul style="list-style-type: none"> • Floating zones • Zoning map amendments • Development standards, specifically: <ul style="list-style-type: none"> ○ Bonus height ○ Transition heights ○ RMD-Infill zone density ○ Residential High Density (RHD) zone setbacks • Sign regulations • Transitional provisions • Follow-up: January 28 work session <ul style="list-style-type: none"> ○ Use-based GFA restrictions
February 25, 2026	Review and approval of the Commission’s recommendation to the Mayor and Council