MAYOR AND COUNCIL

Meeting No. 29-25
Monday, December 1, 2025 - 5:30 PM

AGENDA

Agenda item times are estimates only. Items may be considered at times other than those indicated.

Ways to Participate

If you require a reasonable accommodation, for community forum or a public hearing and need reasonable accommodations, please contact the City Clerk's Office by the Wednesday before the Monday meeting at 240-314-8280 or cityclerk@rockvillemd.gov or by filling this form: https://www.rockvillemd.gov/FormCenter/City-Manager-2/Request-a-Reasonable-Accommodation-50

Translation Assistance

If you wish to participate in person at a Mayor and Council meeting during community forum or a public hearing and may need translation assistance in a language other than English, please contact the City Clerk's Office by the Wednesday before the Monday meeting at 240-314-8280, or cityclerk@rockvillemd.gov, or by using this form: https://www.rockvillemd.gov/FormCenter/City-Clerk-11/Sign-Up-for-Translation-Assistance-at-Co-368

In-Person Attendance

Community members attending in-person who wish to speak during Community Forum, or a Public Hearing, should sign up using the form at the entrance to the Mayor and Council Chamber. In-person speakers will be called upon in the order they are signed to speak and before virtual speakers.

Note: In-Person Speakers will be called upon to speak before those who have signed up to speak virtually for Community Forum and Public Hearings.

Viewing Mayor and Council Meetings

The Mayor and Council are conducting hybrid meetings. The virtual meetings can be viewed on Rockville 11, Comcast, Verizon cable channel 11, livestreamed at www.rockvillemd.gov/rockville11, and available a day after each meeting at www.rockvillemd.gov/videoondemand.

Participating in Community Forum & Public Hearings:

If you wish to submit comments in writing for Community Forum or Public Hearings:

- Please email the comments to mayorandcouncil@rockvillemd.gov no later than 10:00 am on the date of the meeting.

If you wish to participate in-person or virtually in Community Forum or Public Hearings during the live Mayor and Council meeting:

1. Send your Name, Phone number, For Community Forum and Expected Method of Joining the Meeting (computer or phone) to mayorandcouncil@rockvillemd.gov no later than 10:00 am on the day of the meeting. Each speaker will receive 3 minutes.
2. Send your Name, Phone number, the Public Hearing Topic and Expected Method of Joining the Meeting (computer or phone) to mayorandcouncil@rockvillemd.gov no later than 10:00 am on the day of the meeting.
3. On the day of the meeting, you will receive a confirmation email with further details, and two Webex invitations: 1) Optional Webex Orientation Question and Answer Session and 2) Mayor & Council Meeting Invitation.
4. Plan to join the meeting no later than approximately 20 minutes before the actual meeting start time.
5. Read for https://www.rockvillemd.gov/DocumentCenter/View/38725/Public-Meetings-on-Webex meeting tips and instructions on joining a Webex meeting (either by computer or phone).
6. If joining by computer, Conduct a WebEx test: https://www.webex.com/test-meeting.html prior to signing up to join the meeting to ensure your equipment will work as expected.

Participating in Mayor and Council Drop-In (Mayor Ashton and Councilmember Shaw)

The next scheduled Drop-In Session will be held by phone or in-person on Monday, December 8 from 5:15 pm - 6:15 pm with Mayor Ashton and Councilmember Shaw. Please sign up by 10 am on the meeting day using the form at: https://www.rockvillemd.gov/formcenter/city-clerk-11/sign-up-for-dropin-meetings-227

1. Convene - 5:30 PM

2. Pledge of Allegiance

3. Proclamation and Recognition - 5:35 PM

A. Proclamation Declaring December 10, 2025, as Human Rights Day in Rockville, Maryland

B. Proclamation Declaring December 26, 2025 - January 1, 2026, as Kwanzaa in Rockville, Maryland

4. Agenda Review - 6:30 - PM

5. City Manager's Report - 6:35 PM

6. Boards and Commissions Appointments and Reappointments - NONE

7. Community Forum - 6:40 PM

Any member of the community may address the Mayor and Council for 3 minutes during Community Forum. Unless otherwise indicated, Community Forum is included on the agenda for every regular Mayor and Council meeting, generally between 7:00 and 7:30 pm. Call the City Clerk/Director of Council Operation's Office at 240-314-8280 to sign up to speak in advance or sign up in the Mayor and Council Chamber the night of the meeting.

8. Special Presentations - NONE

9. Consent Agenda - 7:00 PM

A. Award and Authorize the City Manager to Execute a Rider Agreement with Environmental Quality Resources, LLC., a Maryland limited liability corporation, in the amount of up to $125,000 for the initial term ending September 19, 2026, and up to an additional $125,000 per year with annual optional renewals through September 19, 2029. The pricing is consistent with the City of Baltimore Contract RFQ-000348 for Integrated Vegetation Management Services.

B. Award a procurement contract in the amount of $103,500.00 through July 1, 2026, and an additional amount of up to $414,000 for up to four 1-year contract renewal options, to Kuehne Chemical Company, of Kearny, New Jersey. The procurement contract, in the form of a purchase order, is being awarded in response to IFB #04-26 for Supply and Delivery of 15% Sodium Hypochlorite to the Water Treatment Plant.

C. Authorization for the City Manager to Approve Amendment 3 with the Metropolitan Washington Council of Governments (MWCOG) for the Enhanced Mobility Grant to Extend the Period of Performance

D. Award and Authorize the City Manager to Execute a Rider Agreement with Empire Landscape, LLC., a Maryland limited liability corporation, in the amount not-to-exceed $125,000 for the initial term, with terms, including annual optional renewals for an amount not-to-exceed $125,000, through June 30, 2030, and pricing consistent with Queen Anne's County Contract SCON-003321 - RFQ-000348 for Integrated Vegetation Management Services.

E. Approval of Minutes

10. Public Hearing - NONE

11. Action Items - 7:05 PM

A. Authorization to File Zoning Text Amendment to Revise and Replace Chapter 25 of the City Code, also Known as the Zoning Ordinance

B. Authorization to File a Comprehensive Map Amendment Application to Implement the Zoning Ordinance Rewrite (ZOR), Including Zoning Recommendations in the Rockville 2040 Comprehensive Plan and Town Center Master Plan

12. Worksession- NONE

13. Mock Agenda - 8:20 PM

A. Mock Agenda

14. Old / New Business - 8:25 PM

15. Adjournment - 8:45 PM

The Mayor and Council Rules and Procedures and Operating Guidelines establish procedures and practices for Mayor and Council meetings, including public hearing procedures. They are available at: http://www.rockvillemd.gov/mcguidelines.

MAYOR AND COUNCIL Meeting Date: December 1, 2025
Agenda Item Type: PROCLAMATION
Department: CITY MANAGER'S OFFICE (CMO)
Responsible Staff: LINDA MORAN

Subject

Proclamation Declaring December 10, 2025, as Human Rights Day in Rockville, Maryland

Department

CMO - Public Information and Community Engagement

Recommendation

Staff recommends the Mayor and Council read, approve, and present to the Co-Chairs of the Human Rights Commission, Rebecca Murphy, Gabrielle Zwi, and the other Commissioners.

Discussion

December 10, 2025, is the annual observance of Human Rights Day, commemorating the day in 1948 when the United Nations General Assembly adopted the Universal Declaration of Human Rights. The Declaration was the first global enunciation of human rights and one of the United Nations' early significant achievements. The United Nations Prize in Human Rights and the Nobel Peace Prize awards are traditionally made on Human Rights Day.

The year 2025 marks the 77th anniversary of the commemoration of the Universal Declaration of Human Rights, and this year's Human Rights theme is **"Holocaust Remembrance for Dignity and Human Rights.**"

In the City of Rockville, the Human Rights Commission is tasked with supporting and promoting human rights in our community. The Human Rights Commission fulfills these responsibilities by sponsoring programs and celebrations (e.g., the annual Dr. Martin Luther King Jr. Day Celebration and Rockville Pride). The Commission also hosts educational forums on human rights issues, holds diversity and inclusion training for high school and Montgomery College students, sponsors a multimedia contest for high school students on the topic of human rights, and conducts voter registration drives.

Mayor and Council History

The Mayor and Council present this proclamation annually.

Attachments

Proclamation Declaring December 10, 2025, as Human Rights Day in Rockville, Maryland

Proclamation

WHEREAS, December 10, 2025 marks the 77th anniversary of the adoption of the Universal Declaration of Human Rights; and

WHEREAS, the Declaration establishes multiple rights such as freedom, equal dignity, peace, and the overall worth of every human being; and

WHEREAS, maintaining fundamental human rights is the basis of a democratic society; and

WHEREAS, the theme for 2025 is **"Holocaust Remembrance for Dignity and Human Rights,"** and

WHEREAS, the Human Rights Commission, appointed by the Mayor and Council, is charged with improving human rights for the Rockville community, promoting appreciation and understanding of diversity; and

WHEREAS, Rockville's Human Rights Commission fulfills these responsibilities by sponsoring programs such as the City's annual Dr. Martin Luther King Jr. Day Celebration and the Rockville Pride program, engaging young people through diversity and inclusion training, and conducting voter registration.

NOW, THEREFORE, the Mayor and Council of Rockville, Maryland, do hereby proclaim December 10, 2025, as **Human Rights Day** in Rockville, Maryland, and encourage Rockville residents to appreciate the importance of human rights both locally and globally, to educate themselves on human rights issues, and to advocate for those whose rights are violated.

Monique Ashton, Mayor

Kate Fulton, Councilmember

Izola (Zola) Shaw, Councilmember

Barry Jackson, Councilmember

Marissa Valeri, Councilmember

David Myles, Councilmember

Adam Van Grack Councilmember

December 1, 2025

MAYOR AND COUNCIL Meeting Date: December 1, 2025
Agenda Item Type: PROCLAMATION
Department: CITY CLERK/DIRECTOR OF COUNCIL OPERATIONS OFFICE
Responsible Staff: DANNY WINBORNE

Subject

Proclamation Declaring December 26, 2025 – January 1, 2026, as Kwanzaa in Rockville, Maryland

Department

City Clerk/Director of Council Operations Office

Recommendation

Staff recommends the Mayor and Council read, approve, and present to Ms. Jacki Dupuy, a City of Rockville resident.

Discussion

Kwanzaa (which translates from Swahili to mean “First Fruits”) was introduced in 1966 during a turbulent time during the civil rights era in the United States. Dr. Maulana Karenga created this African American Cultural Celebration to help evoke a sense of pride and create a unique tradition for African Americans in the United States.

First-Fruits festivals occur in Southern Africa and are celebrated in the December/January timeframe during the southern solstice. During the early years of its observance, it was intended to be an alternative to Christmas; however, now many families celebrate both. The celebration consists of 7 days, from December 26 – January 1; with each day symbolizing a specific principle:

1. Umoja (Unity): To strive for and to maintain unity in the family, community, nation, and race.

2. Kujichagulia (Self-Determination): To define and name ourselves, as well as to create and speak for ourselves.

3. Ujima (Collective Work and Responsibility): To build and maintain our community together and make our brothers' and sisters' problems our problems and solve them together.

4. UJAMAA (Cooperative Economics): To build and maintain our own stores, shops, and other businesses and to profit from them together.

5. Nia (Purpose): To make our collective vocation the building and developing of our community in order to restore our people to their traditional greatness.

6. Kuumba (Creativity): To do always as much as we can, in the way we can, in order to leave our community more beautiful and beneficial than we inherited it.

7. Imani (Faith): To believe with all our hearts in our people, our parents, our teachers, our leaders, and the righteousness and victory of our struggle.

One of the most significant symbols of Kwanzaa is the Kinara, which consists of 7 candles (Mishumaa Saba) one black, three red, and three green. One candle is lit each day of Kwanzaa. Other symbols of Kwanzaa are crops (mazao), corn (Mahindi), unity cup (Kikime cha Umoja), and gifts (Zawadi) that are exchanged.

The greeting for each day of Kwanzaa is “Habari Gani?”, which means “How are you?”

Many people of African descent in Canada celebrate Kwanzaa; however, most Generation Z-ers do not celebrate Kwanzaa or are not familiar with this tradition. The Principles of Kwanzaa can be celebrated by all cultures in America, as they are principles that we can all enjoy!

Source: Wikipedia and writings of Maulana Karenga.

Mayor and Council History

The Mayor and Council present this proclamation annually.

Attachments

Proclamation Declaring December 26, 2025 - January 1, 2026, as Kwanzaa in Rockville, Maryland

Proclamation

ROCKVILLE · MARYLAND

WHEREAS, Kwanzaa is an annual celebration of African American culture, born out of the turbulent civil rights era of the 1960s; and

WHEREAS, Kwanzaa was created by Dr. Maulana Karenga, who first celebrated it in 1966, it was derived from African harvest festival traditions from various parts of Africa, including West and Southern Africa; and

WHEREAS, Kwanzaa is observed for 7 days, from December 26 through January 1; and

WHEREAS, the name Kwanzaa derives from the Swahili phrase *matunda ya kwanza*, which means, "First Fruits;" and

WHEREAS, the seven/principles days of Kwanzaa are: Day 1- ***Umoja*** (Unity) Day 2 – ***Kujichagulia*** (Self-Determination), Day 3 – ***Ujima*** (Collective Work and Responsibility), Day 4 – ***Ujamaa*** (Cooperative Economics), Day 5 – ***Nia*** (Purpose), Day 6 – ***Kuumba*** (Creativity), Day 7 – ***Imani*** (Faith); and

WHEREAS, on the seventh day of the celebration, gifts are given to encourage growth, achievement, and success. Handmade or culturally significant gifts are exchanged to promote self-determination, purpose, creativity, and love.

NOW, THEREFORE, the Mayor and Council of Rockville, Maryland, hereby proclaim and observe December 26, 2025, through January 1, 2026, as **Kwanzaa** in Rockville, and invite all residents to understand its principles and enjoy the celebration of the "First Fruits" of the year, and to practice the seven principles all year round. The City encourages everyone to share this festive season and to spread love to all residents of Rockville and beyond.

Monique Ashton, Mayor

Kate Fulton, Councilmember

Izola (Zola) Shaw, Councilmember

Barry Jackson, Councilmember

Marissa Valeri, Councilmember

David Myles, Councilmember

Adam Van Grack, Councilmember

December 1, 2025

MAYOR AND COUNCIL Meeting Date: December 1, 2025
Agenda Item Type: CONSENT
Department: RECREATION & PARKS
Responsible Staff: STEVE MADER

Subject

Award and Authorize the City Manager to Execute a Rider Agreement with Environmental Quality Resources, LLC., a Maryland limited liability corporation, in the amount of up to $125,000 for the initial term ending September 19, 2026, and up to an additional $125,000 per year with annual optional renewals through September 19, 2029. The pricing is consistent with the City of Baltimore Contract RFQ-000348 for Integrated Vegetation Management Services.

Department

Rec & Parks - Parks & Facilities

Recommendation

Staff recommends that the Mayor and Council award and authorize the City Manager to execute a Rider Agreement for Integrated Vegetation Management (IVM) Services riding the City of Baltimore Contract RFQ-000348 with Environmental Quality Resources, LLC. from the date of award through September 19, 2026, with the option to extend for three additional years through September 19, 2029, in the annual amount not to exceed $125,000 consistent with City of Baltimore Contract and contingent upon annual appropriation by Mayor and Council.

Discussion

This Rider Agreement provides the city with a mechanism to get expert contractor support in removing Non-Native Invasive (NNI) plants, both within storm water management facilities, on stream restoration Capital Improvement Projects (CIP), and in parks. Additionally, the contract provides for restoration of areas where NNI was removed. Both the Public Works Department and the Recreation and Parks Department could access the contract to manage NNI where needed.

Use of this contract supports goals laid out in the city's 2040 master plan, including conservation of key environmental areas (Recreation and Parks Element goal 4) and management of a sustainable urban forest and protection of stream corridors, wildlife habitat, and water quality (Environmental Element Goal 6).

Mayor and Council History

This is the first time this has been brought before Mayor and Council.

Procurement

Staff believes that this contract is the best for the city because the scope fits the city's needs and the City of Baltimore Contract has multiple line items with estimated quantities larger than the city's and, as such, provide more competitive pricing based on higher volume

Environmental Quality Resources LLC. is a non-Minority, Female, Disabled, or Veterans (non-MFD-V) business.

In accordance with Section 17-71 of the Rockville City Code, Cooperative Procurement; (b) The city may contract with any contractor who offers goods, services, insurance or construction on the same terms as provided other state or local governments or agencies thereof who have arrived at those terms through a competitive procurement procedure similar to the procedure used by the city.

In accordance with Section 17-39 of the Rockville City Code, Awarding Authority, (a) All contracts involving more than two hundred and fifty thousand dollars ($250,000.00) shall be awarded by the Council. Since the contract amount for the initial term plus all renewal options exceeds $250,000, approval is required by the Mayor and Council.

The proposed Rider Agreement is Attachment 1 to this agenda item.

To view the City of Baltimore Contract please click on the link provided:
https://www.swisstransfer.com/d/5825a739-d255-4aef-b8a2-495ba927c15f

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Fiscal Impact

Sufficient funding is available in Public Works, Environmental Management Division, and in Recreation and Parks, Parks and Facilities Maintenance Division to support this award. All future year funding is subject to Mayor and Council appropriation.

Next Steps

Upon the Mayor and Council approval, the Procurement Department will obtain the Contractor's insurance, complete execution of the Rider Agreement, and issue a Master Agreement to Environmental Quality Resources, LLC, for services.

Attachments

Attachment 1 - Rider Agreement EQR FINAL DRAFT

CITY OF ROCKVILLE
RIDER AGREEMENT

This **CITY OF ROCKVILLE, MARYLAND RIDER AGREEMENT** (this "**Rider Agreement**") is, made this ___ day of _____, 2025 (the "**Effective Date**"), by and between **THE MAYOR AND COUNCIL OF ROCKVILLE**, a body politic and municipal corporation of the State of Maryland, acting through its City Manager (the "**Mayor and Council**" or the "**City**"), and **ENVIRONMENTAL QUALITY RESOURCES, L.L.C.**, a Maryland limited liability company (the "**Contractor**"). Individually, the Mayor and Council and the Contractor may each be referred to hereinafter as the "**Party**," or collectively as the "**Parties**."

RECITALS

1. **WHEREAS,** the Mayor and Council desire to procure, on behalf of the City of Rockville Departments of Recreation and Parks and Public Works (collectively, the "**Departments**"), certain services for integrated vegetation management ("**Contractor Services**") which will enable the Departments to, among other things, manage its parks and natural areas, and maintain its stormwater facilities through non-native invasive species removal treatments and native plant revegetation; and

2. **WHEREAS,** in accordance with Section 17-71(b) of the Rockville City Code, the City may enter into a contract to procure the Contractor Services from the Contractor without utilizing the City's formal solicitation process if (a) the Contractor has entered into a contract to provide the Contractor Services to "other state or local governments or agencies," (b) the other state or local government or agency arrived at the contract terms for the Contractor Services with the Contractor "through a competitive procurement procedure similar to the procedure used by the City," and (c) the City obtains the same contract terms the Contractor offered to the other state or local government or agency for the Contractor Services; and

3. **WHEREAS,** Mayor and City Council of Baltimore is a municipal corporation of the State of Maryland ("**City of Baltimore**" or "**Baltimore"**); and

4. **WHEREAS,** on or about June 9, 2023, as amended the City of Baltimore issued a Request for Proposals for integrated vegetation management – Solicitation Number RFQ-000348 ("**Baltimore RFQ**") to solicit non-native invasive weed control services and related tasks, and on August 2, 2023, the Contractor submitted a bid in response to the Baltimore RFQ agreeing to provide the City with non-native invasive species removal services, including the Contractor Services; and

5. **WHEREAS,** effective September 20, 2023, Baltimore entered a requirements-type contract with the Contractor (the "**Baltimore Procurement Agreement**"), attached hereto as **Exhibit A** and incorporated by this reference, pursuant to which the Contractor agreed to provide the City, among other things, the Contractor Services; and

6. **WHEREAS,** the City has determined that Baltimore's competitive procurement procedure is similar to the competitive procurement procedure utilized by the City; and

7. **WHEREAS,** the Contractor agrees to provide the Contractor Services to the City on the same terms and conditions as provided in the Baltimore Procurement Agreement, subject to the terms and conditions of this Rider Agreement; and

8. **WHEREAS,** the Parties agree that where the terms of this Rider Agreement vary from the terms and conditions of the Baltimore Procurement Agreement, the terms and conditions of this Rider Agreement shall prevail.

NOW, THEREFORE, IN CONSIDERATION of the foregoing and the covenants, warranties and agreements of the Parties hereto, as are hereinafter set forth, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged by each Party hereto, the Parties hereby agree as follows:

OPERATIVE PROVISIONS

ARTICLE I. CONTRACTOR PROVISION OF GOODS AND/OR SERVICES

Section 1.01. Scope of Work. The Contractor shall, in the usual and customary manner consistent with the highest quality industry standards and in accordance with the terms and conditions of this Agreement, provide to the City those Contractor Services specified in the "**Scope of Work**" attached hereto as **Exhibit B** and incorporated by this reference.

Section 1.02. Project Administrators. The following staff members of the Departments are the City's designated "**Project Administrators**":

Jessica Corazza, City Horticulturist
(240) 314-8706
jcorazza@rockvillemd.gov

Heather Gewandter, Public Works
(240) 314-8873
hgewandter@rockvillemd.gov

Jason Bible, Park Manager
(240) 314-8703
jbible@rockvillemd.gov

Charles Reed, Park Manager
(240) 314-8711
creed@rockvillemd.gov

It shall be the Contractor's responsibility to ensure that the applicable Project Administrator is kept informed on the progress of the Scope of Work for the Notice to Proceed submitted by that Project Administrator. The City Manager or designee may modify the list of Project Administrators by notifying the Contractor in writing of any such modification.

Section 1.03. Notices to Proceed. As the need for Contractor Services arise, the Contractor will provide those services pursuant to the terms and conditions of this Rider Agreement, upon request as follows:

(a) A Project Administrator will issue a request for services by providing the Contractor (i) the task needed, and service required (ii) the location where the work will be performed and the Contractor Services provided, and (iii) a detailed preliminary timeline for the scope of work, subject to the terms of this Agreement.

(b) The Contractor will acknowledge the request via email within 48 hours of the date of request.

(c) The Contractor will respond in writing within 8 business days of the date of request by providing to the City a quote confirming (i) brief description of the work to be performed; (ii) number of labor hours and types of labor; (iii) material cost estimate: (iv) estimated completion date and time; (v) total cost not to exceed estimate the task needed and service required, location, timeline for performance and quote consistent with the fee schedule ("**Contractor Quote**") OR indicate the specific additional time needed to respond, and will provide a quote as described within that timeframe.

(d) Upon receipt and if acceptable, the Project Administrator will provide the Contractor with a City of Rockville Notice to Proceed ("**Notice to Proceed**") and attach the Contractor Quote. All changes including, without limitation, scope and timeline must be communicated to the Project Administrator and if acceptable confirmed by the supplemental Notice to Proceed.

(e) Any work performed outside the scope of a written Notice to Proceed is at Contractor's risk and faces the probability of delayed or denied payment.

(f) Any agreements or stipulations in a request for services or response that are contrary to the terms of this Agreement shall be void unless the Parties have expressly agreed in writing that such agreement shall supersede the terms of this Agreement.

ARTICLE II. CONTRACT TERM

Section 2.01. Contract Term. The term of this Rider Agreement shall begin on the Effective Date and shall expire on September 19, 2026. The City of Baltimore, at its sole discretion, may extend the term of the Baltimore Procurement Agreement for one (1), three-year term, and may consider price adjustment requests as provided in the Baltimore Procurement Agreement. If the City of Baltimore exercises its option to extend the term of the Baltimore Procurement Agreement, the City may extend the term of this Rider Agreement by up to one (1), three-year term, until September 19, 2029, by notifying Contractor of such extension and confirmation of pricing in writing at least 60 days before September 19, 2026 and subject to Mayor and Council appropriation of adequate funds.

Section 2.02. Time of Essence. Time is of the essence in the performance of the Scope of Work.

ARTICLE III. COMPENSATION AND PAYMENT

Section 3.01. Compensation; Required Appropriation of Funds.

(a) In order to compensate the Contractor for its provision of Contractor Services, the Mayor and Council agrees to pay the Contractor, subject to any limitations set forth in this Rider Agreement, the amounts specified in the "**Compensation and Fee Schedule**" attached hereto as **Exhibit D** and incorporated herein by reference, which total amount, including reimbursements for actual expenses, shall not exceed **ONE HUNDRED TWENTY-FIVE THOUSAND AND 00/100 DOLLARS ($125,000.00)** for the initial term of this Rider Agreement (the "**Contract Sum**"). If the term of this Rider Agreement is extended until September 19, 2029, in accordance with Section 2.01, the annual maximum total compensation shall not exceed One Hundred Twenty-Five Thousand and 00/100 Dollars ($125,000.00) for each fiscal year the term of this Rider Agreement is extended, subject to appropriation by the Mayor and Council. Any work performed or expenses incurred for which payment would result in a total exceeding the Contract Sum shall be at no cost to the Mayor and Council.

(b) The Mayor and Council appropriates funds on a fiscal year basis; the City's fiscal year runs from July 1 through June 30. Funds have been appropriated for the first year of this Rider Agreement through the end of the fiscal year, June 30, 2026. All payments made under this Rider Agreement after June 30, 2026, are contingent upon appropriation and encumbrance of funds. If the Mayor and Council fails to approve an appropriation to fund this Rider Agreement for a subsequent fiscal year, this Rider Agreement shall terminate on the first day of that fiscal year without further cost to the City.

(c) This Rider Agreement does not guarantee any minimum level of purchases or any minimum amount of compensation.

Section 3.02. Manner and Method of Payment; Invoices.

(a) Manner and Method of Payment. The City shall pay the Contractor in accordance with the Compensation and Fee Schedule. The Contractor is not entitled to a total payment, including fees for expenses, that exceed the Contract Sum. The method of compensation is detailed in the Compensation and Fee Schedule, and may include (i) a lump sum payment upon completion and acceptance of Contractor Services, (ii) payment in accordance with specified tasks or the percentage of completion of the provision of the Contractor Services, (iii) payment for time and materials based upon the Contractor's rates as specified in the Compensation and Fee Schedule, provided that time estimates are provided for the performance of sub tasks, but not exceeding the Contract Sum, or (iv) such other methods as may be specified in the Compensation and Fee Schedule.

(b) Invoices.

(i) In accordance with the Compensation and Fee Schedule, the Contractor shall submit to the Contract Manager identified at section 3.02(b)(iii) invoices, in duplicate, for all

work performed, tasks and deliverable completed, and expenses incurred. The invoice shall include a reference number, detailed charges for all necessary and actual expenses by the following categories: labor (by sub-category), materials, equipment, supplies, and Subcontractor contracts. Subcontractor charges shall also be detailed by such categories.

(ii) The City Manager or his designee will independently review the invoices submitted by the Contractor to determine whether the work performed, tasks and deliverables completed, and expenses incurred for the provision of Contractor Services comply with the provisions of this Rider Agreement. Except as to any charges for work performed or expenses incurred by the Contractor which are disputed by the City, or as provided in Section 9.03, the City will use its best efforts to cause the Contractor to be paid within thirty (30) days of receipt the Contractor's correct and undisputed invoice. In the event any charges or expenses are disputed by the City, the original invoice shall be returned by the City to the Contractor for correction and resubmission.

(iii) All invoices shall be forwarded to the following address:

Ms. Alex Kramer
Parks and Facilities Administrative Manager
Recreation and Parks Department
City of Rockville
240-314-8700 (Main)
240-314-8712 (Direct)
240-314-8719 (Fax)
akramer@rockvillemd.gov

(iv) Electronic Payment Option. The City's Vendor ACH Payment Program allows payments to be deposited directly to a designated financial institution account. Funds will be deposited into the account identified automatically and on time. There is no additional cost to participate. All transactions are conducted in a secure environment.

(v) Payment to Subcontractor. Within seven days after receipt of amounts paid by the City for work performed by a subcontractor under this Rider Agreement, the Contractor shall either: (A) pay the subcontractor for the proportionate share of the total payment received from the City attributable to the work performed by the subcontractor under this Rider Agreement; or (B) notify the City and the subcontractor, in writing, of the Contractor's intention to withhold all or a part of the subcontractor's payment and the reason for non-payment. In no event shall the City be liable for the Contractor's failure to pay a subcontractor. It is the Contractor's responsibility to ensure that no lien for work performed by the Contractor or subcontractor is placed on the City.

Section 3.03. Waiver. Payment to the Contractor for work performed and expenses incurred for the provision of Contractor Services pursuant to this Rider Agreement shall not be deemed to waive defects in the work performed by the Contractor.

Section 3.04. Errors and Omissions. The Contractor is solely responsible for costs, including, but not limited to, increases in the cost of providing the Contractor Services, arising from or caused by the Contractor's errors and omissions, as applicable, including, but not limited to, the costs of corrections of such errors and omissions, any change order markup costs, or costs arising from delay caused by the errors and omissions or unreasonable delay in correcting the errors and omissions.

ARTICLE IV. COORDINATION OF WORK

Section 4.01. Representatives and Personnel of Contractor. The following key personnel of the Contractor (the "**Key Personnel**") are hereby designated as being the principals and representatives of the Contractor, authorized to act on its behalf with respect to the work related to the provision of the Contractor Services and make all decisions in connection therewith.

Liam O'Meara President

It is expressly understood that the experience, knowledge, capability and reputation of the foregoing personnel were a substantial inducement for the City to enter into this Rider Agreement. Therefore, the foregoing Key Personnel shall be responsible during the Term of this Rider Agreement for directing all activities of the Contractor and devoting sufficient time to personally supervise the work hereunder.

Section 4.02. Status of Contractor. The Contractor shall have no authority to bind the officials, officers, employees or agents of the City in any manner, or to incur any obligation, debt or liability of any kind on behalf of or against the City, whether by contract or otherwise, unless such authority is expressly conferred under this Rider Agreement or is otherwise expressly conferred in writing by the City Manager. The Contractor shall not at any time or in any manner represent that the Contractor or any of the Contractor's officers, employees, agents, or subcontractors, if any, are in any manner officials, officers, employees or agents of the City. Neither the Contractor, nor any of the Contractor's officers, employees, agents, or subcontractors, if any, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to the City's employees. The Contractor expressly waives any claim the Contractor may have to any such rights.

Section 4.03. Independent Contractor. Neither the City, nor any of its officials, officers, employees or agents shall (i) have control over the manner, mode or means by which the Contractor, its employees, agents, or subcontractors perform the work related to the provision of the Contractor Services, except as otherwise set forth herein; or (ii) have a voice in the selection, discharge, supervision or control of the Contractor's employees, servants, representatives or agents, or in fixing their number, compensation or hours of service. The Contractor shall perform all services required herein as an independent contractor of the City and shall always remain as to the City a wholly independent contractor with only such obligations as are consistent with that role. The City shall not in any way or for any purpose become or be deemed to be a partner of the

Contractor in its business or otherwise or a joint venturer or a member of any joint enterprise with the Contractor.

Section 4.04. Intentionally Omitted.

ARTICLE V. CONTRACTOR COVENANTS AND OBLIGATIONS

Section 5.01. Contractor Qualifications. The Contractor covenants that it, its employees, agents and subcontractors, if any, have and shall maintain during the term of this Rider Agreement all licenses, permits, qualifications, insurance and approvals of whatever nature that are legally required to perform Scope of Work related to the provision of the Contractor Services.

Section 5.02. Standard of Care. The Contractor covenants that it shall follow the highest professional standards in performing the work related to the provision of the Contractor Services required hereunder and that all materials will be of good quality, fit for the purpose intended. For purposes of this Rider Agreement, the phrase "highest professional standards" shall mean those standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

Section 5.03. Compliance with Law. The Contractor covenants that it shall keep itself informed concerning and shall perform all Contractor Services in accordance with all ordinances, resolutions, rules, and regulations of the City and any applicable Federal, State or local governmental entity having jurisdiction in effect at the time services are rendered and the Scope of Work performed.

Section 5.04. Licenses, Permits, Fees and Assessments. The Contractor covenants that it shall obtain at its sole cost and expense such licenses, permits and approvals as may be required by law for the performance of the Scope of Work required by this Rider Agreement. The Contractor shall have the sole obligation to pay for any fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and arise from or are necessary for the Contractor's performance of the Scope of Work required by this Rider Agreement, and shall indemnify, defend and hold harmless the City, its officers, employees or agents of the City, against any such fees, assessments, taxes, penalties or interest levied, assessed or imposed against the City hereunder.

Section 5.05. Conflict of Interest. The Contractor covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of the City or which would in any way hinder the Contractor's performance of work related to the provision of the Contractor Services. The Contractor further covenants that in the provision of the Contractor Services, no person having any such interest shall be employed by it as an officer, employee, agent or subcontractor, if any, without the express written consent of the City Manager. The Contractor agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of the City in the performance of this Rider Agreement. The Contractor further covenants that, in the performance of this Rider Agreement, it will not employ subcontractors or other persons or parties having such an interest.

The Contractor certifies that no person who has or will have any financial interest under this Rider Agreement is a member, officer or employee of the City; this provision will be interpreted in accordance with the applicable provisions of the Rockville City Code, as amended from time to time. The Contractor agrees to notify the City Manager or designee if any conflict arises.

Section 5.06. Compliance with ADA. The Contractor covenants and agrees that pursuant to the Americans with Disabilities Act of 1990, as amended (the "**ADA**"), programs, services and other activities provided by a public entity to the public, whether directly or through a contractor or subcontractor, are required to be accessible to the disabled public. The Contractor will perform the Scope of Work specified in this Rider Agreement in a manner that complies with the ADA and any other applicable federal, state and local disability rights laws and regulations, as amended from time to time. The Contractor will not discriminate against persons with disabilities in the performance of the Scope of Work for the provision of services, benefits or activities provided under this Rider Agreement.

ARTICLE VI. RECORDS, REPORTS, AND RELEASE OF INFORMATION

Section 6.01. Records. The Contractor shall keep, and require subcontractors, if any, to keep, such ledgers books of accounts, invoices, vouchers, canceled checks, records, reports, studies, documents or other information relating to the disbursements charged to City and services performed hereunder (the "**Books and Records**"), as shall be necessary to perform the work related to the provision of the Contractor Services required by this Rider Agreement and enable the Contract Administrator to evaluate the performance of such Services. All such documents shall be maintained in accordance with generally accepted accounting principles and shall be complete and detailed. The City Manager and his designee shall have full and free access to such Books and Records at all times during normal business hours of the City of Rockville, including the right to inspect, copy, audit and make records and transcripts from such records. Such records shall be maintained for a period of three (3) years following completion of the Scope of Work hereunder, and the City shall have access to such records in the event any audit is required. In the event of dissolution of the Contractor's business, custody of the Books and Records may be given to City, and access shall be provided by the Contractor's successor in interest.

Section 6.02. Reports. The Contractor shall periodically prepare and submit to the City Manager or his designee such reports concerning the performance related to the provision of the Contractor Services as the City Manager or his designee shall require. The Contractor hereby acknowledges that the cost of work and services to be performed pursuant to this Rider Agreement is a priority for the City. For this reason, the Contractor agrees that if the Contractor becomes aware of any facts, circumstances, techniques, or events that may or will materially increase or decrease the cost of the work or services contemplated herein or, if the Contractor is providing design services, the cost of the project being designed, the Contractor shall promptly notify the Contract Administrator of said fact, circumstance, technique or event and the estimated increased or decreased cost related thereto and, if the Contractor is providing design services, the estimated increased or decreased cost estimate for the project being designed.

Section 6.03. Intentionally Omitted.

Section 6.04. Intentionally Omitted.

Section 6.05. Confidentiality and Release of Information.

(a) All information gained or work product produced by the Contractor in performance of this Rider Agreement shall be considered confidential, unless such information is in the public domain or already known to the Contractor. The Contractor shall not release or disclose any such information or work product to persons or entities other than the City without prior written authorization from the Contract Administrator.

(b) The Contractor, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the City Manager or his designee or unless requested by the City Attorney, voluntarily provide documents, declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Rider Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided the Contractor gives City notice of such court order or subpoena.

(c) If the Contractor, or any officer, employee, agent or subcontractor of the Contractor, provides any information or work product in violation of this Rider Agreement, then the City shall have the right to reimbursement and indemnity from the Contractor for any damages, costs and fees, including attorneys' fees, caused by or incurred because of the Contractor's conduct.

(d) The Contractor shall promptly notify the City should the Contractor, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Rider Agreement and the work performed there under. The City retains the right, but has no obligation, to represent the Contractor or be present at any deposition, hearing or similar proceeding. The Contractor agrees to cooperate fully with the City and to provide the City with the opportunity to review any response to discovery requests provided by the Contractor. However, this right to review any such response does not imply or mean the right by the City to control, direct, or rewrite said response.

ARTICLE VII. INSURANCE AND INDEMNIFICATION

Section 7.01. Insurance Requirement.

(a) The Contractor shall be required to obtain and maintain, at its sole cost and expense, in a form and content satisfactory to the Risk Manager for the City of Rockville (the "**Risk Manager**"), during the entire term of this Rider Agreement including any extensions thereof, the insurance coverages described in **Exhibit E**, entitled "**Insurance Requirements**", which Insurance Requirements shall cover the Mayor and Council, its appointed officers, and employees and agents of the City of Rockville.

(b) In the event the Contractor subcontracts any portion of the Scope of Work hereunder, the contract between the Contractor and such subcontractor shall require the subcontractor to maintain the same policies of insurance that the Contractor is required to maintain pursuant to Section 7.01, and such certificates and endorsements shall be provided to the Risk Manager.

Section 7.02. Indemnification. To the full extent permitted by law, the Contractor agrees to indemnify, defend and hold harmless the Mayor and Council and its appointed officers, employees and agents ("**Indemnified Parties**") against, and will hold and save them and each of them harmless from, any and all actions, either judicial, administrative, arbitration or regulatory claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions or liabilities whether actual or threatened (herein "**Claims or Liabilities**") that may be asserted or claimed by any person, firm or entity arising out of or in connection with the negligent performance of the work, operations or activities provided herein of the Contractor, its officers, employees, agents, subcontractors, or invitees, or any individual or entity for which the Contractor is legally liable ("**Indemnors**"), or arising from the Contractor's reckless or willful misconduct, or arising from the Contractor's Indemnors' negligent performance of or failure to perform any term, provision, covenant or condition of this Rider Agreement, and in connection therewith:

(a) The Contractor will defend any action or actions filed in connection with any of said Claims or Liabilities and will pay all costs and expenses, including legal costs and attorneys' fees incurred in connection therewith;

(b) The Contractor will promptly pay any judgment rendered against the Mayor and Council, its appointed officers, agents or employees for any such Claims or Liabilities arising out of or in connection with the negligent performance of or failure to perform such work, operations or activities of the Contractor hereunder; and the Contractor agrees to save and hold the Mayor and Council, its appointed officers, agents, and employees harmless therefrom;

(c) In the event the Mayor and Council, its appointed officers, agents or employees is made a party to any action or proceeding filed or prosecuted against the Contractor for such damages or other claims arising out of or in connection with the negligent performance of or failure to perform the work, operation or activities of the Contractor hereunder, the Contractor agrees to pay to the Mayor and Council, its appointed officers, agents or employees, any and all costs and expenses incurred by the Mayor and Council, its appointed officers, agents or employees in such action or proceeding, including but not limited to, legal costs and attorneys' fees.

The Contractor shall incorporate similar, indemnity agreements with its subcontractors and if it fails to do so the Contractor shall be fully responsible to indemnify City hereunder therefore, and failure of City to monitor compliance with these provisions shall not be a waiver hereof. This indemnification includes Claims or Liabilities arising from any negligent or wrongful act, error or omission, or reckless or willful misconduct of the Contractor in the performance of services hereunder. The provisions of this Section do not apply to Claims or Liabilities occurring as a result of City's sole negligence or willful acts or omissions, but, to the fullest extent permitted by law, shall apply to claims and liabilities resulting in part from City's negligence, except that design

professionals' indemnity hereunder shall be limited to claims and liabilities arising out of the negligence, recklessness or willful misconduct of the design professional. The indemnity obligation shall be binding on successors and assigns of the Contractor and shall survive termination of this Rider Agreement.

Section 7.03. Intentionally Omitted.

Section 7.04. Sufficiency of Insurer or Surety. Insurance or bonds required by this Rider Agreement shall be satisfactory only if issued by companies qualified to do business in Maryland, rated "A" or better in the most recent edition of Best Rating Guide, The Key Rating Guide or in the Federal Register, and only if they are of a financial category Class VII or better, unless such requirements are waived by the Risk Manager due to unique circumstances. If this Rider Agreement continues for more than 3 years duration, or in the event the Risk Manager determines that the work or services to be performed under this Rider Agreement creates an increased or decreased risk of loss to the City, the Contractor agrees that the minimum limits of the insurance policies and the performance bond (if any) may be changed accordingly upon receipt of written notice from the Risk Manager; provided that the Contractor shall have the right to appeal a determination of increased coverage by the Risk Manager to the City Manager within 10 days of receipt of notice from the Risk Manager.

ARTICLE VIII. CONTRACTOR REPRESENTATIONS AND WARRANTIES

As a material inducement to the Mayor and Council's entry into this Rider Agreement, the Contractor hereby (i) makes the following representations and warranties to the Mayor and Council, as of the Effective Date, (ii) covenants that until the expiration or earlier termination of this Rider Agreement, upon learning of any fact or condition which would cause any of the warranties and representations in this Rider Agreement not to be true, the Contractor shall promptly give written notice of such fact or condition to the City Manager or his authorized designee, (iii) acknowledges that the Mayor and Council shall rely upon the Contractor's representations made herein notwithstanding any investigation made by or on behalf of the Mayor and Council, and (iv) agrees that such representations and warranties shall survive until the expiration or termination of this Rider Agreement:

Section 8.01. Organization. The Contractor is duly organized, validly existing and in good standing under the laws of the state in which it is organized and is duly qualified to conduct business in the State of Maryland.

Section 8.02. Authority of the Contractor. The Contractor has full power and authority to execute and deliver this Rider Agreement, and all other documents or instruments executed and delivered, or to be executed and delivered, pursuant to this Rider Agreement, and to perform and observe the terms and provisions of all the above.

Section 8.03. Authority of Persons Executing Documents. This Rider Agreement and all other documents or instruments executed and delivered, or to be executed and delivered, pursuant to this Rider Agreement have been executed and delivered by persons who are duly

authorized to execute and deliver the same for and on behalf of the Contractor, and all actions required under the Contractor's organizational documents and applicable governing law for the authorization, execution, delivery and performance of this Rider Agreement and all other documents or instruments executed and delivered, or to be executed and delivered, pursuant to this Rider Agreement, have been duly taken (to the extent such actions are required as of the date of execution and delivery of the above-named documents).

Section 8.04. No Breach of Law or Agreement. To the Contractor's knowledge, neither the execution nor delivery of this Rider Agreement or any other documents or instruments executed and delivered, or to be executed or delivered, pursuant to this Rider Agreement, nor the performance of any provision, condition, covenant or other term hereof or thereof, will conflict with or result in a breach of any statute, rule or regulation, or any judgment, decree or order of any court, board, commission or agency whatsoever binding on the Contractor, or any provision of the organizational documents of the Contractor, or will materially conflict with or constitute a material breach of or a material default under any agreement to which the Contractor is a party, or will result in the creation or imposition of any lien upon assets or property of the Contractor, other than liens established pursuant hereto.

Section 8.05. Qualifications. The Contractor, its employees, agents and subcontractors, if any, possess the necessary professional expertise, qualifications and capabilities, and all required licenses and certifications to perform the Scope of Work and provide the Contractor Services.

ARTICLE IX. ENFORCEMENT OF AGREEMENT AND TERMINATION

Section 9.01. Maryland Law. This Rider Agreement shall be interpreted, construed and governed both as to validity and to performance of the Parties in accordance with the laws of the State of Maryland. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Rider Agreement shall be instituted in the Circuit Court of Montgomery County, State of Maryland, and the Contractor covenants and agrees to submit to the personal jurisdiction of such court in the event of such action. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the State of Maryland, Southern Division.

Section 9.02. Disputes; Default. If the Contractor is in default under the terms of this Rider Agreement, the City shall not have any obligation or duty to continue compensating the Contractor for any work performed after the date of default. Instead, the City may give notice to the Contractor of the default and the reasons for the default. The notice shall include the timeframe in which the Contractor may cure the default. This timeframe is presumptively twenty (20) days, but may be extended, though not reduced, if circumstances warrant. During the period that the Contractor is in default, the City shall hold all invoices and shall, when the default is cured, proceed with payment on the invoices. In the alternative, the City may, in its sole discretion, elect to pay some or all the outstanding invoices during the period of default. If the Contractor does not cure the default, the City may take necessary steps to terminate this Rider Agreement under this Article. Any failure on the part of the City to give notice of the Contractor's default shall not be deemed

to result in a waiver of the City's legal rights or any rights arising out of any provision of this Rider Agreement.

Section 9.03. Retention of Funds. The Contractor hereby authorizes the City to deduct from any amount payable to the Contractor (whether or not arising out of this Agreement) (i) any amounts the payment of which may be in dispute hereunder or which are necessary to compensate the City for any losses, costs, liabilities, or damages suffered by the City, and (ii) all amounts for which the City may be liable to third parties, by reason of the Contractor's acts or omissions in performing or failing to perform the Contractor's obligation under this Agreement. In the event that any claim is made by a third party, the amount or validity of which is disputed by the Contractor, or any indebtedness shall exist which shall appear to be the basis for a claim of lien, the City may withhold from any payment due, without liability for interest because of such withholding, an amount sufficient to cover such claim. The failure of the City to exercise such right to deduct or to withhold shall not, however, affect the obligations of the Contractor to insure, indemnify, and protect the City as elsewhere provided herein.

Section 9.04. Waiver. Waiver by either Party to this Rider Agreement of any term, condition, or covenant of this Rider Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Rider Agreement shall not constitute a waiver of any other provision or a waiver of any subsequent breach or violation of any provision of this Rider Agreement. Acceptance by the City of any work or services by the Contractor shall not constitute a waiver of any of the provisions of this Rider Agreement. No delay or omission in the exercise of any right or remedy by a non-defaulting party on any default shall impair such right or remedy or be construed as a waiver. Any waiver by either Party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Rider Agreement.

Section 9.05. Rights and Remedies are Cumulative. Except with respect to rights and remedies expressly declared to be exclusive in this Rider Agreement, the rights and remedies of the Parties are cumulative and the exercise by either Party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other Party.

Section 9.06. Legal Action. In addition to any other rights or remedies, either Party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Rider Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Rider Agreement.

Section 9.07. Intentionally Omitted.

Section 9.08. Termination Prior to Expiration of Term. This Section shall govern any termination of this Rider Agreement except as specifically provided in the following Section for termination for cause. The City reserves the right to terminate this Rider Agreement at any time, with or without cause, upon thirty (30) days' written notice to the Contractor, except that where

termination is due to the fault of the Contractor, the period of notice may be such shorter time as may be determined by the City Manager or his designee. Upon receipt of any notice of termination, the Contractor shall immediately cease all work hereunder except such as may be specifically approved by the City Manager or his designee. Except where the Contractor has initiated termination, the Contractor shall be entitled to compensation for all portions of the Scope of Work performed prior to the effective date of the notice of termination for any Scope of Work authorized by the City Manager or his designee thereafter in accordance with the Compensation and Fee Schedule or such as may be approved by the City Manager or his designee, except as provided in Section 7.02. In the event the Contractor has initiated termination, the Contractor shall be entitled to compensation only for the reasonable value of the work product produced hereunder. In the event of termination without cause pursuant to this Section, the terminating party need not provide the non-terminating party with the opportunity to cure pursuant to Section 9.02.

Section 9.09. Termination for Default by Contractor. If termination is due to the failure of the Contractor to fulfill its obligations under this Rider Agreement, the City may, after compliance with the provisions of Section 9.02, take over the work related to the provision of the Contractor Services and prosecute the same to completion by contract or otherwise, and the Contractor shall be liable to the extent that the total cost for completion of the Contractor Services required hereunder exceeds the compensation herein stipulated (provided that the City shall use reasonable efforts to mitigate such damages), and the City may withhold any payments to the Contractor for the purpose of set-off or partial payment of the amounts owed the City as previously stated.

Section 9.10. Attorneys' Fees. If either Party to this Rider Agreement is required to initiate or defend or made a party to any action or proceeding in any way connected with this Rider Agreement, each Party shall pay its own Attorney's fees.

ARTICLE X. MISCELLANEOUS PROVISIONS

Section 10.01. Notices, Demands, and Communications Between the Parties. Formal notices, demands, and communications between the Contractor and the City shall be given either by (a) personal service, (b) delivery by reputable overnight document delivery service such as Federal Express that provides a receipt showing date and time of delivery, or (c) mailing utilizing a certified or mail postage prepaid service of the United States Postal Service that provides a receipt showing date and time of delivery, addressed to:

To the City:

Mayor and Council of Rockville
c/o Office of the City Clerk / Director of Council Operations
111 Maryland Avenue
Rockville, Maryland 20850
Attn: City Clerk / Director of Council Operations
Email: cityclerk@rockvillemd.gov
Telephone: (240) 314-8283

With copies to:

Office of the City Manager
111 Maryland Avenue
Rockville, Maryland 20850
Attn: City Manager
Email: cmo@rockvillemd.gov
Telephone: (240) 314-8102

Office of the City Attorney
111 Maryland Avenue
Rockville, Maryland 20850
Attn: City Attorney
Email: cityattorney@rockvillemd.gov
Telephone: (240) 314-8150

Department of Procurement
111 Maryland Avenue
Rockville, Maryland 20850
Attn: Director
Email: procurement@rockvillemd.gov
Telephone: (240) 314-8432

To the Contractor:

Environmental Quality Resources, L.L.C.
1 Churchview Road
Millersville, MD 21108
Attn: Liam O'Meara, President
Email: contact@eqrllc.com
Telephone: (410) 923-8680

Notices personally delivered shall be deemed effective upon receipt or refusal thereof. Notices given by a reputable overnight document delivery service shall be deemed effective one (1) business day after delivery by such service. Notices mailed shall be deemed effective on the fifth (5th) business day following deposit in the United States mail. Such written notices, demands, and communications shall be sent in the same manner to such other addresses as any Party may from time to time designate in writing. As used herein, "business day" means a day other than Saturday, Sunday, or a federal holiday, state holiday in the State of Maryland, or a city holiday in the City of Rockville, Maryland.

Section 10.02. Incorporation of Recitals; Modification; Interpretation.

(a) Incorporation of Recitals. The Recitals and Exhibits are an integral part of this Rider Agreement and set forth the intentions of the Parties and the premises on which the Parties have decided to enter into this Rider Agreement. Accordingly, the Recitals above and Exhibits attached are incorporated as if fully set forth into this Rider Agreement by this reference and

incorporated by reference and state the obligations as if the parties to the Baltimore Procurement Agreement were identical to the parties of this Rider Agreement.

(b) Modification. Notwithstanding the Parties enter this Rider Agreement for the same contract terms as the Baltimore Procurement Agreement, the following modify the Baltimore Procurement Agreement to state with more particularity the post award requirements among these Parties:

i. All references in the Baltimore Procurement Agreement to "City," "Mayor and Council," or "the City of Baltimore, MD" are herein revised to refer to the Mayor and Council of Rockville, and its terms
ii. Contractor's representations, covenants and certifications are hereby made relative to Mayor and Council of Rockville.
iii. Reference to locations for the performance of work are revised to refer to work to be performed within Rockville city limits.
iv. Regulations specific to requirements within the City of Baltimore are deleted as not applicable within the City.
v. Specific modifications are detailed in the attached **Exhibit F**, attached and incorporated herein.

(c) Interpretation. The terms of this Rider Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against any Party by reason of the authorship of this Rider Agreement or any other rule of construction which might otherwise apply. The Section headings are for purposes of convenience only and shall not be construed to limit or extend the meaning of this Rider Agreement. In the event of any conflict or inconsistency between the provisions of this Rider Agreement and the Baltimore Procurement Agreement, the provisions of this Rider Agreement will prevail and govern the interpretation thereof.

Section 10.03. Non-Liability of Officials, Employees and Agents. No member, official, employee or agent of the Mayor and Council shall be personally liable to the Contractor in the event of any default or breach by the Mayor and Council or for any amount which may become due to the Contractor or its successors or assigns or on any obligation under the terms of this Rider Agreement.

Section 10.04. No Waiver of Sovereign Immunity by Mayor and Council. Notwithstanding any other provisions of this Rider Agreement to the contrary, nothing in this Rider Agreement nor any action taken by the Mayor and Council pursuant to this Rider Agreement nor any document which arises out of this Rider Agreement shall constitute or be construed as a waiver of either the sovereign immunity or governmental immunity of the Mayor and Council and its appointed officials, officers and employees.

Section 10.05. No Third-Party Beneficiaries. No provision of this Rider Agreement shall be construed to confer any rights upon any person or entity who is not a Party hereto, whether a third-party beneficiary or otherwise.

Section 10.06. Equal Opportunity Employment. Contractor will not discriminate against any employee or applicant for employment because of age (in accordance with applicable law), sex, race, ancestry, color, religion, sexual orientation, gender identity or expression, physical or mental handicap, marital status, or political expression. Contractor will take affirmative action to ensure that applicants are employed, and the employees are treated fairly and equally during employment regarding the above. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment, layoff or termination, rates of pay or other form of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

If Contractor fails to comply with nondiscrimination clauses of this Rider Agreement or fails to include such contract provisions in all subcontracts, this Rider Agreement may be declared void AB INITIO, cancelled, terminated or suspended in whole or in part and Contractor may be declared ineligible for further contracts with the Mayor and Council. Any employee, applicant for employment, or prospective employee with information concerning any breach of these requirements may communicate such information to the City Manager who shall commence a prompt investigation of the alleged violation. Pursuant to such investigation, the Contractor will permit access to Contractor's books, records, and accounts. If the City Manager concludes that the Contractor has failed to comply with nondiscrimination clauses, the remedies set out above may be invoked.

Section 10.07. Authority of the City Manager in Disputes. Any dispute concerning a question of fact arising under the agreement signed by the City and the Contractor which is not disposed of by this Rider Agreement shall be decided by the City Manager who shall notify the Contractor in writing of his determination. The Contractor shall be afforded the opportunity to be heard and offer evidence in support of the claim. Pending final decision of the dispute herein, the Contractor shall proceed diligently with performance under this Rider Agreement. The decision of the City Manager shall be final and conclusive unless an appeal is taken pursuant to the City Purchasing Ordinance.

Section 10.08. Tax Exemption. The City is exempt from the payment of any federal excise or any Maryland sales tax.

Section 10.09. Local Government. Notwithstanding anything herein contained to the contrary, Contractor acknowledges the Mayor and Council is a political subdivision and its obligations hereunder are given only to the extent permitted by applicable law, contingent upon the appropriation and encumbrance of funding, and subject to the notice requirements and damages limitations stated in applicable law, including, but limited to, the Local Government Tort Claims Act, Md. Code Ann., Ct & Jud. Proc. § 5-301, et seq. (2013 Repl. Vol.), as amended from time to time.

Section 10.10. Severability. If any term, provision, covenant, or condition of this Rider Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of this Rider Agreement shall not be affected thereby to the extent such remaining

provisions are not rendered impractical to perform taking into consideration the purposes of this Rider Agreement. In the event that all or any portion of this Rider Agreement is found to be unenforceable, this Rider Agreement or that portion which is found to be unenforceable shall be deemed to be a statement of intention by the Parties; and the Parties further agree that in such event, and to the maximum extent permitted by law, they shall take all steps necessary to comply with such procedures or requirements as may be necessary in order to make valid this Rider Agreement or that portion which is found to be unenforceable.

Section 10.11. Entire Agreement, Waivers and Amendments. This Rider Agreement integrates all the terms and conditions mentioned herein, or incidental hereto, and supersedes all negotiations and previous agreements between the Parties. All waivers of the provisions of this Rider Agreement must be in writing and signed by the appropriate authorities of the Party to be charged, and all amendments and modifications hereto must be in writing and signed by the appropriate authorities of the Parties.

Section 10.12. Counterparts. This Rider Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

Section 10.13. Electronic Signatures. This Agreement may be executed by electronic signature, which will be construed as an original signature for all purposes and have the same force and effect as an original signature. For these purposes, "electronic signature" means electronically scanned and transmitted versions (e.g., via pdf file or facsimile transmission) of an original signature, or signatures electronically inserted via software such as DocuSign or Adobe Sign.

(**Signature pages to follow**)

IN WITNESS WHEREOF, the Parties have each executed, or caused to be duly executed, this Rider Agreement in the name and behalf of each of them (acting individually or by their respective officers or appropriate legal representatives thereunto duly authorized) as of the day and year first written above.

MAYOR AND COUNCIL

Approved as to form:

THE MAYOR AND COUNCIL OF ROCKVILLE, a body corporate and municipal corporation of the State of Maryland

_____
Robert Dawson, City Attorney

By: _____
Jeff Mihelich, City Manager

CONTRACTOR

ENVIRONMENTAL QUALITY RESOURCES, L.L.C., a Maryland limited liability company

By: _____
Liam O'Meara, President

EXHIBIT A
Baltimore Procurement Agreement

Please See Attached.

Mayor and Council may request any or all the Contractor Services described in the Baltimore Procurement Agreement, as needed.

Subject to receipt of a written Notice to Proceed Contractor will perform the following types of tasks consistent with the terms and conditions of this Rider Agreement:

a. Removal of non-native invasive plants at parks and stormwater management facilities, and stream restoration capital improvement projects within Rockville city limits.
b. Restore areas where non-native invasives are removed.
c. Any or all other work as listed in the Baltimore Procurement Agreement.

EXHIBIT C
Intentionally Omitted (Schedule of Performance)

Work to be scheduled as needed, in accordance with this Agreement, Section 1.

Contractor to provide labor, materials, and services necessary for and reasonably incidental to providing Contractor Services, at the following rates:

IVM (4-person crew), $310.00 per hour

Reforestation (4-person crew), $300 per hour

Contractor to identify Contractor's cost of plants, mulch, stakes and deer protection and may include a 15% markup relative to this cost.

Bid Price Sheet – 1 reproduced on next page:

BID PRICE SHEET-1

Bid/Proposal submitted by (name of firm) Environmental Quality Resources, L.L.C.

Address 1 Churchview Road

City Millersville State MD Zip Code 21108

Contact Person Liam O'Meara
Title President

Phone 410-923-8680 Fax 410-923-8683

Email Address contact@eqrllc.com

To The Board of Estimates, City of Baltimore:

The undersigned agree(s) to provide all labor, materials, services, etc., necessary and incidental to the solicitation indicated at the top of this page, as described herein and at the pricing shown below.

THREE (3) YEAR TERM QUANTITY ESTIMATES:

Line Item	Description	Units	Estimated Quantity	Crew Hourly Cost	Total Cost
1	IVM (4-person crew)	Hours	4200	$ 310.00	$1,302,000.00
2	Reforestation (4-person crew)	Hours	95	$ 300.00	$28,500.00
TOTAL BID PRICE (Basis for Price Evaluation) SUM OF ITEMS 1&2 ABOVE					$1,330,500.00

THREE (3) ONE-YEAR OPTIONAL RENEWALS (estimate for 3 years):

Line Item	Description	Units	Estimated Quantity	Crew Hourly Cost	Total Cost
1	IVM (4-person crew)	Hours	5000	$ 330.00	$1,650,000.00
2	Reforestation (4-person crew)	Hours	95	$ 320.00	$ 30,400.00
TOTAL BID PRICE (Basis for Price Evaluation) SUM OF ITEMS 1&2 ABOVE					$1,680,400.00

Prior to the execution of the contract by the City, the Contractor must obtain at their own cost and expense and keep in force and effect during the term of the contract including all extensions, the following insurance with an insurance company/companies licensed to do business in the State of Maryland evidenced by a certificate of insurance and/or copies of the insurance policies. The Contractor's insurance shall be primary. The Contractor must submit to the Purchasing Division, 111 Maryland Avenue, Rockville, MD 20850 a certificate of insurance prior to the start of any work. In no event may the insurance coverage be less than shown below.

Unless otherwise described in this Rider Agreement the successful contractor and subcontractors will be required to maintain for the life of the contract and to furnish the City evidence of insurance as follows:

MANDATORY REQUIREMENTS FOR INSURANCE
Contractor's insurance coverage shall be primary insurance as respects the City, its elected and appointed officials, officers, consultants, agents and employees and any insurance or self-insurance maintained by the City, shall be excess of the Contractor's insurance and shall not be called upon to contribute with it.

Type of Insurance	Amounts of Insurance	Endorsements and Provisions
1. ***Workers' Compensation*** *2.* ***Employers' Liability***	Bodily Injury by Accident: $100,000 each accident Bodily Injury by Disease: $500,000 policy limits Bodily Injury by Disease: $100,000 each employee	Waiver of Subrogation: **WC 00 03 13 Waiver of Our Rights to Recover From Others Endorsement signed and dated.**
3. Commercial General Liability a. Bodily Injury b. Property Damage c. Contractual Liability d. Premise/Operations e. Independent Contractors f. Products/Completed Operations g. Personal Injury	Each Occurrence: $1,000,000	City to be listed as additional insured and provided 30 day notice of cancellation or material change in coverage. **CG 20 37 07 04 and CG 20 10 07 04 forms to be both signed and dated.**
4. Automobile Liability a. All Owned Autos b. Hired Autos c. Non-Owned Autos	Combined Single Limit for Bodily Injury and Property Damage - (each accident): $1,000,000	City to be listed as additional insured and provided 30 day notice of cancellation or material change in coverage. **Form CA20 48 02 99 form to be both signed and dated.**
5. Excess/Umbrella Liability	Each Occurrence/Aggregate: $1,000,000	City to be listed as additional insured and provided 30 day notice of cancellation or material change in coverage.
6. Professional Liability	Each Occurrence/Aggregate: $1,000,000	

Alternative and/or additional insurance requirements, when outlined under the special provisions of this Rider Agreement, shall take precedence over the above requirements in part or in full as described therein.

POLICY CANCELLATION

No change, cancellation or non-renewed shall be made in any insurance coverage without a thirty (30) day written notice to the City Purchasing Division. The Contractor shall furnish a new certificate prior to any change or cancellation date. The failure of the Contractor to deliver a new and valid certificate will result in suspension of all payments and cessation of on-site work activities until a new certificate is furnished.

ADDITIONAL INSURED

The Mayor and Council of Rockville, which includes its elected and appointed officials, officers, consultants, agents and employees must be named as an additional insured on the Contractor's Commercial and Excess/Umbrella Insurance for liability arising out of contractor's products, goods, and services provided under this Rider Agreement. Additionally, The Mayor and Council of Rockville must be named as additional insured on the Contractor's Automobile and General Liability Policies. Endorsements reflecting the Mayor and Council of Rockville as an additional insured are required to be submitted with the insurance certificate.

SUBCONTRACTORS

All subcontractors shall meet the requirements of this Section before commencing work. In addition, Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all the requirements stated herein.

CERTIFICATE HOLDER

The Mayor and Council of Rockville
(Contract #, title)
City Hall
111 Maryland Avenue
Rockville, MD 20850

EXHIBIT F
Modifications

The following modify the Baltimore Procurement Agreement to state with more particularity the post award requirements of this Rider Agreement:

SW7 Payment schedule

Revise references to "purchase order" or "supplier contract" to "notice to proceed" throughout.

DS2

A. Delete reference to software and revise to indicate GIS coordinates may be used.

D-H. Delete references to software, and revise to refer reports required as needed (not anticipated to be daily).

P&Q. Revise to refer to coordinate and communicate as needed (no daily report requirement).

U. Revise to refer to requirements to coordinate efforts to develop treatment plan will include site survey information if available and delete reference to software for inputting plans.

DS3

Line Item 2

2. Delete that City nursery will supply plants, mulch, stakes and deer protection and revise to City will pay Contractor's cost for plants, mulch, stakes and deer protection identified on an itemized invoice, plus fifteen percent of Contractor's cost.

3. Revise 24 hours to refer to "as reasonably needed."

DS4

B. Delete reference to software. Delete "daily" and revise to refer to reports as needed and agreed.

D (b.) Revise to refer to local recycling.

I. Delete "will provide" and add "will pay Contractor cost on itemized invoice plus 15%" for soil, mulch and water.

K. Delete (acreage expectation).

Attachments A- D

Delete reference to daily reporting software.

MAYOR AND COUNCIL Meeting Date: December 1, 2025
Agenda Item Type: CONSENT
Department: PW - MANAGEMENT & SUPPORT
Responsible Staff: JAMES BOONE

Subject

Award a procurement contract in the amount of $103,500.00 through July 1, 2026, and an additional amount of up to $414,000 for up to four 1-year contract renewal options, to Kuehne Chemical Company, of Kearny, New Jersey. The procurement contract, in the form of a purchase order, is being awarded in response to IFB #04-26 for Supply and Delivery of 15% Sodium Hypochlorite to the Water Treatment Plant.

Department

PW - Management & Support

Recommendation

Staff recommends that the Mayor and Council award a procurement contract in the amount of $103,500.00 through July 1, 2026, and an additional amount of up to $414,000 for up to four 1-year contract renewal options, to Kuehne Chemical Company, of Kearny, New Jersey. The procurement contract, in the form of a purchase order, is being awarded in response to IFB #04-26 for Supply and Delivery of 15% Sodium Hypochlorite to the Water Treatment Plant.

Discussion

IFB #04-26 is for the supply and delivery of 15% sodium hypochlorite to the Water Treatment Plant as the primary disinfectant in production of potable water for City of Rockville water customers. This chemical ensures drinking water delivered to customers remains in compliance with EPA and MDE drinking water regulations under the Safe Drinking Water Act.

The Department of Public Works has adequate funding for this contract in the Water Treatment Plant cost center.

This contract was necessitated after the completion of the Capital Improvement Project Water Treatment Plant Safety Improvements (UB19) which transitioned the Water Treatment Plant from extremely hazardous chlorine gas to a safer alternative of 15% Sodium Hypochlorite.

This change ensures the Water Treatment Plant is in compliance with Occupational Safety and Health Administrations (OSHA) Process Safety Management Regulations involving highly hazardous chemicals.

Mayor and Council History

This is the first time this item has been brought before the Mayor and Council.

Procurement

Staff prepared and publicly advertised Invitation for Bids #04-26 on August 8, 2025, in accordance with Rockville City Code section #17-61. IFB #04-26 was posted on the City's website and electronically provided to prospective bidders via the State of Maryland's e-Maryland Marketplace bid web portal. Of the 62 prospective bidders, using the new systems reporting capabilities, 6 were Disadvantaged Business Enterprises (DBE), 8 were Minority Business Enterprises (MBE), and 2 were Veteran Small Business Enterprises (VSBE).

Sealed bids were received and opened on August 29, 2025. The following bids were received:

Vendor Name	MFD-V Status	Vendor Location	Bid Table A
Kuehne Chemical Company	Non-MFD-V	Kearny, NJ	$ 103,500.00
Brenntag Northeast LLC	Non-MFD-V	Reading, PA	$ 94,500.00

The low bidder Brenntag Northeast LLC failed to include the addendum that reflected changes to the delivery schedule and renewal options within the terms and conditions. This rendered Brenntag's bid as unresponsive to the IFB.

The bid amounts shown above were based on estimated quantities and used for bid evaluation purposes only. The bid amounts were based on delivery of 50,000 gallons of product.

In accordance with Rockville City Code, Section 17-39(a), Awarding Authority, all contracts involving more than two hundred and fifty thousand dollars ($250,000) shall be awarded by the Mayor and Council. The total payments to the lowest bidder shall not exceed an aggregate amount of $103,500.00 per fiscal year. Since the contract amount for the initial term plus all renewal option years exceeds $250,000, approval is required by the Mayor and Council.

Staff reviewed all references and were able to confirm four references for Kuehne Chemical Company. All references that staff were able to confirm were found to be acceptable. Kuehne Chemical Company has also supplied and delivered other process chemicals to the City of Rockville Water Treatment Plant successfully and safely with their products meeting specifications.

The draft purchase order is provided as Attachment 1.

All remaining documents may be accessed from the link below:
https://www.swisstransfer.com/d/6fb69a3b-8442-407b-b583-d0eede57b91d

Fiscal Impact

There is sufficient FY 2026 funding for this contract through the Water Fund within the Water Treatment Plant's operating budget. All future year funding is subject to Mayor and Council appropriations.

Next Steps

Upon Mayor and Council award, the Procurement Department will issue a purchase order to Kuehne Chemical Company.

Attachments

Attachment 1 - Draft PO 850 1028250181 Kuehne Chemical Co.

Purchase Order

City of Rockville
Purchasing 240-314-8430 Fax 240-314-8439
Tax Exempt Number: Maryland - 3000123-5; Federal - 52-6001573
PURCHASE ORDER NUMBER MUST BE REFERENCED ON ALL INVOICES

Ref:	PO Number:
PO 850	1028250181

Purchase Order Date:

Vendor Number: KUC **Phone:** Email:

Contractor Address (Mail To):

KUEHNE CHEMICAL CO INC
86 NORTH HACKENSACK AVE
Kearny, NJ 07032

SHIP TO: Water Treatment Plant
Water Treatment Plant
10930 Sandy Landing Road
Potomac, MD 20854
ATTN: James Boone

BILL TO: Water Treatment Plant
Water Treatment Plant
10930 Sandy Landing Road
Potomac, MD 20854

Contract Number:	IFB0426	**Proc. Type:**	Purchase Order
Version Number:	1	**Comment:**	
Delivery Date:		**Confirmation:**	No

Contact Name: James Boone
Phone/Email: 240-314-8521/jboone@rockvillemd.gov
FOB:

Grand Total Amount: **$103,500.00**
Purchasing Contact: Jessica Lewis
Phone/Email: 240-314-8432/jjlewis@rockvillemd.gov

DRAFT

Special Instructions:

Line	Commodity Code/Description	Quantity	Unit of Measure	Unit Price	Amount $
1	88500	0		$0.00	$103,500.00

WATER AND WASTEWATER TREATING CHEMICALS

To Supply and Deliver 15% Sodium Hypochlorite to the Water Treatment Plant in accordance with terms, conditions, and pricing resulting from IFB 04-26.

This purchase order reflects the initial term through June 30, 2026. There are four one-year contract renewal options.

The contractor warrants that all chemicals provided as a result of IFB 04-26 shall:
Conform to the most current NSF 60/61 and/or ANSI/AWWA standards for water treatment chemicals,
Meet the chemical specifications contained within IFB 04-26,
Assure that they are suitable for public drinking water supply treatment, and
Are free of adulterants or impurities of any kind, including those that may cause hazardous conditions or stoppages of the City's water treatment equipment.
If any chemical supplied by the contractor fails to meet the specifications, then the contractor shall, at no additional cost to the City, promptly replace that chemical.

Contractor POC:
Jaclyn Diconstanzi
bids@kuehnecompany.com

City POC:
James Boone
jboone@rockvillemd.gov

GRAND TOTAL **$103,500.00**

TERMS AND CONDITIONS at:
http://www.rockvillemd.gov/documentcenter/view/75
Are incorporated by reference

AUTHORIZED SIGNATURE

Purchase Order

City of Rockville
Purchasing 240-314-8430 Fax 240-314-8439
Tax Exempt Number: Maryland - 3000123-5; Federal - 52-6001573
PURCHASE ORDER NUMBER MUST BE REFERENCED ON ALL INVOICES

Ref:	**PO Number:**
PO 850	1028250181

Purchase Order Date:

C	A	- BUDGET ACCOUNT NOS -	**ACCOUNTING USE ONLY**	
1	1	210 850 0901 0326	Amt.	$103,500.00

FOR CITY OF ROCKVILLE USE ONLY

I hereby certify that goods were received in good condition and/or services were satisfactorily performed.

PRINT FULL NAME | DATE | AUTHORIZED SIGNATURE

GRAND TOTAL: **$103,500.00**

Kuehne Chemical Co.

DRAFT

MAYOR AND COUNCIL Meeting Date: December 1, 2025
Agenda Item Type: CONSENT
Department: PW - TRAFFIC & TRANSPORTATION
Responsible Staff: JENNIFER WANG

Subject

Authorization for the City Manager to Approve Amendment 3 with the Metropolitan Washington Council of Governments (MWCOG) for the Enhanced Mobility Grant to Extend the Period of Performance

Department

PW - Traffic & Transportation

Recommendation

Staff recommends the Mayor and Council authorize the City Manager to approve Amendment 3 with MWCOG for the Enhanced Mobility Grant to extend the period of performance.

Discussion

The City of Rockville received a $395,000 grant awarded by MWCOG for the Enhanced Mobility of Seniors and Individuals with Disabilities Program. This grant partially funds two city projects. The first project, which has been completed, was an enhancement project for bus stops located within the city. The second is the Potomac Valley Road Sidewalk Project, which is currently under construction. The period of performance from the grant agreement expired on July 31, 2025. This third amendment is a no-cost extension agreement adding two additional years to the agreement for a new period performance ending date of July 31, 2027, however construction of the Potomac Valley Sidewalk is expected to be complete by the end of 2025. Amendment 3 does not change any other terms or conditions of the grant and has been reviewed and approved by both MWCOG and the City Attorney's Office of Rockville.

Mayor and Council History

This is the first time this item has been brought before the Mayor and Council.

The original agreement is dated June 27, 2019. The first amendment to extend the period of performance is dated March 12, 2021, and the second amendment to extend the period of performance is dated October 13, 2023.

Next Steps

Once authorized, the City Manager will execute Amendment 3 to the agreement.

Attachments

19-064 City of Rockville Contract Attachments B-F, 19-064 City of Rockville Contract Attachments B-F, 19-064 City of Rockville Amendment 1 -PDF, 19-064 City of Rockville Amendment 2 -PDF, 19-064 City of Rockville Amendment 3 10 29

Contract No.19-064

A

SUBGRANT

BETWEEN

THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

AND

CITY OF ROCKVILLE

FOR

ROCKVILLE BUS STOP & SIDEWALK IMPROVEMENTS

PART I

THIS AGREEMENT ("CONTRACT"), consisting of Part I and Attachments A-G attached and incorporated by reference, ("SUBGRANT") made this 27 day of June, 2019, between the Metropolitan Washington Council of Governments, located at 777 North Capitol Street, NE, Washington, DC 20002 ("COG") and the City of Rockville, with its office at 111 Maryland Avenue, Rockville, MD 20850 ("SUBRECIPIENT"), and

WHEREAS, COG serves as the administrative agent for the National Capital Region Transportation Planning Board ("TPB") under an agreement with the Transportation Departments of Maryland, Virginia, and the District of Columbia; and

WHEREAS, the TPB is the metropolitan planning organization ("MPO") for the Washington Region and has the responsibility under the provisions of the Fixing America's Surface Transportation ("FAST") Act; and

WHEREAS, in January 2014, COG was designated by the Mayor of the District of Columbia and the Governors of Maryland and Virginia as the designated recipient to administer the Federal Transit Administration ("FTA") Enhanced Mobility of Seniors and Individuals with Disabilities Program for the Washington DC-VA-MD Urbanized Area; and

WHEREAS, COG has applied for and received a Federal Grant No. DC-2018-014-00 from FTA, based on a program of projects submitted on March 26, 2018; and

WHEREAS this project (hereinafter referred to as the "PROJECT") is consistent with the TPB's Coordinated Human Services Transportation Plan and was selected through a competitive selection process; and

WHEREAS, FTA approved the PROJECT, for bus stop and sidewalk improvements, as part of Federal Grant DC-2018-014-00 on August 31, 2018; and

WHEREAS, the SUBRECIPIENT will carry out the PROJECT as described in this SUBGRANT with supplemental information provided in its application and any needed modifications submitted to the TPB, included in Attachment E; and

WHEREAS, requirements of the most recent FTA Master Agreement, which may be found at https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/funding/grantee-resources/sample-fta-agreements/114766/fta-master-agreement-fy2018.pdf, and the following federal agency circulars are applicable to this SUBGRANT award:

- FTA Circular No. 9070.1G – Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions;
- FTA Circular No. 4702.1B – Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients;
- FTA Certifications & Assurances;
- FTA Circular No. C 4220.1F – Third Party Contracting Guidance;
- FTA Circular No. C 5010.1E – Award Management Requirements;
- 2 CFR 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- FTA Circular C 4710.1 – Americans with Disabilities Act Guidance;
- FTA Circular 4704.1A – Equal Employment Opportunity (EEO) Act Guidance; and

WHEREAS, the SUBRECIPIENT possesses the necessary qualifications and ability to carry out the PROJECT, and is desirous of carrying out the PROJECT in accordance with the provisions set forth herein; and

WHEREAS, SUBRECIPIENT has made the material statements and representations set forth within **Attachment G** (*Certification Regarding Debarment, Suspension and Other Responsibility Matters*), attached and incorporated herein;

NOW, THEREFORE, the Parties do mutually agree as follows:

SECTION 1. STATEMENT OF WORK

SUBRECIPIENT will use this Enhanced Mobility grant to improve access to public transportation within the City of Rockville by constructing missing sidewalk segments on Potomac Valley Road and improving 78 Metro and Ride-On bus stops throughout Rockville.

PROJECT will serve seniors and people with disabilities by improving pathways and physical infrastructure at bus and rail stations and improving the accessibility and reliability of existing services (Coordinated Plan Strategy III).

SUBRECIPIENT will perform work under this SUBGRANT based on the "Project Work Plan," which is provided in ATTACHMENT E, and perform this PROJECT as described in the SUBRECIPIENT's original application, and any needed modifications submitted to the TPB, which is provided in ATTACHMENT E.

SUBRECIPIENT will complete and submit timely reports, per ATTACHMENT C, including monthly invoices and quarterly status reports (due 15 days following quarter end) throughout the two (2) year SUBGRANT period. Monthly reimbursements are contingent upon the timely submission of these invoices and reports.

SUBRECIPIENT will comply with all of the following:

A. Administrative Reporting Requirements (ATTACHMENT C)

1. Annual Certifications and Assurances

   SUBRECIPIENT will be responsible for completing and submitting the FTA Certifications and Assurances, as directed by COG, annually throughout the life of the project.

2. FTA-Required Performance Measurement Data

   SUBRECIPIENT must collect and shall submit the following information annually, (due 15 days following the end of the Federal 4th quarter (9/30): 10/15) in a format provided by COG:

   a. Transportation options provided that would not otherwise have been available to seniors and people with disabilities without support from 5310 Enhanced Mobility funding (gaps in service filled);
   b. Number of individuals with disabilities served in fiscal year;
   c. Number of seniors served in fiscal year;
   d. Geographic coverage, service quality and service times that impact the availability of transportation for seniors and people with disabilities as a result of 5310 Enhanced Mobility funding (service improvements);
   e. Additions or changes to environmental infrastructure (sidewalks, bus stops, etc.), technology and vehicles that impact the availability of transportation services for seniors and people with disabilities as a result of 5310 Enhanced Mobility funding (physical improvements).

3. Project Work Plan

   SUBRECIPIENT has provided a PROJECT Work Plan, which is provided in ATTACHMENT E, and agrees to provide quarterly status reports on these PROJECT objectives and benchmarks on a schedule and in a format provided by COG.

4. Final Report

   SUBRECIPIENT is required to submit a Final Report (due 30 days following contract expiration), in a format provided by COG, which will include:

   a. Cumulative performance measures
   b. Narrative addressing project evaluation, accomplishments, lessons learned and sustainability of project

   Payment of the final invoice is contingent on receipt of the Final Report.

B. Compliance and Oversight

As designated recipient of FTA Enhanced Mobility funds, COG complies with Federal Requirements that pass through to the SUBRECIPIENT. To ensure that projects are implemented in accordance with FTA requirements, COG will monitor SUBRECIPIENT activity by randomly reviewing documentation including but not limited to A-133 audit or other consolidated and comprehensive financial statements, monthly, quarterly and annual reports, FTA-required documentation of Title VI and DBE compliance, and by conducting site visits at a minimum of once over the life of the project.

SUBRECIPIENT is subject to Federal Funding Accountability and Transparency Act ("FFATA") reporting and must supply required data for entry into the FFATA Subaward Reporting System if applicable. Documentation requirements are further detailed in Attachment A.

SECTION 2. COMPENSATION AND METHOD OF PAYMENT

a. Payment to the SUBRECIPIENT shall be on a cost reimbursable basis for the Federal share of the PROJECT in accordance with the budget shown as Attachment B in the amount of three hundred ninety-six thousand dollars ($396,000) in Federal funds, all of which is Capital funds. Compensation is dependent on the SUBRECIPIENT providing the requisite matching funds for the PROJECT described in 2(e) below. The total grant amount is four hundred ninety-five thousand dollars ($495,000), all of which is Capital funds. This amount shall be inclusive of all expenses for the completion of the PROJECT in accordance with this SUBGRANT.

b. Payment shall be made by COG to the SUBRECIPIENT upon receipt of SUBRECIPIENT's invoice, which shall be submitted monthly to COG in a format to be provided by COG. All invoices must be accompanied by documentation referred to in Attachment D and invoices falling at the end of a quarter must be accompanied by quarterly status reports. Each invoice shall show the Subgrant agreement number and shall be sent to payable@mwcog.org, with a copy to Rick Konrad, COG's Contracts & Purchasing Manager at rkonrad@mwcog.org, Barbara Brennan, COG's Budget Analyst at bbrennan@mwcog.org and Lynn Winchell-Mendy, COG's Project Manager at lmendy@mwcog.org. Invoices shall only be submitted for costs incurred during the Period of Performance of this SUBGRANT. The SUBRECIPIENT shall submit its final invoice to COG within 30 days of the termination date of this SUBGRANT as shown in Section 3. COG will make reasonable efforts to reimburse SUBRECIPIENT within thirty (30) days after receiving, confirming and approving the invoice and other documentation referenced herein; however, COG will not be responsible for late payment for reasons which are beyond COG's control nor shall COG be responsible for economic loss, damages, fees or other consequences of late payment.

c. All costs charged to the PROJECT, including any approved services contributed by the SUBRECIPIENT or others, shall be supported by properly executed payrolls, time records, invoices, contracts, or vouchers evidencing in detail the nature and propriety of the charges. Documentation requirements are further detailed in Attachment D.

d. Payment to the SUBRECIPIENT is dependent upon COG's receipt of funds from the FTA. Should payment from the sponsors be delayed, for any reason, there shall be a concomitant delay in payment to the SUBRECIPIENT. Payment of Federal funds is dependent upon documentation of the 20% Capital match and the 50% Operating match. SUBRECIPIENT'S share of the PROJECT is ninety-nine thousand dollars ($99,000), all of which is Capital funds.

e. It is understood that COG is providing three hundred ninety-six thousand dollars ($396,000) of Federal funds in support of the PROJECT, and that the

SUBRECIPIENT is providing ninety-nine thousand dollars ($99,000) in matching funds.
Non-Cash Share: $0 in-kind.

SECTION 3. PERIOD OF PERFORMANCE

The period of performance shall be from the date the SUBGRANT was fully executed by COG, as shown by the signature of COG's authorized representative, and will terminate on January 31, 2021.

SECTION 4. RESPONSIBILITIES OF THE SUBRECIPIENT

a. Performance of the work allocated to the SUBRECIPIENT in Section 1, Statement of Work;

b. SUBRECIPIENT shall supervise and direct all PROJECT activities as specified in Section 1. All PROJECT personnel employed by the SUBRECIPIENT shall be fully qualified to perform services under this SUBGRANT;

c. The SUBRECIPIENT shall follow COG/FTA's Procurement Procedures as described in Attachment F.

d. Any changes to this SUBGRANT must be carried out in writing. Procedures for COG concurrence in changes and the execution of these changes are specified in Section 7, CHANGES.

SECTION 5. RESPONSIBILITIES OF COG

a. COG, as the funding recipient and coordinator for the PROJECT, shall coordinate all of SUBRECIPIENT'S activities with other activities related to this PROJECT;

b. Maintain relevant data in support of the PROJECT;

c. Provide the SUBRECIPIENT copies of technical reports prepared by COG;

d. The COG Project Manager shall review SUBRECIPIENT's draft products in a timely manner, as necessary, to ensure deliverable completion by SUBRECIPIENT in accordance with the Period of Performance, specified in SECTION 3 above; and

e. Review any proposed subcontracts for consistency with the terms of this agreement and COG's Procurement Procedures; and require any necessary modification in writing.

SECTION 6. ADMINISTRATION OF THE SUBGRANT

For the purpose of this SUBGRANT, the Executive Director of COG, or his designee, is the COG Contracting Officer, and is the only party authorized to make changes or amendments in this SUBGRANT on COG's behalf. The COG Project Manager shall be Lynn Winchell-Mendy of COG's Department of Transportation Planning at lmendy@mwcog.org.

SECTION 7. CHANGES

a. The parties hereto agree that any modification or change in any aspect of this SUBGRANT must be accomplished in writing and signed by both parties before it is considered a SUBGRANT requirement.

b. The parties hereto may, from time to time, propose changes in the Statement of Work to be performed by the SUBRECIPIENT. Such changes (including, but not limited to material scope of work changes, time schedule and report delivery changes, budget revisions that increase, decrease, or materially change the SUBGRANT's total compensation) must be mutually agreed upon in writing and signed by both COG and the SUBRECIPIENT.

c. Period of performance or schedule changes may be granted by COG to the SUBRECIPIENT on a unilateral basis, as requested by the SUBRECIPIENT, that do not increase, decrease or materially change the SUBGRANT's total compensation or include material scope of work changes, or authorize any work or costs to be incurred outside the period in which the grant funding is available for reimbursement.

d. Any modification or change in key personnel working on the project outlined in this SUBGRANT must be communicated in writing and approved by COG.

THE PARTIES hereto have executed this SUBGRANT as of the day, month and year on which the COG authorized representative fully and finally executes this document as evidenced by his/her signature hereto.

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

By: _____
Executive Director

6/27/19
DATE

CITY OF ROCKVILLE

By: _____

Title: CITY MANAGER

52-6001573
FEDERAL TAX ID NUMBER

6/3/19
DATE

ATTACHMENT A

STANDARD TERMS AND CONDITIONS

A. **Energy Conservation.** 42 U.S.C. § 6321 *et seq.*
The SUBRECIPIENT agrees to comply with mandatory standards and policies relating to energy efficiency, which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

B. **Clean Water Requirements.** 33 U.S.C. § 1251 *et seq.*

1. The SUBRECIPIENT agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended. The SUBRECIPIENT agrees to report each violation to COG and understands and agrees that COG will, in turn, report each violation, as required, to assure notification to appropriate federal agencies including the appropriate EPA Regional Office.

2. The SUBRECIPIENT also agrees to include these requirements in each subcontract exceeding $100,000 financed in whole or in part with federal assistance.

C. **Lobbying.** 31 U.S.C. § 1352 *et seq.*
(To be submitted with each bid or offer exceeding $100,000)

1. The undersigned certifies, to the best of his or her knowledge and belief, that:

2. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of and federal contract, grant, loan, or cooperative agreement.

3. If any funds other than federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). [Note: Language in paragraph (b) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995. (P.L. 104-65, to be codified at 2 U.S.C. § 1601 *et seq.*)]

4. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

5. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction by 31 U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

[Note: Pursuant to 31 U.S.C. § 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject

to a civil penalty of not less than $10,000 and not more than $100,000 for each such expenditure or failure.]

Date: 6/3/19

The SUBRECIPIENT, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the SUBRECIPIENT understands and agrees that the provisions of 31 U.S.C. § 3801 *et seq.* apply to this certification and disclosure, if any.

_____ Signature of SUBRECIPIENT
Authorized Official

Robert DiSpirito Name of SUBRECIPIENT
Authorized Official

CITY MANAGER Title of SUBRECIPIENT
Authorized Official

D. **Access to Records and Reports.** 49 U.S.C. § 5325

1. The SUBRECIPIENT agrees to provide COG, and if applicable the state or federal funding agency, the Comptroller General of the United States or any of their authorized representatives access to any books, documents, papers and records of the SUBRECIPIENT which are directly pertinent to this Contract for the purposes of making audits, examinations, excerpts and transactions.

2. The SUBRECIPIENT agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

3. The SUBRECIPIENT agrees to maintain all books, records, accounts and reports required under this Contract for a period of not less than three (3) years after the date of termination or expiration of this Contract, except in the event of litigation or settlement of claims arising from the performance of this Contract, in which case the SUBRECIPIENT agrees to maintain same until COG, the applicable state or federal funding agency, the Comptroller General, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims or exceptions related thereto.

E. **Funding Agency Changes.**

The SUBRECIPIENT shall at all times comply with all applicable state and federal agency regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the funding agreement between such agency and COG, as they may be amended or promulgated from time to time during the term of this Contract. SUBRECIPIENT failure to comply shall constitute a material breach of this Contract.

F. **Clean Air.** 42 U.S.C. § 7401 *et seq.*

1. The Clean Air requirements apply to all contracts exceeding $100,000, including indefinite quantities where the amount is expected to exceed $100,000 in any year.

2. The SUBRECIPIENT agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 *et seq.* The SUBRECIPIENT agrees to report each violation to COG and understands and agrees that COG will, in turn, report each violation as required to assure notification to the funding federal agency, if any, and the appropriate EPA regional office.

3. The SUBRECIPIENT also agrees to include these requirements in each subcontract exceeding $100,000 financed in whole or in part with federal assistance.

G. **Recycled Products**. 42 U.S.C. § 6962

1. The Recycled Products requirements apply to all contracts for items designated by the EPA, when COG or the SUBRECIPIENT procures $10,000 or more of one of these items during the fiscal year, or has procured $10,000 or more of such items in the previous fiscal year, using federal funds.

2. The SUBRECIPIENT agrees to comply with all requirements of Section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. § 6962), including but not limited to regulatory provisions of 40 C.F.R. Part 247, and Executive Order 12873, as they apply to the procurement of the items designated in Subpart B of 40 C.F.R. Part 247.

H. **No Government Obligation to Third Parties**.

1. The SUBRECIPIENT acknowledges and agrees that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this Contract and shall not be subject to any obligations or liabilities of COG, the SUBRECIPIENT, or any other person (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

2. The SUBRECIPIENT agrees to include the above clause in each subcontract financed in whole or in part with federal assistance. It is further agreed that the clause shall not be modified, except to identify the SUBRECIPIENT that will be subject to its provisions.

I. **Program Fraud and False or Fraudulent Statements and Related Acts**.
31 U.S.C. § 3801 *et seq*.

1. The SUBRECIPIENT acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. § 3801 *et seq*. and all appropriate federal agency regulations apply to its actions pertaining to this PROJECT. Upon execution of the underlying contract, the SUBRECIPIENT certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying contract of the federally assisted project for which this contract work is being performed. In addition to other penalties that may be applicable, the SUBRECIPIENT further acknowledges that if it makes, or caused to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the SUBRECIPIENT or to the extent the Federal Government deems appropriate.

2. The SUBRECIPIENT also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under a contract connected with a project that is financed in whole or in part with federal assistance, the Federal Government reserves the right to impose the penalties of 18 U.S.C. § 1001 and 49 U.S.C. § 5307(N)(1) on the SUBRECIPIENT, to the extent the Federal Government deems appropriate.

3. The SUBRECIPIENT agrees to include the above two clauses in each subcontract financed in whole or in part with federal assistance. It is further agreed that the clause shall not be modified, except to identify the SUBRECIPIENT who will be subject to the provisions.

J. **Termination**. 49 U.S.C. Part 18

Applicable to all contracts in excess of $10,000

1. **Termination for Convenience.** COG, by written notice, may terminate this Contract, in whole or in part, at any time by written notice to the SUBRECIPIENT when it is in COG's best interest. If this Contract is terminated, COG shall be liable only for payment under the payment provisions of this Contract for services rendered before the effective date of termination.

2. **Termination for Default [Breach or Cause].** If the SUBRECIPIENT fails to perform in the manner called for in this Contract, or if the SUBRECIPIENT fails to comply with any other provisions of the Contract, COG may terminate this Contract for default. Termination shall be effected by serving a notice of termination on the SUBRECIPIENT setting forth the manner in which the Contract is in default. The SUBRECIPIENT will only be paid the contract price for services performed in accordance with the manner of performance set forth in the Contract. If it is later determined by COG that the SUBRECIPIENT had an excusable reason for not performing, such as strike, fire, or flood, events which are beyond the control of the SUBRECIPIENT, COG, after setting up a new delivery of performance schedule, may allow the SUBRECIPIENT to continue work, or treat the termination as a termination for convenience.

3. COG in its sole discretion may, in the case of termination for breach or default, allow the SUBRECIPIENT ten (10) working days in which to cure the defect. In such case, the notice of termination will state the time period in which cure is permitted and other appropriate conditions.

   If the SUBRECIPIENT fails to remedy to COG's satisfaction the breach or default of any of the terms, covenants, or conditions of this Contract within the ten (10) working days after receipt by the SUBRECIPIENT of written notice from COG setting forth the nature of said breach or default, COG shall have the right to terminate the Contract without further obligation to the SUBRECIPIENT. Any such termination for default shall not in any way operate to preclude COG from also pursuing all available remedies against the SUBRECIPIENT and its sureties for said breach or default.

4. In the event COG elects to waive its remedies for any breach by the SUBRECIPIENT of any covenant, term or condition of this Contract, such waiver by COG shall not limit COG's remedies for any succeeding breach of that or any other term, covenant, or condition of this Contract.

K. **Civil Rights Requirements.** 29 U.S.C. § 62, 42 U.S.C. § 2000, 42 U.S.C. § 602, 42 U.S.C. § 12112, 42 U.S.C. § 12132, 49 U.S.C. § 5332

1. **Nondiscrimination.** In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and all other provisions of federal law, the SUBRECIPIENT agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. In addition, the SUBRECIPIENT agrees to comply with applicable federal implementing regulations. The clauses of Appendix A and E of the U.S. DOT Standard Title VI Assurances (USDOT 1050.2A) are incorporated herein by reference.

2. **Equal Employment Opportunity.** The following equal employment opportunity requirements apply to the underlying contract:

   a. **Race, Color, Creed, National Origin, Sex.** In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, the SUBRECIPIENT agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq. (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment

Opportunity," 42 U.S.C. § 2000e note), and with any applicable federal statutes, executive orders, regulations, and federal policies that may in the future affect activities undertaken in the course of this PROJECT. The SUBRECIPIENT agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the SUBRECIPIENT agrees to comply with apprenticeship. In addition, the SUBRECIPIENT agrees to comply with any implementing requirements the funding federal agency may issue.

b. **Age.** In accordance with section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 623 and other applicable law, the SUBRECIPIENT agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the SUBRECIPIENT agrees to comply with any implementing requirements the funding federal agency may issue.

c. **Disabilities.** In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the SUBRECIPIENT agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the SUBRECIPIENT agrees to comply with any implementing requirements the funding federal agency may issue.

3. The SUBRECIPIENT also agrees to include these requirements in each subcontract financed in whole or in part with federal assistance, modified only if necessary to identify the affected parties.

L. **Breaches and Dispute Resolution.**

1. **Disputes.** Disputes arising in the performance of this Contract which are not resolved by agreement of the parties shall be decided in writing by the COG Executive Director or his/her designee. This decision shall be final and conclusive, unless within ten (10) working days from the date of receipt of its copy, the SUBRECIPIENT mails or otherwise furnishes a written appeal to the Executive Director or his/her designee. In connection with any such appeal, the SUBRECIPIENT shall be afforded an opportunity to be heard and to offer evidence in support of its position. The decision of the Executive Director or his/her designee shall be binding upon the SUBRECIPIENT, and the SUBRECIPIENT shall abide the decision.

2. **Performance During Dispute.** Unless otherwise directed by COG, the SUBRECIPIENT shall continue performance under this Contract while matters in dispute are being resolved.

3. **Claim for Damages.** Should either party to the Contract suffer injury or damage to person or property because of any act or omission of the party or of any of its employees, agents or others for acts it is legally liable, a claim for damages therefore shall be made in writing to such other party within a reasonable time after the first observance of such injury or damage.

4. **Remedies.** Unless this Contract provides otherwise, all claims, counterclaims, disputes and other matters in question between COG and the SUBRECIPIENT arising out of or relating to this agreement or its breach may be submitted by the parties for arbitration if the parties mutually agree, otherwise, such claims, counterclaims, disputes and other matters shall be decided by a court of competent jurisdiction within the District of Columbia.

5. **Rights and Remedies.** The duties and obligations imposed by the Contract and the rights and remedies available there under shall be in addition to and not a limitation of any duties,

obligations, rights and remedies otherwise imposed or available by law. No action or failure to act by COG or the SUBRECIPIENT shall constitute a waiver or any right or duty afforded to them under the Contract, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach there under, except as may be specifically agreed in writing.

M. **Patent and Rights in Data.**

1. **Rights in Data.** The following requirements apply to each contract involving experimental, developmental or research work:

   a. The term "subject data" used in this clause means recorded information, whether or not copyrighted, that is delivered or specified to be delivered under the contract. The term includes graphic or pictorial delineation in media such as drawings or photographs; text in specifications or related performance or design-type documents; CDs or flash drives (thumbsticks/thumbdrives) containing data; and any other information retained in computer memory. Examples include, but are not limited to: computer software, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identifications, and related information. The term "subject data" does not include financial reports, cost analyses, and similar information incidental to contract administration.

   b. The following restrictions apply to all subject data first produced in the performance of the contract to which this Attachment has been added:

      i. In accordance with 49 C.F.R. § 18.34 and 49 C.F.R. § 19.36, the Federal Government reserves a royalty-free, non-exclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, for "Federal Government purposes," any subject data or copyright described in subsections M.2.a and M.2.b of this clause below. As used in the previous sentence, "for Federal Government purposes," means use only for the direct purposes of the Federal Government. Without the copyright owner's consent, the Federal Government may not extend its federal license to any other party.

         (1) Any subject data developed under that contract, whether or not a copyright has been obtained; and

         (2) Any rights of copyright purchased by the Purchaser or the SUBRECIPIENT using federal assistance.

2. **Patent Rights.** The following requirements apply to each contract involving experimental, developmental, or research work:

   a. General - If any invention, improvement, or discovery is conceived or first actually reduced to practice in the course of or under the contract to which this Attachment has been added, and that invention, improvement, or discovery is patentable under the laws of the United States of America or any foreign country, the Purchaser and the SUBRECIPIENT agree to take actions necessary to provide immediate notice and a detailed report to the party at a higher tier until the federal funding agency is ultimately notified.

   b. Unless the Federal Government later makes a contrary determination in writing, irrespective of the SUBRECIPIENT status (a large business, small business, state government or state instrumentality, local government, nonprofit organization, institution of higher education, individual), the Purchaser and the SUBRECIPIENT agree to take the necessary actions to provide, through the federal funding agency, those rights in that invention due the Federal Government as described in the U.S. Department of Commerce regulations, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," 37 C.F.R. Part

401.

c. The SUBRECIPIENT also agrees to include the requirements of this clause in each subcontract for experimental, developmental, or research work financed in whole or in part with federal assistance.

N. **Interest of Members of Congress.**

No member of, or delegates to, the Congress of the United States shall be admitted to a share or part of this Contract or to any benefit arising there from.

O. **Interest of Employees of COG.**

No employee of COG who exercises any functions or responsibilities in review or approval of the undertaking or carrying out the PROJECT during his or her tenure or one (1) year thereafter, shall have any personal interest, direct or indirect, apart from his or her official duties, in this Contract or the proceeds thereof.

P. **Interest of the SUBRECIPIENT.**

The SUBRECIPIENT covenants that it has presently no financial interest, shall not acquire any financial interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Contract. The SUBRECIPIENT further covenants that, in the performance of this Contract, no person having any such interest shall be employed.

Q. **Allowable Costs.**

Only those costs which are consistent with Title 2 Part 200 of the Code of Federal Regulations shall be reimbursed under this Contract.

R. **Covenant Against Contingent Fees.**

The SUBRECIPIENT warrants that it has not employed any person to solicit or secure this Contract upon any agreement for a commission, percentage, brokerage or contingent fee. Breach of warranty shall give the Contracts Officer the right to terminate this Contract or, in his discretion, to deduct from the Contract price or consideration the amount of such commission, percentage, brokerage or contingent fees. This warranty shall not apply to commissions payable by the SUBRECIPIENT upon contracts or sales secured or made through a bona fide established commercial or selling agency maintained by the SUBRECIPIENT for the purpose of securing business.

S. **Indemnification.**

The SUBRECIPIENT, acting as an independent SUBRECIPIENT, shall hold COG harmless from and shall be solely responsible, where found liable, for the payment of any and all claims for loss, personal injury, death, property damage, or otherwise, arising out of any act of omission or negligence of its employees or agents in connection with the performance of this work.

T. **Severability.**

It is understood and agreed by the parties that if any of these provisions shall contravene, or be invalid under, the laws of the particular state, county or jurisdiction where used, such contravention or invalidity shall not invalidate the whole agreement, but the Contract shall be construed as of not containing the particular provision or provisions held to be invalid in the said particular state, county or jurisdiction and the rights and obligations of the parties shall be construed and enforced accordingly.

U. **Assignments.**

This Contract shall not be assigned, sublet or transferred in whole or in part by the SUBRECIPIENT, except with the previous written consent of the COG Contracting Officer or his designee.

V. **Entire Agreement.**

This Contract sets forth the entire understanding of the parties and supersedes all previous agreements, whether oral or in writing, relating to the subject matter hereof. This Contract may only be altered, amended or modified in accordance with Changes Clause of this Contract.

W. **Confidential or Personal Data.**

1. COG respects the privacy or business interests involved in confidential or personal data. It is COG's policy to obtain confidential or personal data or store or allow storage of such data only (i) when necessary to fulfill COG's information-gathering and data collection responsibilities, or (ii) in conjunction with COG projects. COG intends to minimize risk of disclosure of such confidential or personal data.

2. Whenever feasible and the requirements of a project allow, the names of survey participants or users of a website or other data collection method shall not be accepted, recorded, stored or retained.

3. When COC engages in a project, which involves the collection or storage of confidential or personal information by or through use of surveys, websites or by other data collection, the following conditions shall be met:

    a. The survey, website or other collection method shall contain a set of conditions for use and a disclaimer of any COG liability for use, in language approved by COG in writing.

    b. The party(ies) working with COG shall demonstrate adherence to a federal or applicable state standard for protecting confidential or personal information.

    c. The confidential or personal information collected or stored by or through the survey, website or other data collection shall be kept confidential. All necessary steps shall be taken to protect the privacy of the users of the website or other data collection. Any confidential or personal information provided by users of the website or other data collection, including but not limited to their names and addresses, shall be protected.

    d. COG shall retain control over and ownership of all surveys, web pages, control files and scripts, database schema, and database contents, in addition to all content which is published on or stored by the website or other data collection, unless COG specifically agrees in writing otherwise.

    e. No release of any announcements intended for public dissemination concerning the collection or storage of such information by or through the survey, website or other data collection shall occur until COG has given prior written authorization, unless COG specifically agrees in writing otherwise.

    f. In the event that information collected or stored by or through the survey, website or other data collection shall be stolen or handled incorrectly, the party(ies) working with COG on the PROJECT shall be responsible for any required notification to persons who have entered personal information in

that system and all costs related thereto.

g. The PROJECT documents shall provide that other parties working with COG on the survey, website or other data collection or storage shall indemnify COG with at least the following commitment:

The [SUBRECIPIENT or other party] shall indemnify and hold COG harmless from and shall be solely responsible, for the payment of any and all claims for loss, personal injury, death, property damage, infringement or misappropriation of any third party's intellectual property rights, violation of privacy, confidentiality or otherwise, arising out of any act of omission or negligence of its employees or agents in connection with the performance of the work under this [agreement or memorandum of understanding].

h. At the end of the project or contract, any personal or confidential information shall be given to COG or destroyed and a certification of destruction provided to COG by the SUBRECIPIENT or other party.

X. **COG's Policies and Procedures.**

When federal law, or any grant conditions, certifications or assurances require COG to utilize competitive procurement procedures for selection of a SUBRECIPIENT, COG's policies and procedures shall govern every aspect of the SUBRECIPIENT selection process, e.g., the solicitation, evaluation, award, and post-award process (including, without limitation, any protest of an award, and the terms and conditions under which a contract may be approved, executed and administered). Any SUBRECIPIENT and potential SUBRECIPIENT will be provided with a copy of such policies and procedures, on request.

Y. **COG's Information Technology Policy.**

Contractors that must access COG's Information Technology systems or require a COG login account to perform their duties must adhere to COG's Information Technology Policies and Procedures. Such contractors will receive a copy of the policies and procedures prior to receiving access to COG's IT systems.

Z. **COG's Facilities, Policies, and Procedures.**

Contractors that must use any of COG's facilities or equipment must adhere to COG's Facilities, Policies and Procedures. Contractors that utilize any AV or IT equipment through the use of COG's facilities shall also comply with COG's IT Policy. Such contractors will receive a copy of all relevant procedures prior to receiving access to COG's IT systems.

AA. **Additional Requirements.**

In addition to the terms and conditions expressly referenced in this Contract, the SUBRECIPIENT acknowledges and agrees that the terms and conditions of any federal or state grant that provides funding for this Contract, in whole or in part, shall apply to and shall govern the parties' rights and obligations under this Contract and shall be deemed additional terms, conditions and requirements of this Contract.

BB. **DBE Assurance.**

The SUBRECIPIENT or _____ shall not discriminate on the basis of race, color, national origin, or sex in the performance of this Contract. The SUBRECIPIENT shall carry out applicable requirements of 49 C.F.R. Part 26 in the award and administration of USDOT-assisted contracts. Failure by the SUBRECIPIENT to carry out these requirements is a material breach of this Contract, which may result in the termination of this Contract or such other remedy as the COG deems appropriate.

CC. **Audits.**

Per the Enhanced Mobility Circular, COG as the Designated Recipient for Enhanced Mobility funds will collect A-133 audit reports from the SUBRECIPIENT receiving more than $750,000 in federal funds. At a minimum, the SUBRECIPIENT is required to bring to COGTPB's attention any audit findings relevant to its use of FTA funds. The SUBRECIPIENT is not subject to A-133 audit requirements and may require additional monitoring, in a format elected by COG, to ensure compliance.

DD. **FFATA Reporting.**

1. The Federal Funding Accountability and Transparency Act ("FFATA") requires prime recipients of federal grants and contracts to report sub-award and executive compensation data. COG is the prime recipient of federal awards for the purposes of this policy and is responsible for reporting sub-award data.

2. COG and first-tier sub-awardees are required to maintain current registration in the System for Awards Management ("SAM") as well as obtain a DUNS number. COG is responsible for filing the report in the FSRS system, not sub-awardees. However, sub-award recipients must provide the following information to COG before they will be eligible to receive the sub-award:

   a. The entity's information;
   b. Description and/or title of the sub-award (including NAICS code or CFDA number);
   c. Date and amount of award;
   d. Location of the entity receiving the award and the primary location of performance under the award, including the city, state, congressional district, and country;
   e. Active and current SAM unique identifier;
   f. DUNS number;
   g. Names and total compensation of the five (5) highest paid officers/executives of the sub-recipient **if** all three criteria are met:

      i. Federal awards make up 80% or more of the SUBRECIPIENT's annual gross revenues; and

      ii. the SUBRECIPIENT's annual gross revenue from federal awards is $25 million or more; and

      iii. the SUBRECIPIENT's officer names are not publicly available and the public does not have access to data on executive compensation of the entity through the Securities and Exchange Commission (SEC) as described in further detail in OMB Guidance on Sub-award and Executive Compensation Reporting (August 27, 2010).

      (COG, as the prime recipient of the federal award, must also report its own executive compensation data by the end of the month following the award if the same criterion noted above is met.)

EE. **Priority of Requirements.**

In the event of a conflict between or among any of the terms, conditions and requirements applicable to this Contract, the conflict shall be resolved by giving weight in accordance with the following priorities, in the order as stated below:

1. Terms and conditions of any grant that provides funding for this Contract, in whole or in part;

2. Terms and conditions set forth or referenced within this Contract;

3. Terms and conditions and representations set forth or referenced within Attachments A and F to this Contract;

4. Terms, conditions, specifications, and requirements set forth within any solicitation (e.g., RFP or IFB) pursuant to which this Contract was awarded;

5. Offers, representations, promises, terms and conditions set forth with the bid or proposal submitted in response to any solicitation (e.g., RFP or IFB) pursuant to which this Contract was awarded.

ATTACHMENT G
CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, AND OTHER
RESPONSIBILITY MATTERS

The prospective SUBRECIPIENT certifies to the best of its knowledge and belief that it and its principals:

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any department or agency of the District of Columbia, State of Maryland or the Commonwealth of Virginia or any of the 24 jurisdictions comprising the membership of the Metropolitan Washington Council of Governments (COG);
- Have not within a three year period preceding this date been convicted of or had a civil judgment rendered against them for commission of fraud or criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated above of this certification; and
- Have not within a three-year period preceding this date had one or more public transactions (Federal, State or local) terminated for cause or default.

SUBRECIPIENT understands that a false statement on this certification may be grounds for rejection of any submitted proposal or quotation or termination of any award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to $10,000 or imprisonment for up to 5 years, or both if federal funds are being used to support the procurement.

City of Rockville
Typed Name of SUBRECIPIENT

Robert DiSpirito, City Manager
Typed Name & Title of Authorized Representative

Signature of Authorized Representative — Date: 6/3/19

TPB Enhanced Mobility Program Application: TWO-YEAR CAPITAL or MOBILITY MGT BUDGET

Project Name:

Organization Name: **City of Rockville**

Metropolitan Washington Council of Governments

		Round down	Round up		
BUDGET LINE ITEMS	**TOTAL BUDGET**	**FTA FUNDS Requested** (80%)	**RECIPIENT FUNDS** (Match-20%)	**NUMBER JUSTIFICTION** Explain how you calculated the figures-- show the math used.	**SOURCE OF MATCH** Cash on Hand, general revenue, outside resources, other
Design	100,000.00	80,000.00	20,000.00	Based on design of previous projects	General Revenue
Equipment	110,000.00	88,000.00	22,000.00	Based on existing and former contracts	General Revenue
Construction	285,000.00	228,000.00	57,000.00	Based on previous projects and existing contracts	General Revenue
TOTALS	**495,000.00**	**396,000.00**	**99,000.00**		

Metropolitan Washington Council of Governments

Enhanced Mobility Reporting Requirements

Frequency	Report	Due to COG
Initially	ADA Assurances	At award
	Authorizing Resolution	At award
	Cell Phone Policy	At contract
	Certs & Assurances	At award
	Certificate of Insurance	Prior to vehicle order
	DBE Documentation (Statement, Assurances, Program if applicable)	At award
	Drug Free Workplace Statement	At contract
	EEO Assurances	At award
	EEO Statement	At award
	Initial Rolling Stock Inventory Report	With first invoice
	Financials – A-133 or financial statements that adhere to generally accepted accounting principles	At application
	Matching funds	When invoiced by COG
	Project Assurances	At award
	Proof of Insurance & COG as additional insured	At contract
	Title VI (Program & Complaint Status)	At award
	Vehicle Maintenance Plan	At award
	Vehicle Useful Life & Disposition Policy	At award
Monthly	Match Certification	With each invoice
	Preventive Maintenance Summary Sheet	With each invoice
Quarterly	Milestone Progress Report (MPR)	15th day of the month following quarter end: 4/15, 7/15, 10/15, 1/15
	Taxi Data – last 10 trips per vehicle	15th day of the month following quarter end: 4/15, 7/15, 10/15, 1/15
	Complaint Status Report	With quarterly report
Annually	Certs & Assurances	90 days from date published
	Financials – A-133 or financial statements that adhere to generally accepted accounting principles	Upon request
	Program Measures Report (Annual Performance Measures)	15th day of the month following Federal 4th quarter end (9/30): 10/15
	Annual Rolling Stock Inventory Report	30th day of the month following 4th quarter end: 1/30
	Summary of Outreach Efforts (Title VI Requirement)	30th day of the month following 4th quarter end: 1/30
Project End	Final Invoice	30 days from contract expiration
	Final Milestone Progress Report	30 days from contract expiration and before final payment is released
	Final Performance Measures & Final Narrative Report	30 days from contract expiration and before final payment is released
	Final Rolling Stock Inventory Report	30 days from contract expiration and before final payment is released
Triennially	DBE Documentation (Statement, Assurances, Program if applicable)	60 days from date of expiration
	Title VI (Program & Complaint Status)	60 days from date of expiration

Shaded = additional reporting for grantees with vehicles procured with Enhanced Mobility funds

Metropolitan Washington Council of Governments

Enhanced Mobility of Seniors and Individuals with Disabilities Program - Invoice Documentation Requirements

Expense Category	Types of Reimbursable	Documentation Required
Staff Time	Labor	Invoice of Cost Details 1. Employee name 2. Proof of Hours worked (timesheets) 3. Hourly rate 4. Total cost
	Fringe	Invoice of Cost Details 1. Documentation from recent audit or reports regarding rate calculations 2. Payroll reports for fringe
Consultants	Direct expenses for work performed by consultants as part of project	Invoice of Cost Details 1. Consultant name 2. Hours worked 3. Hourly rate 4. Total cost
Purchases	1. Vehicles/Capital Procurements 2. Supplies	1. Track procurement documents (Grantees provided with a separate Procurement Requirements Checklist) 2. Copy of receipts; description of need for supplies

Transportation	1. Parking (explanation required) 2. Mileage 3. Taxicab services (explanation required)	1. Copy of receipt(s) 2. Number of miles (traveled) and mileage rate (e.g., IRS rate, GSA rate, etc.) used 3. Copy of receipt(s)
Additional (if used)	1. Lodging (explanation required – e.g., travel to a training session or conference that relates to the project type) 2. Airfare (same as above)	1. Copy of hotel receipt, travel justification and internal approval 2. Copy of airline ticket, travel justification and internal approval

Cash Match

Expense Category	General Requirements	Questions/Clarifications	Documentation Requirements
Outside Resources	Track balances with each invoice submission		1. Letter of Commitment 2. Cash Match Certification
Subrecipient Funds	Track balances with each invoice submission		1. Cash Match Certification

National Capital Region
Transportation Planning Board

Enhanced Mobility of Seniors and Individuals with Disabilities Program

2-Year Work Plan

Agency: City of Rockville
Project Title: Rockville Bus Stop and Sidewalk Improvements

Goal #1: Potomac Valley Rd Sidewalk										
Objective/Major Activity:	Benchmarks (outputs)	Timeline								
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Estimated Completion Date (month end)
1. Planning & Public Outreach	Finalized concept plan and approval from adjacent residents	X	X							
2. Survey & Design	100% design documents		X	X	X	X				
3. Procurement & Construction	Procure contractor and complete construction					X	X	X	X	November, 2019

Goal #2: Bus Stop Improvements										
Objective/Major Activity:	Benchmarks (outputs)	Timeline								
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Estimated Completion Date (month end)
1. Equipment Procurement	Purchase of bus stop amenities: shelters, benches and trash cans.	X	X	X						
2. Contractor Procurement	Procurement of contractor through competitive bids			X	X	X	X			
3. Construction/Installation	Constructing all proposed improvements and amenities.						X	X	X	November, 2019

Rockville Bus Stop & Sidewalk Improvements

Application for Projects Other than Vehicles - 2017 Enhanced Mobility Program

City of Rockville

Emad Elshafei
111 Maryland Avenue
Rockville, MD 20850
O: 240-314-5000

Oleg Kotov

111 Maryland Ave
Rockville, MD 20850
okotov@rockvillemd.gov
O: 240-314-8527

Application Form

Opening Questions

DUNS Number

Please provide your unique nine digit D-U-N-S identification number.

If you do not have a DUNS number at this time you can leave this section blank. However, if your application is approved for funding you will need to have a DUNS number in order to receive FTA funds from MWCOG/TPB.

Authorizing Resolution*

As part of the application process your agency's governing body, such as a Board of Directors, is required to adopt a resolution authorizing your agency to apply for an FTA grant, approve the local match funding, and agree to comply with Federal requirements. If your organization does not have a governing body, the CEO or other official with the authority to enter into a contract with COG can provide a letter with these authorizations.

For an example of an authorizing resolution, please contact TPB staff listed under Technical Assistance.

If your Board is unable to adopt the resolution until after the application deadline, a draft resolution may be uploaded until your Board approves it. An authorizing resolution or letter will be required before a grant can be awarded.

2017 Enhanced Mobility Program_Authorizing Resolution.pdf

Project Name*

Name of Project

Rockville Bus Stop & Sidewalk Improvements

Type of Funding Requested*

You can choose more than one.

Capital (80/20)

Applicant Status*

State or Local Government Agency

Specific Area to be Served*

Project must end or begin in the Washington DC-VA-MD Urbanized Area.

Please be very clear on which areas you project will serve as this information is used for regional reporting purposes.

City of Rockville, MD

Project Total (Capital and Operating*

Please copy project total figure from VI. Budget - Project Total (Capital and Operating).

The required grant application minimum is **$150,000** (including the match) for a two-year period. Applications for less than $150,000 will not be considered.

$495,000.00

Alternative Formats and Accommodations

Alternative formats of the application and document templates are available upon request.

Please contact Sergio Ritacco at sritacco@mwcog.org or (202)962-3232 or (202) 962-3213.

Please allow seven working days for preparation of the material.

Technical Assistance

We are here to help! We encourage you to ask TPB staff any questions about the grant program and application, including eligibility of your agency and project idea.

- For questions about the grant program and eligibility, please contact Lynn Winchell-Mendy (lmendy@mwcog.org, 202.962.3253).
- For questions about the website and the application, please contact Sergio Ritacco (sritacco@mwcog.org, 202.962.3232)

Pre-application Conference

Pre-application conference session*

You must attend a pre-application conference in order to apply. Please select the pre-application conference session you attended (or plan to attend):

Tuesday, August 29, 2017 (Metropolitan Washington Council of Governments)

I. Project Information

Agency Purpose and Programs*

Please briefly describe your agency's purpose and programs. Approximately how many individuals does your agency currently provide service to? Include all services, not just transportation.

The City of Rockville Department of Public Works provides public works services to the city in the areas of water, sewer, stormwater, recycling and refuse, transportation, fleet services, environment and right-of-way management. The purpose of the Traffic and Transportation Division (within the Public Works Department) is to provide a safe and efficient transportation system throughout Rockville. The division plans and designs roadways, bridges, sidewalks, bus shelters, bike paths, traffic signals and street lights. The staff evaluates and resolves citizen issues and also reviews development proposals. The division reviews traffic impact studies submitted by developers, coordinates with other governments on traffic funding and planning, and provides staff to the Traffic and Transportation Commission. The Department of Public Work currently provides services to 66,000 residents of the City (total employment in Rockville was approximately 76,400 in 2010).

Demographic Profile:

What percent of your clientele has the following demographic characteristics?

Estimates are acceptable if data is not collected.

Black/African American *(percent)**

10

Asian/Pacific Islander *(percent)**

21

Native American *(percent)**

1

Hispanic/Latino *(percent)**

14

Caucasian *(percent)**

60

Other *(percent)**

8

What type of project is your agency proposing?*

Improve Access to Public Transportation

If Other, please describe:

Project Description*

Please provide a description of the project or program proposed under this grant. The description must accurately convey what the project intends to do and should include the following:

- Objectives/Major Activities;
- How the program or project will accomplish the Objectives/Major Activities;
- Community need and the focus of the grant; and
- Coordination with other agencies included in the grant proposal.

A later part of the application requires applicants to complete and upload a project Work Plan with timeline and milestones. This question and the Work Plan should cross-reference.

The objective of this project is to improve access to public transportation at various locations throughout the City of Rockville. To accomplish this objective, the project proposes improvements to sidewalks and Metro Bus as well as Ride-On bus stops. Project proposes construction of a missing sidewalk segments on the south side of Potomac Valley Road, adjacent to the Potomac Valley Nursing and Wellness Center as well as Julius West Middle School. The project also proposes improvements to 78 bus stops throughout Rockville. Bus stop improvements are to include replacement of non-ADA-compliant passenger shelter benches, construction of ADA-required wheelchair landing pads, installation of amenities such as missing shelter benches, freestanding benches/leaning rails, installation of larger shelters at high-activity stops and relocation of litter receptacles and other equipment to remove sidewalk and shelter obstructions. Bus stop improvements were selected with input from Metro Bus and Ride-On staff as well as a review of Montgomery County's bus stop data.

Targeted Population*

Who is your targeted population for the project? You can check more than one.

Older Adults
People with Disabilities
Low-Income Older Adults or People with Disabilities

Targeted Population Detail*

Please provide more specific detail about the targeted population selected above. Include specific type(s) of disabilities, and/or mobility impairments and other demographics.

The goal of this project is to help improve access to public transit for people with disabilities and older adults

Impact*

Describe how the proposed grant will help improve the mobility of people with disabilities and older adults, such as what transportation options would not otherwise be available, increases in geographic coverage or service hours, or improvements to physical infrastructure. If this is a coordinated planning project, describe the potential lasting impacts and products that will document mobility needs.

The proposed sidewalk project on Potomac Valley Road will construct missing sidewalk segments adjacent to the Potomac Valley Nursing and Wellness Center and near Julius West Middle School. The missing sidewalk segments are currently rated as Medium-High Priority and Medium Priority by the City's Missing Sidewalk Prioritization Plan and will provide access to the existing Ride-On bus stops on Maryland Ave at Great Falls Rd. Improvements to physical infrastructure of 78 bus stops located throughout the City will improve existing accessible pathways and wheelchair landing pads, bring all of the City-owned passenger shelters up to ADA requirements and provide seating amenities and/or larger shelters at bus stops where they are currently missing or inadequate.

Additional Consumers*

If your application is approved, how many additional seniors and/or people with disabilities will receive services as a result of this grant?

0

Coordination with Existing Services*

How will this project be combined with or coordinated with existing services in region?

Public bus service in the City of Rockville is provided by Montgomery County through Ride On, and the Washington Metropolitan Area Transit Authority (WMATA) through Metro Bus. While the City does not maintain its own public transit system, it is responsible for construction and maintenance of bus stops and shelters. This project will complement the existing transit services by improving access to Ride-On and Metro Bus stops.

II. Prior Grant Performance

Prior Grant

If your agency has received a JARC, New Freedom, Enhanced Mobility or 5310 grant in the past, please describe the status of the most recent grant, milestones accomplished and expected completion date. Please also describe the success of the project (including quantitative measures such as number of trips provided, individuals served or products developed). Upload your most recent progress report or final performance measurement report submitted to TPB, MTA or DRPT.

If your agency has had challenges with implementation of a prior grant or has a significant grant balance remaining, please describe the challenges. Please note that the Selection Committee will consider past grant

performance. Applicants with significant balances on existing grants or a poor record of meeting compliance requirements will score lower than others who have implemented projects within their stated timeline.

III. Project Partners

Applicants are highly encouraged to include partners on the proposed projects to improve coordination between human service and transportation agencies. Project partners must have a specific, active role in the proposed project. For example, providing matching funds, operational support, staffing support, and/or sharing of services to clients.

Please upload signed letters from each project partner and complete the requisite form fields. A letter is required for each partner.

If a partner is providing matching funds a Letter of Commitment is also required. A Letter of Commitment must be submitted if matching funds come from any source other than the Applicant's own budget. Letters of Commitment must be signed by the authority providing matching funds, identify the amount and source of the matching funds, as well as the date the funds will be available. **Upload Letters of Commitment in the Budget Section V.**

Definition of Roles*

Please describe the roles and responsibilities between partner agencies on the project. If no project partners are included, please describe why no partners are involved in the project.

Prior to the development of this grant application, City staff reached out to Metro Bus (WMATA) and Ride-On staff to identify potential candidate bus stops for improvement. The City will not require partners for implementation of this grant, because bus stops in Rockville are maintained by the City, and proposed improvements will not require matching funds, operational support or staffing support from partners.

Partner #1

Please provide agency and name of contact person:

Partner #1

This partner will be providing the following support to the project:

If Other, please describe

Partner Letter #1

Letter must be on partner agency letterhead or identify partner name and contact information.

Partner #2

Please provide agency and name of contact person:

Partner #2

This partner will be providing the following support to the project:

If Other, please describe:

Partner Letter #2
Letter must be on partner agency letterhead or identify partner name and contact information.

Partner #3
Please provide agency and name of contact person:

Partner #3
The partner will be providing the following support to the project:

If Other, please describe:

Partner Letter #3
Letter must be on partner agency letterhead or identify partner name and contact information.

Additional Partners
If more than 3 partners are involved in the project, please upload a Word document with a description of what support will be provided and the required partner letter.

IV. For State and Local Governments

The Enhanced Mobility grant program is divided into two categories of funding, described below. If your agency is a state or local government, the application is eligible for the 45% category. However, under certain conditions state or local governments can also qualify for the 55% category if documentation is provided. In this section, you can provide that documentation so that the Selection Committee can consider the application for both categories.

The Two Categories of Enhanced Mobility Grant Funding

1. Capital Projects for Non-Profits or Qualifying Local Governments (55%):
    - Your application is in this category if it is for a capital or mobility management project AND your agency is a non-profit, or a State or Local government approved by the state to coordinate services or can certify that there are no non-profits readily available to provide the service.
2. Operating or Capital Projects for All Eligible Subrecipients (45%):
    - If your agency is a Non-Profit organization, a State or local government, a transit agency, or a private operator of public transportation and you are applying for an eligible Capital or Operating project, your application falls into this category.

Qualifying State or Local Government and State Certification
If your agency is a State or Local government entity applying for the 55 percent category of funds, please describe what State agency has given approval or a mandate to coordinate services, OR describe the lack of non-profits in the area to carry out the project proposal. In the case of the former, a letter from the state regarding your agency's role to coordinate services is required by the time of application.

V. Budget

Budget Uploads

Applicants can apply for any combination of operating, capital and mobility management funds. Budgets are for a two-year period, including requests for preventive maintenance and/or operating expenses for vehicles that are a part of the same application. COG has the discretion to extend contracts if the timing of vehicle delivery impacts the start of preventive maintenance and/or operating expenses.

- The required **application minimum is $150,000** (which includes the Federal and match amounts over a two-year period). Applications for amounts less than $150,000 will not be considered.
- **Use whole numbers. Round Federal down and Match up.**
- If only applying for one set of funds (e.g. Capital only) please still upload a blank budget for the funds NOT applying for (.e.g. operating). since both budget templates are a required field).

To ensure that prices are fair and reasonable, applicants must conduct an **independent cost estimate (ICE)** for any item in their Capital or Operating budget over $3,500 (other than vehicles procured by COG), including preventive maintenance and contract services (e.g. marketing).

- Examples of applicable line items include software, dispatch or GPS systems, evaluation or marketing contractors, printing services. An ICE is not required for services provided in-house by agency staff and should be noted in the budget justification section to explain why an ICE is not included for that line item.

- **NOTE: The vendor chosen by the grantee to do the service CANNOT be the same as the vendor that provides the ICE.**

Sole source justifications are allowed under certain circumstances and require documentation on the lack of other vendors to do the work, how the preferred vendor is uniquely qualified and a Cost Analysis.

See COG's Procurement Procedures for more information.

Budget Acknowledgment*

I have reviewed the budget parameters and requirements and acknowledge understanding:

Yes

Capital Budget*

Please provide a completed version of the attached Capital/Mobility Management Budget Template.

Use whole dollars. Round Federal down and Match up.

2017CapitalMgtBudget.xlsx

ICE Form

Please upload 1 ICE form for each applicable line item. See page 3 of the Procurement Procedures attachment.

The vendor that is ultimately awarded cannot be the same as the vendor that provides the ICE.

ICE_2017.pdf

Operating Budget*

Please provide a completed version of the attached Operating Budget Template.

Use whole dollars. Round Federal down and Match up.

2017OperatingBudget.xlsx

ICE Form

Please upload 1 ICE form for each applicable line item. See page 3 of the Procurement Procedures attachment.

The vendor that is ultimately awarded cannot be the same as the vendor that provides the ICE.

Federal and Match Amounts From Budget Uploads

Operating Request

Use figures from the Operating Budget you uploaded to fill out the following questions. Enter zeros if no operating funds are requested.

Operating Project Total*

(Federal plus Match)

$0.00

Federal Operating Amount (50% of total)*

$0.00

Operating Match Amount (50% of total)*

$0.00

Capital Request

Use figures from the Capital Budget you uploaded to fill out the following questions. Enter zeros if no capital funds are requested.

Capital Project Total*

Capital Total (Federal plus match)

$495,000.00

Federal Capital Amount (80% of Total)*

Capital

$396,000.00

Capital Match Amount (20% of Total)*

Capital

$99,000.00

Project Total

Summation of the Operating Project Total and Capital Project Total*

Add figures

$495,000.00

Grant Matching Funds

Federal rules require that Enhanced Mobility grants be matched at 20% for capital projects, and 50% for operating projects. At the time of application, your agency must have identified and secured the necessary matching funds for the project proposal.

What is the source of match funds?*

Sources of matching funds can include Agency funds (general funds, cash on hand), State or Local government funds or grants; Non-Transportation Federal funds; Private sources; State agency funds, transit agency funds, income from service contracts, business improvement district funds. Inkind contributions are not an allowable source of match.

City of Rockville budget

Certificate of Availability of Match Funds*

Please upload Certificate of Availability of Matching Funds

The certification shall attest to the availability of appropriate funds for the required match, and shall designate individuals within the organization who have the authority to execute a contract with the Metropolitan Washington Council of Governments. The resolution form must bear an original signature. The Certification is required for all applications.

COA.pdf

Letter of Commitment

For any matching funds **coming from a source other than the Applicant's own budget**, a Letter of Commitment must be submitted. The Letter must be signed by the individual(s) with authority to provide matching funds to the Applicant, and identify the amount and source of the matching funds to be provided, as well as the date the funds will be available.

Letter of Commitment #1

Letter of Commitment #2

Letter of Commitment #3

Additional Letters of Commitment

Please upload any additional Letters of Commitment here

VI. Project Scalability

Scalability*

The Selection Committee may need to consider scaling grant requests up or down depending on funding availability. Could the project be implemented on a more limited scope with less funding or with an expanded scope with more funding?

Yes

If Yes, please fill out the fields below and create different scaled up or down scenarios acceptable to your agency that the Selection Committee will consider depending on funding availability.

Option #1 - Project can be scaled up

Total Scaled Up Project Funding

$550,000.00

Total Scaled Up Project Federal Funding

$440,000.00

Total Scaled Up Project Match Funding

$110,000.00

Source of Additional Matching Funds

If the project can be scaled up, please describe the source of the additional match funds.

Capital Improvement Program Budget

Describe change in grant proposal

Please clearly describe how the change in funds will impact how the program is delivered or service is provided. Refer to the Objectives and Benchmarks in your Work Plan. For example, how many more people can be served or how much more staff support will there be, etc.

Project can be scaled up to include ADA and accessibility improvements to approximately 20 to 30 additional bus stops.

Option #2 - Project can be scaled down

Total Scaled Down Project Funding

$225,000.00

Total Scaled Down Project Federal Funding

$180,000.00

Total Scaled Down Project Match Funding

$45,000.00

Describe change in grant proposal

Please clearly describe how the change in funds will impact how the program is delivered or service is provided. Refer to the Objectives and Benchmarks in your Work Plan. For example, how many less people can be served or how much less staff support will there be, etc.

Project can be scaled down to exclude the Potomac Valley Road sidewalk (estimated at $271,000).

VII. Project Work Plan: Timeline and Milestones

Please use the Work Plan template to describe the goals of the proposed project, and the objectives (key tasks) and benchmarks (outcomes) that will measure progress. The Work Plan must outline the major steps that your agency and project partners will take to implement the project from start to finish. Benchmarks should include targets which can be included in quarterly progress reports; e.g., X number of trips/rides/vouchers provided, X number of individuals trained, etc.

The Work Plan should cross-reference with your Project Description under Section I of the application.

Please see Section XIII. Appendices for a sample Work Plan.

Work Plan Upload*

Work Plan template

2017WorkPlan.pdf

VIII. Project Responsiveness to Selection Criteria

List of Selection Criteria.

Coordination Among Agencies (25 points)

Describe how the project demonstrates coordination of services among local jurisdictions and other agencies. Coordination can include providing service to clients of multiple agencies, coordinated purchasing, joint project planning and operation, or developing a plan to coordinate services or provide mobility management services in the future.*

Public transit accessibility improvements will be implemented by the City of Rockville at bus stops where service is provided by Metro Bus and Ride-On bus services.

Responsiveness to TPB's Coordinated Human Service Transportation Plan (20 points)

This criterion has two parts: 1) "Priority Projects" will receive up to 12 points; and 2) Applications that address multiple strategies will score up to 8 points.

A) Responsiveness to Priority Projects in the Coordinated Plan (up to 12 points)*

Select which Priority Projects your application responds to:

Bus Stop and Sidewalk Improvements

Priority Project Narrative*

Describe how your application responds to one or more of the Priority Projects.

NOTE: IF your project does not respond to one or more of the Priority Projects it will still be considered, but will score less under the Responsiveness to TPB's Coordinated Human Service Transportation Plan criteria.

This projects consists entirely of bus stop and sidewalk improvements

B) Responsiveness to Strategies in the Coordinated Plan (up to 8 points)*

In addition to how well the application responds to the priority projects, points will be awarded based on how many strategies in the Coordinated Plan the project application addresses.

Select which Strategies for Improved Service and Coordination your application responds to:

Improve the accessibility and reliability of existing services

Strategies Narrative*

Describe how one or more of the Strategies for Improved Service and Coordination apply to your project.

NOTE: IF your project does not respond to one or more of the Strategies it will still be considered, but will score less under the Responsiveness to TPB's Coordinated Human Service Transportation Plan criteria.

This project improves the accessibility of existing bus services (Metro Bus and Ride-On) within the City of Rockville.

Institutional Capacity to Manage and Administer and FTA Grant (20 points)

This criterion considers the availability of sufficient management, staff and resources to administer a Federal Transit Administration grant, comply with Federal rules, such as those outlined in "Federal Requirements" section, and implement the grant in the Work Plan timeline. It also considers financial stability and if applicable, past grant performance.

A) Agency Capacity*

Describe your agency's ability to manage an FTA grant, including its financial and human resources, and its institutional capacity. Include in your response the staff available from your agency and project partners to support the implementation of the grant and what back-up staff would be available should there be staff turnover. Note that the applicants' past grant performance and current grant status (if applicable) will be considered by the Selection Committee.

If your agency is applying for vehicles, please describe your agency's technical capability to manage the operations and maintenance of the vehicles according to FTA requirements.

A full-time Transportation Planner will be available for implementation of this project. The City of Rockville also has a second Transportation Planner and two Transportation Engineers could be available as back-up staff should there be staff turnover. The City has received and su

B) Stability of Matching Funds*

How stable and reliable are the sources of matching funds you intend to use for this grant?

City budget funds

Project Feasibility (15 points)

This criteria considers if the applicant's objectives and timeframes are realistic and if the project as proposed is feasible to implement. **Describe in a few sentences the feasibility of your project.** You can refer to the objectives and timeframes in your Work Plan.*

Sidewalk project is located within the City Right-of-Way and bus stops are already maintained by the City

Regional Transportation Needs (10 points)

Projects that include service or programs in more than one County or City score higher than projects that serve a single jurisdiction.

Briefly describe how many jurisdictions will be served:*

The project will serve 1 jurisdiction, Rockville.

Comment: *Received after application deadline. Added by LWM from email.*

Customer Focus (10 points)

To what extent does the applicant's proposal demonstrate a strong awareness of the needs of the individuals for whom the project is intended?

A) Consumer Involvement*

Describe how the target audiences were involved in the project design or will be involved in the implementation or evaluation of the project. This criteria considers to what extent an applicant demonstrates awareness of the needs of the targeted population group and the involvement of customers in the development and implementation of the proposed activity.

The proposed bus stop improvements will be implemented at existing facilities already utilized by the general public, including seniors and disabled. The list of candidate stops was developed by analyzing ADA compliance (accessibility), average daily ridership volume, and proximity to Senior Living locations. Additionally, the selection process factored in all bus stop related comments collected during the 2016 City of Rockville Community Survey and requests submitted by riders through the City's online reporting system, Ride-On or Metrobus. The Potomac Valley Road sidewalk project was selected based on its Medium-High/Medium Priority ranking within the City's Missing Sidewalk Prioritization plan and proximity to a senior living facility.

Comment: *Received after application deadline. Added by LWM from email.*

B) Marketing/Program Outreach*

If the project provides service, describe how it will be promoted to Older Adults and/or People with Disabilities.

While this project does not provide a service, it will be promoted on the City's Public Works website and through Rockville Reports (the official monthly publication of the City of Rockville delivered to all homes and businesses within Rockville's city limits). The Rockville Reports publication is also available to individuals with disabilities in other forms. The Project Manager will also work with the City's ADA Coordinator, Rockville Senior Villages Facilitator and the City's Senior Services to do targeted promotions of improved transportation facilities.

Comment: *Received after application deadline. Added by LWM from email.*

IX. Federal Requirements

In order to receive an Enhanced Mobility grant, your agency must be able to meet and document compliance with numerous **federal requirements**. Some of the required documents must be provided at the time of application and others must be provided before receiving a grant award. As you develop your application, please consider resources available to meet the requirements, such as agency staff time needed to complete the plans and reports, and how this may impact the project timeline and budget.

FTA Certifications and Assurances*

The Federal Fiscal Year 2017 Certifications and Assurances for Federal Transit Administration Assistance Programs must be signed annually and affirmed by legal counsel.

If awarded, would your organization or legal counsel have any difficulty agreeing to the certifications and assurances required by FTA?

No

Procurement Requirements

The Metropolitan Council of Governments (COG) conducts centralized procurement for vehicles funded by the 5310 Enhanced Mobility Program. Procurement activities for items other than vehicles to be procured by COG are the responsibility of the subrecipient and are subject to Federal procurement requirements.

Any applicable item to be purchased over $3,500 must have an Independent Cost Estimate (ICE) at the time of application; the ICE forms are provided in Section V: Budget.

Sole source justifications are allowed under certain circumstances and require documentation on the lack of other vendors to do the work, how the preferred vendor is uniquely qualified, and a Cost Analysis (because price competition is inadequate).

See COG's Procurement Procedures for more information.

Drug Free Workplace

Federal rules require that your agency document policies and procedures in place for employees regarding unlawful controlled substances at the workplace. The Drug Free Work Place Statement must include the items in this template. The statement is not required at the time of application, but must be provided before an applicant is awarded a grant.

Cell Phone Use Policy

Federal rules require that your agency has a policy in place for employees on the use of cell phones while driving. A template is provided here. This policy is not required at the time of application, but must be provided before an applicant is awarded a grant.

Please upload your agency's Cell Phone Use Policy

Title VI Nondiscrimination

Your agency would need to submit the following federally required items related to Title VI, ensuring nondiscrimination in all of your organization's programs and services. If awarded an Enhanced Mobility grant, your agency would be required to complete a Title VI Program and Complaint Status report (templates are provided).

Title VI (Nondiscrimination) Program

All subrecipients of FTA funds are required to have a Title VI Program to ensure nondiscrimination (updated every 3 years) during the duration of a project. In order to meet the FTA requirements if awarded, your organization must provide the following components:

- Title VI Policy Statement & Authorities
- Nondiscrimination Assurance to COG/TPB
- Title VI Complaint Form & Procedures (how your organization notifies the public of Title VI rights, instructions on how to file a complaint, and procedures for how a complaint is handled and reported).
- Title VI Investigations, Complaints, Lawsuits
- Public Outreach Activities
- Language Assistance Plan (how your organization will address the needs of limited English speakers, including but not limited to translation of pertinent information for accessing services).
- Representation on Planning/Advisory Board

COG has a Title VI template or you may provide your organization's existing Title VI Plan and any missing components.

Title VI Complaint Status Report

A list of transportation-related Title VI investigations, complaints, or lawsuits filed with the subrecipient. Sample Title VI Complaint Status Report.

Disadvantaged Business Enterprise (DBE) Program

All subrecipients must confirm to COG/TPB that they will comply with DBE requirements applicable to all DOT-assisted contract and their administration by executing DBE Assurances.

In addition, any subrecipient who receives FTA funds in excess of $250,000 for planning, capital, or operating assistance (excluding transit vehicle purchases) within a Federal fiscal year (10/1 - 9/30), and will use those funds for awarding prime contracts, is required to have a Disadvantaged Business Enterprise (DBE) Program Plan in place to ensure nondiscrimination in the award and administration of purchase orders and contracts funded with FTA dollars. The DBE Program Statement will help determine applicability to your organization. If applicable, you must either adopt COG/TPB's DBE Program Policy or submit your organization's approved DBE Program Policy in order to meet the FTA's DBE requirements. More information on DBE requirements can be found here.

Americans with Disabilities Act

Subrecipients must sign an assurance that they will meet ADA requirements. These include a written ADA policy that explains what the agency does to meet ADA requirements, how participants and staff as well as the general public are notified of their rights under ADA and how to file an ADA complaint. More information on ADA requirements can be found here.

ADA Assurances

Equal Employment Opportunity

Subrecipients must sign an assurance that they will meet EEO requirements. These include a written EEO policy that explains what the agency does to meet EEO requirements, how participants and staff as well as the general public are notified of their rights under EEO and how to file an EEO complaint.

If certain thresholds are met, subrecipients must have a full EEO Program. More information about EEO requirements can be found here.

EEO Assurances
EEO Statement

Other Required Reports and Plans:

- Annual and Final Performance Measurement Reporting
- Quarterly Progress Report
- Quarterly Taxi Data Report
- Vehicle Maintenance Plan
- Annual Rolling Stock Inventory

Federal Requirements Acknowledgement*

I have reviewed these Federal requirements and my agency is capable of complying and can provide the required documentation, plans and reports.

Yes

X. Financial Statements

Financial Statement*

The agency's latest A-133 Single Audit report or, if excluded from A-133 audit requirements, other consolidated and comprehensive financial statements must be uploaded with your application. Financial statements should adhere to generally accepted accounting principles. Subrecipients not subject to A-133 audit requirements may require additional monitoring to ensure compliance.

FY17 CAFR.pdf

XI. Letters of Support

Letters of Support

For letters communicating support for the project (different from Partner Letters and Letters of Commitment) please upload here as one document:

Letter of Support_Rockville Mayor.pdf

Comment: *Received after application deadline. Added by LWM from email.*

XII. Application Checklist

You are encouraged to submit your application a business day or two prior to the deadline so staff can review your application and alert you to missing information. Prior to the deadline, you can provide missing information or make corrections.

Incomplete applications, and those submitted after the deadline of November 3 at 2pm, will not be considered for funding.

Application Checklist*

Please use the checklist to ensure a complete application is being submitted.

The following items represent all of the information and attachments you will need to submit an application.

Authorizing Resolution (final or draft)
Completed application via this Foundant site (all applicable fields)
Work Plan (timeline objectives and milestones)

XIII. Appendices

Appendix 1: Map of the TPB Planning Area and Washington, DC-VA-MD Urbanized Area

Appendix 2: Possible Non-DOT Federal Sources for Matching Funds

Appendix 3: Sample of Monthly Report Form and Invoice

- Sample Operating Invoice
- Sample Capital Vehicle Invoice
- Sample Other Capital/Mobility Management Invoice

Appendix 4: Work Plan Samples

Sample of Vehicle Work Plan
Sample of Mobility Management Work Plan

Alternative Formats and Accommodations

Alternative formats of the application and document templates are available upon request.

Please contact Sergio Ritacco at sritacco@mwcog.org or (202) 962-3232 or (202) 962-3213.

Please allow seven working days for preparation of the material.

Technical Assistance

If you have questions or need assistance contact:

Lynn Winchell-Mendy, COG Grants Manager: lmendy@mwcog.org, 202.962.3253
Sergio Ritacco, Website and Application Support: sritacco@mwcog.org, 202.962.3232

File Attachment Summary

Applicant File Uploads

- 2017 Enhanced Mobility Program_Authorizing Resolution.pdf
- 2017CapitalMgtBudget.xlsx
- ICE_2017.pdf
- 2017OperatingBudget.xlsx
- COA.pdf
- 2017WorkPlan.pdf
- FY17 CAFR.pdf
- Letter of Support_Rockville Mayor.pdf

Authorizing Resolution

Public Transportation Program Resolution

The Mayor and Council of Rockville, Maryland

WHEREAS, the Maryland Transit Administration is the designated recipient in Maryland for grants under the Federal Transit Act; and

WHEREAS, the Maryland Transit Administration will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the Maryland General Assembly to provide assistance for public transportation projects; and

WHEREAS, the purpose of Section 5310 program is to improve mobility for seniors and Individuals with disabilities throughout the country, by removing barriers to transportation services and expanding the transportation mobility options available. Toward this goal, FTA provides financial assistance for transportation services planned, Designed, and carried out to meet the special transportation needs of seniors and Individuals with disabilities in all area.

WHEREAS, the Maryland Transit Administration has been designated as the State Agency with principal authority and responsibility for administering the Section 5310 Program for small urbanized and rural areas; and

DRAFT

WHEREAS, the Mayor and Council of Rockville, Maryland hereby assures and certifies that it will comply with the Federal and State statues, regulations, executive orders, and all small administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U.S.C.

NOW, THEREFORE, be it resolved that the Mayor and Council of Rockville, Maryland is hereby authorized to submit a grant for Federal and State funding, provide the required local match, make the necessary assurance and certifications and be empowered to enter into an agreement with the Maryland Transit Administration to provide public transportation services.

I Kathleen Conway, City Clerk and Director of Council Operations do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the Mayor and Council of Rockville duly held on the 20th day of November, 2017.

_____ _____

Signature of Certifying Official Date

DRAFT

TPB Enhanced Mobility Program Application: TWO-YEAR CAPITAL or MOBILITY MGT BUDGET

Project Name:

Organization Name:

Metropolitan Washington Council of Governments

BUDGET LINE ITEMS	TOTAL BUDGET	FTA FUNDS Requested (80%)	RECIPIENT FUNDS (Match-20%)	NUMBER JUSTIFICTION Explain how you calculated the figures-- show the math used.	SOURCE OF MATCH Cash on Hand, general revenue, outside resources, other
		Round down	Round up		
Acquisition of Equipment other than vehicles (add line items below)		-	-		
	Design	80,000.00	20,000.00	Based on design of previous projects	General Revenue
	Equipment	88,000.00	22,000.00	Based on existing and former contracts	General Revenue
	Construction	228,000.00	57,000.00	Based on previous projects and existing contracts	General Revenue
Computer Hardware and Software (describe)		-	-		
		-	-		
Mobility Management Activities (describe in line items below)		-	-		
		-	-		
		-	-		
		-	-		
		-	-		
		- -	- -		
		-	-		
TOTALS	-	396,000.00	99,000.00		

Independent Cost Estimate (ICE) Form

(Submitted at time of application as proof of cost research for applicable budgeted line items exceeding $3,500. Used later to determine if bids are fair and reasonable).

Per FTA 4220.1F, it is required that before receiving bids or proposals for a procurement using Federal funds that an Independent Cost Estimate (ICE) be performed. COG requires this at time of application. An ICE can be completed using past purchase prices, quantities, physical inspection of the product, drawings, or analysis of similar work. For more complex projects, an ICE can be completed by independent architect or engineer that will provide estimated hours, direct and indirect labor costs, and estimated profit or fee for a particular project.

City of Rockville

Project Name: Rockville Sidewalk and Bus Stop Improvements

Project Description: Sidewalk and Bus Stop Improvements

Date of Estimate: 11/1/2017

Method of Obtaining Estimate (check appropriate section and attach supporting documentation)

____ Published List Price:
____ Past Pricing (date):
____ Comparable Purchase by Other Agencies
____ Engineering or Technical Estimate
____ Independent Third Party Estimate
_X___ Other (specify): *Pricing for bus stop improvements was obtained from an existing contract between the City and a bus shelter maintenance contractor. Pricing for sidewalk improvements was obtained from similar projects completed by the City in the past.*

Through the method(s) statement above, it has been determined that the estimate total cost of the goods/services is $_____495,000_____:

Prepared by: Oleg Kotov

Phone: 240-314-8527

Email: okotov@rockvillemd.gov

Date Prepared: 11/1/2017

ON_STREET	AT_STREET	COMMENTS	COST ESTIMATE
Potomac Valley Road (between Falls Rd/Maryland Ave and New Mark Esplanade) - complete missing sidewalk segments on south side of the road.			$271,000
Falls Rd.	Cold Spring Rd	Construct sidewalk/path connection to Kimblewick path. Construct curb along boarding area and knee wall around pad.	$60,300
Jefferson St.	Ring House	Expand pad, replace existing 8'x4' shelter with a larger shelter with ADA compliant bench. Install bollards behind shelter. Install new trash can.	$8,800
Taft St.	First St.	Replace with larger shelter. Expand pad for trash can. Install ADA-compliant curb ramp at SW and SE corners of Taft and First.	$8,650
Rockville Pike	Congressional La	Expand pad, replace existing 8'x4' shelter with a larger shelter with ADA compliant bench. Replace trash can.	$8,400
Veirs Mill Rd.	Twinbrook Pkwy.	Replace existing 8'x4' shelter with a larger shelter. Replace litter receptacle with larger, ground-mounted unit.	$8,000
Veirs Mill Rd.	Atlantic Ave.	Expand pad, replace existing 8'x4' shelter with a larger shelter with ADA compliant bench. Install bollards behind shelter.	$7,750
Veirs Mill Rd.	Atlantic Ave.	Replace existing 8'x4' shelter with a larger shelter with ADA compliant bench. Install bollard behind shelter.	$7,250
Rockville Pike	Bouic Ave	Replace existing 8'x4' shelter with a larger shelter with ADA compliant bench.	$6,850
Veirs Mill Rd.	Meadow Hall Dr.	Replace existing 8'x4' shelter with a larger shelter with ADA compliant bench.	$6,850
Veirs Mill Rd.	Edmonston Dr.	Replace shelter bench. Construct concrete pad for large trash can. Relocate trash can. Install ADA compliant ramps at NE, NW, and SE corners of Edmonston and Veirs Mill service road.	$4,550
Wootton Pkwy	Falls Rd	Construct pad with retaining wall behind trail. Install freestanding bench. Install small trash can.	$4,400
Wootton Pkwy	Henslowe Dr.	Construct pad with retaining wall behind trail. Install freestanding bench.	$4,400
Veirs Mill Rd.	Edmonston Dr	Replace shelter bench. Repair retaining wall along the pathway to bus stop.	$3,000
Tower Oaks Blvd	#2600	Construct pad, install freestanding bench. Replace 2 curb ramps at Tower Oaks and Preserve Pkwy	$2,950
Stonestreet Ave.	Frederick Ave.	Construct ADA pad, install freestanding bench. Replace 2 curb ramps at SE and SW corners of Stonestreet and Frederick.	$2,850
Washington St.	Dawson Ave.	Replace shelter bench and large trash can. Construct path around pole in sidewalk (about 30 sq.ft.).	$2,750
Jefferson St.	Rollins Ave.	Replace shelter bench and trash can. Expand shelter pad to create an accessible path and space for trash can.	$2,750
Seven Locks Rd.	Twin Oaks Dr.	Construct ADA and freestanding bench pad, install freestanding bench.	$2,550
Frederick Ave	Moore Dr	Construct ADA and freestanding bench pad, install freestanding bench.	$2,550
Wootton Pkwy	Glen Mill Rd.	Install freestanding bench pad, install freestanding bench. Replace curb ramp going across Wootton.	$2,550
Monroe St.	Argyle St.	Construct ADA pad, install lean rail behind sidewalk. Replace SE and SW ramps on Monroe at Argyle.	$2,300
Jefferson St.	Rollins Ave.	Construct pad and install freestanding bench. Provide a trash can.	$2,300
Washington St.	Martins La.	Install pad and freestanding bench.	$1,950
Piccard Dr.	Gude Dr	Replace shelter bench. Replace litter receptacle.	$1,850
Jefferson St.	Congressional La	Replace shelter bench. Construct concrete pad for large trash can. Relocate trash can. Install ADA-compliant curb ramp at SE corner of Jefferson and Congressional	$1,750
Research Blvd.	Research Ct.	Construct pad behind sidewalk, install freestanding bench.	$1,750
Baltimore Rd.	Taylor Ave	Construct pad behind sidewalk, install freestanding bench.	$1,750
Maryland Ave	Great Falls Rd.	Construct pad behind sidewalk, install freestanding bench.	$1,750
Maryland Ave.	Washington St.	Construct pad behind sidewalk, install freestanding bench.	$1,750
Maryland Ave.	Monument St.	Construct pad behind sidewalk, install freestanding bench.	$1,750
Stonestreet Ave.	Spring Ave.	Construct pad behind sidewalk, install freestanding bench.	$1,750
Seven Locks Rd.	Twin Oaks Dr.	Construct pad behind trail, install freestanding bench.	$1,750
College Parkway	Rutgers St	Construct pad, install freestanding bench.	$1,750
Research Blvd.	#2275	Construct pad, install freestanding bench.	$1,750
Research Blvd.	#2277	Construct pad, install freestanding bench.	$1,750
Seven Locks Rd.	Fortune Terr.	Install pad behind trail, install freestanding bench.	$1,750
Veirs Mill Rd.	Meadow Hall Dr	Replace shelter bench. Install ADA-compliant curb ramp at NE corner of Meadow Hall and Veirs Mill service road.	$1,700
Halpine Rd.	Rockville Pike	Install shelter bench. Install ADA compliant curb ramp at plaza driveway crossing to the south of the stop.	$1,600
Frederick Ave.	Horners La	Install shelter bench. Install ADA-compliant curb ramp at NW corner of Horners and Frederick.	$1,600
Research Blvd.	Tracor (#1601)	Expand pad to create a flat, 5'x8' ADA wheelchair ramp and space for trash can. Shift shelter farther away from crosswalk. Replace trash can	$1,550
Jefferson St.	Halpine Rd	Replace shelter bench. Construct concrete pad for large trash can. Relocate trash can	$1,150
Hungerford Dr.	Beall Ave	Replace shelter bench. Construct concrete pad for large trash can. Relocate trash can.	$1,150
Halpine Rd.	E Jefferson St.	Replace shelter bench. Construct concrete pad for litter receptacle	$1,150
Halpine Rd.	Rockville Pike	Replace shelter bench. Construct concrete pad for litter receptacle	$1,150
Cabin John Pkwy	Monroe St.	Construct pad behind stop, install lean rail	$1,100
Baltimore Rd.	Cove La.	Install new large trash can	$1,050
Frederick Rd.	Indianola Dr.	Install freestanding bench.	$1,050
Southlawn Dr.	Horners La	Install freestanding bench.	$1,050
Taft St.	Gude Dr.	Install freestanding bench.	$1,050
Wootton Pkwy	Wootton H.S.	Install freestanding bench.	$1,050

Frederick Rd.	Mannakee St.	Install freestanding bench.	$1,050
Washington St.	Court House Squa	Construct ADA pad.	$1,000
Wootton Pkwy	Rockshire Shop C	Replace curb ramp	$1,000
Research Blvd.	Aspen Plaza (#16	Replace shelter bench	$700
Research Blvd.	12 Oaks (#1450)	Replace shelter bench	$700
Research Blvd.	New Covenant Chu	Replace shelter bench	$700
Research Blvd.	Gude Dr.	Replace shelter bench	$700
Research Blvd.	Research Pl	Replace shelter bench	$700
Tower Oaks Blvd	#2800	Replace shelter bench	$700
Wootton Pkwy	Seven Locks Rd.	Replace shelter bench	$700
Twinbrook Pkwy.	Marshall Ave.	Replace shelter bench.	$700
Halpine Rd.	Jefferson St.	Replace shelter bench.	$700
Chapman Ave.	Bouic Ave.	Replace shelter bench.	$700
Chapman Ave.	Bouic Ave.	Replace shelter bench.	$700
Frederick Rd.	Redland Rd.	Replace shelter bench.	$700
Frederick Rd.	Watkins Pond Blvd	Replace shelter bench.	$700
Hungerford Dr.	#451	Replace shelter bench.	$700
Hungerford Dr.	#451	Replace shelter bench.	$700
Piccard Dr.	Gude Dr.	Replace shelter bench.	$700
Research Blvd.	#2277	Replace shelter bench.	$700
Rockville Pike	Mt Vernon Pl.	Install shelter bench.	$600
Shady Grove Rd.	Choke Cherry Rd.	Install shelter bench.	$600
Frederick Ave.	Horners La	Install shelter bench	$600
Rockville Pike	Richard Montgome	Install shelter bench	$600
Veirs Mill Rd	Dodge St	Re-orient shelter	$500
Frederick Rd.	Mannakee St.	Install lean rail	$500
Maryland Ave.	Potomac Valley Rd.	Install small trash can	$350
Seven Locks Rd.	Fortune Tr.	Install small trash can	$350
			$495,000

TPB Enhanced Mobility Program Application: TWO-YEAR OPERATING BUDGET

Project Name:

Organization Name:

Metropolitan Washington Council of Governments

BUDGET LINE ITEMS	TOTAL BUDGET	FTA FUNDS Requested (50%) (round down)	RECIPIENT FUNDS (Match- 50%) (round up)	NUMBER JUSTIFICTION Explain how you calculated the figures-- show the math used.	SOURCE OF MATCH Cash on Hand, general revenue, outside resources, other
Salaries					
Fringe Benefits					
Meeting/Training Expenses		-	-		
Vehicle Operating Costs		-	-		
Service Operating Costs		-	-		
Marketing/Media/Outreach		-	-		
Focus Groups/Survey Costs		-	-		
Travel		-	-		
Other		-	-		
		-	-		
TOTALS	-	-	-		

Enhanced Mobility of Seniors and Individuals with Disabilities Program Application

Certification of Availability of Matching Funds

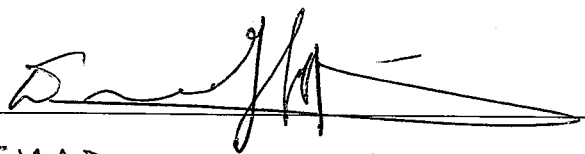
The undersigned hereby certifies that City of Rockville
(applicant)
is authorized to enter into an Agreement with the Metropolitan Washington Council of Governments to receive a Federal Transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities grant should a grant be awarded.

The Enhanced Mobility program requires matching funds of twenty percent (20%) of total Capital costs and fifty (50%) of total Operating costs.

The undersigned hereby certifies that City of Rockville
(applicant)
agrees to provide the following amount of requisite total matching funds

$ 99,000.— (Total matching funds from application: capital plus operating).

The source(s) of these funds are: Transportation Improvement Fees
(Describe and provide amounts from project partners, if f applicable).

Signature 

Name (Printed): EMAD ELSHAFEI

Title: Chief of Traffic & Transportation

Organization: City of Rockville

Date: 11/3/2017

National Capital Region
Transportation Planning Board

Enhanced Mobility of Seniors and Individuals with Disabilities Program

2-Year Work Plan

Agency: City of Rockville
Project Title: Rockville Bus Stop and Sidewalk Improvements

Goal #1: Potomac Valley Rd Sidewalk										
Objective/Major Activity:	Benchmarks (outputs)	Timeline								
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Estimated Completion Date (month end)
1. Planning & Public Outreach	Finalized concept plan and approval from adjacent residents	X	X							
2. Survey & Design	100% design documents		X	X	X	X				
3. Procurement & Construction	Procure contractor and complete construction					X	X	X	X	November, 2019

Goal #2: Bus Stop Improvements										
Objective/Major Activity:	Benchmarks (outputs)	Timeline								
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Estimated Completion Date (month end)
1. Equipment Procurement	Purchase of bus stop amenities: shelters, benches and trash cans.	X	X	X						
2. Contractor Procurement	Procurement of contractor through competitive bids			X	X	X	X			
3. Construction/Installation	Constructing all proposed improvements and amenities.						X	X	X	November, 2019

Management's Discussion and Analysis

Management's Discussion and Analysis

As management of the City of Rockville (the City), we offer readers of the City's financial statements a narrative overview and analysis of the financial activities of the City for the fiscal year ended June 30, 2017. We encourage readers to consider the information presented in conjunction with the additional information that we have furnished in our letter of transmittal, which can be found on pages 5-8 of this report and the financial statements beginning on page 23.



FINANCIAL HIGHLIGHTS

- The assets of the City exceeded its liabilities at the close of the current fiscal year by $348,803,112 (net position). That amount includes a positive balance of $5,205,826 from unrestricted net position made up of $18,653,066 from governmental activities and a deficit of $13,447,240 from business-type activities. The unrestricted deficit from business-type activities exists primarily due to continued costs of improvements to the City's water and sewer infrastructure.

- As of the close of the current fiscal year, the City's governmental funds reported combined ending fund balances of $49,853,779. Approximately 18.4% of this total amount is reported as restricted special revenue programming totaling $9,196,988.

- At the end of the current fiscal year, unassigned fund balance for the General Fund was $19,643,296 or 25.5% of total General Fund budgeted revenues (adopted) of $76,920,000.

- The City's total debt principal outstanding decreased by $6,592,967 or 4.8%. During the year, new general obligation bonds were issued for water, sewer, and capital projects and outstanding 2007 and 2008 bonds were advance refunded in the water, sewer and capital projects funds.

- Interest on investment earnings earned by the City's general investment portfolio totaled $266,837 for an average rate of return of 0.47%. The average daily investment portfolio was $56,543,273.

OVERVIEW OF THE FINANCIAL STATEMENTS

This discussion and analysis is intended to serve as an introduction to the City's basic financial statements. The City's basic financial statements are comprised of three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains other required supplementary information in addition to the basic financial statements themselves.

Government-wide Financial Statements:

The government-wide financial statements are designed to provide readers with a broad overview of the City's finances in a manner similar to a private-sector business.

The Statement of Net Position presents information on the City's assets and liabilities, with the difference between the two reported as net position. Over time, fluctuations in net position may serve as a useful indicator of whether the financial position of the City is improving or deteriorating.

The Statement of Activities presents information showing how the City's net position changed during the current fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused vacation leave).

Both of the government-wide financial statements distinguish functions of the City that are principally supported by taxes and intergovernmental revenues (governmental activities) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities). The governmental activities of the City include general government, community development block grant (CDBG) administration, community development, public works, public safety, and recreation and parks. The business-type activities of the City include water, sewer, refuse, stormwater management, parking, and golf course operations.

The government-wide financial statements can be found on pages 23-24 of this report.

Fund Financial Statements:

A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All the funds of the City can be divided into three categories: governmental funds, proprietary funds, and fiduciary funds.

Governmental funds: Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on the near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the governmental-wide financial statements. By doing so, readers may better understand the long-term impact of the City's near-term financing decisions. Reconciliations are provided between the governmental funds Balance Sheet and the government-wide Statement of Net Position and also between the Statement of Revenues, Expenditures, and Changes in Fund Balances of governmental funds and the government-wide Statement of Activities.

The City maintains six individual governmental funds. Information is presented separately in the governmental funds Balance Sheet and in the governmental funds Statement of Revenues, Expenditures, and Changes in Fund Balances for the General Fund, Debt Service Fund, and Capital Projects Fund, as they are considered major funds. Data from the other three governmental funds are combined into a single, aggregated presentation. Individual fund data for each of these nonmajor governmental funds is provided in the form of combining statements on pages 72-73 of this report.

The City adopts an annual appropriated budget for its General Fund, Debt Service Fund, and Non-Major Governmental Funds. Budgetary comparison statements can be found on pages 69, 71 and 74, respectively.

The governmental funds financial statements can be found on pages 25 and 27 of this report.

Proprietary funds: The City maintains six different enterprise funds. Enterprise funds are used to report the same functions presented as business-type activities in the government-wide financial statements. The City uses enterprise funds to account for its water, sewer, refuse, stormwater management, parking, and golf course operations.

Enterprise funds provide the same type of information as the government-wide financial statements, only in more detail. The enterprise financial statements provide separate information for the Water Facility, Sanitary Sewer, Refuse, Parking, Stormwater Management, and the RedGate Golf Course, which are considered the major funds of the City. The Stormwater Management and RedGate Golf Course Funds do not meet the requirements of a major fund, but management has elected to report these funds as major.

The enterprise funds financial statements and cash flows can be found on pages 29-32 of this report.

Fiduciary funds: The Fiduciary Funds are used to account for resources held for the benefit of parties outside the government. The Pension Trust Funds and OPEB Trust Fund are not reflected in the government-wide financial statement because the resources of these funds are not available to support the City's own programs. The accounting used for the trust funds are much like that used for proprietary funds.

The Fiduciary Funds financial statements can be found on pages 33 and 34 of this report.

Notes to the financial statements: The notes provide additional information that is essential for a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found on pages 35-63 of this report.

Other information: In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information concerning the Rockville Employee Retirement System, the other post-employment benefits (OPEB) plan, and the City's budgetary comparison schedules for major governmental funds. Required supplementary information can be found beginning on page 65 of this report.

The combining statements referred to earlier in connection with nonmajor governmental funds are presented immediately following the required supplementary information. Combining and individual fund statements along with budgetary comparison schedules can be found on pages 72 through 74 of this report.

GOVERNMENT-WIDE FINANCIAL ANALYSIS

As noted earlier, over time, changes in net position serves as a useful indicator of a government's financial position. The City's overall assets exceeded all its liabilities by $348,803,112 at the close of the current fiscal year.

The largest portion of the City's net position (95.9%) is reflected in its net investment in capital assets (e.g., CIP and infrastructure less accumulated depreciation), less any related debt used to acquire those assets that is still outstanding, excluding unspent debt proceeds of $2,660,048. The City uses these capital assets to provide services to residents; consequently, these assets are not available for future spending. Although the City's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

City of Rockville's Net Position

	Governmental Activities		Business-Type Activities		Total	
	2017	2016	2017	2016	2017	2016
Current and Other Assets	$ 42,112,441	$ 45,601,986	$ 13,237,487	$ 12,841,573	$ 55,349,928	$ 58,443,559
Noncurrent and Capital Assets	284,178,244	277,667,462	178,172,477	173,009,787	462,350,721	450,677,249
Deferred Outflows of Resources	7,869,168	6,665,535	3,146,860	2,912,690	11,016,028	9,578,225
Total Assets and Deferred Outflows of Resources	$ 334,159,853	$ 329,934,983	$ 194,556,824	$ 188,764,050	$ 528,716,677	$ 518,699,033
Noncurrent Liabilities	62,776,753	61,719,318	104,836,889	106,774,620	167,613,642	168,493,938
Other Liabilities	(7,974,478)	(4,576,715)	20,264,218	17,800,099	12,289,740	13,223,384
Deferred Inflows of Resources	10,183	1,134,254	-	-	10,183	1,134,254
Total Liabilities and Deferred Inflows of Resources	$ 54,812,458	$ 58,276,857	$ 125,101,107	$ 124,574,719	$ 179,913,565	$ 182,851,576
Net Position:						
Net investment in capital assets	251,497,341	242,206,193	82,902,957	80,207,561	334,400,298	322,413,754
Restricted	9,196,988	8,958,785	-	-	9,196,988	8,958,785
Unrestricted	18,653,066	20,493,148	(13,447,240)	(16,018,230)	5,205,826	4,474,918
Total Net Position	$ 279,347,395	$ 271,658,126	$ 69,455,717	$ 64,189,331	$ 348,803,112	$ 335,847,457

At the end of the current fiscal year, there is a positive balance of $5,205,826 in unrestricted net position. This is an increase of $730,908 from the balance of $4,474,918 in unrestricted net position in fiscal year 2016. This increase is attributable to the City's improved financial condition and performance in fiscal year 2017. The City reports positive net position balances for the City as a whole, as well as for its separate governmental and business-type activities, for the current fiscal year, with the exception of the CDBG Fund and Parking Fund.

The governmental net investment in capital assets, increased by $9,291,148 or 3.8%. This increase is related to capital projects expenditures during the current fiscal year.

The business-type activities net investment in capital assets, increased by $2,695,396 or 3.4%. This increase is related to capital projects expenditures during the current fiscal year.

City of Rockville's Change in Net Position

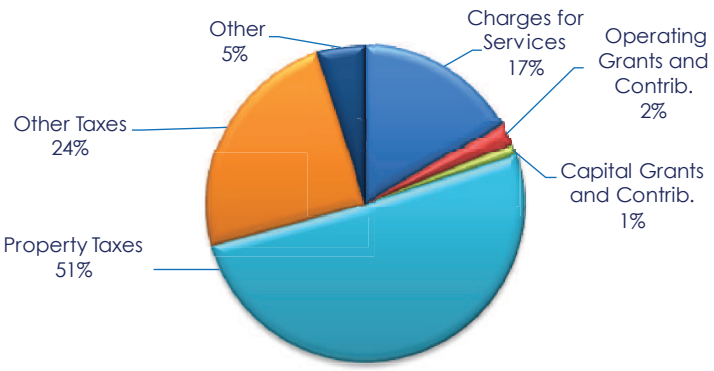
	Governmental Activities		Business-Type Activities		Total	
	2017	2016	2017	2016	2017	2016
Revenues:						
Program revenues:						
Charges for services	$ 13,154,992	$ 12,864,541	$ 37,527,726	$ 35,221,182	$ 50,682,718	$ 48,085,723
Operating grants & contrib.	1,842,041	1,414,801	-	-	1,842,041	1,414,801
Capital grants & contrib.	929,414	1,021,763	1,683,070	2,523,759	2,612,484	3,545,522
General revenues:						
Property taxes	40,246,427	38,283,902	206,704	196,481	40,453,131	38,480,383
Other taxes	19,206,229	19,170,951	-	-	19,206,229	19,170,951
Other	3,866,099	3,400,734	345,143	145,347	4,211,242	3,546,081
Total Revenues:	$ 79,245,202	$ 76,156,692	$ 39,762,643	$ 38,086,769	$ 119,007,845	$ 114,243,461
Expenses:						
General government	$ 22,179,924	$ 19,939,261	$ -	$ -	$ 22,179,924	$ 19,939,261
CDBG	-	192,372	-	-	-	192,372
Community development	5,559,447	5,208,701	-	-	5,559,447	5,208,701
Public safety	13,055,908	14,011,145	-	-	13,055,908	14,011,145
Public works	11,298,192	11,489,202	-	-	11,298,192	11,489,202
Recreation and Parks	22,483,951	21,677,656	-	-	22,483,951	21,677,656
Interest on long term debt	1,279,361	1,451,990	-	-	1,279,361	1,451,990
Water	-	-	9,541,833	8,954,708	9,541,833	8,954,708
Sewer	-	-	10,632,475	12,465,393	10,632,475	12,465,393
Refuse	-	-	4,593,424	4,273,936	4,593,424	4,273,936
Parking	-	-	1,800,872	1,783,298	1,800,872	1,783,298
Stormwater management	-	-	3,522,042	3,176,524	3,522,042	3,176,524
Golf Course	-	-	104,761	105,439	104,761	105,439
Total Expenses:	$ 75,856,783	$ 73,970,327	$ 30,195,407	$ 30,759,298	$ 106,052,190	$ 104,729,625
Increase in net position before transfers and contributions	3,388,419	2,186,365	9,567,236	7,327,471	12,955,655	9,513,836
Transfers and contributions	4,300,850	4,130,270	(4,300,850)	(4,130,270)	-	-
Increase/(Decrease) in net position	7,689,269	6,316,635	5,266,386	3,197,201	12,955,655	9,513,836
Net position - beginning	271,658,126	265,341,491	64,189,331	60,992,130	335,847,457	326,333,621
Net position - ending	$ 279,347,395	$ 271,658,126	$ 69,455,717	$ 64,189,331	$ 348,803,112	$ 335,847,457

Governmental activities: Governmental activities net position was $279,347,395 at the end of the fiscal year, an increase of $7,689,269, or 2.8% over beginning net position. Program revenues increased by $625,342 (4.1%), which is made up of increases in charges for services of $290,451, and increases in grant revenues of $334,891. General revenues increased by $2,463,168 (4.0%) which is mainly attributable to an increase in property tax revenues of $1,962,525 and a $336,375 increase in admissions and amusement tax revenue. Continued efforts to closely monitor costs across every department allowed for total revenues to exceed expenses in the government-wide Statement of Activities.

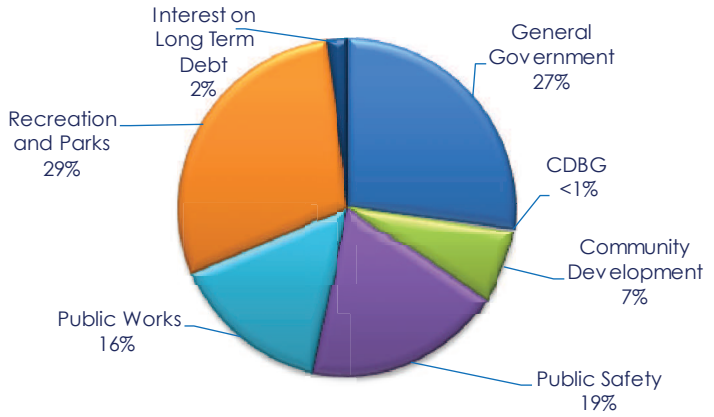
For the year ended June 30, 2017 the two most significant sources of governmental revenue were property taxes and other taxes, which include but are not limited to income tax, gas and motor vehicle tax, and county tax duplication. The two most significant governmental functional expenses were for recreation and parks and general government, which makes up the City Manager, City Clerk, legal, finance, human resources, and information technology functions of the City.

Business-type activities: Business-type activities net position was $69,455,717 at the end of the fiscal year, an increase of $5,266,386, or 8.2% over beginning net position. Program revenues increased by $1,465,855 (3.9%) when compared to the previous fiscal year. This revenue increase is due to increased utility and service rates from the prior year, and offset by a reduction in capital grant revenues. Expenses decreased by $563,891 (1.8%) when compared to the previous fiscal year. This decrease is primarily due to less operating and maintenance costs for City wastewater treatment facilities as compared to fiscal year 2016, offset by increases supporting continued performance-based pay and cost of living pay increases for employees.

Governmental Revenue Sources - June 30, 2017

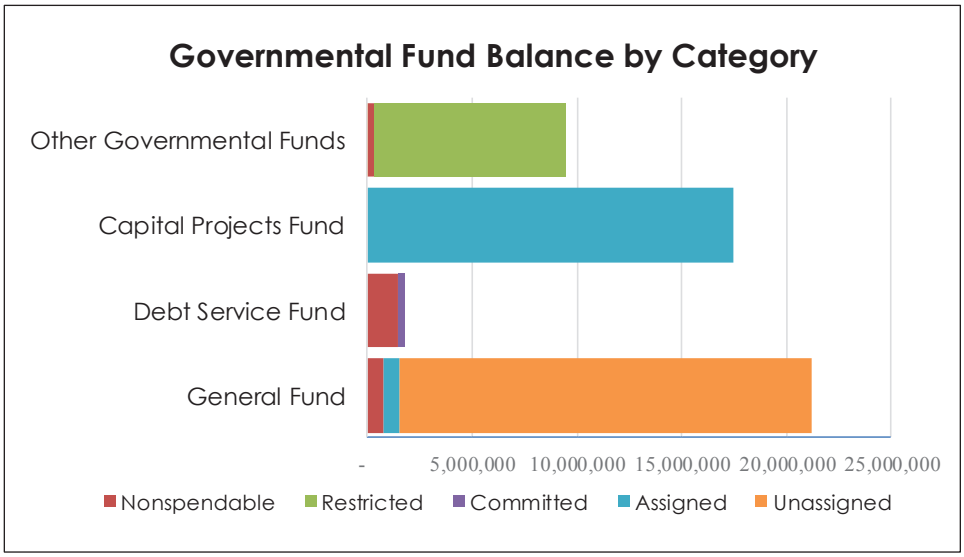


Governmental Functional Expenses - June 30, 2017



Governmental funds: The focus of the City's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the City's short term financing requirements. In particular, the unassigned fund balance may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

All the City's governmental funds continue to hold reserves above policy level. This is reflective of the strength of the City's finances as it continues to manage growth.



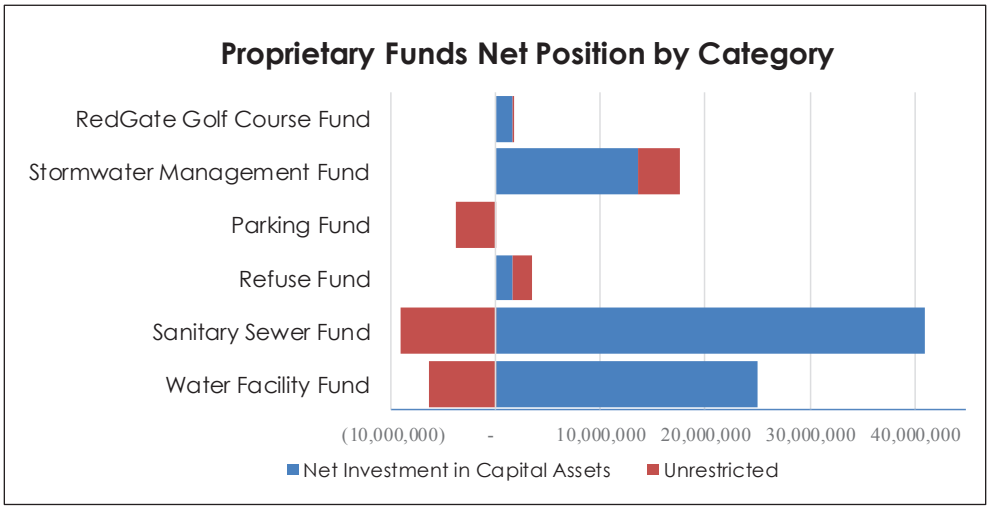
At the end of the current fiscal year, the City's governmental funds reported a combined ending fund balance of $49,853,779, a decrease of $251,466 or 0.5% in comparison with the prior fiscal year. This modest decrease is due to increased capital outlay during the year, particularly in the Capital Projects Fund, offset in part by increases in tax revenues. The classifications of fund balance are $2,499,453 as nonspendable, $9,196,988 as restricted for special revenue programming, $320,328 as committed for debt service, $18,206,702 as assigned for capital outlays, consulting services, and other purposes, and $19,630,308 as unassigned.

The General Fund is the chief operating fund of the City. At the end of the current fiscal year, the unassigned fund balance is $19,643,296, of the total fund balance of $21,176,077. The unassigned fund balance decreased $1,395,730 or 6.6% from the prior fiscal year and the total fund balance decreased $2,640,275 or 11.1% from the prior fiscal year. These decreases were a result of planned increased pay-go funding provided to the Capital Projects Fund and the recognition of amounts previously classified as nonspendable advances.

The Debt Service Fund has a total fund balance of $1,742,066, of which $320,328 is committed to the payment of debt service and $1,421,738 is related to nonspendable advances. The increase in fund balance was $139,867 or 8.7%. This increase was due to transfers from the General Fund into the Debt Service Fund exceeding debt service expenditures.

The Capital Projects Fund has a total fund balance of $17,467,665, which is assigned to capital outlay. The increase in fund balance was $1,672,619 or 10.6%. This increase was due to bond proceeds and General Fund transfers for planned future capital outlays.

Proprietary funds: The City's proprietary funds provide similar information found in the government-wide financial statements, but in more detail.



Overall, the results of the City's Enterprise Funds' operations are mixed, with some funds meeting reserve requirements, and others not. Continued liquidity issues in the Water Facility and Sanitary Sewer Funds, due to the investment in infrastructure improvements, are being addressed through planned rate increases.

Unrestricted net position of the Water Facility, Sanitary Sewer, Refuse, Parking, Stormwater Management, and RedGate Golf Course Funds at the end of the fiscal year amounted to ($6,383,384), ($9,024,629), $1,741,940, ($3,800,765), $3,961,902 and $57,696, respectively.

Fiduciary funds. The City's fiduciary funds provide information on the pension and post-employment health benefit trusts maintained by the City. These funds are not reported in the government-wide financial statements.

The net position of the Pension Trust Funds and OPEB Trust Fund at the end of the year amounted to $127,286,202 and $7,027,859, respectively. Net position increased in both funds as a result of investment performance and ongoing City contributions. The City made its full actuarially determined contributions (ADC) for both funds.

GENERAL FUND BUDGETARY HIGHLIGHTS

The final amended budget included a $1,061,840 increase in revenues from the original adopted budget primarily due to increased revenue projections from income tax. Operating expenses in the final amended budget included a $1,725,917 net increase from the original adopted budget. The net increase is a result of increases for reappropriation of fiscal year 2016 encumbrances and the recognition of grant expenses realized under economic development agreements.

Actual revenues were $1,900,942 higher than the final amended budget. The increase is primarily a result of higher than projected income tax, property tax and grants of $577,486, $554,716, and $403,686, respectively combined with other smaller variances. Actual operating expenditures were $2,413,472 less than the final amended budget. This decrease is a result of vacant positions, unfinished consultant studies, outstanding vehicle replacements and other smaller operating cost reductions across programs.



CAPITAL ASSET AND DEBT ADMINISTRATION

Capital assets. The City's investment in capital assets for its governmental and business-type activities as of June 30, 2017, amounts to $438,391,022 (net of accumulated depreciation). This investment in capital assets includes land, buildings and system improvements, machinery and equipment, park facilities, roads, highways and bridges, and water and sewer improvements. The total increase in the City's investment in capital assets for the current fiscal year was $11,816,365 or 2.8%.

Major capital asset events during the current fiscal year included the following:

- Rehabilitation and replacement of water and sewer mains throughout the City totaling $4,898,297.
- Acquisitions of three parcels of land totaling $3,700,650.
- The last of the stormwater improvements and stream restoration tasks for Dogwood Park were completed with costs totaling $1,041,766.
- Improvements to City roads, bridges and sidewalks continued; construction costs at the end of the current fiscal year were $5,754,964.

City of Rockville's Capital Assets, Net of Accumulated Depreciation

	Governmental Activities		Business-Type Activities		Total	
	2017	2016	2017	2016	2017	2016
Land	$ 11,544,482	$ 7,843,832	$ 2,058,940	$ 2,058,940	$ 13,603,422	$ 9,902,772
Construction in Progress	4,371,418	2,966,485	5,013,391	6,956,236	9,384,809	9,922,721
Buildings	65,686,956	66,516,856	484,682	523,996	66,171,638	67,040,852
Improvements other than Buildings	15,448,667	15,686,757	132,997,077	125,690,654	148,445,744	141,377,411
Equipment	11,975,670	12,467,404	3,185,421	2,898,513	15,161,091	15,365,917
Infrastructure	175,151,051	172,186,128	-	-	175,151,051	172,186,128
Purchased Capacity	-	-	10,473,267	10,778,856	10,473,267	10,778,856
Total	$ 284,178,244	$ 277,667,462	$ 154,212,778	$ 148,907,195	$ 438,391,022	$ 426,574,657

Additional information on the City's capital assets can be found in Note (2) D on pages 44-45 of this report.

Long-term obligations: At the end of the current fiscal year, the City had total long term obligations of $167,613,642, which are backed by the full faith and credit of the government. Governmental debt is repaid from tax revenues, and business-type debt is repaid from charges for services.

City of Rockville's Long Term Obligations

	Governmental Activities		Business-Type Activities		Total	
	2017	2016	2017	2016	2017	2016
Bonds Payable and Loans Payable, net	$ 33,821,450	$ 36,775,627	$ 103,851,956	$ 105,856,569	$ 137,673,406	$ 142,632,196
Accrued Obligations for Compensated Balances	4,920,012	4,724,609	984,933	918,051	5,904,945	5,642,660
Claims Payable	1,768,150	1,591,998	-	-	1,768,150	1,591,998
Net Pension Liability	21,520,338	17,908,264	-	-	21,520,338	17,908,264
Net OPEB Obligation	746,803	718,820	-	-	746,803	718,820
Total Long-Term Liabilities	$ 62,776,753	$ 61,719,318	$ 104,836,889	$ 106,774,620	$ 167,613,642	$ 168,493,938

The City's total debt principal outstanding decreased by $4,958,790 (3.5%) compared to the prior fiscal year, not including the impact of unamortized bond premiums and deferred charges on advance refundings. This decrease represents the impact of the issuance of advance refunding bonds in the current fiscal year and the repayment on existing long term debt. Compensated absences increased by $262,285 (4.6%) during the fiscal year. The net pension liability, which was introduced in fiscal year 2015 with the adoption of GASB Statement No. 68 represents the long-term liabilities for payments to retirees, net of the City's current pension investments. The net pension liability increased $3,612,074 (20.2%) based on projected future pension payments. The net OPEB obligation increased by $27,983 (3.9%) during the fiscal year.

The City has been awarded a "AAA" rating from Standard & Poor's and a "Aaa" rating from Moody's Investor Service for all of its outstanding general obligation debt.

Additional information on the City's long-term debt can be found in Note (2) F on pages 46-51 of this report. Additional information on the City's net pension liability and net OPEB obligation can be found in Note (4) and Note (5), respectively on pages 54-63 of this report.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGETS AND RATES

The Mayor and Council adopted the Fiscal Year 2018 (FY18) operating and capital budgets on May 1, 2017. The total operating budget for all funds equals $130.3 million, an increase of 3.2% from the previous year. The General Fund budget equals $79.7 million, an increase of 3.3%. The FY17 real property tax rate of $0.292 per $100 of assessed valuation remains the same for FY18. In addition to adopting the FY18 budget ordinance, the Mayor and Council also approved several ordinances and resolutions that set the utility rates. Those include:

- A stormwater utility rate of $127.70 per equivalent residential unit (ERU). Each residential property will pay $127.70 or one ERU per year, and each commercial property will pay $127.70 multiplied by the number of ERUs measured on their property. This rate is unchanged from fiscal year 2017.
- Water usage rates continue to follow a multi-tiered progressive structure which incorporates both fixed and variable charges based on consumption and meter size. On average, these rates reflect a 3.5% increase in fiscal year 2018.
- Sewer rate of $9.26 per 1,000 gallons, an increase of 12.5% from the FY17 rate of $8.23.
- Refuse rate of $445 per residential property per year, an increase of 5.0% from the FY17 rate of $424.

An important aspect of utility rate setting for the fiscal year 2018 budget were the rate increases in the water, sewer, and refuse programs, which ensure the financial health of these operations. Mayor and Council adopted the fiscal year 2018 rates and future rates to ensure rate stability and consistency for City residents.

An important economic factor that directly impacts the City's budget is property assessments. In January 2016, a portion of the City's properties were reassessed. While there were no reassessments in January 2017, the three-year phase in from the 2016 reassessment combined with new properties on the City's tax roll, results in a projected 3.5% increase in real property tax revenues for fiscal year 2018. Budgeted personal property taxes are expected to remain flat and consistent with actual revenues the City has received historically. These combined factors, brings estimated total real and personal property tax revenue to $40.9 million, an increase of approximately $1.3 million. While this provides a positive outlook, the City will continue to maintain reserves at policy levels and closely monitor spending.

REQUESTS FOR INFORMATION

This financial report is designed to provide a general overview of the City's finances for all those with an interest in the City's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the Chief Financial Officer, 111 Maryland Avenue, City of Rockville, Rockville, Maryland, 20850.

Basic Financial Statements

City of Rockville, Maryland

Statement of Net Position

June 30, 2017

	Governmental Activities	Business-type Activities	Total
Assets			
Equity in pooled cash and cash equivalents	$ 36,044,433	$ 7,684,521	$ 43,728,954
Property tax receivable, net	372,721	-	372,721
Accounts receivable, net	623,317	5,510,964	6,134,281
Due from other governments	2,539,902	-	2,539,902
Prepaid assets	156,000	-	156,000
Loans receivable	1,889,274	-	1,889,274
Other assets	478,092	42,002	520,094
Unbilled assessments receivable	8,702	-	8,702
Capital assets (net of accumulated depreciation):			
Land	11,544,482	2,058,940	13,603,422
Construction in progress	4,371,418	5,013,391	9,384,809
Buildings, Improvements and Infrastructure	256,286,674	133,481,759	389,768,433
Equipment	11,975,670	3,185,421	15,161,091
Purchased capacity	-	10,473,267	10,473,267
Accounts receivable, net	-	139,693	139,693
Capital lease, net	-	23,820,006	23,820,006
Total Assets	$ 326,290,685	$ 191,409,964	$ 517,700,649
Deferred Outflows of Resources			
Deferred outflows from pensions	$ 7,696,423	$ -	$ 7,696,423
Deferred charge on advance refunding	172,745	3,146,860	3,319,605
Total Deferred Outflows of Resources	$ 7,869,168	$ 3,146,860	$ 11,016,028
Total Assets and Deferred Outflows of Resources	$ 334,159,853	$ 194,556,824	$ 528,716,677
Liabilities			
Accounts payable	$ 3,486,492	$ 2,377,193	$ 5,863,685
Internal balances	(16,772,813)	16,772,813	-
Accrued liabilities	2,091,487	772,513	2,864,000
Unearned revenue	1,358,978	-	1,358,978
Retainages payable	294,644	325,204	619,848
Deposits and other liabilities	1,566,734	16,495	1,583,229
Noncurrent Liabilities:			
Due within one year:			
Compensated absences	3,591,609	719,001	4,310,610
Bonds payable and loan payable, net	3,809,203	7,007,854	10,817,057
Claims payable	671,897	-	671,897
Due in more than one year:			
Compensated absences	1,328,403	265,932	1,594,335
Bonds payable and loans payable, net	30,012,247	96,844,102	126,856,349
Claims payable	1,096,253	-	1,096,253
Net pension liability	21,520,338	-	21,520,338
Net OPEB obligation	746,803	-	746,803
Total Liabilities	$ 54,802,275	$ 125,101,107	$ 179,903,382
Deferred Inflows of Resources			
Deferred inflows from pensions	$ 10,183	$ -	$ 10,183
Deferred inflows from OPEB	-	-	-
Total Deferred Inflows of Resources	$ 10,183	$ -	$ 10,183
Total Liabilities and Deferred Inflows of Resources	$ 54,812,458	$ 125,101,107	$ 179,913,565
Net Position			
Net investment in capital assets	$ 251,497,341	$ 82,902,957	$ 334,400,298
Restricted for:			
Special activities fund programming	9,196,988	-	9,196,988
Unrestricted	18,653,066	(13,447,240)	5,205,826
Total Net Position	$ 279,347,395	$ 69,455,717	$ 348,803,112
Total Liabilities, Deferred Inflows of Resources and Net Position	$ 334,159,853	$ 194,556,824	$ 528,716,677

See accompanying notes to the basic financial statements.

City of Rockville, Maryland

Statement of Activities
For the Fiscal Year Ended June 30, 2017

Functions / Programs	Expenses	Program Revenues: Charges for Services	Program Revenues: Operating Grants and Contributions	Program Revenues: Capital Grants and Contributions	Net (Expense) Revenue and Changes in Net Position Primary Government: Governmental Activities	Net (Expense) Revenue and Changes in Net Position Primary Government: Business-type Activities	Net (Expense) Revenue and Changes in Net Position Primary Government: Total
Primary Government:							
Governmental activities:							
General government	$ 22,179,924	$ 411,704	$ 259,008	$ -	$ (21,509,212)	$ -	$ (21,509,212)
Community development	5,559,447	2,043,566	235,878	10,669	(3,269,334)	-	(3,269,334)
Public safety	13,055,908	4,367,130	780,346	-	(7,908,432)	-	(7,908,432)
Public works	11,298,192	208,457	-	743,745	(10,345,990)	-	(10,345,990)
Recreation and parks	22,483,951	6,124,135	566,809	175,000	(15,618,007)	-	(15,618,007)
Interest long-term debt	1,279,361	-	-	-	(1,279,361)	-	(1,279,361)
Total Governmental Activities	$ 75,856,783	$ 13,154,992	$ 1,842,041	$ 929,414	$ (59,930,336)	$ -	$ (59,930,336)
Business-Type Activities:							
Water	$ 9,541,833	$ 12,360,559	$ -	$ -	$ -	$ 2,818,726	$ 2,818,726
Sewer	10,632,475	12,407,271	-	-	-	1,774,796	1,774,796
Refuse	4,593,424	6,121,016	-	-	-	1,527,592	1,527,592
Parking	1,800,872	857,266	-	306,322	-	(637,284)	(637,284)
Stormwater management	3,522,042	5,781,614	-	1,376,748	-	3,636,320	3,636,320
RedGate golf course	104,761	-	-	-	-	(104,761)	(104,761)
Total Business-Type Activities	$ 30,195,407	$ 37,527,726	$ -	$ 1,683,070	$ -	$ 9,015,389	$ 9,015,389
Total primary government	$ 106,052,190	$ 50,682,718	$ 1,842,041	$ 2,612,484	$ (59,930,336)	$ 9,015,389	$ (50,914,947)
General revenues:							
Property taxes					$ 40,246,427	$ 206,704	$ 40,453,131
Income taxes					13,577,486	-	13,577,486
Gas and motor vehicle taxes					1,897,093	-	1,897,093
County tax duplication payment					2,409,750	-	2,409,750
Admissions and amusement taxes					1,321,900	-	1,321,900
Use of money and property					456,123	42,127	498,250
Other revenue					3,409,976	303,016	3,712,992
Transfers and Contributions					4,300,850	(4,300,850)	-
Total general revenues and transfers					$ 67,619,605	$ (3,749,003)	$ 63,870,602
Change in net position					7,689,269	5,266,386	12,955,655
Net Position at beginning of year					271,658,126	64,189,331	335,847,457
Net Position at end of year					$ 279,347,395	$ 69,455,717	$ 348,803,112

See accompanying notes to the basic financial statements.

City of Rockville, Maryland

Balance Sheet
Governmental Funds
June 30, 2017

	General	Debt Service	Capital Projects	Other Governmental Funds	Total Governmental Funds
Assets					
Equity in pooled cash and cash equivalents	$ 7,594,618	$ 329,709	$ 19,086,001	$ 9,034,105	$ 36,044,433
Property taxes receivable, net	372,721	-	-	-	372,721
Accounts receivable, net	404,102	-	-	219,215	623,317
Interfund receivable	16,879,056	-	-	-	16,879,056
Due from other governments	2,117,445	-	85,779	336,678	2,539,902
Prepaid assets	156,000	-	-	-	156,000
Loans receivable	183,565	1,421,738	-	283,971	1,889,274
Other assets, net	469,828	493	7,771	-	478,092
Unbilled assessments receivable	-	8,702	-	-	8,702
Total Assets	$ 28,177,335	$ 1,760,642	$ 19,179,551	$ 9,873,969	$ 58,991,497
Liabilities					
Accounts payable	$ 1,879,210	$ 9,874	$ 1,318,142	$ 279,266	$ 3,486,492
Interfund payable	-	-	-	106,243	106,243
Accrued liabilities	1,943,204	-	-	-	1,943,204
Unearned revenue	1,358,978	-	-	-	1,358,978
Retainages payable	-	-	294,644	-	294,644
Deposits and other liabilities	1,447,145	-	99,100	20,489	1,566,734
Total Liabilities	$ 6,628,537	$ 9,874	$ 1,711,886	$ 405,998	$ 8,756,295
Deferred Inflows of Resources					
Unavailable revenue - property taxes	$ 372,721	$ -	$ -	$ -	$ 372,721
Unavailable revenue - special assessments	-	8,702	-	-	8,702
Total Deferred Inflows of Resources	372,721	8,702	-	-	381,423
Total Liabilities and Deferred Inflows of Resources	$ 7,001,258	$ 18,576	$ 1,711,886	$ 405,998	$ 9,137,718
Fund Balances					
Nonspendable:					
Inventory	$ 454,179	$ -	$ -	$ -	$ 454,179
Advances	183,565	1,421,738	-	283,971	1,889,274
Prepaid assets	156,000	-	-	-	156,000
Restricted for:					
Special revenue programming	-	-	-	9,196,988	9,196,988
Committed to:					
Debt service	-	320,328	-	-	320,328
Assigned for:					
Consulting services	139,242	-	-	-	139,242
Capital outlays	559,871	-	17,467,665	-	18,027,536
Other purposes	39,924	-	-	-	39,924
Unassigned:	19,643,296	-	-	(12,988)	19,630,308
Total Fund Balance	$ 21,176,077	$ 1,742,066	$ 17,467,665	$ 9,467,971	$ 49,853,779
Total Liabilities, Deferred Inflows of Resources and Fund Balance	$ 28,177,335	$ 1,760,642	$ 19,179,551	$ 9,873,969	$ 58,991,497

See accompanying notes to the basic financial statements.

City of Rockville, Maryland

Reconciliation of Total Government Fund Balances to Net Position of Governmental Activities

June 30, 2017

Amounts reported for governmental activities in the Statement of Net Position are different because:		
Total fund balances - governmental funds		$ 49,853,779
Capital assets used in governmental activities are not financial resources and therefore are not reported as assets in governmental funds.		
Cost of capital assets	376,173,002	
Accumulated depreciation	(91,994,758)	284,178,244
Unavailable revenues are not financial resources in the governmental funds, therefore the liability is eliminated and total net position is increased.		381,423
The unamortized deferred charge on advance refunding represents a long term outflow of resources that is not presented in the governmental funds.		172,745
The net pension liability and the related deferred outflows and deferred inflows do not represent current financial resources and is not reported in the governmental funds.		
Net pension liability	(21,520,338)	
Deferred outflows from pensions	7,696,423	
Deferred inflows from pensions	(10,183)	(13,834,098)
The net OPEB obligation related to governmental activities does not represent current financial resources and is not reported in the governmental funds.		(746,803)
Long-term liabilities are not due and payable in the current period and therefore are not reported as liabilities in the funds. Long-term liabilities as of year-end consist of:		
Compensated absences	4,920,012	
General obligation bonds payable	30,861,625	
Loans payable	241,333	
Accrued interest on the general obligation bonds	148,283	
Unamortized bond premiums on the general obligation bonds	2,718,492	
Claims payable	1,768,150	(40,657,895)
Total net position - governmental activities		$ 279,347,395

See accompanying notes to the basic financial statements.

City of Rockville, Maryland

Statement of Revenues, Expenditures, and Changes in Fund Balances of Governmental Funds
For the Fiscal Year Ended June 30, 2017

	General	Debt Service	Capital Projects	Other Governmental Funds	Total Governmental Funds
Revenues					
Property Taxes	$ 40,105,716	$ -	$ -	$ -	$ 40,105,716
Assessments	-	17,306	-	-	17,306
Revenue from other governments:					
Community development block grant	-	-	-	206,478	206,478
Income taxes	13,577,486	-	-	-	13,577,486
Gas and motor vehicles taxes	1,897,093	-	-	-	1,897,093
County tax duplication payment	2,409,750	-	-	-	2,409,750
Admission and amusement taxes	1,321,900	-	-	-	1,321,900
Grants and other governmental revenue	2,530,326	-	278,329	917,920	3,726,575
Licenses and permits	2,927,369	-	-	-	2,927,369
Charges for services	6,792,763	-	-	-	6,792,763
Use of money and property	324,031	47,514	75,879	8,699	456,123
Fines and forfeitures	1,267,285	-	-	1,832,161	3,099,446
Other revenues	6,729,063	-	101,400	776,492	7,606,955
Total Revenues	$ 79,882,782	$ 64,820	$ 455,608	$ 3,741,750	$ 84,144,960
Expenditures					
Current operations:					
General government	$ 16,407,663	$ -	$ -	$ -	$ 16,407,663
Community development	5,307,654	-	-	234,860	5,542,514
Public safety	11,109,168	-	-	1,334,618	12,443,786
Public works	7,230,606	-	-	-	7,230,606
Recreation and parks	22,202,495	-	-	230,489	22,432,984
Capital outlay	1,921,449	-	12,011,629	1,485,350	15,418,428
Debt service	-	5,314,229	-	-	5,314,229
Total Expenditures	$ 64,179,035	$ 5,314,229	$ 12,011,629	$ 3,285,317	$ 84,790,210
Excess (deficiency) of Revenues over Expenditures	$ 15,703,747	$ (5,249,409)	$ (11,556,021)	$ 456,433	$ (645,250)
Other Financing Sources (Uses)					
Transfers in	$ -	$ 5,350,000	$ 12,114,612	$ 119,890	$ 17,584,502
Transfers out	(18,344,022)	-	-	-	(18,344,022)
Payment to refunded bond escrow agent	-	(5,390,020)	-	-	(5,390,020)
Issuance of general obligation bonds	-	-	1,105,000	-	1,105,000
Premium on general obligation bonds	-	-	9,028	-	9,028
Issuance of advance refunding bonds	-	4,478,303	-	-	4,478,303
Premium on advance refunding bonds	-	950,993	-	-	950,993
Total Other Financing Sources (uses)	$ (18,344,022)	$ 5,389,276	$ 13,228,640	$ 119,890	$ 393,784
Net change in fund balances	$ (2,640,275)	$ 139,867	$ 1,672,619	$ 576,323	$ (251,466)
Fund balance at beginning of year	23,816,352	1,602,199	15,795,046	8,891,648	50,105,245
Fund balance at end of year	$ 21,176,077	$ 1,742,066	$ 17,467,665	$ 9,467,971	$ 49,853,779

See accompanying notes to the basic financial statements.

City of Rockville, Maryland

Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances
of Governmental Funds to the Statement of Activities
For the Fiscal Year Ended June 30, 2017

Amounts reported for governmental activities in the Statement of Activities are different because:		
Total net change in fund balances-total governmental funds		$ (251,466)
Capital outlays are reported in governmental funds as expenditures. However, in the Statement of Activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which capital outlays of $15,418,428 exceeded depreciation of $8,907,646.		6,510,782
In the Statement of Activities, only the annual amortized loss on advance refunding is reported, whereas in the governmental funds, the entire loss from the advance refunding decreases financial resources.		172,745
In governmental funds, bond proceeds and repayment of bond principal are revenues and expenditures, respectively. In the Statement of Net Position these activities are adjustments to long term liabilities. Bond repayments during the year of $9,135,601 exceeded bond proceeds of $5,583,303.		3,552,298
Governmental funds report the effect of premiums and discounts when debt is first issued, but these items are amortized in the Statement of Net Position and recognized annually.		(598,121)
Because the unavailable revenue will not be collected for several months after the City's fiscal year end, it is not considered revenue in the governmental funds. Unavailable revenue increased in the current fiscal year.		140,711
The net pension liability and the related deferred outflows and deferred inflows relate to funding for future retiree benefit payments which are not considered current. Changes in the net pension liability, deferred outflows and deferred inflows are reflected below:		
Net pension liability	(3,612,074)	
Deferred outflows from pensions	1,030,888	
Deferred inflows from pensions	1,124,071	(1,457,115)
The net OPEB obligation related to funding for future retiree health benefits are not considered current. The net OPEB obligation increased in the current fiscal year.		(27,983)
Expenses for claims are recognized only when paid using current financial resources in the governmental fund statements. In the Statement of Activities, the expenses are recognized when the City is made aware of its liability for claims payments due. This claims payable increased in the current fiscal year.		(176,152)
In the Statement of Activities, compensated absences are measured by the amounts earned during the year. In governmental funds, however, expenditures are measured by the amount of financial resources used (essentially, the amounts actually paid). This fiscal year, vacation and sick leave earned of $2,091,255 exceeded amounts used of $1,895,852.		(195,403)
In the Statement of Activities, interest expense is recognized as interest accrues, regardless of when it is due. In the governmental funds interest is recognized as an expenditure when it is due and requires the use of current financial resources. In fiscal year 2017, accrued interest on long-term debt reported in the Statement of Activities decreased.		18,973
Change in net position of governmental activities		$ 7,689,269

See accompanying notes to the basic financial statements.

City of Rockville, Maryland

Statement of Net Position
Proprietary Funds
June 30, 2017

	Business-Type Activities - Enterprise Funds						
	Water Facility Fund	Sanitary Sewer Fund	Refuse Fund	Parking Fund	Stormwater Mgmt. Fund	RedGate Golf Course Fund	Total Business-type Activities
Assets							
Current Assets							
Equity in pooled cash and cash equivalents	$ -	$ -	$ 2,467,637	$ 479,671	$ 4,716,549	$ 20,664	$ 7,684,521
Accounts receivable, net	2,352,875	2,460,043	58,348	218,554	420,144	1,000	5,510,964
Other receivables	-	-	1,685	420	2,386	37,511	42,002
Total current assets	$ 2,352,875	$ 2,460,043	$ 2,527,670	$ 698,645	$ 5,139,079	$ 59,175	$ 13,237,487
Noncurrent Assets							
Capital Assets:							
Land	123,202	-	-	-	842,697	1,093,041	2,058,940
Utility plant and equipment	85,667,218	108,904,584	7,583,050	86,968	19,985,275	2,607,389	224,834,484
Construction in progress	4,527,780	-	-	-	485,611	-	5,013,391
Less-accumulated depreciation	(38,831,244)	(42,128,210)	(5,109,230)	(37,307)	(5,005,345)	(1,862,154)	(92,973,490)
Purchased capacity, long-term	-	15,279,453	-	-	-	-	15,279,453
Other Noncurrent Assets:							
Accounts receivable, net	-	-	-	-	139,693		139,693
Capital lease, net	-	-	-	23,820,006	-	-	23,820,006
Total noncurrent assets	$51,486,956	$ 82,055,827	$ 2,473,820	$ 23,869,667	$ 16,447,931	$1,838,276	$178,172,477
Total Assets	$53,839,831	$ 84,515,870	$ 5,001,490	$ 24,568,312	$ 21,587,010	$1,897,451	$191,409,964
Deferred Outflows of Resources							
Deferred charge on advance refunding	$ 319,067	$ 105,061	$ -	$ 2,722,732	$ -	$ -	$ 3,146,860
Total Assets and Deferred Outflows of Resources	$54,158,898	$ 84,620,931	$ 5,001,490	$ 27,291,044	$ 21,587,010	$1,897,451	$194,556,824
Liabilities							
Current Liabilities							
Bonds payable within 1yr	$ 2,555,283	$ 2,868,533	$ 90,000	$ 1,170,860	$ 300,781	$ 22,397	$ 7,007,854
Accounts payable	843,191	368,931	298,407	38,008	828,656	-	2,377,193
Interfund payable	6,099,334	10,673,479	-	-	-	-	16,772,813
Accrued liabilities	251,164	200,503	118,428	111,809	89,130	1,479	772,513
Compensated absences	259,546	131,772	196,019	6,855	124,809	-	719,001
Retainages payable	70,474	166,310	-	-	88,420	-	325,204
Deposits / other liabilities	16,495	-	-	-	-	-	16,495
Total Current Liabilities	$10,095,487	$ 14,409,528	$ 702,854	$ 1,327,532	$ 1,431,796	$ 23,876	$ 27,991,073
Noncurrent Liabilities							
Compensated absences	95,997	48,738	72,500	2,535	46,162	-	265,932
Bonds payable, net	25,423,712	38,206,651	812,313	29,761,742	2,509,747	129,937	96,844,102
Total noncurrent liabilities	$25,519,709	$ 38,255,389	$ 884,813	$ 29,764,277	$ 2,555,909	$ 129,937	$ 97,110,034
Total Liabilities	$35,615,196	$ 52,664,917	$ 1,587,667	$ 31,091,809	$ 3,987,705	$ 153,813	$125,101,107
Net Position							
Net investment in capital assets	$24,927,086	$ 40,980,643	$ 1,671,883	$ -	$ 13,637,403	$1,685,942	$ 82,902,957
Unrestricted	(6,383,384)	(9,024,629)	1,741,940	(3,800,765)	3,961,902	57,696	(13,447,240)
Total net position	$18,543,702	$ 31,956,014	$ 3,413,823	$ (3,800,765)	$ 17,599,305	$1,743,638	$ 69,455,717
Total Liabilities and Net Position	$54,158,898	$ 84,620,931	$ 5,001,490	$ 27,291,044	$ 21,587,010	$1,897,451	$194,556,824

See accompanying notes to the basic financial statements.

City of Rockville, Maryland

Statement of Revenues, Expenses, and Changes in Fund Net Position
Proprietary Funds
For the Fiscal Year Ended June 30, 2017

	Business-Type Activities - Enterprise Funds						
	Water Facility Fund	Sanitary Sewer Fund	Refuse Fund	Parking Fund	Stormwater Mgmt. Fund	RedGate Golf Course Fund	Total Business-type Activities
Operating Revenues							
Charges for Services	$12,360,559	$12,407,271	$6,121,016	$ 857,266	$ 5,781,614	$ -	$ 37,527,726
Other Revenues	159,381	-	34,213	263,991	46,135	6,000	509,720
Total Operating Revenues	$12,519,940	$12,407,271	$6,155,229	$ 1,121,257	$ 5,827,749	$ 6,000	$ 38,037,446
Operating Expenses							
Treatment and purification	2,565,229	-	-	-	-	-	2,565,229
Distribution	1,543,136	-	-	-	-	-	1,543,136
Collection and disposal	-	2,770,390	3,598,307	-	-	-	6,368,697
Customer billing, collection, operating expenses	3,045,953	3,187,727	1,750,058	552,725	3,541,350	-	12,077,813
Repairs and maintenance	105,847	118,763	546,494	4,968	74,015	-	850,087
Total Operating Expenses	$ 7,260,165	$ 6,076,880	$5,894,859	$ 557,693	$ 3,615,365	$ -	$ 23,404,962
Operating income (loss) before depreciation / amortization	5,259,775	6,330,391	260,370	563,564	2,212,384	6,000	14,632,484
Less - depreciation and amortization of bond (discount)/premium	(2,847,962)	(4,037,003)	(295,511)	65,088	(642,971)	(99,216)	(7,857,575)
Operating Income (loss)	$ 2,411,813	$ 2,293,388	$ (35,141)	$ 628,652	$ 1,569,413	$ (93,216)	$ 6,774,909
Nonoperating Income (Expenses)							
Capital grants and contributions	-	-	-	306,322	1,376,748	-	1,683,070
Interest income	-	-	13,840	4,390	23,776	121	42,127
Interest expense	(992,860)	(1,392,436)	(35,254)	(1,294,567)	(78,646)	(5,545)	(3,799,308)
Other, net	(29,006)	(10,506)	-	(154,420)	-	-	(193,932)
Total Nonoperating Income	$(1,021,866)	$(1,402,942)	$ (21,414)	$(1,138,275)	$ 1,321,878	$ (5,424)	$ (2,268,043)
Income (loss) before transfers	1,389,947	890,446	(56,555)	(509,623)	2,891,291	(98,640)	4,506,866
Transfers							
Transfer (to) from Proprietary Funds	330,640	(330,640)	-	-	-	-	-
Transfer from General Fund	-	-	44,520	715,000	-	-	759,520
Total Transfers	$ 330,640	$ (330,640)	$ 44,520	$ 715,000	$ -	$ -	$ 759,520
Increase (decrease) net position	1,720,587	559,806	(12,035)	205,377	2,891,291	(98,640)	5,266,386
Net position at beginning of year	$16,823,115	$31,396,208	$3,425,858	$(4,006,142)	$14,708,014	$ 1,842,278	$ 64,189,331
Net position at end of year	$18,543,702	$31,956,014	$3,413,823	$(3,800,765)	$17,599,305	$ 1,743,638	$ 69,455,717

See accompanying notes to the basic financial statements.

City of Rockville, Maryland

Statement of Cash Flows
Proprietary Funds
For the Fiscal Year Ended June 30, 2017

	Business-Type Activities - Enterprise Funds						
	Water Facility Fund	Sanitary Sewer Fund	Refuse Fund	Parking Fund	Stormwater Mgmt. Fund	RedGate Golf Course Fund	Total Business-type Activities
Cash Flows from operating activities:							
Cash received from customers	$ 12,438,146	$ 12,166,341	$ 7,350,339	$ 1,171,110	$ 5,558,093	$ 5,000	$ 38,689,029
Cash payments to suppliers for goods and services	(3,877,418)	(4,771,875)	(3,239,803)	(301,901)	(1,470,911)	-	(13,661,908)
Cash payments to employees for services	(3,400,454)	(1,860,761)	(2,503,181)	(247,620)	(2,113,014)	-	(10,125,030)
Net cash provided by operating activities	$ 5,160,274	$ 5,533,705	$ 1,607,355	$ 621,589	$ 1,974,168	$ 5,000	$ 14,902,091
Cash Flows from noncapital financing activities:							
Transfer in from the General Fund	$ -	$ -	$ 44,520	$ 715,000	$ -	$ -	$ 759,520
Transfer (to) from Proprietary Funds	330,640	(330,640)	-	-	-	-	-
Proceeds from interfund payable	697,053	2,703,760	-	-	-	-	3,400,813
Net cash provided by noncapital financing activities	$ 1,027,693	$ 2,373,120	$ 44,520	$ 715,000	$ -	$ -	$ 4,160,333
Cash Flows from capital and related financing activities:							
Capital grants and contributions	$ -	$ -	$ -	$ 306,322	$ 1,180,491	$ -	$ 1,486,813
Acquisition and construction of capital assets	(3,702,730)	(7,492,883)	(357,697)	(25,235)	(2,630,403)	-	(14,208,948)
Proceeds from sale of capital assets	-	-	-	-	-	12,500	12,500
Principal paid on general obligation bond maturities	(7,575,372)	(5,988,044)	(430,000)	(641,250)	(300,304)	(22,397)	(14,957,367)
Interest paid on general obligation bonds	(1,003,805)	(1,397,167)	(36,494)	(1,296,633)	(79,609)	(5,742)	(3,819,450)
Proceeds from capital lease	-	-	-	318,125	-	-	318,125
Proceeds from issuance of debt/current refunding	6,093,940	6,971,269	-	-	-	-	13,065,209
Net cash (used in) capital and related financing activities	$ (6,187,967)	$ (7,906,825)	$ (824,191)	$ (1,338,671)	$ (1,829,825)	$ (15,639)	$ (18,103,118)
Cash Flows from investing activities:							
Interest on investments	$ -	$ -	$ 12,472	$ 4,153	$ 22,593	$ 110	$ 39,328
Net increase (decrease) in cash and cash equivalents	$ -	$ -	$ 840,156	$ 2,071	$ 166,936	$ (10,529)	$ 998,634
Cash and cash equivalents at the beginning of year	$ -	$ -	$ 1,627,481	$ 477,600	$ 4,549,613	$ 31,193	$ 6,685,887
Cash and cash equivalents at the end of year	$ -	$ -	$ 2,467,637	$ 479,671	$ 4,716,549	$ 20,664	$ 7,684,521

See accompanying notes to the basic financial statements.

(Continued)

City of Rockville, Maryland

Statement of Cash Flows (continued)
Proprietary Funds
For the Fiscal Year Ended June 30, 2017

Reconciliation of Net Operating Income (Loss) to Net Cash Provided By (Used In) Operating Activities

	Business-Type Activities - Enterprise Funds						
	Water Facility Fund	Sanitary Sewer Fund	Refuse Fund	Parking Fund	Stormwater Mgmt. Fund	RedGate Golf Course Fund	Total Business-type Activities
Operating income (loss)	$ 2,411,813	$ 2,293,388	$ (35,141)	$ 628,652	$ 1,569,413	$ (93,216)	$ 6,774,909
Adjustments to reconcile operating income (loss) to net cash provided by (used in) operating activities:							
Depreciation and amortization	$ 2,847,962	$ 4,037,003	$ 295,511	$ (65,088)	$ 642,971	$ 99,216	$ 7,857,575
Changes in assets and liabilities:							
(Increase) decrease in accounts receivable	(83,794)	(240,930)	1,195,110	49,853	(269,656)	(1,000)	649,583
Increase (decrease) in accounts payable	71,382	(690,476)	105,300	8,084	77,648	-	(428,062)
Increase (decrease) in accrued liabilities	13,695	7,089	13,440	937	7,778	-	42,939
Increase (decrease) in compensated absences	24,857	(3,285)	33,135	(849)	13,024	-	66,882
Increase (decrease) in retainages payable	(127,641)	130,916	-	-	(67,010)	-	(63,735)
Increase (decrease) in deposits and other liabilities	2,000	-	-	-	-	-	2,000
Total adjustments	$ 2,748,461	$ 3,240,317	$ 1,642,496	$ (7,063)	$ 404,755	$ 98,216	$ 8,127,182
Net cash provided by operating activities	$ 5,160,274	$ 5,533,705	$ 1,607,355	$ 621,589	$ 1,974,168	$ 5,000	$ 14,902,091
Noncash capital and related financing activities:							
Purchase of equipment on account	$ 55,630	$ (1,046,062)	$ -	$ -	$ 520,736	$ -	$ (469,696)

See accompanying notes to the basic financial statements.

City of Rockville, Maryland

Statement of Fiduciary Net Position
Fiduciary Funds
June 30, 2017

	Pension Trust Funds	OPEB Trust Fund
Assets		
Open End Mutual Funds:		
Bonds	$ 27,833,166	$ 3,392,992
Equities	84,638,752	3,603,998
Real Estate	12,954,284	-
Money Markets	1,860,000	30,869
Total Assets	$ 127,286,202	$ 7,027,859
Liabilities		
Benefits Payable	$ -	$ 27,563
Net Position		
Restricted for plan benefits	$ 127,286,202	$ 7,000,296
Total Liabilities and Net Position	$ 127,286,202	$ 7,027,859

See accompanying notes to the basic financial statements.

City of Rockville, Maryland

Statement of Changes in Fiduciary Net Position
Fiduciary Funds
For the Fiscal Year Ended June 30, 2017

	Pension Trust Funds	OPEB Trust Fund
Additions		
Contributions		
Employer	$ 4,157,580	$ 639,042
Plan Members	2,124,837	-
Total Contributions	$ 6,282,417	$ 639,042
Investment Income (loss)		
Net appreciation in the fair value of plan investments	13,049,939	515,476
Interest and dividends	394,845	114,582
Total investment income (loss)	13,444,784	630,058
Total	$ 19,727,201	$ 1,269,100
Deductions		
Benefits	$ 7,084,135	$ 274,540
Investment fee expense	473,473	24,086
Administrative expense	31,821	5,000
Total Deductions	$ 7,589,429	$ 303,626
Net Increase	$ 12,137,772	$ 965,474
Net position at beginning of year	115,148,430	6,034,822
Net position at end of year	$ 127,286,202	$ 7,000,296

See accompanying notes to the basic financial statements.

City of Rockville, Maryland
Notes to the Basic Financial Statements
June 30, 2017

(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Financial Reporting Entity

The City of Rockville (the "City"), was incorporated in 1860. Its legal authority is derived from Article XI E of the State Constitution and Article 23A of the Annotated Code of Maryland. The City has an estimated population of 68,385 and a land area of 13.55 square miles. According to the 2010 census, the City is the third largest city in Maryland. The City has operated under the council-manager form of government since 1948. The City is a municipal corporation where the City Council is comprised of a mayor and four at-large council members. Services provided include water, sewer, refuse, parking, streets and stormwater, recreation and parks, police, planning and zoning, and engineering services. Schools, libraries, social services, and fire protection are provided by Montgomery County, Maryland (the "County").

For financial reporting purposes, the government-wide financial statements include the various departments governed directly by the Mayor and Council. The City's officials are also responsible for appointing the board of directors of the Rockville Housing Enterprises (RHE), but the City's accountability does not extend beyond making the appointments, therefore the finances of RHE are not included in the financial statements. The City provides financial assistance to Rockville Economic Development, Inc. (REDI), but is not obligated to provide such assistance; therefore, the finances of REDI are not included in the financial statements.

B. Government-wide and Fund Financial Statements

The government-wide financial statements (i.e., the Statement of Net Position and the Statement of Activities) report information on all the nonfiduciary activities of the primary government. Mostly all the effects of interfund activities have been removed from these statements. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities. Business-type activities rely significantly on fees and charges for services.

The Statement of Activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable to a specific function or segment. Program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not included among program revenues are reported as general revenues.

Separate financial statements are provided for governmental funds, proprietary funds, and fiduciary funds, although the latter are excluded from the government-wide financial statements. Major individual governmental funds and major individual enterprise funds are reported in separate columns in the fund financial statements.

C. Measurement Focus, Basis of Accounting, and Financial Statement Presentation

The government-wide financial statements are reported using the economic resource measurement focus and the accrual basis of accounting, as are the proprietary funds and fiduciary funds financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenue in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current financial resource measurement focus and the modified accrual basis of accounting. Revenues are considered available when they are deemed collectible within the current period or soon thereafter to pay the liabilities of the current period. For this purpose, the City considers revenues to be available if they are collected within 60 days of the end of the current fiscal period.

(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

C. Measurement Focus, Basis of Accounting, and Financial Statement Presentation (Continued)

Expenditures generally are recorded when a liability is incurred, under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences, claims and judgments, are recorded only when payment is due. Property taxes, franchise taxes, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual and are recognized as revenues in the current fiscal period. Only the portion of special assessments receivable due within the current fiscal period is considered to be susceptible to accrual. All other revenue items are considered to be measurable and available only when cash is received by the government.

The government reports the following major governmental funds:

The General Fund is the government's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

The Debt Service Fund accounts for the resources accumulated and payments made for principal and interest on long-term general obligation debt of governmental funds.

The Capital Projects Fund is used to account for financial resources used for the acquisition or construction of major capital facilities (other than those financed by proprietary funds).

The government reports the following major proprietary funds:

The City operates six major types of enterprise funds: The Water Facility Fund, the Sanitary Sewer Fund, the Refuse Fund, the Parking Fund, the Stormwater Management Fund, and the RedGate Golf Course Fund. These funds account for the provision of water and sewer services, recycling and refuse services and the parking meter program, for residents within the City's service area. The Stormwater Management Fund and RedGate Golf Course Fund do not meet the requirements of a major fund; however, management has elected to report these funds as major. The Stormwater Management Fund accounts for the maintenance and construction of stormwater infrastructure. The RedGate Golf Course Fund accounts for the operating lease proceeds and long term debt costs for the City's golf course facility.

Additionally, the government reports the following fund types:

The City operates three nonmajor governmental funds: The Special Activities Fund, the Community Development Block Grant (CDBG) Fund, and the Automated Speed Enforcement Fund. These funds primarily use donor restricted grants, contributions, and state-earmarked funding to meet specific programmatic needs.

The City's Fiduciary Funds include the Pension Trust Funds and OPEB Trust Fund which account for the contributions made by the City and its employees to finance future pension and post-employment benefit payments.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements, but interfund services provided and used are not eliminated in the process of consolidation.

Amounts reported as program revenues include 1) charges to customers or applicants for goods, services, or privileges provided, 2) operating grants and contributions, and 3) capital grants and contributions, including special assessments.

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services, producing goods, and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the Water Facility, Sanitary Sewer, Refuse, and Stormwater Management Funds are charges to customers for sales and services. The Water Facility and Sanitary Sewer funds also recognize the portion of tap fees intended to recover the cost of connecting new customers to the system as operating revenue. Operating expenses for enterprise funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

When both restricted and unrestricted resources are available for use, it is the government's policy to first use restricted resources, then unrestricted resources as they are needed.

(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

D. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position/Fund Balance

1. Deposits and Investments

To facilitate effective management of the City's resources, substantially all operating cash is combined in one pooled account. The Pension Trust Funds and OPEB Fund assets are separately managed by the City's Retirement Board. The Pension Trust Fund investments are stated at fair value. Short-term investments of one year or less which are included in the City's equity in pooled cash and cash equivalents are stated at amortized cost plus accrued interest. These short-term investments include mutual funds.

For purposes of the Statement of Cash Flows, the proprietary fund type reflects all monies in the City's cash management pool as cash equivalents.

Interest income earned on City investments is allocated among the funds each month pro-rata based on the average equity in pooled cash balances for the previous six months.

2. Property Taxes

Taxes on real property and business personal property are levied on property values as assessed on January 1, billed on July 1, and payable either by September 30 or in two equal installments on September 30 and December 31. Montgomery County bills and collects property taxes for the City and remits the cash collections monthly. Property taxes are attached as an enforceable lien on the underlying properties as of the succeeding June 1 and are, thereafter, sold at public auction if deemed delinquent.

Real and personal property taxes are levied at rates enacted by the Mayor and Council in the annual budget ordinance on the assessed value as determined by the Maryland State Department of Assessments and Taxation. The rate of levy cannot exceed the constant yield tax rate furnished by the Maryland State Department of Assessments and Taxation without public hearings.

The real property tax rate was $0.292 per $100 of assessed value and the personal property tax rate was $0.805 per $100 of assessed value in fiscal year 2017. The City charges taxpayers interest (at the rate of 2/3 of 1 percent per month) and penalty (1 percent per month) on all overdue taxes.

3. Inventories and Prepaid Items

All City inventories (included in other assets in the governmental fund Balance Sheet) are maintained on a consumption basis of accounting and are valued at cost on a first-in, first-out basis and consist of either goods held for resale or goods and materials used in providing services. The classification of fund balance for General Fund inventories is made to reflect the non-spendable nature of those amounts for appropriation in the General Fund. Certain payments to vendors and contingent grants reflect costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements.

4. Restricted Net Position

The Special Activities Fund is used to account for programs for which external funding sources impose requirements and restrictions on the use of funds for a particular purpose.

5. Capital Assets

Capital assets, which include property, plant, equipment, and infrastructure assets (e.g., roads, bridges, sidewalks, and similar items), are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the City as assets with an initial, individual cost of more than $5,000 and an estimated useful life in excess of three years. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized. Assignments of fund balance in Capital Projects Fund have been made to reflect the authorized capital project appropriations.

Major outlays for capital assets and improvements are capitalized as projects are constructed, though the City does not capitalize interest. The capitalization threshold for infrastructure items is $25,000. GASB Statement No. 34 requires prospective reporting of all infrastructure assets acquired after June 30, 2002. It has also required that all infrastructure assets that were acquired after June 30, 1980 be reported for fiscal years beginning after June 15, 2006. The City is in compliance with this requirement and has capitalized infrastructure assets acquired after June 30, 2002.

(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

D. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position/Fund Balance (Continued)

5. Capital Assets (Continued)

Property, plant, and equipment of the primary government are depreciated over their useful lives using the straight-line method of depreciation in the government-wide financial statements. Depreciation is charged as an expense against operations and accumulated depreciation is reported on the respective balance sheet. The following are estimated useful lives:

Description	Lives (Years)
Buildings	30-50
Equipment	3-20
Furniture and fixtures	7-10
Automobiles and trucks	5-7
Water and sewer infrastructure	20-50
Stormwater management facilities	20-50
Purchased capacity	50

6. Deferred Outflows/Inflows of Resources

In addition to assets and liabilities, the Statement of Net Position sometimes reports a separate section for deferred outflows or inflows of resources. This separate financial statement element represents a consumption or production of net position that applies to a future period(s) and so will not be recognized as an outflow or inflow of resources until then. The City has four items that qualify for reporting in this category. They are the deferred charge on advance refunding reported in the government-wide and proprietary fund Statement of Net Position, the unavailable revenue for property taxes and special assessments reported in the Governmental Fund Balance Sheet, and the deferred outflows and inflows from pension activities reported in the government-wide Statement of Net Position. A deferred charge on refunding results from the difference in the carrying value of refunded debt and its reacquisition price. Deferred inflows and outflows from pension activities reflect changes in assumptions, differences between actual and expected experience and differences between actual and projected earnings on investments.

7. Compensated Absences

It is the City's policy to permit employees to accumulate earned but unused annual and sick leave benefits. All annual leave and sick leave is accrued when incurred and eligible for pay-out in the government-wide and proprietary financial statements. An expenditure for these amounts is reported in governmental funds only if they have matured, for example, as a result of employee resignations and retirements.

8. Long-Term Obligations

In the government-wide financial statements and proprietary fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the Statement of Net Position. Bond premiums and discounts are deferred and amortized over the life of the bonds using the effective interest method. Bonds payable are reported net of the applicable bond premium or discount. Bond issuance costs are reported as expenses in the current period in accordance with GASB Statement No. 65.

In the fund financial statements, the Debt Service Fund recognizes bond premiums and discounts, bond issuance costs, as well as any charges from advance refundings, in the period incurred. The face amount of debt issued is reported net of any bond premiums/discounts.

Commitments of fund balance in the Debt Service Fund have been made in accordance with the City's policy to maintain a minimum cash balance of 10% of average outstanding principal for future debt service appropriations. The City is not restricted by a legal debt limit.

9. Pensions

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Rockville Employee Retirement System (ROCKERS) and additions to/deductions from ROCKERS' fiduciary net position have been determined on the same basis as they are reported by ROCKERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments consist of open-end mutual funds which are reported at fair value.

(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

D. Assets, Liabilities, and Net Position or Equity (Continued)

10. Interfund Transactions

Activity between funds that are representative of lending/borrowing arrangements at the end of the fiscal year are referred to as "due to/from other funds" or "interfund receivable/payable". Any residual balances outstanding between the governmental activities and business-type activities are reported in the government-wide financial statements as "Internal Balances".

11. Fund Balance

In the fund financial statements, governmental funds report fund balance using classifications that comprise a hierarchy based on the extent to which the City is bound to honor constraints on the purpose for which the funds may be spent. The government itself can establish limitations on the use of resources through either a commitment (committed fund balance) or an assignment (assigned fund balance). Fund balance is reported in five components - nonspendable, restricted, committed, assigned and unassigned. When multiple categories of fund balance are available for expenditure, the City will start with the most restricted category and spend those funds first.

Nonspendable - Portion of net resources that cannot be spent either (a) because of their form or (b) because they must be maintained intact.

Restricted - Portion of net resources with imposed limitations set by either (a) creditors, grantors, contributors, or the laws and regulations of other governments or (b) laws through constitutional provisions or enabling legislation.

Committed - Portion of net resources with imposed limitations set at the highest level of decision making authority. Such authority includes ordinances of the Mayor and Council and the City's charter. Formal action at the same level of authority is required to remove such limitations.

Assigned - Portion of net resources intended for a specific use by the City, as determined by the City Manager, as the designee of the Mayor and Council pursuant to ordinance 12-13.

Unassigned - Portion of net resources in excess of the nonspendable, restricted, committed and assigned balances.

12. Net Position

Net position represents the difference between assets and deferred outflows of resources and liabilities and deferred inflows of resources. The net investment in capital assets portion of net position, consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowings used for the acquisition, construction, or improvement of those assets. The portion of net position related to investment in capital assets, excludes unspent debt proceeds of $1,519,501 attributable to business-type activities. Unspent debt proceeds of $1,140,547 are attributable to governmental activities and are reported as assigned in the Capital Projects Fund. Net positions are reported as restricted when there are limitations imposed on their use either through the enabling legislation or through external restrictions imposed by creditors, grantors or laws or regulations of other governments. The portion of net position restricted for external restrictions imposed by grantors is $9,196,988, as noted in the government-wide statement of net position. Restricted resources are used first to fund appropriations. When an expense is incurred for which both restricted and unrestricted net position are available, the City will first apply restricted resources.

(2) DETAILED NOTES ON ALL FUNDS

A. Equity in Pooled Cash and Cash Equivalents

The City maintains a cash and investment pool that is subject to oversight by the Mayor and Council, but is not subject to regulatory oversight by the Securities and Exchange Commission (SEC). The City's cash and investment pool is available for use by all the City's funds, except the Fiduciary Funds. The City is restricted by State law to invest only in federally insured banks in the State of Maryland, federally insured savings and loan associations in the State of Maryland, or in the Maryland Local Government Investment Pool (MLGIP). The City primarily invests in the MLGIP, a pooled fund money market for municipalities, which is highly efficient and utilizes a programmed approach to investing. Unit value is computed using the amortized cost method. The City's Pension and OPEB Trust Funds are invested in open end mutual funds, which are subject to oversight by the Mayor and Council and the Retirement Board. The City's open end mutual funds include equity, fixed income, real estate, and money market funds.

As of July 1, 2015 the City implemented GASB Statement No. 79, *Certain External Investment Pools and Pool Participants*. Under this standard, the MLGIP meets the criteria of a qualified external investment pool, thereby allowing the City to report its investments using the amortized cost method. There are no limitations or restrictions on MLGIP withdrawals. Amounts invested in external investment pools of $31,434,638 are comprised of securities valued using quoted market prices which are then allocated to pool participants to maintain a $1.00 per unit value.

As of June 30, 2017, the City had the following cash, cash equivalents and investments included as equity in pooled cash and cash equivalents in the Statement of Net Position and the Statement of Fiduciary Net Position:

	Primary Government	Fiduciary Funds	Interest Range
Deposits	$ 12,294,316	$ -	0.00%
Maryland Local Government Pool (MLGIP)	31,434,638	-	0.36% - 0.95%
	$ 43,728,954	$ -	
Open-End Mutual Funds	-	134,314,061	-0.68% - 23.14%
Total Fair Market Value of Investments	$ 43,728,954	$ 134,314,061	

Effective July 1, 2015 the City adopted GASB Statement No. 72, *Fair Value Measurement and Application*. The Pension Trust Funds and OPEB Fund categorize its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs.

The City has the following recurring fair value measurements as of June 30, 2017:

- Amounts invested in open-end mutual funds of $90,133,619 are comprised of securities valued using quoted market prices (Level 1) which are then allocated to position holders. These funds are required to publish their daily net asset value (NAV) and to transact at that price.
- Amounts invested in open-end mutual funds of $31,226,158 are comprised of domestic fixed income securities which are priced by industry standard vendors such as Interactive Data Corporation, using observable inputs such as benchmark yields, reported trades, broker/dealer quotes, and issuer spreads (Level 2) which are then allocated to position holders at a per unit value.
- Amounts invested in open-end mutual funds of $12,954,284 are comprised of real estate investments valued using observable inputs such as discounted income streams, the current cost of reproducing the real estate, and values indicated by comparable real estate in the market (Level 2) which are then allocated to position holders at a per unit value.

Deposits:

Custodial Credit Risk: Custodial credit risk for deposits is the risk that in the event of a bank failure, the City's deposits may not be returned. Maryland State Law prescribes that local government units, such as the City, must deposit its cash in banks which transact business in the State of Maryland. Such banks must also secure any deposits exceeding the Federal Depository Insurance Corporation insurance levels with collateral whose market value is at the least equal to 102% of the deposits. As of June 30, 2017, all the City's deposits were either covered by federal depository insurance or covered by collateral held in the pledging banks trust department in the City's name.

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

A. Equity in Pooled Cash and Cash Equivalents (Continued)

Investments:

Credit Risk: The Mayor and Council of Rockville recognize that their authority to invest the public funds of the City derives from Section 6-222a of the State of Maryland's Finance and Procurement Article, as well as Article 95, Section 22-22N of the Annotated Code of Maryland. Authority to invest City funds in compliance and provisions of these State statutes is delegated to the Director of Finance. The City invests in MLGIP which is rated "AAAm" by Standard and Poor's and is under control of the Maryland State Treasurer's Office. All City investments must receive one of the highest ratings from at least one of the national recognized statistical organizations, except for obligations which are backed by the full credit of the US Government, obligations of federal agencies, or an instrument that has been issued in accordance with acts of Congress and unrated. The Pension and OPEB Trust funds are invested in open-end pooled mutual funds, which are unrated.

Interest Rate Risk: Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. Interest rate risk is minimized due to the fact that all authorized investments have a maximum allowable maturity of two years from the date of purchase as stated in section XII of the City's investment policy. The MLGIP pooled money market funds and open-end mutual funds are highly liquid with no fixed maturity and therefore do not expose the City to interest rate risk. The maximum allowable maturity of any individual security within the MLGIP is 397 days. The average life of the MLGIP will generally range between 25-55 days. A portion of the Pension and OPEB trust funds are invested in open-end fixed income bond funds. These funds consist of debt instruments with average maturities ranging from 7.78 years to 10.58 years.

Custodial Credit Risk: Custodial credit risk for investments is the risk that in the event of failure of a depository financial institution or counterparty to a transaction, the City will not recover the value of deposits, investments or collateral securities that are in the possession of an outside party. The City is not exposed to custodial credit risk at June 30, 2017.

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

B. Receivables

Receivables as of the year ended June 30, 2017 for all the City's individual funds were as follows:

Receivables	General	Debt Service	Capital Projects	Other Governmental Funds	Water	Sewer	Refuse	Parking	Stormwater Management	RedGate Golf Course	Total
Billed / Unbilled Accounts	$ -	$ -	$ -	$ -	$ 2,360,071	$ 2,472,878	$ 66,472	$ -	$ 53,256	$ -	$ 4,952,677
Property Taxes Receivable	907,138	-	-	-	-	-	-	-	-	-	907,138
Accounts Receivable	404,102	-	-	219,215	-	-	-	247,850	-	1,000	872,167
Interfund Receivable	16,879,056	-	-	-	-	-	-	-	-	-	16,879,056
Due from Other Governments	2,117,445	-	85,779	336,678	-	-	-	-	506,581	-	3,046,483
Loans Receivable											
Rockville Commons, L.P.	63,565	-	-	-	-	-	-	-	-	-	63,565
RELP One, L.P.	120,000	-	-	-	-	-	-	-	-	-	120,000
RHE Fireside Park, Inc.	-	1,421,738	-	283,971	-	-	-	-	-	-	1,705,709
Other Assets	469,828	493	7,771	-	-	-	1,685	420	2,386	37,511	520,094
Unbilled Assessments Receivable	-	8,702	-	-	-	-	-	-	-	-	8,702
Gross Receivables	20,961,134	1,430,933	93,550	839,864	2,360,071	2,472,878	68,157	248,270	562,223	38,511	29,075,591
Allowance for Uncollectibles	(534,417)	-	-	-	(7,196)	(12,835)	(8,124)	(29,296)	-	-	(591,868)
Net Receivables	$ 20,426,717	$ 1,430,933	$ 93,550	$ 839,864	$ 2,352,875	$ 2,460,043	$ 60,033	$ 218,974	$ 562,223	$ 38,511	$ 28,483,723

The City calculates its allowance for uncollectible accounts using historical collection data and, in certain cases, specific account analysis. The allowance amounted to $591,868 at June 30, 2017, and is composed of the following:

General Fund property taxes receivable	$ 534,417
Enterprise Funds utility fees receivable	28,155
Enterprise Funds parking citations receivable	29,296
Total allowance for uncollectibles	$ 591,868

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

B. Receivables (Continued)

Governmental funds report deferred revenue in connection with receivables for revenues that are considered to be unavailable to liquidate liabilities of the current period. Governmental funds also postpone revenue recognition in connection with resources that have been received, but not yet earned. At the end of the current fiscal year, the various components of deferred revenue and unearned revenue in the governmental funds were as follows:

	Deferred	Unearned
Special assessments not yet due (Debt Service Fund)	$ 8,702	$ -
Property taxes receivable (General Fund)	372,721	-
Recreation services not earned (General Fund)	-	1,358,978
Total deferred/unearned revenue for governmental funds	$ 381,423	$ 1,358,978

The City has the following loans receivable which are noncurrent assets:

Rockville Commons, L.P.- The loan in the total amount of $250,000 was issued on July 17, 1997 to Rockville Commons, L.P. The loan bears interest at 3% per annum. The loan is secured by a Second Deed of Trust, Security Agreement and Assignment of Rents dated July 17, 1997. The maturity date is August 15, 2019. The loan is recorded in the General Fund. The outstanding balance was $63,565 as of June 30, 2017.

RELP One, L.P. - The loan in the total amount of $120,000 was issued on June 12, 2003 to RELP One, L.P. The loan bears no interest. The loan is secured by a Second Deed of Trust, Security Agreement and Assignment of Rents dated June 12, 2003. The maturity date is June 30, 2043. The loan is recorded in the General Fund. The outstanding balance was $120,000 as of June 30, 2017.

RHE Fireside Park, Inc. - The loan in the total amount of $1,800,000 was issued on December 21, 2012 to RHE Fireside Park, Inc. The loan bears interest at 3% per annum. The loan is secured by a Second Deed of Trust, Security Agreement and Assignment of Rents dated December 21, 2012. The maturity date is April 1, 2020. The loan is recorded in the Debt Service Fund and Special Activities Fund. The outstanding balance was $1,705,709 as of June 30, 2017, of which $1,421,738 is reported in the Debt Service Fund and $283,971 is reported in the Special Activities Fund.

C. Prepaid Assets

The City participated with the County by providing contingent grant awards, as economic development initiatives for Duball Rockville, LLC and Choice Hotels International, Inc., for the purpose of attracting business activity to the City. The grants have performance requirements, when if met, will initiate the City's recognition of the grant expenditure. If the performance requirements are not met, the contingent grant will convert to a loan receivable and bear interest at 3% per annum. In fiscal year 2017 the performance period concluded for the Duball Rockville, LLC contingent grant award and upon noted compliance with all requirements, the grant expenditure of $980,000 was recognized. The performance period for the remaining contingent grant award of $156,000 to Choice Hotels International, Inc. will conclude in fiscal year 2018. The cost of prepaid items is recorded as expenditures/expenses when consumed rather than when purchased. At June 30, 2017, prepaid assets in the General Fund consisted of $156,000 for the contingent grant award to Choice Hotels International, Inc.

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

D. Capital Assets

Capital asset activity for the year ended June 30, 2017 was as follows:

	Beginning Balance	Increases	Decreases	Transfers	Ending Balance
Governmental Activities:					
Capital assets, not being depreciated:					
Land	$ 7,843,832	$ 3,700,650	$ -	$ -	$ 11,544,482
Construction in progress	2,966,485	2,852,087	-	(1,447,154)	4,371,418
Total capital assets, not being depreciated	$ 10,810,317	$ 6,552,737	$ -	$ (1,447,154)	$ 15,915,900
Capital assets, being depreciated:					
Buildings	84,404,736	-	-	1,422,709	85,827,445
Improvements other than buildings	22,020,974	867,410	-	24,445	22,912,829
Equipment	26,623,543	1,636,169	(220,472)	-	28,039,240
Infrastructure	217,115,476	6,362,112	-	-	223,477,588
Total capital assets being depreciated	$ 350,164,729	$ 8,865,691	$ (220,472)	$ 1,447,154	$ 360,257,102
Less accumulated depreciation for:					
Buildings	(17,887,880)	(2,252,609)	-	-	(20,140,489)
Improvements other than buildings	(6,334,217)	(1,129,945)	-	-	(7,464,162)
Equipment	(14,156,139)	(2,127,903)	220,472	-	(16,063,570)
Infrastructure	(44,929,348)	(3,397,189)	-	-	(48,326,537)
Total accumulated depreciation	$ (83,307,584)	$ (8,907,646)	$ 220,472	$ -	$ (91,994,758)
Total capital assets, being depreciated, net	266,857,145	(41,955)	-	1,447,154	268,262,344
Governmental activities capital assets, net	$ 277,667,462	$ 6,510,782	$ -	$ -	$ 284,178,244
Business-Type Activities:					
Capital assets, not being depreciated:					
Land	$ 2,058,940	$ -	$ -	$ -	$ 2,058,940
Construction in progress	6,956,236	3,907,441	-	(5,850,286)	5,013,391
Total capital assets, not being depreciated	$ 9,015,176	$ 3,907,441	$ -	$ (5,850,286)	$ 7,072,331
Capital assets, being depreciated:					
Buildings	4,447,888	-	-	-	4,447,888
Improvements other than buildings	193,800,946	9,024,989	-	5,850,286	208,676,221
Equipment	10,903,553	806,822	-	-	11,710,375
Purchased capacity	15,279,453	-	-	-	15,279,453
Total capital assets being depreciated	$ 224,431,840	$ 9,831,811	$ -	$ 5,850,286	$ 240,113,937
Less accumulated depreciation for:					
Buildings	(3,923,892)	(39,314)	-	-	(3,963,206)
Improvements other than buildings	(68,110,292)	(7,568,852)	-	-	(75,679,144)
Equipment	(8,005,040)	(519,914)	-	-	(8,524,954)
Purchased capacity	(4,500,597)	(305,589)	-	-	(4,806,186)
Total accumulated depreciation	$ (84,539,821)	$ (8,433,669)	$ -	$ -	$ (92,973,490)
Total capital assets, being depreciated, net	139,892,019	1,398,142	-	5,850,286	147,140,447
Business-type activities capital assets, net	$ 148,907,195	$ 5,305,583	$ -	$ -	$ 154,212,778

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

D. Capital Assets (Continued)

Depreciation expense was charged to functions/programs of the City as follows:

Governmental Activities:	
General Government	$ 3,818,038
Community Development	16,933
Public Safety	954,122
Public Works	4,067,586
Recreation and Parks	50,967
Total depreciation expense - governmental activities	$ 8,907,646
Business-Type Activities:	
Water	$ 3,102,757
Sewer	4,250,560
Refuse	307,524
Parking	8,014
Stormwater Management	664,265
RedGate Golf Course	100,549
Total depreciation expense - business-type activities	$ 8,433,669

E. Interfund Payables and Transfers

The interfund payables from various funds represent cash overdrafts that are payable to the General Fund within one year. The interfund payables as of June 30, 2017 consisted of the following:

	Interfund Payable Total
Governmental Funds:	
Community Development Block Grant Fund	$ 106,243
Proprietary Funds:	
Water Facility Fund	6,099,334
Sanitary Sewer Fund	10,673,479
Total	$ 16,879,056

The interfund transfers are used to provide resources from the General Fund to other funds, and occur in the normal course of business. Interfund transfers for the year ended June 30, 2017 consisted of the following:

	Transfers from General Fund
Debt Service Fund	$ 5,350,000
Capital Projects Fund	12,114,612
Special Activities Fund	119,890
Refuse Fund	44,520
Parking Fund	715,000
Total	$ 18,344,022

Transfer from the General Fund to the Debt Service Fund represents resources to repay general obligation bonds.
Transfer from the General Fund to the Capital Projects Fund represents the City's budgeted pay-as-you-go funding.
Transfer from the General Fund to the Special Activities Fund represents resources for the Art in Public Architecture program and Art in Public Places program.
Transfer from the General Fund to the Refuse Fund represents resources to pay for refuse services used by RHE properties.
Transfer from the General Fund to the Parking Fund represents resources to repay general obligation bonds.

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

E. Interfund Payables and Transfers (Continued)

Administrative functions of the City's water and sewer utility operations are maintained in the Water Fund. During the year ended June 30, 2017 the Sewer Fund transferred $330,640 to the Water Fund in order to cover their share of operational expenses.

F. Long-Term Debt

General Obligation Bonds and Loans Payable

General obligation bonds provide funds for the acquisition and construction of major capital assets and are direct city obligations in which the full faith and credit of the government is pledged. These bonds generally are issued as 10-30 year serial bonds with equal amounts of principal maturing each year. When preferential interest rates exist, the City will issue refunding and advance refunding bonds to refinance outstanding general obligation bonds. Loans payable represent amounts due to other government entities in connection with specific intergovernmental activities and initiatives. General obligation bonds and loans payable which were outstanding at June 30, 2017 are as follows:

	Year of Issuance	Outstanding Principal	Interest Rate Range	Year of Final Maturity
Governmental Activities				
General Improvements - 2010	2010	$ 11,080,000	3.00 - 4.10%	2031
General Improvements - Refunding 2011A	2011	508,893	2.00 - 3.00%	2021
General Improvements - Refunding 2013B	2013	2,698,206	3.00 - 4.00%	2023
Loan Payable - Montgomery County	2013	163,333	0.00%	2018
Loan Payable - Montgomery County	2013	78,000	0.00%	2019
General Improvements - Refunding 2014A	2014	3,727,186	2.00 - 5.00%	2024
General Improvements - 2014B	2014	2,525,000	2.00 - 5.00%	2025
General Improvements - Refunding 2015A	2015	4,824,249	4.00 - 5.00%	2025
General Improvements - 2016A	2016	1,045,000	2.00 - 3.00%	2036
General Improvements - Advance Refunding 2016B	2016	4,453,091	2.00 - 5.00%	2028
Total Governmental Activities		$ 31,102,958		
Business-Type Activities				
Loan Payable - State of Maryland	1999	$ 365,207	3.21%	2019
Loan Payable - State of Maryland	2000	397,752	3.64%	2020
Loan Payable - State of Maryland	2002	1,191,457	1.90%	2023
Loan Payable - State of Maryland	2005	581,305	0.00%	2025
General Improvements - 2008	2008	835,000	4.00 - 4.50%	2018
Loan Payable - State of Maryland	2010	640,168	1.00%	2031
General Improvements - 2010	2010	6,820,000	3.00 - 4.10%	2031
General Improvements - Refunding 2011A	2011	646,107	2.00 - 3.00%	2021
General Improvements - 2011B	2011	7,360,000	2.00 - 3.375%	2032
General Improvements - Advance Refunding 2011C	2011	30,830,000	3.50 - 4.375%	2036
General Improvements - 2013A	2013	13,550,000	3.00 - 4.00%	2034
General Improvements - Refunding 2013B	2013	876,793	3.00 - 4.00%	2023
General Improvements - Refunding 2014A	2014	882,815	2.00 - 5.00%	2024
General Improvements - 2014B	2014	9,805,000	2.00 - 5.00%	2035
General Improvements - Refunding 2015A	2015	3,690,752	4.00 - 5.00%	2025
General Improvements - 2015B	2015	9,630,000	2.00 - 5.00%	2036
General Improvements - 2016A	2016	4,850,000	2.00 - 3.00%	2036
General Improvements - Advance Refunding 2016B	2016	6,771,909	2.00 - 5.00%	2028
Total Business-Type Activities		$ 99,724,265		

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

F. Long-Term Debt (Continued)

The City anticipates that all amounts required for payment of interest and principal on business-type activities debt will be provided from the respective fund's revenues; however, the bonds are further secured by the full faith and credit and unlimited taxing power of the City.

Unamortized bond premiums are reported with outstanding principal for governmental and business-type activities. The long term outstanding debt payable consists of the following:

	Governmental Activities	Business-Type Activities
Long-term outstanding debt	$ 31,102,958	$ 99,724,265
Unamortized bond premiums	2,718,492	4,127,691
Long-term outstanding debt, net	$ 33,821,450	$ 103,851,956

The City's future payments of long-term debt for governmental activities are as follows:

	Governmental Activities		
Fiscal Year Ending June 30,	Principal	Interest	Total Principal and Interest
2018	$ 3,809,203	$ 1,200,499	$ 5,009,702
2019	3,634,994	1,063,455	4,698,449
2020	3,638,488	917,752	4,556,240
2021	3,606,048	787,425	4,393,473
2022	3,062,422	653,031	3,715,453
2023	3,055,373	532,688	3,588,061
2024	2,606,802	411,251	3,018,053
2025	2,117,537	306,707	2,424,244
2026	1,186,970	215,755	1,402,725
2027	1,190,121	167,338	1,357,459
2028	730,000	118,255	848,255
2029	730,000	91,507	821,507
2030	730,000	63,407	793,407
2031	730,000	35,307	765,307
2032	55,000	6,530	61,530
2033	55,000	5,294	60,294
2034	55,000	4,056	59,056
2035	55,000	2,750	57,750
2036	55,000	1,375	56,375
Total	$ 31,102,958	$ 6,584,382	$ 37,687,340

Note: Principal amounts do not include net unamortized bond premiums of $2,718,492 for governmental activities.

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

F. Long-Term Debt (Continued)

The City's future payments of long-term debt for business-type activities are as follows:

	Business-Type Activities												
Fiscal Year Ending June 30,	Water Facility		Sanitary Sewer		Refuse		Parking		Stormwater Management		RedGate Golf Course		Total Principal and Interest
	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest	
2018	$ 2,555,283	$ 968,858	$ 2,868,533	$ 1,336,139	$ 90,000	$ 32,794	$ 1,170,860	$ 1,270,983	$ 300,781	$ 67,602	$ 22,397	$ 5,070	$ 10,689,300
2019	2,150,144	881,169	2,864,799	1,240,064	90,000	30,094	1,160,000	1,223,641	301,263	58,121	22,027	4,398	10,025,720
2020	1,979,582	777,803	2,859,872	1,128,818	90,000	26,494	1,210,000	1,177,241	301,748	48,635	22,027	3,517	9,625,737
2021	1,847,400	702,186	2,864,875	1,024,995	90,000	21,994	1,255,000	1,128,841	302,238	44,544	22,027	2,636	9,306,736
2022	1,856,740	627,277	2,702,969	911,522	95,000	17,494	1,305,000	1,078,641	302,735	35,048	22,027	1,755	8,956,208
2023	1,862,065	553,545	2,693,754	805,926	95,000	12,744	1,360,000	1,026,441	303,235	25,547	21,841	874	8,760,972
2024	1,655,475	482,659	2,572,723	707,692	90,000	7,994	1,405,000	978,841	303,740	17,841	-	-	8,221,965
2025	1,656,921	417,829	2,455,542	608,963	95,000	4,394	1,455,000	926,856	304,252	10,131	-	-	7,934,888
2026	1,500,000	356,952	2,148,030	529,486	95,000	2,254	1,510,000	871,566	52,105	2,415	-	-	7,067,808
2027	1,500,000	304,420	2,144,879	461,261	-	-	1,575,000	811,166	52,626	1,894	-	-	6,851,246
2028	1,490,000	249,945	1,880,000	391,596	-	-	1,635,000	746,591	53,152	1,368	-	-	6,447,652
2029	1,075,000	195,646	1,870,000	335,066	-	-	1,705,000	678,739	53,682	836	-	-	5,913,969
2030	1,075,000	161,552	1,875,000	277,847	-	-	1,775,000	607,129	29,916	299	-	-	5,801,743
2031	1,070,000	127,109	1,875,000	219,692	-	-	1,855,000	532,579	-	-	-	-	5,679,380
2032	840,000	92,603	1,615,000	161,275	-	-	1,930,000	454,669	-	-	-	-	5,093,547
2033	690,000	66,617	1,275,000	111,370	-	-	2,010,000	372,644	-	-	-	-	4,525,631
2034	690,000	45,245	1,275,000	72,407	-	-	2,095,000	287,219	-	-	-	-	4,464,871
2035	445,000	24,119	725,000	33,888	-	-	2,190,000	195,563	-	-	-	-	3,613,570
2036	320,000	9,948	395,000	11,376	-	-	2,280,000	99,750	-	-	-	-	3,116,074
Total	$ 26,258,610	$ 7,045,482	$ 38,960,976	$ 10,369,383	$ 830,000	$ 156,256	$ 30,880,860	$ 14,469,100	$ 2,661,473	$ 314,281	$ 132,346	$ 18,250	$ 132,097,017

Note: Principal amounts do not include net unamortized bond premiums of $4,127,691 for business-type activities.

F. Long-Term Debt (Continued)

The future payments for long-term debt are summarized as follows:

Governmental Activities

Fiscal Year Ending June 30,	Principal	Interest	Total Principal and Interest
2018 - 2022	$ 17,751,155	$ 4,622,162	$ 22,373,317
2023 - 2027	10,156,803	1,633,739	$ 11,790,542
2028 - 2032	2,975,000	315,006	$ 3,290,006
2033 - 2036	220,000	13,475	$ 233,475
Total	$ 31,102,958	$ 6,584,382	$ 37,687,340

Note: Principal amounts do not include net unamortized bond premiums of $2,718,492 for governmental activities.

Business-Type Activities

Fiscal Year Ending June 30,	Water Facility		Sanitary Sewer		Refuse		Parking		Stormwater Management		RedGate Golf Course		Total Principal and Interest
	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest	
2018 - 2022	$ 10,389,149	$ 3,957,293	$ 14,161,048	$ 5,641,538	$ 455,000	$ 128,870	$ 6,100,860	$ 5,879,347	$ 1,508,765	$ 253,950	$ 110,505	$ 17,376	$ 48,603,701
2023 - 2027	8,174,461	2,115,405	12,014,928	3,113,328	375,000	27,386	7,305,000	4,614,870	1,015,958	57,828	21,841	874	38,836,879
2028 - 2032	5,550,000	826,855	9,115,000	1,385,476	-	-	8,900,000	3,019,707	136,750	2,503	-	-	28,936,291
2033 - 2036	2,145,000	145,929	3,670,000	229,041	-	-	8,575,000	955,176	-	-	-	-	15,720,146
Total	$ 26,258,610	$ 7,045,482	$ 38,960,976	$ 10,369,383	$ 830,000	$ 156,256	$ 30,880,860	$ 14,469,100	$ 2,661,473	$ 314,281	$ 132,346	$ 18,250	$ 132,097,017

Note: Principal amounts do not include net unamortized bond premiums of $4,127,691 for business-type activities.

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

F. Long-Term Debt (Continued)

Loans Payable

Three loans totaling $8,122,000 were awarded from the State of Maryland to the City between August 1998 and December 2001 to support the rehabilitation of the City's Water Treatment Plant. These loans have interest rates ranging from 1.90% to 3.64%. At June 30, 2017 there is $1,954,416 cumulatively outstanding in the Water Fund.

A non-interest bearing loan for $1,381,600 was awarded to the City from the State of Maryland in September 2005 for the restoration of Wootton Mill Park Stream. At June 30, 2017 the outstanding loan payable in the Stormwater Management Fund is $581,305.

A loan was awarded to the City for $998,100 from American Recovery and Reinvestment Act (ARRA) Funds through Maryland Department of the Environment (MDE) in December 2009. This is a revolving loan with a 1.00% interest rate that was awarded to the City for improvements to Woodley Gardens Park; of which $640,168 remained outstanding in the Stormwater Management Fund as of June 30, 2017.

The City participated with the County by providing contingent grant awards, as economic development initiatives for Duball Rockville, LLC and Choice Hotels International, Inc., for the purpose of attracting business activity to the City. The City obtained a loan from the County to fund the City's contributions. The loans bear no interest and will be repaid from the Debt Service Fund over a six-year period. As of June 30, 2017 the outstanding loans payable were $163,333 and $78,000, respectively.

Defeasance of Debt

Due to favorable interest rates during fiscal year 2017, the City issued $13,867,885, including premium, of Series 2016B advance refunding general obligation bonds, which refunded $13,065,000 in Series 2007 and 2008 general obligation bonds from the Debt Service, Water, and Sewer Funds. The proceeds were used to purchase U.S. government securities which were deposited in an irrevocable trust with an escrow agent for redemption on future call dates. As a result, a portion of the Series 2007 and 2008 general obligation bonds are considered to be defeased and the liability for those bonds has been removed from the Statement of Net Assets. The new total debt service of $14,988,358 represents a total savings of $1,824,186 as compared to the prior debt service of $16,812,544. The economic gain (the difference in the present value of the old and new debt service payments) totals $1,685,959. The associated deferred charge on the advance refunding is recognized over 11 years in the Debt Service and Sewer Funds and 12 years in the Water Fund, the respective terms of the new general obligation bonds. For the year ended June 30, 2017 the City recognized expenses of $56,787 and the remaining deferred charge on advance refunding is $ 596,873.
At June 30, 2017 $4,815,000 of these defeased bonds remain outstanding.

In prior years, the City defeased general obligation bonds in the Parking Fund. At June 30, 2017 there are no defeased bonds outstanding within the Parking Fund, however the associated deferred charge on the advance refunding is recognized over 20 years, the term of the new general obligation bonds. For the year ended June 30, 2017 the City recognized expenses of $189,958 and the remaining deferred charge on advance refunding is $2,722,732.

Conduit Debt Obligations

From time to time, the City may issue Economic Revenue Development Bonds to provide financial assistance to private-sector entities for the acquisition and construction of facilities deemed to be in the public interest. The bonds are secured by the property being financed and are payable solely from payments received on the underlying mortgage loans. Upon repayment of the bonds, ownership of the acquired facilities transfers to the private-sector entity served by the bond issuance. Neither the City, the County, the State, nor any political subdivision thereof is obligated in any manner for repayment of the bonds. Accordingly, the bonds are not reported as liabilities in the accompanying financial statements.

As of June 30, 2017, there were Economic Development Revenue Bonds outstanding with National Lutheran Home & Village at Rockville, Inc. with a principal amount payable of $20,985,000.

Bonds Authorized For Future Issuance

On May 1, 2017 the Mayor and Council authorized the issuance and sale of general obligation bonds for an amount not to exceed $12,000,000. At June 30, 2017 these bonds were not yet issued.

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

F. Long-Term Debt (Continued)

Changes in Long-Term Liabilities

The following is a summary of changes in the City's governmental activities long-term liabilities and business-type activities long term liabilities for the year ended June 30, 2017:

	Balance as of 6/30/16	Additions	Reductions	Balance as of 6/30/17	Due within One Year
Governmental Activities					
General obligation bonds	$ 34,224,590	$ 5,583,303	$ (8,946,268)	$ 30,861,625	$ 3,619,870
Unamortized bond premiums	2,120,371	960,022	(361,901)	2,718,492	-
Loans payable	430,666	-	(189,333)	241,333	189,333
Accrued obligations for compensated absences	4,724,609	2,091,255	(1,895,852)	4,920,012	3,591,609
Claims payable	1,591,998	777,000	(600,848)	1,768,150	671,897
Net pension liability	17,908,264	17,219,738	(13,607,664)	21,520,338	-
Net OPEB obligation	718,820	667,025	(639,042)	746,803	-
Governmental activities long-term liabilities	$ 61,719,318	$ 27,298,343	$ (26,240,908)	$ 62,776,753	$ 8,072,709

Business-Type Activities	Balance as of 6/30/16	Additions	Reductions	Balance as of 6/30/17	Due within One Year
General obligation bonds and loans					
Water facility fund	$ 28,413,982	$ 5,420,000	$ (7,575,372)	$ 26,258,610	$ 2,555,283
Sanitary sewer fund	38,452,322	6,496,697	(5,988,043)	38,960,976	2,868,533
Refuse fund	1,260,000	-	(430,000)	830,000	90,000
Parking fund	31,522,110	-	(641,250)	30,880,860	1,170,860
Stormwater management fund	2,961,777	-	(300,304)	2,661,473	300,781
RedGate golf course fund	154,743	-	(22,397)	132,346	22,397
Unamortized bond premiums	3,091,635	1,612,153	(576,097)	4,127,691	-
Accrued obligations for compensated absences	918,051	502,571	(435,689)	984,933	719,001
Business-type activities long-term liabilities	$ 106,774,620	$ 14,031,421	$ (15,969,152)	$ 104,836,889	$ 7,726,855

Note: The compensated absences in the governmental activities will be paid from the General Fund.

G. Operating Leases

The City leased the Arts and Innovations Center to VisArts under a 20-year lease which began on August 1, 2007 and expires on June 30, 2027. The rental income for the months beginning August 1, 2007 through July 1, 2008 were abated and the base rent for that year was allocated over lease years 2009 - 2011. The City began receiving monthly income for this lease on August 1, 2008. The following schedule provides future lease payments expected under the operating lease:

Fiscal Year	Rent Amount
2018	$ 33,598
2019	34,606
2020	35,644
2021	36,713
2022	37,815
2023 - 2027	206,787
Total	$ 385,163

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

G. Operating Leases (Continued)

The City leased the Red Gate Golf Course under a ten-year lease which began on January 1, 2012 and expires on December 31, 2021. The lease agreement contains options for two additional 10 year periods and provisions for revenue sharing. The annual lease fee is $100 through calendar year 2016 and $12,000 from calendar year 2017 to 2021. During the current year, the City recorded revenues of $6,000. Rental income related to the operating leases is recognized as rent becomes due. The following schedule provides future lease payments expected under the operating lease:

Fiscal Year	Rent Amount
2018	$ 12,000
2019	12,000
2020	12,000
2021	12,000
2022	6,000
Total	$ 54,000

H. Capital Leases

Beginning September 1, 2011, the City became the lessor of its Town Center Parking Garages under a fifty-year capital lease which expires on August 31, 2061. The initial annual fixed minimum rent was $300,000, with annual adjustments based on increases to the Consumer Price Index. The agreement specifies that the annual fixed minimum rent payable to the City may not be less than the previous year and contains provisions for revenue sharing. Upon initial measurement, the net carrying value of the parking garages was less than the estimated future minimum lease payments, resulting in unearned income that will be recognized over the term of the capital lease. At June 30, 2017, the unearned income on the capital lease was $1,572,569 and the lease receivable was $25,392,575. Estimated future minimum lease payments and unearned income amortization is as follows:

Fiscal Year	Lease Amount	Unearned Income	Net Amount
2018	$ 324,464	$ 35,538	$ 288,926
2019	327,709	35,538	292,171
2020	330,986	35,538	295,448
2021	334,296	35,538	298,758
2022	337,639	35,538	302,101
2023 - 2061	23,737,481	1,394,879	22,342,602
Total	$ 25,392,575	$ 1,572,569	$ 23,820,006

I. Fund Balance and Net Position

At June 30, 2017 the City had a fund balance deficit for the CDBG Fund of $12,988. The CDBG Fund manages a federal grant program and may have liabilities exceeding its assets for vendor payables and for recaptured costs from the early sale of homes rehabilitated with grant proceeds. These are timing differences which are expected to clear over the term of each grant award.

The City has classified portions of its fund balance as nonspendable, which reflects the nonspendable form of the assets. At June 30, 2017 total nonspendable fund balance is $2,499,453.

At June 30, 2017 the City had a net position deficit for the Parking Fund of $3,800,765. This will continue until the long term debt from the construction of the parking garages is repaid.

(3) OTHER INFORMATION

A. Risk Management

The City is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; natural disasters; and employee health benefits. The City carries insurance for worker's compensation, comprehensive general, automobile and professional liability, fire and theft, and the liability for errors, omissions and other selected areas that require coverage.

Beginning July 1, 2011, the City became partially self-insured with respect to worker's compensation. City management believes it is more economical to manage its risks internally and set aside assets for claim settlements. The City has a Self-Insured Retention (SIR) of $500,000 per claim with an aggregate retention of $2,200,000 for the policy year. The worker's compensation claims payable of $1,768,150 reported at June 30, 2017 includes all claims for which information prior to the issuance of the financial statements indicates that it was probable that a liability had been incurred and that the loss could be reasonably estimated. Changes in the claims liability amounts for the current and previous year are as follows:

Fiscal Year	Beginning of the Fiscal Year Liability	Current Year Claims and Changes in Estimates	Claim Payments	Balance at Fiscal Year End
2016	$ 1,508,420	$ 797,000	$ (713,422)	$ 1,591,998
2017	$ 1,591,998	$ 777,000	$ (600,848)	$ 1,768,150

The City continues to carry commercial insurance for employee health insurance. Settled claims resulting from these risks have not exceeded commercial insurance coverage in any of the past three fiscal years.

B. Tax Abatements

The City enters into property tax abatement arrangements in the form of agreements with specific entities and special tax credit programs when authorized by the Mayor and Council. For fiscal year ended June 30, 2017, the City abated property taxes totaling $246,200, including the following tax abatement agreements that each exceeded 10 percent of the total amount abated:

- Economic Development Fund Agreements with Duball Rockville, LLC and Choice Hotels International, Inc. provided tax abatements in exchange for the relocation of Choice Hotels Corporate Headquarters and for the development of Cambria Suites Hotel. The abatement amounted to $189,000.
- Fireside Park Apartments makes payments in lieu of taxes (PILOT) under a waiver agreement in support of affordable housing within the City. The abatement amounted to $32,000.

C. Commitments and Contingent Liabilities

Washington Suburban Sanitary Commission (WSSC)

The City has contracted with WSSC to upgrade and enhance a portion of the Blue Plains Waste Water Treatment Plant. Through June 30, 2017, the City had paid $74,190,942 as its contractual share of the construction costs of the treatment facility and the related sewer transmission lines, which were recorded in capital assets. The City's remaining contribution through the completion of the project is estimated to be $15,742,849 for treatment capacity. The City intends to issue bonds to fund most of these costs.

The City has no direct ongoing equity interest in WSSC's assets and liabilities. Furthermore, the City has no significant influence over the management of the treatment facilities. Accordingly, the City does not record this contractual arrangement as a joint venture.

In addition to the capacity cost described above, WSSC charges the City a portion of its operating costs for treatment of sewage. The City accrues an amount for these charges each year based on its best estimate of usage. Adjustments to the accrued charges, which result from subsequent billings by WSSC, are recorded in the period during which the City receives the final bill.

(3) OTHER INFORMATION (CONTINUED)

C. Commitments and Contingent Liabilities (Continued)

Litigation

The City is contingently liable with respect to lawsuits and other claims which arise in the ordinary course of its operations. The total number of pending lawsuits and claims not covered by insurance nor expressly provided in these statements will not have an adverse impact on the City's financial condition.

(4) RETIREMENT PLANS

A. Retirement Plan Descriptions

Covered police and non-police employees hired before 1986 participate in one single-employer defined benefit pension plan. Non-police employees hired on or after 1986 participate in a hybrid pension plan that includes one single-employer defined benefit plan and one defined contribution plan. All benefitted employees of the City have the option to participate in a deferred compensation plan. The Retirement Board is composed of a member of the Mayor and Council, the City Manager, three City employees, below assistant department head level, and two residents with previous business experience, one of whom serves as the chairperson. Each board member serves a two-year term. The Finance Director is the executive secretary to the board. The Retirement Board makes recommendations to Mayor and Council, which has the authority to establish and amend the benefit provisions of the pension plans including contribution requirements of the employees and employer.

As of July 1, 2013, the City has implemented GASB Statement No. 67, Financial Reporting for Pension Plans. As of July 1, 2014, the City has implemented GASB Statement No. 68, Accounting and Financial Reporting for Pensions. These statements replace previously issued requirements for pension plans administered through trusts.

Measurement Focus and Basis of Accounting

The financial statements of the City's pension plans are prepared using the accrual basis of accounting. Member contributions are recognized in the period in which contributions are due. City contributions to each plan are recognized when due and the City has made a formal commitment to provide the contributions. City contributions to the defined benefit pension plan are actuarially determined. Benefits and refunds are recognized when due and payable in accordance with the terms of each plan. Future payments of the net pension liability are the primary responsibility of the General Fund, therefore this long-term liability is presented in the Government-wide Statement of Net Position.

Administration

The Principal Financial Group and Prudential Bank and Trust are record-keepers of the single-employer defined benefit pension plan and the hybrid pension plan, which were established and are administered by the City. For financial reporting purposes, the ROCKERS is included as a Fiduciary Fund in the City's financial statements. No other financial statements are issued related to the ROCKERS.

The ROCKERS includes the pre-1986 single-employer defined benefit pension plan and the hybrid pension plan which includes a defined benefit plan and a defined contribution plan. The activities of the pre-1986 defined benefit plan are combined with the activities of the defined benefit component of the hybrid plan for reporting purposes. The defined contribution plan and defined benefit plan are reported as separate Pension Trust Funds.

Method Used to Value Investments

Plan investments are reported at fair value or estimated fair value. Securities traded on a national or international exchange are valued at the last reported sales price at the current exchange rates. Real estate assets are reported at fair value utilizing an income approach to valuation.

(4) RETIREMENT PLANS (CONTINUED)

B. Defined Benefit Pension Plan

Pre-1986 Plan Benefits and Contributions

This benefit is available to police employees, who participate 100 percent in the defined benefit option regardless of the date of employment, administrative employees hired prior to April 15, 1986 and union employees hired prior to December 2, 1986. An employee who retires at age 60 or a police employee with the completion of 25 years of credited service regardless of age is entitled to an annual retirement benefit, payable monthly for life (120 payments are guaranteed). For union employees, the annual benefit amount is equal to 1.8 percent of his/her final average salary, for each year of credited service, for administrative personnel in an amount equal to 1.8 percent of his/her final average salary for credited service before April 1, 1996, and 2.0 percent of his/her final average salary for credited service after April 1, 1996.

For police personnel, the annual benefit amount is equal to the lesser of (a) (1) 2.0 percent of his/her final average earnings multiplied by his/her years of credited service prior to April 1, 2004, plus (2) 2.25 percent of his/her final average earnings multiplied by his/her years of credited service on or after April 1, 2004, or (b) 67.5 percent of his/her final average earnings. Final average salary for administrative personnel and union employees is computed as the average earnings over three consecutive years within the last 10 years of service which produces the highest average and for police employees the average annual earnings is computed as the average annual earnings during the final 60 months of employment with the City.

Covered police and pre-1986 non-police employees are required by statute to contribute a certain percent (4.2 percent for union, 5.2 percent for administrative and 8.5 percent for police) of their salaries to the plan. If an employee leaves covered employment or dies before 10 years of credited service (based upon a graduated vesting schedule of 50 percent after five years, up to 100 percent after 10 years of credited service), accumulated employee contributions plus credited interest thereon at the rate of 6 percent and a portion of the City's contribution (City contributions are deemed to be 150 percent of the employees contributions plus credited interest) are paid to the employee or designated beneficiary.

Post-1986 Hybrid Plan Benefits and Contributions

This benefit is available to full-time, permanent, non-police employees hired on or after April 15, 1986 and union employees hired after December 2, 1986. An employee becomes an eligible retiree after (a) having attained age 60 while employed with the City and completed at least 10 years of service prior to retirement, (b) taking early retirement occasioned by poor health, having attained age 50 while employed with the City and having completed 10 years of service if hired before July 1 , 2011, or having attained age 58 while employed with the City and having completed 10 years of service if hired on or after July 1, 2011, or (c) taking early retirement from the City when their age plus service equals or exceeds 85. These employees are also covered by the defined contribution plan described below. Employees are required to participate from the date of employment. Union employees are covered for an annual benefit equal to 1.0 percent of average salary and administrative personnel are covered for an annual benefit equal to 1.0 percent before April 1, 1996, and 1.2 percent on or after April 1, 1996, of average salary (as previously defined) for each year of credited service.

Administrative personnel are required by statute to contribute 1.0 percent of their salaries to the plan starting April 1, 1996 and union personnel have no contribution requirement. Employees are fully vested after 10 years of service, regardless of the plan entry age.

Membership

Membership in the defined benefit plan consisted of the following at July 1, 2016, the date of the actuarial valuation corresponding to the fiscal year ended June 30, 2017.

Retirees and beneficiaries receiving benefits	257
Terminated plan members vested but not yet receiving benefits	50
Active plan members	507
Total	814

(4) RETIREMENT PLANS (CONTINUED)

C. Net Pension Liability

The City's net pension liability was measured as of June 30, 2017, and the total pension liability used to calculate the net pension liability was based on an actuarial valuation date of July 1, 2016. Actuaries utilized update procedures to roll forward the total pension liability in the July 1, 2016 actuarial valuation to the June 30, 2017 measurement date.

Actuarial Assumptions

The total pension liability was determined using the following actuarial assumptions which were adopted by the City during fiscal year 2017 and applied to all periods included in the measurement:

Actuarial assumptions	
-Actuarial valuation date	July 1, 2016
-Investment rate of return, including inflation	7.00%
-Projected salary increases, including inflation	4.75% - 12.50%
-Includes inflation at	2.50%
-Cost of living adjustment	0.00%

The mortality rates were based on the RP-2000 Male and Female Combined Healthy Mortality Table, projected to 2016 for males and to 2020 for females using projection scale AA.

The actuarial assumptions used in the most recent actuarial valuation were based on the results of an actuarial experience study for the period January 1, 2006 through December 31, 2010. During fiscal year 2017, the actuarial experience study for the period April 1, 2011 through July 1, 2015 was finalized and new assumptions were adopted. The update procedures used to roll forward the total pension liability from the July 1, 2016 actuarial valuation to the June 30, 2017 report date utilizes the most current assumptions.

The long term expected rate of return on pension plan investments was determined by evaluating the historical investment, the selection of a portfolio of multiple asset classes, the use of professional investment managers, and the regular monitoring of investment performance. Expected future real rates of return are developed for each major asset class and combined to produce the single long term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and adding expected inflation. The target allocation and best estimates of arithmetic real rates of return for each major asset class are summarized in the following table:

Asset Class	Target Allocation	Long Term Expected Real Rate of Return
Domestic Equity	30.0%	6.20%
International Equity	20.0%	7.20%
Fixed Income Core	20.0%	1.60%
Real Estate	12.5%	4.70%
Treasury Inflation Protected Securities (TIPS)	7.5%	1.20%
Global Tactical Asset Allocation (GTAA)	10.0%	4.60%
Total	100.0%	

Based on these factors, the long term real rate of return is expected to be in the range of 4.00% and 5.50%. A rate of 4.50% was used for the actuarial assumption. When combined with the inflation rate of 2.50%, the investment rate of return is determined to be 7.00%. For the year ended June 30, 2017, the annual money-weighted rate of return on investments, net of investment expense was 11.10%.

Discount Rate

The discount rate used to measure the total pension liability was 7.00%. The projection of cash flows used to determine the discount rate assumed that plan member contributions will be made at the current contribution rate and that City contributions will be made equal to the actuarially determined contribution. Based on these assumptions, the pension plan's fiduciary net positon was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine total pension liability.

(4) RETIREMENT PLANS (CONTINUED)

C. Net Pension Liability (Continued)

Net Pension Liability

Changes in the City's net pension liability for the year ended June 30, 2017 were as follows:

	(A) Total Pension Liability	(B) Plan Fiduciary Net Position	(A - B) Net Pension Liability
Balances at June 30, 2016	$ 105,318,300	$ 87,410,036	$ 17,908,264
Changes for the year:			
Service Cost	2,092,506	-	2,092,506
Interest	7,847,249	-	7,847,249
Differences between expected and actual experience	1,097,364	-	1,097,364
Changes of assumptions	6,150,798	-	6,150,798
Contributions - employer	-	3,473,255	(3,473,255)
Contributions - employee	-	756,187	(756,187)
Net investment income	-	9,378,222	(9,378,222)
Benefit payments, including refunds of employee contributions	(5,664,043)	(5,664,043)	-
Administrative expense	-	(31,821)	31,821
Other charges	-	-	-
Net changes	11,523,874	7,911,800	3,612,074
Balances at June 30, 2017	$ 116,842,174	$ 95,321,836	$ 21,520,338

Sensitivity of the Net Pension Liability to Changes in the Discount Rate

The following presents the net pension liability of the City calculated using a discount rate of 7.00%, as well as what the City's net pension liability would be if it were calculated using a discount rate that is 1-percentage point lower (6.00%) or 1-percentage point higher (8.00%) than the current rate:

1% Decrease (6.00%)	Current Rate (7.00%)	1% Increase (8.00%)
$ 35,148,502	$ 21,520,338	$ 9,947,287

Pension Expense and Deferred Outflows of Resources

For the year ended June 30, 2017, the City recognized pension expense of $4,930,370. At June 30, 2017, the City reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	$ -	$ 10,183
Changes of assumptions	5,204,521	-
Net difference between projected and actual earnings on investments	2,491,902	-
Total	$ 7,696,423	$ 10,183

(4) RETIREMENT PLANS (CONTINUED)

C. Net Pension Liability (Continued)

Amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year Ended June 30:	
2018	$ 2,216,737
2019	2,216,738
2020	1,392,431
2021	344,276
2022	982,007
Thereafter	534,051
Total	$ 7,686,240

D. Defined Contribution Pension Plan

Full-time, permanent non-police employees hired on or after April 15, 1986, are required to participate in this plan from the date of employment. The plan is administered by Mass Mutual and allows participant contributions up to a maximum of 5 percent of earnings. The employee contributions are matched $0.50 by the City for each $1 contributed by the employee. The employee is fully vested in his/her employee contributions and investment earnings thereon. The City's contribution for each employee (City's contributions and investment earnings thereon) is fully vested after three years of credited service. The contributions made in fiscal year 2017 by plan members totaled $1,368,650 and the City contributed $684,325.

E. Deferred Compensation Plan

All employees of the City Government may participate in the deferred compensation plan organized under the Internal Revenue Code Section 457, and administered by Mass Mutual. Under the terms of the plan, participating employees may have a portion of their salaries withheld, subject to limitations imposed by the Internal Revenue Service, and invested in the plan. All taxes are deferred on these contributions and related earnings until the participant terminates from the plan. The City is compliant with the Internal Revenue Code Section 457(g) requiring all assets and income of the plan to be held in trust for the exclusive benefit of participants and their beneficiaries. Management’s involvement with the plan is limited to transferring amounts withheld from payroll to the Plan record keeper. Accordingly, the fair values of the plan assets are not reflected in the City’s financial statements.

(4) RETIREMENT PLANS (CONTINUED)

F. Combining Statements for Pension Trust Fund

The defined benefit pension plan and defined contribution pension plan combine in the Statement of Fiduciary Net Position and in the Statement of Changes in Fiduciary Net Position. The combining statements of the pension trust funds are provided below for the year ended June 30, 2017:

Combining Statement of Fiduciary Net Position
Pension Trust Funds
June 30, 2017

	Defined Contribution Trust	Defined Benefit Trust	Total Pension Trust Funds
Assets			
Investments at fair value - equity in pooled pension trust	$ 31,964,366	$ 95,321,836	$ 127,286,202
Liabilities			
Benefits payable	-	-	-
Net Position			
Restricted for plan benefits	$ 31,964,366	$ 95,321,836	$ 127,286,202

Combining Statement of Changes in Fiduciary Net Position
Pension Trust Funds
For the Fiscal Year Ended June 30, 2017

	Defined Contribution Trust	Defined Benefit Trust	Total Pension Trust Funds
Additions			
Contributions			
Employer	$ 684,325	$ 3,473,255	$ 4,157,580
Plan members	1,368,650	756,187	2,124,837
Total contributions	$ 2,052,975	$ 4,229,442	$ 6,282,417
Investment Income			
Net appreciation in the fair value of plan investments	3,642,326	9,407,613	13,049,939
Interest and dividends	20,728	374,117	394,845
Total investment income	$ 3,663,054	$ 9,781,730	$ 13,444,784
Total additions	$ 5,716,029	$ 14,011,172	$ 19,727,201
Deductions			
Benefits	$ 1,420,092	$ 5,664,043	$ 7,084,135
Investment fee expense	69,965	403,508	473,473
Administrative expense	-	31,821	31,821
Total deductions	$ 1,490,057	$ 6,099,372	$ 7,589,429
Net (decrease)/increase	4,225,972	7,911,800	12,137,772
Net position - beginning	27,738,394	87,410,036	115,148,430
Net position - ending	$ 31,964,366	$ 95,321,836	$ 127,286,202

(5) OTHER POST-EMPLOYMENT BENEFITS

A. Other Post-Employment Benefits Plan Description

Plan Administration

In addition to the pension benefits described in Note (4), the City provides other post-employment health benefits (OPEB). The City established an irrevocable trust for administering the plan assets and paying health care costs on behalf of the participants. For financial reporting purposes, the OPEB Trust Fund is included as a Fiduciary Fund in the City's financial statements. No other financial statements are issued related to the OPEB Trust Fund.

The ROCKERS administers the OPEB plan and stipulates the age and service requirements for retirements. The OPEB plan is a single-employer defined benefit plan that is used to provide post-employment benefits other than pensions for all permanent employees of the City. The Retirement Board has oversight of the ROCKERS and the OPEB plan and is composed of a member of the Mayor and Council, the City Manager, three City employees, below assistant department head level, and two residents with previous business experience, one of whom serves as the chairperson. Each board member serves a two-year term. The Finance Director is the executive secretary to the board. The Retirement Board makes recommendations to Mayor and Council, which has the authority to establish and amend the benefit provisions of the OPEB plan, including contributions.

As of July 1, 2016, the City has implemented GASB Statement No. 74, Financial Reporting for Postemployment Benefit Plans Other Than Pensions. This statement replaces previously issued requirements for OPEB plans administered through trusts.

Membership

At July 1, 2015, the date of the most recent valuation, plan membership was as follows:

	Plan Membership
Inactive employees or beneficiaries currently receiving benefits	70
Inactive employees entitled to but not yet receiving benefits	0
Active employees	484
Total	554

Benefits Provided

The OPEB plan authorizes a retiree who elects to stay with the City's group health policy to receive from the City the employer's share (i.e., the same level of premium support given to current employees) of medical insurance premiums up until age 65. In the event a retiree establishes residency outside the geographic area served by the City's group health insurance carriers, that person may purchase coverage and receive reimbursement from the City in an amount not to exceed the prevailing two-person coverage employer rate granted to current employees.

Contributions and Funding

The Retirement Board establishes the employer contributions to the OPEB plan based on actuarially determined amounts. During fiscal year 2017 the City directly funded cash of $639,042 for the actuarially determined contribution (ADC) of $658,361. It is noted that the original July 1, 2015 actuarial valuation provided a recommended annual required contribution (ARC) of $629,700, which provided the basis for the fiscal year 2017 contribution. Expenditures of $303,626 were incurred by the City and were eligible for reimbursement by the trust. Benefit expenses of $27,563 which were paid by the City, were reimbursed by the trust after June 30, 2017. Future payments of the net OPEB obligation are the primary responsibility of the General Fund, therefore this long-term liability is presented in the Government-wide Statement of Net Position.

Actuarial valuations for OPEB plans involve estimates of the value of reported amounts and assumptions about the probability of events far into the future and actuarially determined amounts are subject to continual revision as results are compared to past expectations and new estimates are made about the future.

(5) OTHER POST-EMPLOYMENT BENEFITS (CONTINUED)

A. Other Post-Employment Benefits Plan Description (Continued)

The following table shows the City's annual OPEB cost for the year, the amount actually contributed to the plan, and changes in the City's net OPEB obligation:

Annual required contribution (ARC)	$ 658,361
Interest on net OPEB obligation	53,912
Adjustment to ARC	(45,248)
Annual OPEB cost (expense)	667,025
Contributions made	(639,042)
Increase in net OPEB obligation	27,983
Net OPEB (asset) obligation, beginning of year	718,820
Net OPEB (asset) obligation, end of year	$ 746,803

The City's annual OPEB cost, the percentage of annual OPEB cost contributed to the plan, and the net OPEB obligation for the fiscal year ending June 30,2017 and the two preceding years were as follows:

Fiscal Year Ending June 30	Annual OPEB Cost	Employer Contributions	Percentage Contributed	Net OPEB Obligation
2015	$ 651,646	$ 642,286	98.6%	$ 775,133
2016	$ 618,087	$ 674,400	109.1%	$ 718,820
2017	$ 667,025	$ 639,042	95.8%	$ 746,803

As of the date of this report, the most recent valuation has been performed with a valuation date of July 1, 2015 and covers the valuation for the fiscal year 2017 plan year beginning July 1, 2016. Actuaries utilized update procedures to roll forward data to the June 30, 2017 measurement date. The funded status of the plan as of June 30, 2017, is as follows:

Actuarial Valuation for Plan Year Beginning July 1	(A) Actuarial Value of Assets	(B) Actuarial Accrued Liability (AAL) Entry Age	(A-B) Funded (Unfunded) AAL (FAAL)/UAAL	(A/B) Funded Ratio	(C) Covered Payroll	((A-B)/C) FAAL/UAAL as a percentage of Covered Payroll
2016	$ 6,034,822	$ 8,964,744	$ (2,929,922)	67.3%	$ 36,993,233	7.9%

B. Investments

The investment policy of the OPEB plan is established and may be amended by the Retirement Board. The City also utilizes an investment consultant with industry expertise to provide investment performance data and recommendations for the Board's consideration. It is the policy of the Retirement Board to seek an optimal mix of investments that will produce the desired returns and meet current and future liabilities with due regard to risk and preservation of the value of the portfolio.

The following was the adopted asset allocation policy as of June 30, 2017:

Asset Class	Target Allocation
Equity	55.0%
Fixed Income	45.0%
Total	100.0%

(5) OTHER POST-EMPLOYMENT BENEFITS (CONTINUED)

B. Investments (Continued)

The following investments, other than those issued or guaranteed by the U.S. government, represent those which make up 5% or more of the OPEB plan's fiduciary net position at June 30, 2017:

Investment	Fair Value	Allocation of Net Position
Manning and Napier Bond Fund	$ 1,256,367	17.9%
Net position at June 30, 2017	$ 7,000,296	

For the year ended June 30, 2017, the annual money-weighted rate of return on investments, net of investment expense, was 9.4% percent. The money-weighted rate of return expresses investment performance, net of investment expense, adjusted for the changing amounts actually invested.

C. Net OPEB Liability

The following table shows the components of the City's net OPEB liability for fiscal year 2017:

Total OPEB liability	$ 11,479,211
Plan fiduciary net position	(7,000,296)
Net OPEB liability	$ 4,478,915
Plan fiduciary net position as a percentage of the total OPEB liability	60.98%

Actuarial Assumptions

The total OPEB liability was determined by an actuarial valuation as of July 1, 2015. During fiscal year 2017, the actuarial experience study for the period April 1, 2011 through July 1, 2015 was finalized and new assumptions were adopted. The update procedures used to roll forward the total OPEB liability from the July 1, 2015 actuarial valuation to the June 30, 2017 report date utilizes the following most current assumptions:

Actuarial assumptions	
-Actuarial valuation date	July 1, 2015
-Investment rate of return, including inflation	7.00%
-Projected salary increases, including inflation	4.75% - 12.50%
-Includes inflation at	2.20%
-Healthcare cost trends:	5.00% for 2015, increasing to 5.43% for 2020 then decreasing to an ultimate rate of 3.84% by 2075

Mortality rates were based on the RP-2000 Healthy Annuitant Mortality Table for Males or Females, as appropriate, with adjustments for mortality improvements based on Scale AA.

The actuarial assumptions used in the July 1, 2016 valuation were based on the results of an actuarial experience study for the period the period January 1, 2006 through December 31, 2010. As noted above, the actuarial roll forward procedures to determine the OPEB liability at June 30, 2017 used the most recently adopted assumptions.

City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

November 9, 2017

National Capital Region Transportation Planning Board
Metropolitan Washington Council of Governments
777 North Capitol St NE
Washington, DC 20002

SUBJECT: 2017 Enhanced Mobility Program

Dear TPB Enhanced Mobility Program Selection Committee:

I am writing on behalf of the City of Rockville to express support for our application for funding from the 2017 Enhanced Mobility Program for a package of proposed bus stop and sidewalk improvement projects within the City of Rockville.

A successful grant award will enable the City to further expand the reach of our significant public transit infrastructure by improving sidewalk and bus stop shelter accessibility as well as passenger amenities at various locations throughout the City.

To accomplish this objective, the project proposes improvements to sidewalks and Metro Bus as well as Ride-On bus stops. The project proposes construction of missing sidewalk segments on the south side of Potomac Valley Road, adjacent to the Potomac Valley Nursing and Wellness Center as well as Julius West Middle School. The project also proposes improvements to 78 bus stops throughout Rockville. Bus stop improvements are to include replacement of non-ADA-compliant passenger shelter benches, construction of ADA-required wheelchair landing pads, installation of amenities such as missing shelter benches, freestanding benches and leaning rails, installation of larger shelters at high-activity stops and relocation of litter receptacles and other equipment to remove sidewalk and shelter obstructions.

MAYOR
Bridget Donnell Newton

COUNCIL
Beryl L. Feinberg
Virginia D. Onley
Julie Palakovich Carr
Mark Pierzchala

CITY MANAGER
Robert DiSpirito

CITY CLERK
DIRECTOR OF COUNCIL OPERATIONS
Kathleen Conway

CITY ATTORNEY
Debra Yerg Daniel

We understand the continued and growing need for transportation services and multimodal travel options for seniors and those with disabilities in our City and region. Funding through this application would help us improve access to transit and bus passenger experience for seniors, individuals with disabilities as well as all other bus riders. We appreciate your leadership and MWCOG's and TPB's dedication to coordinating high quality programs that have clear and visible benefits for the Metropolitan Washington region and our citizens.

If you have questions, or need additional information, please contact Mr. Emad Elshafei, Chief of Traffic and Transportation, at 240-314-8508 or via email at eelshafei@rockvillemd.gov.

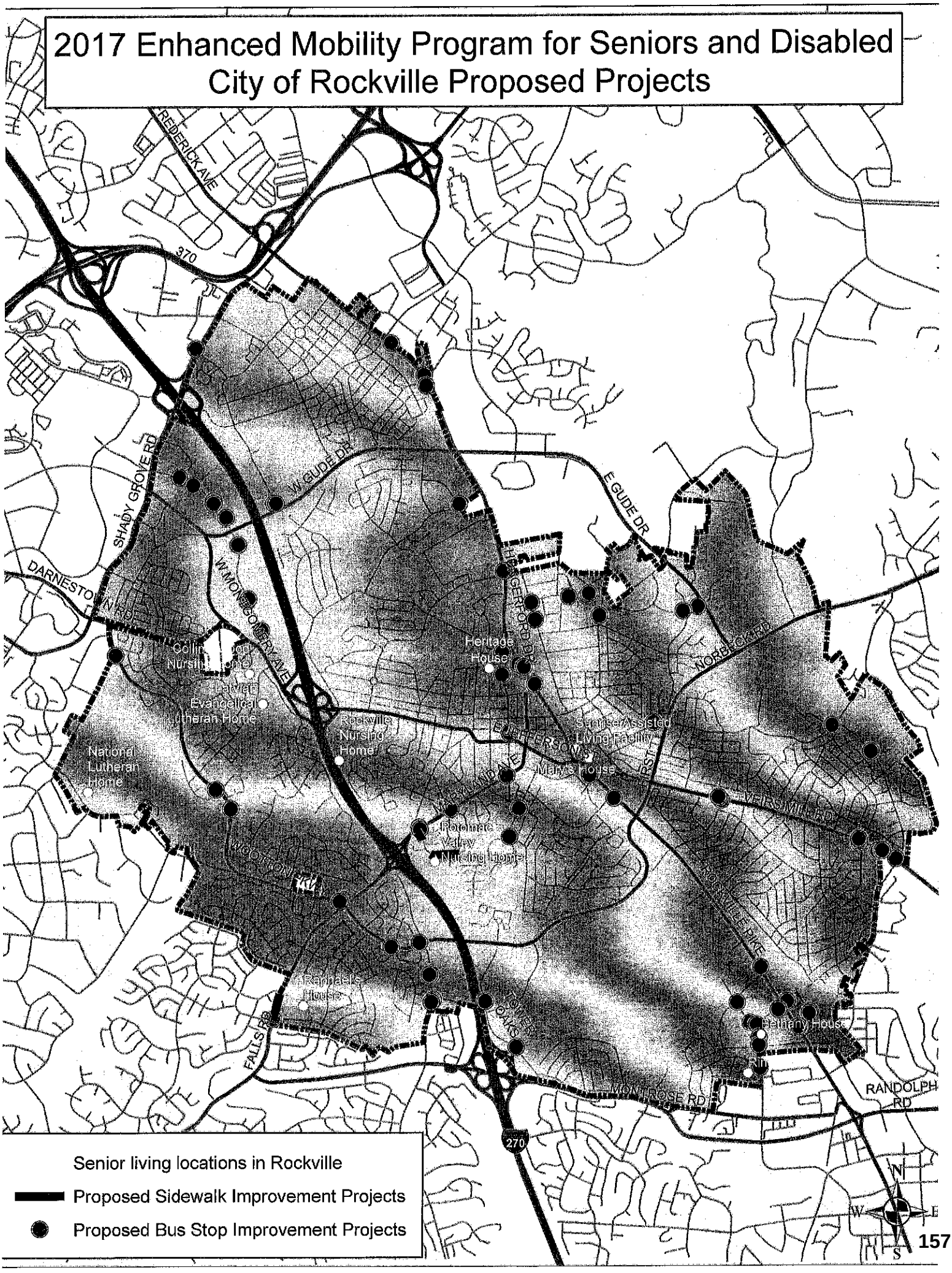
Sincerely,

Bridget Donnell Newton

Bridget Donnell Newton
Mayor

Cc E. Elshafei

2017 Enhanced Mobility Program for Seniors and Disabled
City of Rockville Proposed Projects



Metropolitan Washington Council of Governments

Enhanced Mobility of Seniors and Individuals with Disabilities Program

Procurement Procedures – Updated November 2018

Procurement Procedures:

The Metropolitan Washington Council of Governments (COG) conducts centralized procurement for vehicles funded by the 5310 Enhanced Mobility Program. Procurement activities using Federal funds for items other than vehicles are the responsibility of the subrecipient and are subject to federal procurement requirements.

To comply with federal procurement requirements, subrecipients must do the following:

- ✓ IF the procurement falls into Category III, $250,000 and above, ensure that prices are fair and reasonable by conducting an independent cost estimate (ICE) for any equipment (other than vehicles to be procured by COG), preventive maintenance and contracted service. The ICE is completed as part of research into cost of a budgeted line item at time of application. Examples of applicable line items include construction, software, dispatch, or GPS systems, evaluation or marketing contractors and printing services. An ICE is not required for services provided in-house by agency staff. The vendor that is ultimately awarded cannot be the same as the vendor that provides the ICE, therefore hired contractors and in-house staff (i.e. Engineer for a construction project) can develop the ICE if they have the applicable skills.

- ✓ When preparing for purchase under Category II/Simplified Procurement, obtain 2-3 written quotes using a price analysis, complete a comprehensive evaluation to determine best combination of price, quality, and other elements that are optimal to need, and obtain written concurrence from COG prior to the purchase of goods and services by submitting a request letter on agency letterhead to:

  Lynn Winchell-Mendy
  Grants Manager
  Metropolitan Washington Council of Governments
  777 North Capitol Street, N.E.
  Ste. 300
  Washington, DC 20002

Request letter can be attached to an email and sent to lmendy@mwcog.org

- ✓ Encourage the distribution of purchases equitably among local vendors, ensuring that no geographic preferences are shown in any procurement.

- ✓ Keep an annually updated record of all quotes received and a description of why each vendor was selected.

- ✓ Convey to vendors that the purchase is made with federal funds and, by fulfilling the purchase request, the vendor is agreeing to abide by all federal terms and conditions

    - Federal Contract Clauses must be attached to any contract or purchase order issued. See pgs. 8-9.

- ✓ Maintain file copies of all procurements using 5310 Enhanced Mobility funds by Fiscal Year

- ✓ Ensure that procurements do not discriminate against businesses as prohibited by federal and state law

- ✓ Check the status of a proposed vendor or contractor to ensure they are in good standing; not fraudulent, debarred or technically unqualified by verifying their status with the System for Award Management (SAM) https://www.sam.gov/portal/SAM/#1

Categories of purchases and applicable requirements

Category I - Micro Purchases up to $10,000

For purchases up to $10.000, quotes are NOT required and awards are made on the judgment of the recipient. Micro-purchases should be distributed equitably among qualified vendors. Document the procurement file with a determination of fair and reasonable price (recent purchase of similar item, current price list, current catalog, advertisements, personal knowledge, etc.). No concurrence from COG is required.

Category II - Simplified Procurements between $10,001 and $249,999

For purchases between $10,001 and $249,999 at least 3 fair and reasonable, written quotes should be received, reviewed, and evaluated using a comprehensive evaluation system. Awards are made on best combination of price, quality and other elements optimal to need as determined by the subrecipient. Obtain written concurrence from COG prior to the purchase of goods and services by submitting a request letter to COG. Document the procurement file with items listed above.

Category III – Procurements at $250,000 or more

Any subrecipient conducting a procurement at $250,000 or more must contact COG before initiating any procurement activity. Purchases exceeding the simplified purchase threshold of $249,999 must be competitively bid using a Request for Proposal (RFP) or Invitation for Bid (IFB). An ICE is required for this type of procurement before requesting bids and should have been completed as part of research into cost of a budgeted line item at time of application. Responses

must be fairly reviewed and considered and bids and selection justification provided to COG for written concurrence before any offer is accepted or a contract is executed.

Sole source justifications are allowed under certain circumstances and require documentation on the lack of other vendors to do the work, how the preferred vendor is uniquely qualified, and a Cost Analysis (because price competition is inadequate). Please contact staff for consideration.

Independent Cost Estimate (ICE) Form

(Submitted at time of application as proof of cost research for applicable budgeted line items of $250,000 or more. Used later to determine if bids are fair and reasonable).

Per FTA 4220.1F, it is required that before receiving bids or proposals for a procurement using Federal funds that an Independent Cost Estimate (ICE) be performed. COG requires this at time of application. An ICE can be completed using past purchase prices, quantities, physical inspection of the product, drawings, or analysis of similar work. For more complex projects, an ICE can be completed by independent architect or engineer that will provide estimated hours, direct and indirect labor costs, and estimated profit or fee for a particular project.

[INSERT NAME OF AGENCY]

Agency LOGO/Letterhead

Project Name:

Project Description:

Vendor:

Phone:

Email:

Item:

Date of Estimate:

Method of Obtaining Estimate (check appropriate section and attach supporting documentation)

____ Published List Price:
____ Past Pricing (date):
____ Comparable Purchase by Other Agencies
____ Engineering or Technical Estimate
____ Independent Third Party Estimate
____ Other (specify):

Through the method(s) statement above, it has been determined that the estimate total cost of the goods/services is $_____:

Prepared by:

Phone:

Email:

Date Prepared:

Price Analysis Form (submitted when preparing for purchase):

Quote 1

[INSERT NAME OF AGENCY]

Project Name:

Contract #:

Item:

Vendor:

Phone:

Email:

Date of Estimate:

Estimate Amount (Supporting documentation needs to be attached for Category II items ($10,001 - $249,999):

Additional Comments:

Prepared by:

Phone:

Email:

Date Prepared:

Price Analysis Form (submitted when preparing for purchase):

Quote 2

[INSERT NAME OF AGENCY]

Agency LOGO/Letterhead

Project Name:

Contract #:

Item:

Vendor:

Phone:

Email:

Date of Estimate:

Estimate Amount (Supporting documentation needs to be attached for Category II items ($10,001 - $249,999):

Additional Comments:

Prepared by:

Phone:

Email:

Date Prepared:

Price Analysis Form (submitted when preparing for purchase):

Quote 3

[INSERT NAME OF AGENCY]

Agency LOGO/Letterhead

Project Name:

Contract #:

Item:

Vendor:

Phone:

Email:

Date of Estimate:

Estimate Amount (Supporting documentation needs to be attached for Category II items ($10,001 - $249,999):

Additional Comments:

Prepared by:

Phone:

Email:

Date Prepared:

Federal Contract Clauses:

APPLICABILITY OF THIRD PARTY CONTRACT PROVISIONS

(excluding micro-purchases, except Davis-Bacon requirements apply to contracts exceeding $2,000)

TYPE OF PROCUREMENT

PROVISION	Professional Services/A&E	Operations/ Management	Rolling Stock Purchase	Construction	Materials & Supplies
No Federal Government Obligations to Third Parties (by Use of a Disclaimer)	All	All	All	All	All
False Statements or Claims Civil and Criminal Fraud	All	All	All	All	All
Access to Third Party Contract Records	All	All	All	All	All
Changes to Federal Requirements	All	All	All	All	All
Termination	>$10,000 if 49 CFR Part 18 applies.	>$10,000 if 49 CFR Part 18 applies.	>$10,000 if 49 CFR Part 18 applies.	>$10,000 if 49 CFR Part 18 applies.	>$10,000 if 49 CFR Part 18 applies.
Civil Rights (Title VI, ADA, EEO except Special DOL EEO clause for construction projects)	All	All	All>$10,000	All	All
Special DOL EEO clause for construction projects				>$10,000	
Disadvantaged Business Enterprises (DBEs)	All	All	All	All	All
Incorporation of FTA Terms	All	All	All	All	All
Debarment and Suspension	>$25,000	>$25,000	>$25,000	>$25,000	>$25,000
Buy America			>$100,000 As of Feb. 2011, FTA has not adopted the FAR 2.101 $150,000 standard.	>$100,000 As of Feb. 2011, FTA has not adopted the FAR 2.101 $150,000 standard.	>$100,000 As of Feb. 2011, FTA has not adopted the FAR 2.101 $150,000 standard.
Resolution of Disputes, Breaches, or Other Litigation	>$100,000	>$100,000	>$100,000	>$100,000	>$100,000
Lobbying	>$100,000	>$100,000	>$100,000	>$100,000	>$100,000
Clean Air	>$100,000	>$100,000	>$100,000	>$100,000	>$100,000
Clean Water	>$100,000	>$100,000	>$100,000	>$100,000	>$100,000
Cargo Preference			Transport by ocean vessel.	Transport by ocean vessel.	Transport by ocean vessel.
Fly America	Foreign air transp. /travel.	Foreign air transp. /travel.	Foreign air transp. /travel.	Foreign air transp. /travel.	Foreign air transp. /travel.

TYPE OF PROCUREMENT					
PROVISION	**Professional Services/A&E**	**Operations/ Management**	**Rolling Stock Purchase**	**Construction**	**Materials & Supplies**
Davis-Bacon Act				>$2,000 (also ferries).	
Contract Work Hours and Safety Standards Act		>$100,000 (transportation services excepted).	>$100,000	>$100,000 (also ferries).	
Copeland Anti-Kickback Act Section 1 Section 2				 All > $2,000 (also ferries).	
Bonding				$100,000	
Seismic Safety	A&E for new buildings & additions.			New buildings & additions.	
Transit Employee Protective Arrangements		Transit operations.			
Charter Service Operations		All			
School Bus Operations		All			
Drug Use and Testing		Transit operations.			
Alcohol Misuse and Testing		Transit operations.			
Patent Rights	R & D				
Rights in Data and Copyrights	R & D				
Energy Conservation	All	All	All	All	All
Recycled Products		EPA-selected items $10,000 or more annually.		EPA-selected items $10,000 or more annually.	EPA-selected items $10,000 or more annually.
Conformance with ITS National Architecture	ITS projects.	ITS projects.	ITS projects.	ITS projects.	ITS projects.
ADA Access	A&E	All	All	All	All
Notification of Federal Participation for States	Limited to States.	Limited to States.	Limited to States.	Limited to States.	Limited to States.

Procurement Resources:

- FTA CIRCULAR 4220.1F- Third Party Contracting Guidance
- 2 CFR 200
- FTA's Best Practices Procurement Manual

TPB Enhanced Mobility Program Application: TWO-YEAR CAPITAL or MOBILITY MGT BUDGET

Project Name:

Organization Name: **City of Rockville**

Metropolitan Washington Council of Governments

		Round down	Round up		
BUDGET LINE ITEMS	**TOTAL BUDGET**	**FTA FUNDS Requested** (80%)	**RECIPIENT FUNDS** (Match-20%)	**NUMBER JUSTIFICTION** Explain how you calculated the figures-- show the math used.	**SOURCE OF MATCH** Cash on Hand, general revenue, outside resources, other
Design	100,000.00	80,000.00	20,000.00	Based on design of previous projects	General Revenue
Equipment	110,000.00	88,000.00	22,000.00	Based on existing and former contracts	General Revenue
Construction	285,000.00	228,000.00	57,000.00	Based on previous projects and existing contracts	General Revenue
TOTALS	**495,000.00**	**396,000.00**	**99,000.00**		

Metropolitan Washington Council of Governments

Enhanced Mobility Reporting Requirements

Frequency	Report	Due to COG
Initially	ADA Assurances	At award
	Authorizing Resolution	At award
	Cell Phone Policy	At contract
	Certs & Assurances	At award
	Certificate of Insurance	Prior to vehicle order
	DBE Documentation (Statement, Assurances, Program if applicable)	At award
	Drug Free Workplace Statement	At contract
	EEO Assurances	At award
	EEO Statement	At award
	Initial Rolling Stock Inventory Report	With first invoice
	Financials – A-133 or financial statements that adhere to generally accepted accounting principles	At application
	Matching funds	When invoiced by COG
	Project Assurances	At award
	Proof of Insurance & COG as additional insured	At contract
	Title VI (Program & Complaint Status)	At award
	Vehicle Maintenance Plan	At award
	Vehicle Useful Life & Disposition Policy	At award
Monthly	Match Certification	With each invoice
	Preventive Maintenance Summary Sheet	With each invoice
Quarterly	Milestone Progress Report (MPR)	15th day of the month following quarter end: 4/15, 7/15, 10/15, 1/15
	Taxi Data – last 10 trips per vehicle	15th day of the month following quarter end: 4/15, 7/15, 10/15, 1/15
	Complaint Status Report	With quarterly report
Annually	Certs & Assurances	90 days from date published
	Financials – A-133 or financial statements that adhere to generally accepted accounting principles	Upon request
	Program Measures Report (Annual Performance Measures)	15th day of the month following Federal 4th quarter end (9/30): 10/15
	Annual Rolling Stock Inventory Report	30th day of the month following 4th quarter end: 1/30
	Summary of Outreach Efforts (Title VI Requirement)	30th day of the month following 4th quarter end: 1/30
Project End	Final Invoice	30 days from contract expiration
	Final Milestone Progress Report	30 days from contract expiration and before final payment is released
	Final Performance Measures & Final Narrative Report	30 days from contract expiration and before final payment is released
	Final Rolling Stock Inventory Report	30 days from contract expiration and before final payment is released
Triennially	DBE Documentation (Statement, Assurances, Program if applicable)	60 days from date of expiration
	Title VI (Program & Complaint Status)	60 days from date of expiration

Shaded = additional reporting for grantees with vehicles procured with Enhanced Mobility funds

Metropolitan Washington Council of Governments

Enhanced Mobility of Seniors and Individuals with Disabilities Program - Invoice Documentation Requirements

Expense Category	Types of Reimbursable	Documentation Required
Staff Time	Labor	Invoice of Cost Details 1. Employee name 2. Proof of Hours worked (timesheets) 3. Hourly rate 4. Total cost
	Fringe	Invoice of Cost Details 1. Documentation from recent audit or reports regarding rate calculations 2. Payroll reports for fringe
Consultants	Direct expenses for work performed by consultants as part of project	Invoice of Cost Details 1. Consultant name 2. Hours worked 3. Hourly rate 4. Total cost
Purchases	1. Vehicles/Capital Procurements 2. Supplies	1. Track procurement documents (Grantees provided with a separate Procurement Requirements Checklist) 2. Copy of receipts; description of need for supplies

Transportation	1. Parking (explanation required) 2. Mileage 3. Taxicab services (explanation required)	1. Copy of receipt(s) 2. Number of miles (traveled) and mileage rate (e.g., IRS rate, GSA rate, etc.) used 3. Copy of receipt(s)
Additional (if used)	1. Lodging (explanation required – e.g., travel to a training session or conference that relates to the project type) 2. Airfare (same as above)	1. Copy of hotel receipt, travel justification and internal approval 2. Copy of airline ticket, travel justification and internal approval

Cash Match

Expense Category	General Requirements	Questions/Clarifications	Documentation Requirements
Outside Resources	Track balances with each invoice submission		1. Letter of Commitment 2. Cash Match Certification
Subrecipient Funds	Track balances with each invoice submission		1. Cash Match Certification

National Capital Region
Transportation Planning Board

Enhanced Mobility of Seniors and Individuals with Disabilities Program

2-Year Work Plan

Agency: City of Rockville
Project Title: Rockville Bus Stop and Sidewalk Improvements

Goal #1: Potomac Valley Rd Sidewalk										
Objective/Major Activity:	Benchmarks (outputs)	Timeline								
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Estimated Completion Date (month end)
1. Planning & Public Outreach	Finalized concept plan and approval from adjacent residents	X	X							
2. Survey & Design	100% design documents		X	X	X	X				
3. Procurement & Construction	Procure contractor and complete construction					X	X	X	X	November, 2019

Goal #2: Bus Stop Improvements										
Objective/Major Activity:	Benchmarks (outputs)	Timeline								
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Estimated Completion Date (month end)
1. Equipment Procurement	Purchase of bus stop amenities: shelters, benches and trash cans.	X	X	X						
2. Contractor Procurement	Procurement of contractor through competitive bids			X	X	X	X			
3. Construction/Installation	Constructing all proposed improvements and amenities.						X	X	X	November, 2019

Rockville Bus Stop & Sidewalk Improvements

Application for Projects Other than Vehicles -
2017 Enhanced Mobility Program

City of Rockville

Emad Elshafei
111 Maryland Avenue
Rockville, MD 20850
O: 240-314-5000

Oleg Kotov

111 Maryland Ave
Rockville, MD 20850
okotov@rockvillemd.gov
O: 240-314-8527

Application Form

Opening Questions

DUNS Number

Please provide your unique nine digit D-U-N-S identification number.

If you do not have a DUNS number at this time you can leave this section blank. However, if your application is approved for funding you will need to have a DUNS number in order to receive FTA funds from MWCOG/TPB.

Authorizing Resolution*

As part of the application process your agency's governing body, such as a Board of Directors, is required to adopt a resolution authorizing your agency to apply for an FTA grant, approve the local match funding, and agree to comply with Federal requirements. If your organization does not have a governing body, the CEO or other official with the authority to enter into a contract with COG can provide a letter with these authorizations.

For an example of an authorizing resolution, please contact TPB staff listed under Technical Assistance.

If your Board is unable to adopt the resolution until after the application deadline, a draft resolution may be uploaded until your Board approves it. An authorizing resolution or letter will be required before a grant can be awarded.

2017 Enhanced Mobility Program_Authorizing Resolution.pdf

Project Name*

Name of Project

Rockville Bus Stop & Sidewalk Improvements

Type of Funding Requested*

You can choose more than one.

Capital (80/20)

Applicant Status*

State or Local Government Agency

Specific Area to be Served*

Project must end or begin in the Washington DC-VA-MD Urbanized Area.

Please be very clear on which areas you project will serve as this information is used for regional reporting purposes.

City of Rockville, MD

Project Total (Capital and Operating*

Please copy project total figure from VI. Budget - Project Total (Capital and Operating).

The required grant application minimum is **$150,000** (including the match) for a two-year period. Applications for less than $150,000 will not be considered.

$495,000.00

Alternative Formats and Accommodations

Alternative formats of the application and document templates are available upon request.

Please contact Sergio Ritacco at sritacco@mwcog.org or (202)962-3232 or (202) 962-3213.

Please allow seven working days for preparation of the material.

Technical Assistance

We are here to help! We encourage you to ask TPB staff any questions about the grant program and application, including eligibility of your agency and project idea.

- For questions about the grant program and eligibility, please contact Lynn Winchell-Mendy (lmendy@mwcog.org, 202.962.3253).
- For questions about the website and the application, please contact Sergio Ritacco (sritacco@mwcog.org, 202.962.3232)

Pre-application Conference

Pre-application conference session*

You must attend a pre-application conference in order to apply. Please select the pre-application conference session you attended (or plan to attend):

Tuesday, August 29, 2017 (Metropolitan Washington Council of Governments)

I. Project Information

Agency Purpose and Programs*

Please briefly describe your agency's purpose and programs. Approximately how many individuals does your agency currently provide service to? Include all services, not just transportation.

The City of Rockville Department of Public Works provides public works services to the city in the areas of water, sewer, stormwater, recycling and refuse, transportation, fleet services, environment and right-of-way management. The purpose of the Traffic and Transportation Division (within the Public Works Department) is to provide a safe and efficient transportation system throughout Rockville. The division plans and designs roadways, bridges, sidewalks, bus shelters, bike paths, traffic signals and street lights. The staff evaluates and resolves citizen issues and also reviews development proposals. The division reviews traffic impact studies submitted by developers, coordinates with other governments on traffic funding and planning, and provides staff to the Traffic and Transportation Commission. The Department of Public Work currently provides services to 66,000 residents of the City (total employment in Rockville was approximately 76,400 in 2010).

Demographic Profile:

What percent of your clientele has the following demographic characteristics?

Estimates are acceptable if data is not collected.

Black/African American *(percent)**

10

Asian/Pacific Islander *(percent)**

21

Native American *(percent)**

1

Hispanic/Latino *(percent)**

14

Caucasian *(percent)**

60

Other *(percent)**

8

What type of project is your agency proposing?*

Improve Access to Public Transportation

If Other, please describe:

Project Description*

Please provide a description of the project or program proposed under this grant. The description must accurately convey what the project intends to do and should include the following:

- Objectives/Major Activities;
- How the program or project will accomplish the Objectives/Major Activities;
- Community need and the focus of the grant; and
- Coordination with other agencies included in the grant proposal.

A later part of the application requires applicants to complete and upload a project Work Plan with timeline and milestones. This question and the Work Plan should cross-reference.

The objective of this project is to improve access to public transportation at various locations throughout the City of Rockville. To accomplish this objective, the project proposes improvements to sidewalks and Metro Bus as well as Ride-On bus stops. Project proposes construction of a missing sidewalk segments on the south side of Potomac Valley Road, adjacent to the Potomac Valley Nursing and Wellness Center as well as Julius West Middle School. The project also proposes improvements to 78 bus stops throughout Rockville. Bus stop improvements are to include replacement of non-ADA-compliant passenger shelter benches, construction of ADA-required wheelchair landing pads, installation of amenities such as missing shelter benches, freestanding benches/leaning rails, installation of larger shelters at high-activity stops and relocation of litter receptacles and other equipment to remove sidewalk and shelter obstructions. Bus stop improvements were selected with input from Metro Bus and Ride-On staff as well as a review of Montgomery County's bus stop data.

Targeted Population*

Who is your targeted population for the project? You can check more than one.

Older Adults
People with Disabilities
Low-Income Older Adults or People with Disabilities

Targeted Population Detail*

Please provide more specific detail about the targeted population selected above. Include specific type(s) of disabilities, and/or mobility impairments and other demographics.

The goal of this project is to help improve access to public transit for people with disabilities and older adults

Impact*

Describe how the proposed grant will help improve the mobility of people with disabilities and older adults, such as what transportation options would not otherwise be available, increases in geographic coverage or service hours, or improvements to physical infrastructure. If this is a coordinated planning project, describe the potential lasting impacts and products that will document mobility needs.

The proposed sidewalk project on Potomac Valley Road will construct missing sidewalk segments adjacent to the Potomac Valley Nursing and Wellness Center and near Julius West Middle School. The missing sidewalk segments are currently rated as Medium-High Priority and Medium Priority by the City's Missing Sidewalk Prioritization Plan and will provide access to the existing Ride-On bus stops on Maryland Ave at Great Falls Rd. Improvements to physical infrastructure of 78 bus stops located throughout the City will improve existing accessible pathways and wheelchair landing pads, bring all of the City-owned passenger shelters up to ADA requirements and provide seating amenities and/or larger shelters at bus stops where they are currently missing or inadequate.

Additional Consumers*

If your application is approved, how many additional seniors and/or people with disabilities will receive services as a result of this grant?

0

Coordination with Existing Services*

How will this project be combined with or coordinated with existing services in region?

Public bus service in the City of Rockville is provided by Montgomery County through Ride On, and the Washington Metropolitan Area Transit Authority (WMATA) through Metro Bus. While the City does not maintain its own public transit system, it is responsible for construction and maintenance of bus stops and shelters. This project will complement the existing transit services by improving access to Ride-On and Metro Bus stops.

II. Prior Grant Performance

Prior Grant

If your agency has received a JARC, New Freedom, Enhanced Mobility or 5310 grant in the past, please describe the status of the most recent grant, milestones accomplished and expected completion date. Please also describe the success of the project (including quantitative measures such as number of trips provided, individuals served or products developed). Upload your most recent progress report or final performance measurement report submitted to TPB, MTA or DRPT.

If your agency has had challenges with implementation of a prior grant or has a significant grant balance remaining, please describe the challenges. Please note that the Selection Committee will consider past grant

performance. Applicants with significant balances on existing grants or a poor record of meeting compliance requirements will score lower than others who have implemented projects within their stated timeline.

III. Project Partners

Applicants are highly encouraged to include partners on the proposed projects to improve coordination between human service and transportation agencies. Project partners must have a specific, active role in the proposed project. For example, providing matching funds, operational support, staffing support, and/or sharing of services to clients.

Please upload signed letters from each project partner and complete the requisite form fields. A letter is required for each partner.

If a partner is providing matching funds a Letter of Commitment is also required. A Letter of Commitment must be submitted if matching funds come from any source other than the Applicant's own budget. Letters of Commitment must be signed by the authority providing matching funds, identify the amount and source of the matching funds, as well as the date the funds will be available. **Upload Letters of Commitment in the Budget Section V.**

Definition of Roles*

Please describe the roles and responsibilities between partner agencies on the project. If no project partners are included, please describe why no partners are involved in the project.

Prior to the development of this grant application, City staff reached out to Metro Bus (WMATA) and Ride-On staff to identify potential candidate bus stops for improvement. The City will not require partners for implementation of this grant, because bus stops in Rockville are maintained by the City, and proposed improvements will not require matching funds, operational support or staffing support from partners.

Partner #1

Please provide agency and name of contact person:

Partner #1

This partner will be providing the following support to the project:

If Other, please describe

Partner Letter #1

Letter must be on partner agency letterhead or identify partner name and contact information.

Partner #2

Please provide agency and name of contact person:

Partner #2

This partner will be providing the following support to the project:

If Other, please describe:

Partner Letter #2
Letter must be on partner agency letterhead or identify partner name and contact information.

Partner #3
Please provide agency and name of contact person:

Partner #3
The partner will be providing the following support to the project:

If Other, please describe:

Partner Letter #3
Letter must be on partner agency letterhead or identify partner name and contact information.

Additional Partners
If more than 3 partners are involved in the project, please upload a Word document with a description of what support will be provided and the required partner letter.

IV. For State and Local Governments

The Enhanced Mobility grant program is divided into two categories of funding, described below. If your agency is a state or local government, the application is eligible for the 45% category. However, under certain conditions state or local governments can also qualify for the 55% category if documentation is provided. In this section, you can provide that documentation so that the Selection Committee can consider the application for both categories.

The Two Categories of Enhanced Mobility Grant Funding

1. Capital Projects for Non-Profits or Qualifying Local Governments (55%):
    - Your application is in this category if it is for a capital or mobility management project AND your agency is a non-profit, or a State or Local government approved by the state to coordinate services or can certify that there are no non-profits readily available to provide the service.
2. Operating or Capital Projects for All Eligible Subrecipients (45%):
    - If your agency is a Non-Profit organization, a State or local government, a transit agency, or a private operator of public transportation and you are applying for an eligible Capital or Operating project, your application falls into this category.

Qualifying State or Local Government and State Certification
If your agency is a State or Local government entity applying for the 55 percent category of funds, please describe what State agency has given approval or a mandate to coordinate services, OR describe the lack of non-profits in the area to carry out the project proposal. In the case of the former, a letter from the state regarding your agency's role to coordinate services is required by the time of application.

V. Budget

Budget Uploads

Applicants can apply for any combination of operating, capital and mobility management funds. Budgets are for a two-year period, including requests for preventive maintenance and/or operating expenses for vehicles that are a part of the same application. COG has the discretion to extend contracts if the timing of vehicle delivery impacts the start of preventive maintenance and/or operating expenses.

- The required **application minimum is $150,000** (which includes the Federal and match amounts over a two-year period). Applications for amounts less than $150,000 will not be considered.
- **Use whole numbers. Round Federal down and Match up.**
- If only applying for one set of funds (e.g. Capital only) please still upload a blank budget for the funds NOT applying for (.e.g. operating). since both budget templates are a required field).

To ensure that prices are fair and reasonable, applicants must conduct an **independent cost estimate (ICE)** for any item in their Capital or Operating budget over $3,500 (other than vehicles procured by COG), including preventive maintenance and contract services (e.g. marketing).

- Examples of applicable line items include software, dispatch or GPS systems, evaluation or marketing contractors, printing services. An ICE is not required for services provided in-house by agency staff and should be noted in the budget justification section to explain why an ICE is not included for that line item.

- **NOTE: The vendor chosen by the grantee to do the service CANNOT be the same as the vendor that provides the ICE.**

Sole source justifications are allowed under certain circumstances and require documentation on the lack of other vendors to do the work, how the preferred vendor is uniquely qualified and a Cost Analysis.

See COG's Procurement Procedures for more information.

Budget Acknowledgment*

I have reviewed the budget parameters and requirements and acknowledge understanding:

Yes

Capital Budget*

Please provide a completed version of the attached Capital/Mobility Management Budget Template.

Use whole dollars. Round Federal down and Match up.

2017CapitalMgtBudget.xlsx

ICE Form

Please upload 1 ICE form for each applicable line item. See page 3 of the Procurement Procedures attachment.

The vendor that is ultimately awarded cannot be the same as the vendor that provides the ICE.

ICE_2017.pdf

Operating Budget*

Please provide a completed version of the attached Operating Budget Template.

Use whole dollars. Round Federal down and Match up.

2017OperatingBudget.xlsx

ICE Form

Please upload 1 ICE form for each applicable line item. See page 3 of the Procurement Procedures attachment.

The vendor that is ultimately awarded cannot be the same as the vendor that provides the ICE.

Federal and Match Amounts From Budget Uploads

Operating Request

Use figures from the Operating Budget you uploaded to fill out the following questions. Enter zeros if no operating funds are requested.

Operating Project Total*

(Federal plus Match)

$0.00

Federal Operating Amount (50% of total)*

$0.00

Operating Match Amount (50% of total)*

$0.00

Capital Request

Use figures from the Capital Budget you uploaded to fill out the following questions. Enter zeros if no capital funds are requested.

Capital Project Total*

Capital Total (Federal plus match)

$495,000.00

Federal Capital Amount (80% of Total)*

Capital

$396,000.00

Capital Match Amount (20% of Total)*

Capital

$99,000.00

Project Total

Summation of the Operating Project Total and Capital Project Total*

Add figures

$495,000.00

Grant Matching Funds

Federal rules require that Enhanced Mobility grants be matched at 20% for capital projects, and 50% for operating projects. At the time of application, your agency must have identified and secured the necessary matching funds for the project proposal.

What is the source of match funds?*

Sources of matching funds can include Agency funds (general funds, cash on hand), State or Local government funds or grants; Non-Transportation Federal funds; Private sources; State agency funds, transit agency funds, income from service contracts, business improvement district funds. Inkind contributions are not an allowable source of match.

City of Rockville budget

Certificate of Availability of Match Funds*

Please upload Certificate of Availability of Matching Funds

The certification shall attest to the availability of appropriate funds for the required match, and shall designate individuals within the organization who have the authority to execute a contract with the Metropolitan Washington Council of Governments. The resolution form must bear an original signature. The Certification is required for all applications.

COA.pdf

Letter of Commitment

For any matching funds **coming from a source other than the Applicant's own budget**, a Letter of Commitment must be submitted. The Letter must be signed by the individual(s) with authority to provide matching funds to the Applicant, and identify the amount and source of the matching funds to be provided, as well as the date the funds will be available.

Letter of Commitment #1

Letter of Commitment #2

Letter of Commitment #3

Additional Letters of Commitment

Please upload any additional Letters of Commitment here

VI. Project Scalability

Scalability*

The Selection Committee may need to consider scaling grant requests up or down depending on funding availability. Could the project be implemented on a more limited scope with less funding or with an expanded scope with more funding?

Yes

If Yes, please fill out the fields below and create different scaled up or down scenarios acceptable to your agency that the Selection Committee will consider depending on funding availability.

Option #1 - Project can be scaled up

Total Scaled Up Project Funding

$550,000.00

Total Scaled Up Project Federal Funding

$440,000.00

Total Scaled Up Project Match Funding

$110,000.00

Source of Additional Matching Funds

If the project can be scaled up, please describe the source of the additional match funds.

Capital Improvement Program Budget

Describe change in grant proposal

Please clearly describe how the change in funds will impact how the program is delivered or service is provided. Refer to the Objectives and Benchmarks in your Work Plan. For example, how many more people can be served or how much more staff support will there be, etc.

Project can be scaled up to include ADA and accessibility improvements to approximately 20 to 30 additional bus stops.

Option #2 - Project can be scaled down

Total Scaled Down Project Funding

$225,000.00

Total Scaled Down Project Federal Funding

$180,000.00

Total Scaled Down Project Match Funding

$45,000.00

Describe change in grant proposal

Please clearly describe how the change in funds will impact how the program is delivered or service is provided. Refer to the Objectives and Benchmarks in your Work Plan. For example, how many less people can be served or how much less staff support will there be, etc.

Project can be scaled down to exclude the Potomac Valley Road sidewalk (estimated at $271,000).

VII. Project Work Plan: Timeline and Milestones

Please use the Work Plan template to describe the goals of the proposed project, and the objectives (key tasks) and benchmarks (outcomes) that will measure progress. The Work Plan must outline the major steps that your agency and project partners will take to implement the project from start to finish. Benchmarks should include targets which can be included in quarterly progress reports; e.g., X number of trips/rides/vouchers provided, X number of individuals trained, etc.

The Work Plan should cross-reference with your Project Description under Section I of the application.

Please see Section XIII. Appendices for a sample Work Plan.

Work Plan Upload*

Work Plan template

2017WorkPlan.pdf

VIII. Project Responsiveness to Selection Criteria

List of Selection Criteria.

Coordination Among Agencies (25 points)

Describe how the project demonstrates coordination of services among local jurisdictions and other agencies. Coordination can include providing service to clients of multiple agencies, coordinated purchasing, joint project planning and operation, or developing a plan to coordinate services or provide mobility management services in the future.*

Public transit accessibility improvements will be implemented by the City of Rockville at bus stops where service is provided by Metro Bus and Ride-On bus services.

Responsiveness to TPB's Coordinated Human Service Transportation Plan (20 points)

This criterion has two parts: 1) "Priority Projects" will receive up to 12 points; and 2) Applications that address multiple strategies will score up to 8 points.

A) Responsiveness to Priority Projects in the Coordinated Plan (up to 12 points)*

Select which Priority Projects your application responds to:

Bus Stop and Sidewalk Improvements

Priority Project Narrative*

Describe how your application responds to one or more of the Priority Projects.

NOTE: IF your project does not respond to one or more of the Priority Projects it will still be considered, but will score less under the Responsiveness to TPB's Coordinated Human Service Transportation Plan criteria.

This projects consists entirely of bus stop and sidewalk improvements

B) Responsiveness to Strategies in the Coordinated Plan (up to 8 points)*

In addition to how well the application responds to the priority projects, points will be awarded based on how many strategies in the Coordinated Plan the project application addresses.

Select which Strategies for Improved Service and Coordination your application responds to:

Improve the accessibility and reliability of existing services

Strategies Narrative*

Describe how one or more of the Strategies for Improved Service and Coordination apply to your project.

NOTE: IF your project does not respond to one or more of the Strategies it will still be considered, but will score less under the Responsiveness to TPB's Coordinated Human Service Transportation Plan criteria.

This project improves the accessibility of existing bus services (Metro Bus and Ride-On) within the City of Rockville.

Institutional Capacity to Manage and Administer and FTA Grant (20 points)

This criterion considers the availability of sufficient management, staff and resources to administer a Federal Transit Administration grant, comply with Federal rules, such as those outlined in "Federal Requirements" section, and implement the grant in the Work Plan timeline. It also considers financial stability and if applicable, past grant performance.

A) Agency Capacity*

Describe your agency's ability to manage an FTA grant, including its financial and human resources, and its institutional capacity. Include in your response the staff available from your agency and project partners to support the implementation of the grant and what back-up staff would be available should there be staff turnover. Note that the applicants' past grant performance and current grant status (if applicable) will be considered by the Selection Committee.

If your agency is applying for vehicles, please describe your agency's technical capability to manage the operations and maintenance of the vehicles according to FTA requirements.

A full-time Transportation Planner will be available for implementation of this project. The City of Rockville also has a second Transportation Planner and two Transportation Engineers could be available as back-up staff should there be staff turnover. The City has received and su

B) Stability of Matching Funds*

How stable and reliable are the sources of matching funds you intend to use for this grant?

City budget funds

Project Feasibility (15 points)

This criteria considers if the applicant's objectives and timeframes are realistic and if the project as proposed is feasible to implement. **Describe in a few sentences the feasibility of your project.** You can refer to the objectives and timeframes in your Work Plan.*

Sidewalk project is located within the City Right-of-Way and bus stops are already maintained by the City

Regional Transportation Needs (10 points)

Projects that include service or programs in more than one County or City score higher than projects that serve a single jurisdiction.

Briefly describe how many jurisdictions will be served:*

The project will serve 1 jurisdiction, Rockville.

Comment: *Received after application deadline. Added by LWM from email.*

Customer Focus (10 points)

To what extent does the applicant's proposal demonstrate a strong awareness of the needs of the individuals for whom the project is intended?

A) Consumer Involvement*

Describe how the target audiences were involved in the project design or will be involved in the implementation or evaluation of the project. This criteria considers to what extent an applicant demonstrates awareness of the needs of the targeted population group and the involvement of customers in the development and implementation of the proposed activity.

The proposed bus stop improvements will be implemented at existing facilities already utilized by the general public, including seniors and disabled. The list of candidate stops was developed by analyzing ADA compliance (accessibility), average daily ridership volume, and proximity to Senior Living locations. Additionally, the selection process factored in all bus stop related comments collected during the 2016 City of Rockville Community Survey and requests submitted by riders through the City's online reporting system, Ride-On or Metrobus. The Potomac Valley Road sidewalk project was selected based on its Medium-High/Medium Priority ranking within the City's Missing Sidewalk Prioritization plan and proximity to a senior living facility.

Comment: *Received after application deadline. Added by LWM from email.*

B) Marketing/Program Outreach*

If the project provides service, describe how it will be promoted to Older Adults and/or People with Disabilities.

While this project does not provide a service, it will be promoted on the City's Public Works website and through Rockville Reports (the official monthly publication of the City of Rockville delivered to all homes and businesses within Rockville's city limits). The Rockville Reports publication is also available to individuals with disabilities in other forms. The Project Manager will also work with the City's ADA Coordinator, Rockville Senior Villages Facilitator and the City's Senior Services to do targeted promotions of improved transportation facilities.

Comment: *Received after application deadline. Added by LWM from email.*

IX. Federal Requirements

In order to receive an Enhanced Mobility grant, your agency must be able to meet and document compliance with numerous **federal requirements**. Some of the required documents must be provided at the time of application and others must be provided before receiving a grant award. As you develop your application, please consider resources available to meet the requirements, such as agency staff time needed to complete the plans and reports, and how this may impact the project timeline and budget.

FTA Certifications and Assurances*

The Federal Fiscal Year 2017 Certifications and Assurances for Federal Transit Administration Assistance Programs must be signed annually and affirmed by legal counsel.

If awarded, would your organization or legal counsel have any difficulty agreeing to the certifications and assurances required by FTA?

No

Procurement Requirements

The Metropolitan Council of Governments (COG) conducts centralized procurement for vehicles funded by the 5310 Enhanced Mobility Program. Procurement activities for items other than vehicles to be procured by COG are the responsibility of the subrecipient and are subject to Federal procurement requirements.

Any applicable item to be purchased over $3,500 must have an Independent Cost Estimate (ICE) at the time of application; the ICE forms are provided in Section V: Budget.

Sole source justifications are allowed under certain circumstances and require documentation on the lack of other vendors to do the work, how the preferred vendor is uniquely qualified, and a Cost Analysis (because price competition is inadequate).

See COG's Procurement Procedures for more information.

Drug Free Workplace

Federal rules require that your agency document policies and procedures in place for employees regarding unlawful controlled substances at the workplace. The Drug Free Work Place Statement must include the items in this template. The statement is not required at the time of application, but must be provided before an applicant is awarded a grant.

Cell Phone Use Policy

Federal rules require that your agency has a policy in place for employees on the use of cell phones while driving. A template is provided here. This policy is not required at the time of application, but must be provided before an applicant is awarded a grant.

Please upload your agency's Cell Phone Use Policy

Title VI Nondiscrimination

Your agency would need to submit the following federally required items related to Title VI, ensuring nondiscrimination in all of your organization's programs and services. If awarded an Enhanced Mobility grant, your agency would be required to complete a Title VI Program and Complaint Status report (templates are provided).

Title VI (Nondiscrimination) Program

All subrecipients of FTA funds are required to have a Title VI Program to ensure nondiscrimination (updated every 3 years) during the duration of a project. In order to meet the FTA requirements if awarded, your organization must provide the following components:

- Title VI Policy Statement & Authorities
- Nondiscrimination Assurance to COG/TPB
- Title VI Complaint Form & Procedures (how your organization notifies the public of Title VI rights, instructions on how to file a complaint, and procedures for how a complaint is handled and reported).
- Title VI Investigations, Complaints, Lawsuits
- Public Outreach Activities
- Language Assistance Plan (how your organization will address the needs of limited English speakers, including but not limited to translation of pertinent information for accessing services).
- Representation on Planning/Advisory Board

COG has a Title VI template or you may provide your organization's existing Title VI Plan and any missing components.

Title VI Complaint Status Report

A list of transportation-related Title VI investigations, complaints, or lawsuits filed with the subrecipient. Sample Title VI Complaint Status Report.

Disadvantaged Business Enterprise (DBE) Program

All subrecipients must confirm to COG/TPB that they will comply with DBE requirements applicable to all DOT-assisted contract and their administration by executing DBE Assurances.

In addition, any subrecipient who receives FTA funds in excess of $250,000 for planning, capital, or operating assistance (excluding transit vehicle purchases) within a Federal fiscal year (10/1 - 9/30), and will use those funds for awarding prime contracts, is required to have a Disadvantaged Business Enterprise (DBE) Program Plan in place to ensure nondiscrimination in the award and administration of purchase orders and contracts funded with FTA dollars. The DBE Program Statement will help determine applicability to your organization. If applicable, you must either adopt COG/TPB's DBE Program Policy or submit your organization's approved DBE Program Policy in order to meet the FTA's DBE requirements. More information on DBE requirements can be found here.

Americans with Disabilities Act

Subrecipients must sign an assurance that they will meet ADA requirements. These include a written ADA policy that explains what the agency does to meet ADA requirements, how participants and staff as well as the general public are notified of their rights under ADA and how to file an ADA complaint. More information on ADA requirements can be found here.

ADA Assurances

Equal Employment Opportunity

Subrecipients must sign an assurance that they will meet EEO requirements. These include a written EEO policy that explains what the agency does to meet EEO requirements, how participants and staff as well as the general public are notified of their rights under EEO and how to file an EEO complaint.

If certain thresholds are met, subrecipients must have a full EEO Program. More information about EEO requirements can be found here.

EEO Assurances
EEO Statement

Other Required Reports and Plans:

- Annual and Final Performance Measurement Reporting
- Quarterly Progress Report
- Quarterly Taxi Data Report
- Vehicle Maintenance Plan
- Annual Rolling Stock Inventory

Federal Requirements Acknowledgement*

I have reviewed these Federal requirements and my agency is capable of complying and can provide the required documentation, plans and reports.

Yes

X. Financial Statements

Financial Statement*

The agency's latest A-133 Single Audit report or, if excluded from A-133 audit requirements, other consolidated and comprehensive financial statements must be uploaded with your application. Financial statements should adhere to generally accepted accounting principles. Subrecipients not subject to A-133 audit requirements may require additional monitoring to ensure compliance.

FY17 CAFR.pdf

XI. Letters of Support

Letters of Support

For letters communicating support for the project (different from Partner Letters and Letters of Commitment) please upload here as one document:

Letter of Support_Rockville Mayor.pdf

Comment: *Received after application deadline. Added by LWM from email.*

XII. Application Checklist

You are encouraged to submit your application a business day or two prior to the deadline so staff can review your application and alert you to missing information. Prior to the deadline, you can provide missing information or make corrections.

Incomplete applications, and those submitted after the deadline of November 3 at 2pm, will not be considered for funding.

Application Checklist*

Please use the checklist to ensure a complete application is being submitted.

The following items represent all of the information and attachments you will need to submit an application.

Authorizing Resolution (final or draft)
Completed application via this Foundant site (all applicable fields)
Work Plan (timeline objectives and milestones)

XIII. Appendices

Appendix 1: Map of the TPB Planning Area and Washington, DC-VA-MD Urbanized Area

Appendix 2: Possible Non-DOT Federal Sources for Matching Funds

Appendix 3: Sample of Monthly Report Form and Invoice

- Sample Operating Invoice
- Sample Capital Vehicle Invoice
- Sample Other Capital/Mobility Management Invoice

Appendix 4: Work Plan Samples

Sample of Vehicle Work Plan
Sample of Mobility Management Work Plan

Alternative Formats and Accommodations

Alternative formats of the application and document templates are available upon request.

Please contact Sergio Ritacco at sritacco@mwcog.org or (202) 962-3232 or (202) 962-3213.

Please allow seven working days for preparation of the material.

Technical Assistance

If you have questions or need assistance contact:

Lynn Winchell-Mendy, COG Grants Manager: lmendy@mwcog.org, 202.962.3253
Sergio Ritacco, Website and Application Support: sritacco@mwcog.org, 202.962.3232

File Attachment Summary

Applicant File Uploads

- 2017 Enhanced Mobility Program_Authorizing Resolution.pdf
- 2017CapitalMgtBudget.xlsx
- ICE_2017.pdf
- 2017OperatingBudget.xlsx
- COA.pdf
- 2017WorkPlan.pdf
- FY17 CAFR.pdf
- Letter of Support_Rockville Mayor.pdf

Authorizing Resolution

Public Transportation Program Resolution

The Mayor and Council of Rockville, Maryland

WHEREAS, the Maryland Transit Administration is the designated recipient in Maryland for grants under the Federal Transit Act; and

WHEREAS, the Maryland Transit Administration will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the Maryland General Assembly to provide assistance for public transportation projects; and

WHEREAS, the purpose of Section 5310 program is to improve mobility for seniors and Individuals with disabilities throughout the country, by removing barriers to transportation services and expanding the transportation mobility options available. Toward this goal, FTA provides financial assistance for transportation services planned, Designed, and carried out to meet the special transportation needs of seniors and Individuals with disabilities in all area.

WHEREAS, the Maryland Transit Administration has been designated as the State Agency with principal authority and responsibility for administering the Section 5310 Program for small urbanized and rural areas; and

WHEREAS, the Mayor and Council of Rockville, Maryland hereby assures and certifies that it will comply with the Federal and State statues, regulations, executive orders, and all small administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U.S.C.

NOW, THEREFORE, be it resolved that the Mayor and Council of Rockville, Maryland is hereby authorized to submit a grant for Federal and State funding, provide the required local match, make the necessary assurance and certifications and be empowered to enter into an agreement with the Maryland Transit Administration to provide public transportation services.

I Kathleen Conway, City Clerk and Director of Council Operations do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the Mayor and Council of Rockville duly held on the 20th day of November, 2017.

_____ _____

Signature of Certifying Official Date

DRAFT

TPB Enhanced Mobility Program Application: TWO-YEAR CAPITAL or MOBILITY MGT BUDGET

Project Name:

Organization Name:

Metropolitan Washington Council of Governments

BUDGET LINE ITEMS	TOTAL BUDGET	FTA FUNDS Requested (80%)	RECIPIENT FUNDS (Match-20%)	NUMBER JUSTIFICTION Explain how you calculated the figures-- show the math used.	SOURCE OF MATCH Cash on Hand, general revenue, outside resources, other
		Round down	Round up		
Acquisition of Equipment other than vehicles (add line items below)		-	-		
	Design	80,000.00	20,000.00	Based on design of previous projects	General Revenue
	Equipment	88,000.00	22,000.00	Based on existing and former contracts	General Revenue
	Construction	228,000.00	57,000.00	Based on previous projects and existing contracts	General Revenue
Computer Hardware and Software (describe)		-	-		
		-	-		
Mobility Management Activities (describe in line items below)		-	-		
		-	-		
		-	-		
		-	-		
		-	-		
		-	-		
		-	-		
TOTALS	-	396,000.00	99,000.00		

Independent Cost Estimate (ICE) Form

(Submitted at time of application as proof of cost research for applicable budgeted line items exceeding $3,500. Used later to determine if bids are fair and reasonable).

Per FTA 4220.1F, it is required that before receiving bids or proposals for a procurement using Federal funds that an Independent Cost Estimate (ICE) be performed. COG requires this at time of application. An ICE can be completed using past purchase prices, quantities, physical inspection of the product, drawings, or analysis of similar work. For more complex projects, an ICE can be completed by independent architect or engineer that will provide estimated hours, direct and indirect labor costs, and estimated profit or fee for a particular project.

City of Rockville

Project Name: Rockville Sidewalk and Bus Stop Improvements

Project Description: Sidewalk and Bus Stop Improvements

Date of Estimate: 11/1/2017

Method of Obtaining Estimate (check appropriate section and attach supporting documentation)

____ Published List Price:
____ Past Pricing (date):
____ Comparable Purchase by Other Agencies
____ Engineering or Technical Estimate
____ Independent Third Party Estimate
_X___ Other (specify): *Pricing for bus stop improvements was obtained from an existing contract between the City and a bus shelter maintenance contractor. Pricing for sidewalk improvements was obtained from similar projects completed by the City in the past.*

Through the method(s) statement above, it has been determined that the estimate total cost of the goods/services is $_____495,000_____:

Prepared by: Oleg Kotov

Phone: 240-314-8527

Email: okotov@rockvillemd.gov

Date Prepared: 11/1/2017

ON_STREET	AT_STREET	COMMENTS	COST ESTIMATE
Potomac Valley Road (between Falls Rd/Maryland Ave and New Mark Esplanade) - complete missing sidewalk segments on south side of the road.			$271,000
Falls Rd.	Cold Spring Rd	Construct sidewalk/path connection to Kimblewick path. Construct curb along boarding area and knee wall around pad.	$60,300
Jefferson St.	Ring House	Expand pad, replace existing 8'x4' shelter with a larger shelter with ADA compliant bench. Install bollards behind shelter. Install new trash can.	$8,800
Taft St.	First St.	Replace with larger shelter. Expand pad for trash can. Install ADA-compliant curb ramp at SW and SE corners of Taft and First.	$8,650
Rockville Pike	Congressional La	Expand pad, replace existing 8'x4' shelter with a larger shelter with ADA compliant bench. Replace trash can.	$8,400
Veirs Mill Rd.	Twinbrook Pkwy.	Replace existing 8'x4' shelter with a larger shelter. Replace litter receptacle with larger, ground-mounted unit.	$8,000
Veirs Mill Rd.	Atlantic Ave.	Expand pad, replace existing 8'x4' shelter with a larger shelter with ADA compliant bench. Install bollards behind shelter.	$7,750
Veirs Mill Rd.	Atlantic Ave.	Replace existing 8'x4' shelter with a larger shelter with ADA compliant bench. Install bollard behind shelter.	$7,250
Rockville Pike	Bouic Ave	Replace existing 8'x4' shelter with a larger shelter with ADA compliant bench.	$6,850
Veirs Mill Rd.	Meadow Hall Dr.	Replace existing 8'x4' shelter with a larger shelter with ADA compliant bench.	$6,850
Veirs Mill Rd.	Edmonston Dr.	Replace shelter bench. Construct concrete pad for large trash can. Relocate trash can. Install ADA compliant ramps at NE, NW, and SE corners of Edmonston and Veirs Mill service road.	$4,550
Wootton Pkwy	Falls Rd	Construct pad with retaining wall behind trail. Install freestanding bench. Install small trash can.	$4,400
Wootton Pkwy	Henslowe Dr.	Construct pad with retaining wall behind trail. Install freestanding bench.	$4,400
Veirs Mill Rd.	Edmonston Dr	Replace shelter bench. Repair retaining wall along the pathway to bus stop.	$3,000
Tower Oaks Blvd	#2600	Construct pad, install freestanding bench. Replace 2 curb ramps at Tower Oaks and Preserve Pkwy	$2,950
Stonestreet Ave.	Frederick Ave.	Construct ADA pad, install freestanding bench. Replace 2 curb ramps at SE and SW corners of Stonestreet and Frederick.	$2,850
Washington St.	Dawson Ave.	Replace shelter bench and large trash can. Construct path around pole in sidewalk (about 30 sq.ft.).	$2,750
Jefferson St.	Rollins Ave.	Replace shelter bench and trash can. Expand shelter pad to create an accessible path and space for trash can.	$2,750
Seven Locks Rd.	Twin Oaks Dr.	Construct ADA and freestanding bench pad, install freestanding bench.	$2,550
Frederick Ave	Moore Dr	Construct ADA and freestanding bench pad, install freestanding bench.	$2,550
Wootton Pkwy	Glen Mill Rd.	Install freestanding bench pad, install freestanding bench. Replace curb ramp going across Wootton.	$2,550
Monroe St.	Argyle St.	Construct ADA pad, install lean rail behind sidewalk. Replace SE and SW ramps on Monroe at Argyle.	$2,300
Jefferson St.	Rollins Ave.	Construct pad and install freestanding bench. Provide a trash can.	$2,300
Washington St.	Martins La.	Install pad and freestanding bench.	$1,950
Piccard Dr.	Gude Dr	Replace shelter bench. Replace litter receptacle.	$1,850
Jefferson St.	Congressional La	Replace shelter bench. Construct concrete pad for large trash can. Relocate trash can. Install ADA-compliant curb ramp at SE corner of Jefferson and Congressional	$1,750
Research Blvd.	Research Ct.	Construct pad behind sidewalk, install freestanding bench.	$1,750
Baltimore Rd.	Taylor Ave	Construct pad behind sidewalk, install freestanding bench.	$1,750
Maryland Ave	Great Falls Rd.	Construct pad behind sidewalk, install freestanding bench.	$1,750
Maryland Ave.	Washington St.	Construct pad behind sidewalk, install freestanding bench.	$1,750
Maryland Ave.	Monument St.	Construct pad behind sidewalk, install freestanding bench.	$1,750
Stonestreet Ave.	Spring Ave.	Construct pad behind sidewalk, install freestanding bench.	$1,750
Seven Locks Rd.	Twin Oaks Dr.	Construct pad behind trail, install freestanding bench.	$1,750
College Parkway	Rutgers St	Construct pad, install freestanding bench.	$1,750
Research Blvd.	#2275	Construct pad, install freestanding bench.	$1,750
Research Blvd.	#2277	Construct pad, install freestanding bench.	$1,750
Seven Locks Rd.	Fortune Terr.	Install pad behind trail, install freestanding bench.	$1,750
Veirs Mill Rd.	Meadow Hall Dr	Replace shelter bench. Install ADA-compliant curb ramp at NE corner of Meadow Hall and Veirs Mill service road.	$1,700
Halpine Rd.	Rockville Pike	Install shelter bench. Install ADA compliant curb ramp at plaza driveway crossing to the south of the stop.	$1,600
Frederick Ave.	Horners La	Install shelter bench. Install ADA-compliant curb ramp at NW corner of Horners and Frederick.	$1,600
Research Blvd.	Tracor (#1601)	Expand pad to create a flat, 5'x8' ADA wheelchair ramp and space for trash can. Shift shelter farther away from crosswalk. Replace trash can	$1,550
Jefferson St.	Halpine Rd	Replace shelter bench. Construct concrete pad for large trash can. Relocate trash can	$1,150
Hungerford Dr.	Beall Ave	Replace shelter bench. Construct concrete pad for large trash can. Relocate trash can.	$1,150
Halpine Rd.	E Jefferson St.	Replace shelter bench. Construct concrete pad for litter receptacle	$1,150
Halpine Rd.	Rockville Pike	Replace shelter bench. Construct concrete pad for litter receptacle	$1,150
Cabin John Pkwy	Monroe St.	Construct pad behind stop, install lean rail	$1,100
Baltimore Rd.	Cove La.	Install new large trash can	$1,050
Frederick Rd.	Indianola Dr.	Install freestanding bench.	$1,050
Southlawn Dr.	Horners La	Install freestanding bench.	$1,050
Taft St.	Gude Dr.	Install freestanding bench.	$1,050
Wootton Pkwy	Wootton H.S.	Install freestanding bench.	$1,050

Frederick Rd.	Mannakee St.	Install freestanding bench.	$1,050
Washington St.	Court House Squa	Construct ADA pad.	$1,000
Wootton Pkwy	Rockshire Shop C	Replace curb ramp	$1,000
Research Blvd.	Aspen Plaza (#16	Replace shelter bench	$700
Research Blvd.	12 Oaks (#1450)	Replace shelter bench	$700
Research Blvd.	New Covenant Chu	Replace shelter bench	$700
Research Blvd.	Gude Dr.	Replace shelter bench	$700
Research Blvd.	Research Pl	Replace shelter bench	$700
Tower Oaks Blvd	#2800	Replace shelter bench	$700
Wootton Pkwy	Seven Locks Rd.	Replace shelter bench	$700
Twinbrook Pkwy.	Marshall Ave.	Replace shelter bench.	$700
Halpine Rd.	Jefferson St.	Replace shelter bench.	$700
Chapman Ave.	Bouic Ave.	Replace shelter bench.	$700
Chapman Ave.	Bouic Ave.	Replace shelter bench.	$700
Frederick Rd.	Redland Rd.	Replace shelter bench.	$700
Frederick Rd.	Watkins Pond Blvd	Replace shelter bench.	$700
Hungerford Dr.	#451	Replace shelter bench.	$700
Hungerford Dr.	#451	Replace shelter bench.	$700
Piccard Dr.	Gude Dr.	Replace shelter bench.	$700
Research Blvd.	#2277	Replace shelter bench.	$700
Rockville Pike	Mt Vernon Pl.	Install shelter bench.	$600
Shady Grove Rd.	Choke Cherry Rd.	Install shelter bench.	$600
Frederick Ave.	Horners La	Install shelter bench	$600
Rockville Pike	Richard Montgome	Install shelter bench	$600
Veirs Mill Rd	Dodge St	Re-orient shelter	$500
Frederick Rd.	Mannakee St.	Install lean rail	$500
Maryland Ave.	Potomac Valley Rd.	Install small trash can	$350
Seven Locks Rd.	Fortune Tr.	Install small trash can	$350
			$495,000

TPB Enhanced Mobility Program Application: TWO-YEAR OPERATING BUDGET

Project Name:

Organization Name:

Metropolitan Washington Council of Governments

BUDGET LINE ITEMS	TOTAL BUDGET	FTA FUNDS Requested (50%) (round down)	RECIPIENT FUNDS (Match- 50%) (round up)	NUMBER JUSTIFICTION Explain how you calculated the figures-- show the math used.	SOURCE OF MATCH Cash on Hand, general revenue, outside resources, other
Salaries					
Fringe Benefits					
Meeting/Training Expenses		-	-		
Vehicle Operating Costs		-	-		
Service Operating Costs		-	-		
Marketing/Media/Outreach		-	-		
Focus Groups/Survey Costs		-	-		
Travel		-	-		
Other		-	-		
		-	-		
TOTALS	-	-	-		

Enhanced Mobility of Seniors and Individuals with Disabilities Program Application

Certification of Availability of Matching Funds

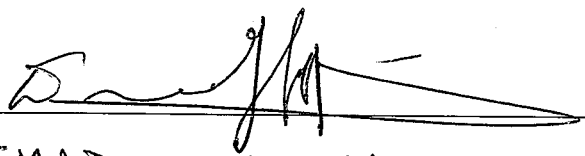
The undersigned hereby certifies that City of Rockville
(applicant)
is authorized to enter into an Agreement with the Metropolitan Washington Council of Governments to receive a Federal Transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities grant should a grant be awarded.

The Enhanced Mobility program requires matching funds of twenty percent (20%) of total Capital costs and fifty (50%) of total Operating costs.

The undersigned hereby certifies that City of Rockville
(applicant)
agrees to provide the following amount of requisite total matching funds

$ 99,000.— (Total matching funds from application: capital plus operating).

The source(s) of these funds are: Transportation Improvement Fees
(Describe and provide amounts from project partners, if f applicable).

Signature 

Name (Printed): EMAD ELSHAFEI

Title: Chief of Traffic & Transportation

Organization: City of Rockville

Date: 11/3/2017

National Capital Region
Transportation Planning Board

Enhanced Mobility of Seniors and Individuals with Disabilities Program

2-Year Work Plan

Agency: City of Rockville
Project Title: Rockville Bus Stop and Sidewalk Improvements

Goal #1: Potomac Valley Rd Sidewalk										
Objective/Major Activity:	Benchmarks (outputs)	Timeline								
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Estimated Completion Date (month end)
1. Planning & Public Outreach	Finalized concept plan and approval from adjacent residents	X	X							
2. Survey & Design	100% design documents		X	X	X	X				
3. Procurement & Construction	Procure contractor and complete construction					X	X	X	X	November, 2019

Goal #2: Bus Stop Improvements										
Objective/Major Activity:	Benchmarks (outputs)	Timeline								
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Estimated Completion Date (month end)
1. Equipment Procurement	Purchase of bus stop amenities: shelters, benches and trash cans.	X	X	X						
2. Contractor Procurement	Procurement of contractor through competitive bids			X	X	X	X			
3. Construction/Installation	Constructing all proposed improvements and amenities.						X	X	X	November, 2019

Management's Discussion and Analysis

Management's Discussion and Analysis



As management of the City of Rockville (the City), we offer readers of the City's financial statements a narrative overview and analysis of the financial activities of the City for the fiscal year ended June 30, 2017. We encourage readers to consider the information presented in conjunction with the additional information that we have furnished in our letter of transmittal, which can be found on pages 5-8 of this report and the financial statements beginning on page 23.

FINANCIAL HIGHLIGHTS

- The assets of the City exceeded its liabilities at the close of the current fiscal year by $348,803,112 (net position). That amount includes a positive balance of $5,205,826 from unrestricted net position made up of $18,653,066 from governmental activities and a deficit of $13,447,240 from business-type activities. The unrestricted deficit from business-type activities exists primarily due to continued costs of improvements to the City's water and sewer infrastructure.

- As of the close of the current fiscal year, the City's governmental funds reported combined ending fund balances of $49,853,779. Approximately 18.4% of this total amount is reported as restricted special revenue programming totaling $9,196,988.

- At the end of the current fiscal year, unassigned fund balance for the General Fund was $19,643,296 or 25.5% of total General Fund budgeted revenues (adopted) of $76,920,000.

- The City's total debt principal outstanding decreased by $6,592,967 or 4.8%. During the year, new general obligation bonds were issued for water, sewer, and capital projects and outstanding 2007 and 2008 bonds were advance refunded in the water, sewer and capital projects funds.

- Interest on investment earnings earned by the City's general investment portfolio totaled $266,837 for an average rate of return of 0.47%. The average daily investment portfolio was $56,543,273.

OVERVIEW OF THE FINANCIAL STATEMENTS

This discussion and analysis is intended to serve as an introduction to the City's basic financial statements. The City's basic financial statements are comprised of three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains other required supplementary information in addition to the basic financial statements themselves.

Government-wide Financial Statements:

The government-wide financial statements are designed to provide readers with a broad overview of the City's finances in a manner similar to a private-sector business.

The Statement of Net Position presents information on the City's assets and liabilities, with the difference between the two reported as net position. Over time, fluctuations in net position may serve as a useful indicator of whether the financial position of the City is improving or deteriorating.

The Statement of Activities presents information showing how the City's net position changed during the current fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused vacation leave).

Both of the government-wide financial statements distinguish functions of the City that are principally supported by taxes and intergovernmental revenues (governmental activities) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities). The governmental activities of the City include general government, community development block grant (CDBG) administration, community development, public works, public safety, and recreation and parks. The business-type activities of the City include water, sewer, refuse, stormwater management, parking, and golf course operations.

The government-wide financial statements can be found on pages 23-24 of this report.

Fund Financial Statements:

A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All the funds of the City can be divided into three categories: governmental funds, proprietary funds, and fiduciary funds.

Governmental funds: Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on the near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the governmental-wide financial statements. By doing so, readers may better understand the long-term impact of the City's near-term financing decisions. Reconciliations are provided between the governmental funds Balance Sheet and the government-wide Statement of Net Position and also between the Statement of Revenues, Expenditures, and Changes in Fund Balances of governmental funds and the government-wide Statement of Activities.

The City maintains six individual governmental funds. Information is presented separately in the governmental funds Balance Sheet and in the governmental funds Statement of Revenues, Expenditures, and Changes in Fund Balances for the General Fund, Debt Service Fund, and Capital Projects Fund, as they are considered major funds. Data from the other three governmental funds are combined into a single, aggregated presentation. Individual fund data for each of these nonmajor governmental funds is provided in the form of combining statements on pages 72-73 of this report.

The City adopts an annual appropriated budget for its General Fund, Debt Service Fund, and Non-Major Governmental Funds. Budgetary comparison statements can be found on pages 69, 71 and 74, respectively.

The governmental funds financial statements can be found on pages 25 and 27 of this report.

Proprietary funds: The City maintains six different enterprise funds. Enterprise funds are used to report the same functions presented as business-type activities in the government-wide financial statements. The City uses enterprise funds to account for its water, sewer, refuse, stormwater management, parking, and golf course operations.

Enterprise funds provide the same type of information as the government-wide financial statements, only in more detail. The enterprise financial statements provide separate information for the Water Facility, Sanitary Sewer, Refuse, Parking, Stormwater Management, and the RedGate Golf Course, which are considered the major funds of the City. The Stormwater Management and RedGate Golf Course Funds do not meet the requirements of a major fund, but management has elected to report these funds as major.

The enterprise funds financial statements and cash flows can be found on pages 29-32 of this report.

Fiduciary funds: The Fiduciary Funds are used to account for resources held for the benefit of parties outside the government. The Pension Trust Funds and OPEB Trust Fund are not reflected in the government-wide financial statement because the resources of these funds are not available to support the City's own programs. The accounting used for the trust funds are much like that used for proprietary funds.

The Fiduciary Funds financial statements can be found on pages 33 and 34 of this report.

Notes to the financial statements: The notes provide additional information that is essential for a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found on pages 35-63 of this report.

Other information: In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information concerning the Rockville Employee Retirement System, the other post-employment benefits (OPEB) plan, and the City's budgetary comparison schedules for major governmental funds. Required supplementary information can be found beginning on page 65 of this report.

The combining statements referred to earlier in connection with nonmajor governmental funds are presented immediately following the required supplementary information. Combining and individual fund statements along with budgetary comparison schedules can be found on pages 72 through 74 of this report.

GOVERNMENT-WIDE FINANCIAL ANALYSIS

As noted earlier, over time, changes in net position serves as a useful indicator of a government's financial position. The City's overall assets exceeded all its liabilities by $348,803,112 at the close of the current fiscal year.

The largest portion of the City's net position (95.9%) is reflected in its net investment in capital assets (e.g., CIP and infrastructure less accumulated depreciation), less any related debt used to acquire those assets that is still outstanding, excluding unspent debt proceeds of $2,660,048. The City uses these capital assets to provide services to residents; consequently, these assets are not available for future spending. Although the City's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

City of Rockville's Net Position

	Governmental Activities		Business-Type Activities		Total	
	2017	2016	2017	2016	2017	2016
Current and Other Assets	$ 42,112,441	$ 45,601,986	$ 13,237,487	$ 12,841,573	$ 55,349,928	$ 58,443,559
Noncurrent and Capital Assets	284,178,244	277,667,462	178,172,477	173,009,787	462,350,721	450,677,249
Deferred Outflows of Resources	7,869,168	6,665,535	3,146,860	2,912,690	11,016,028	9,578,225
Total Assets and Deferred Outflows of Resources	$ 334,159,853	$ 329,934,983	$ 194,556,824	$ 188,764,050	$ 528,716,677	$ 518,699,033
Noncurrent Liabilities	62,776,753	61,719,318	104,836,889	106,774,620	167,613,642	168,493,938
Other Liabilities	(7,974,478)	(4,576,715)	20,264,218	17,800,099	12,289,740	13,223,384
Deferred Inflows of Resources	10,183	1,134,254	-	-	10,183	1,134,254
Total Liabilities and Deferred Inflows of Resources	$ 54,812,458	$ 58,276,857	$ 125,101,107	$ 124,574,719	$ 179,913,565	$ 182,851,576
Net Position:						
Net investment in capital assets	251,497,341	242,206,193	82,902,957	80,207,561	334,400,298	322,413,754
Restricted	9,196,988	8,958,785	-	-	9,196,988	8,958,785
Unrestricted	18,653,066	20,493,148	(13,447,240)	(16,018,230)	5,205,826	4,474,918
Total Net Position	$ 279,347,395	$ 271,658,126	$ 69,455,717	$ 64,189,331	$ 348,803,112	$ 335,847,457

At the end of the current fiscal year, there is a positive balance of $5,205,826 in unrestricted net position. This is an increase of $730,908 from the balance of $4,474,918 in unrestricted net position in fiscal year 2016. This increase is attributable to the City's improved financial condition and performance in fiscal year 2017. The City reports positive net position balances for the City as a whole, as well as for its separate governmental and business-type activities, for the current fiscal year, with the exception of the CDBG Fund and Parking Fund.

The governmental net investment in capital assets, increased by $9,291,148 or 3.8%. This increase is related to capital projects expenditures during the current fiscal year.

The business-type activities net investment in capital assets, increased by $2,695,396 or 3.4%. This increase is related to capital projects expenditures during the current fiscal year.

City of Rockville's Change in Net Position

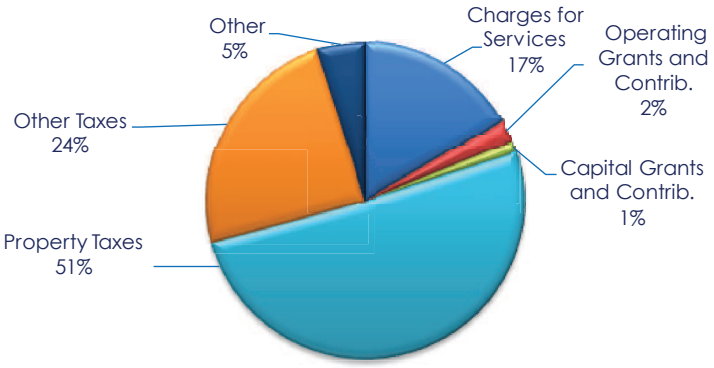
	Governmental Activities		Business-Type Activities		Total	
	2017	2016	2017	2016	2017	2016
Revenues:						
Program revenues:						
Charges for services	$ 13,154,992	$ 12,864,541	$ 37,527,726	$ 35,221,182	$ 50,682,718	$ 48,085,723
Operating grants & contrib.	1,842,041	1,414,801	-	-	1,842,041	1,414,801
Capital grants & contrib.	929,414	1,021,763	1,683,070	2,523,759	2,612,484	3,545,522
General revenues:						
Property taxes	40,246,427	38,283,902	206,704	196,481	40,453,131	38,480,383
Other taxes	19,206,229	19,170,951	-	-	19,206,229	19,170,951
Other	3,866,099	3,400,734	345,143	145,347	4,211,242	3,546,081
Total Revenues:	$ 79,245,202	$ 76,156,692	$ 39,762,643	$ 38,086,769	$ 119,007,845	$ 114,243,461
Expenses:						
General government	$ 22,179,924	$ 19,939,261	$ -	$ -	$ 22,179,924	$ 19,939,261
CDBG	-	192,372	-	-	-	192,372
Community development	5,559,447	5,208,701	-	-	5,559,447	5,208,701
Public safety	13,055,908	14,011,145	-	-	13,055,908	14,011,145
Public works	11,298,192	11,489,202	-	-	11,298,192	11,489,202
Recreation and Parks	22,483,951	21,677,656	-	-	22,483,951	21,677,656
Interest on long term debt	1,279,361	1,451,990	-	-	1,279,361	1,451,990
Water	-	-	9,541,833	8,954,708	9,541,833	8,954,708
Sewer	-	-	10,632,475	12,465,393	10,632,475	12,465,393
Refuse	-	-	4,593,424	4,273,936	4,593,424	4,273,936
Parking	-	-	1,800,872	1,783,298	1,800,872	1,783,298
Stormwater management	-	-	3,522,042	3,176,524	3,522,042	3,176,524
Golf Course	-	-	104,761	105,439	104,761	105,439
Total Expenses:	$ 75,856,783	$ 73,970,327	$ 30,195,407	$ 30,759,298	$ 106,052,190	$ 104,729,625
Increase in net position before transfers and contributions	3,388,419	2,186,365	9,567,236	7,327,471	12,955,655	9,513,836
Transfers and contributions	4,300,850	4,130,270	(4,300,850)	(4,130,270)	-	-
Increase/(Decrease) in net position	7,689,269	6,316,635	5,266,386	3,197,201	12,955,655	9,513,836
Net position - beginning	271,658,126	265,341,491	64,189,331	60,992,130	335,847,457	326,333,621
Net position - ending	$ 279,347,395	$ 271,658,126	$ 69,455,717	$ 64,189,331	$ 348,803,112	$ 335,847,457

Governmental activities: Governmental activities net position was $279,347,395 at the end of the fiscal year, an increase of $7,689,269, or 2.8% over beginning net position. Program revenues increased by $625,342 (4.1%), which is made up of increases in charges for services of $290,451, and increases in grant revenues of $334,891. General revenues increased by $2,463,168 (4.0%) which is mainly attributable to an increase in property tax revenues of $1,962,525 and a $336,375 increase in admissions and amusement tax revenue. Continued efforts to closely monitor costs across every department allowed for total revenues to exceed expenses in the government-wide Statement of Activities.

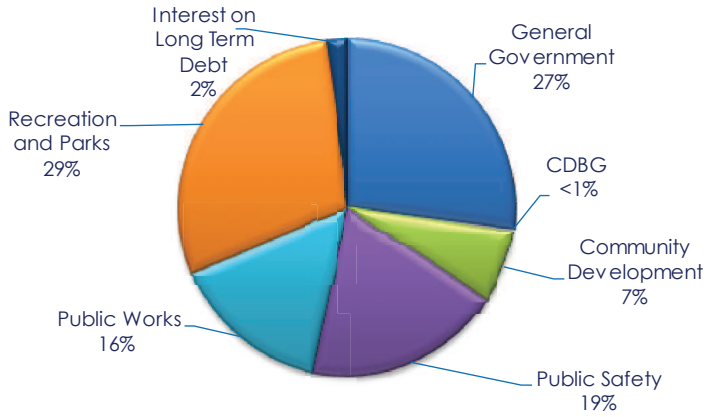
For the year ended June 30, 2017 the two most significant sources of governmental revenue were property taxes and other taxes, which include but are not limited to income tax, gas and motor vehicle tax, and county tax duplication. The two most significant governmental functional expenses were for recreation and parks and general government, which makes up the City Manager, City Clerk, legal, finance, human resources, and information technology functions of the City.

Business-type activities: Business-type activities net position was $69,455,717 at the end of the fiscal year, an increase of $5,266,386, or 8.2% over beginning net position. Program revenues increased by $1,465,855 (3.9%) when compared to the previous fiscal year. This revenue increase is due to increased utility and service rates from the prior year, and offset by a reduction in capital grant revenues. Expenses decreased by $563,891 (1.8%) when compared to the previous fiscal year. This decrease is primarily due to less operating and maintenance costs for City wastewater treatment facilities as compared to fiscal year 2016, offset by increases supporting continued performance-based pay and cost of living pay increases for employees.

Governmental Revenue Sources - June 30, 2017

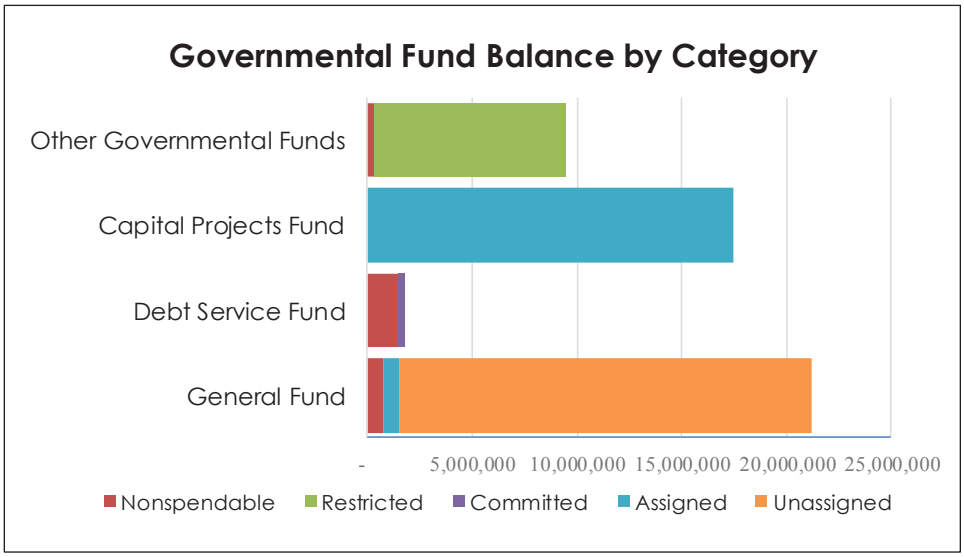


Governmental Functional Expenses - June 30, 2017



Governmental funds: The focus of the City's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the City's short term financing requirements. In particular, the unassigned fund balance may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

All the City's governmental funds continue to hold reserves above policy level. This is reflective of the strength of the City's finances as it continues to manage growth.



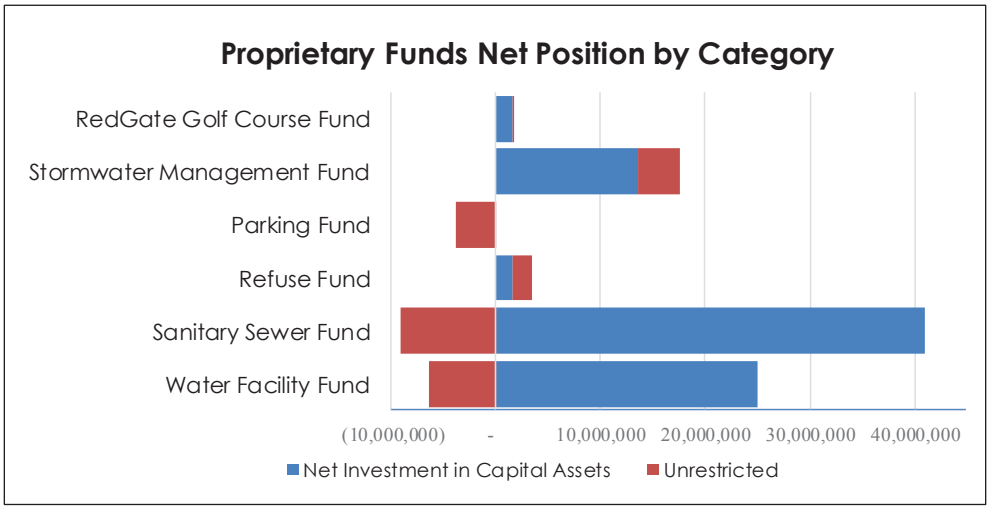
At the end of the current fiscal year, the City's governmental funds reported a combined ending fund balance of $49,853,779, a decrease of $251,466 or 0.5% in comparison with the prior fiscal year. This modest decrease is due to increased capital outlay during the year, particularly in the Capital Projects Fund, offset in part by increases in tax revenues. The classifications of fund balance are $2,499,453 as nonspendable, $9,196,988 as restricted for special revenue programming, $320,328 as committed for debt service, $18,206,702 as assigned for capital outlays, consulting services, and other purposes, and $19,630,308 as unassigned.

The General Fund is the chief operating fund of the City. At the end of the current fiscal year, the unassigned fund balance is $19,643,296, of the total fund balance of $21,176,077. The unassigned fund balance decreased $1,395,730 or 6.6% from the prior fiscal year and the total fund balance decreased $2,640,275 or 11.1% from the prior fiscal year. These decreases were a result of planned increased pay-go funding provided to the Capital Projects Fund and the recognition of amounts previously classified as nonspendable advances.

The Debt Service Fund has a total fund balance of $1,742,066, of which $320,328 is committed to the payment of debt service and $1,421,738 is related to nonspendable advances. The increase in fund balance was $139,867 or 8.7%. This increase was due to transfers from the General Fund into the Debt Service Fund exceeding debt service expenditures.

The Capital Projects Fund has a total fund balance of $17,467,665, which is assigned to capital outlay. The increase in fund balance was $1,672,619 or 10.6%. This increase was due to bond proceeds and General Fund transfers for planned future capital outlays.

Proprietary funds: The City's proprietary funds provide similar information found in the government-wide financial statements, but in more detail.



Overall, the results of the City's Enterprise Funds' operations are mixed, with some funds meeting reserve requirements, and others not. Continued liquidity issues in the Water Facility and Sanitary Sewer Funds, due to the investment in infrastructure improvements, are being addressed through planned rate increases.

Unrestricted net position of the Water Facility, Sanitary Sewer, Refuse, Parking, Stormwater Management, and RedGate Golf Course Funds at the end of the fiscal year amounted to ($6,383,384), ($9,024,629), $1,741,940, ($3,800,765), $3,961,902 and $57,696, respectively.

Fiduciary funds. The City's fiduciary funds provide information on the pension and post-employment health benefit trusts maintained by the City. These funds are not reported in the government-wide financial statements.

The net position of the Pension Trust Funds and OPEB Trust Fund at the end of the year amounted to $127,286,202 and $7,027,859, respectively. Net position increased in both funds as a result of investment performance and ongoing City contributions. The City made its full actuarially determined contributions (ADC) for both funds.

GENERAL FUND BUDGETARY HIGHLIGHTS

The final amended budget included a $1,061,840 increase in revenues from the original adopted budget primarily due to increased revenue projections from income tax. Operating expenses in the final amended budget included a $1,725,917 net increase from the original adopted budget. The net increase is a result of increases for reappropriation of fiscal year 2016 encumbrances and the recognition of grant expenses realized under economic development agreements.

Actual revenues were $1,900,942 higher than the final amended budget. The increase is primarily a result of higher than projected income tax, property tax and grants of $577,486, $554,716, and $403,686, respectively combined with other smaller variances. Actual operating expenditures were $2,413,472 less than the final amended budget. This decrease is a result of vacant positions, unfinished consultant studies, outstanding vehicle replacements and other smaller operating cost reductions across programs.



CAPITAL ASSET AND DEBT ADMINISTRATION

Capital assets. The City's investment in capital assets for its governmental and business-type activities as of June 30, 2017, amounts to $438,391,022 (net of accumulated depreciation). This investment in capital assets includes land, buildings and system improvements, machinery and equipment, park facilities, roads, highways and bridges, and water and sewer improvements. The total increase in the City's investment in capital assets for the current fiscal year was $11,816,365 or 2.8%.

Major capital asset events during the current fiscal year included the following:

- Rehabilitation and replacement of water and sewer mains throughout the City totaling $4,898,297.
- Acquisitions of three parcels of land totaling $3,700,650.
- The last of the stormwater improvements and stream restoration tasks for Dogwood Park were completed with costs totaling $1,041,766.
- Improvements to City roads, bridges and sidewalks continued; construction costs at the end of the current fiscal year were $5,754,964.

City of Rockville's Capital Assets, Net of Accumulated Depreciation

	Governmental Activities		Business-Type Activities		Total	
	2017	2016	2017	2016	2017	2016
Land	$ 11,544,482	$ 7,843,832	$ 2,058,940	$ 2,058,940	$ 13,603,422	$ 9,902,772
Construction in Progress	4,371,418	2,966,485	5,013,391	6,956,236	9,384,809	9,922,721
Buildings	65,686,956	66,516,856	484,682	523,996	66,171,638	67,040,852
Improvements other than Buildings	15,448,667	15,686,757	132,997,077	125,690,654	148,445,744	141,377,411
Equipment	11,975,670	12,467,404	3,185,421	2,898,513	15,161,091	15,365,917
Infrastructure	175,151,051	172,186,128	-	-	175,151,051	172,186,128
Purchased Capacity	-	-	10,473,267	10,778,856	10,473,267	10,778,856
Total	$ 284,178,244	$ 277,667,462	$ 154,212,778	$ 148,907,195	$ 438,391,022	$ 426,574,657

Additional information on the City's capital assets can be found in Note (2) D on pages 44-45 of this report.

Long-term obligations: At the end of the current fiscal year, the City had total long term obligations of $167,613,642, which are backed by the full faith and credit of the government. Governmental debt is repaid from tax revenues, and business-type debt is repaid from charges for services.

City of Rockville's Long Term Obligations

	Governmental Activities		Business-Type Activities		Total	
	2017	2016	2017	2016	2017	2016
Bonds Payable and Loans Payable, net	$ 33,821,450	$ 36,775,627	$ 103,851,956	$ 105,856,569	$ 137,673,406	$ 142,632,196
Accrued Obligations for Compensated Balances	4,920,012	4,724,609	984,933	918,051	5,904,945	5,642,660
Claims Payable	1,768,150	1,591,998	-	-	1,768,150	1,591,998
Net Pension Liability	21,520,338	17,908,264	-	-	21,520,338	17,908,264
Net OPEB Obligation	746,803	718,820	-	-	746,803	718,820
Total Long-Term Liabilities	$ 62,776,753	$ 61,719,318	$ 104,836,889	$ 106,774,620	$ 167,613,642	$ 168,493,938

The City's total debt principal outstanding decreased by $4,958,790 (3.5%) compared to the prior fiscal year, not including the impact of unamortized bond premiums and deferred charges on advance refundings. This decrease represents the impact of the issuance of advance refunding bonds in the current fiscal year and the repayment on existing long term debt. Compensated absences increased by $262,285 (4.6%) during the fiscal year. The net pension liability, which was introduced in fiscal year 2015 with the adoption of GASB Statement No. 68 represents the long-term liabilities for payments to retirees, net of the City's current pension investments. The net pension liability increased $3,612,074 (20.2%) based on projected future pension payments. The net OPEB obligation increased by $27,983 (3.9%) during the fiscal year.

The City has been awarded a "AAA" rating from Standard & Poor's and a "Aaa" rating from Moody's Investor Service for all of its outstanding general obligation debt.

Additional information on the City's long-term debt can be found in Note (2) F on pages 46-51 of this report. Additional information on the City's net pension liability and net OPEB obligation can be found in Note (4) and Note (5), respectively on pages 54-63 of this report.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGETS AND RATES

The Mayor and Council adopted the Fiscal Year 2018 (FY18) operating and capital budgets on May 1, 2017. The total operating budget for all funds equals $130.3 million, an increase of 3.2% from the previous year. The General Fund budget equals $79.7 million, an increase of 3.3%. The FY17 real property tax rate of $0.292 per $100 of assessed valuation remains the same for FY18. In addition to adopting the FY18 budget ordinance, the Mayor and Council also approved several ordinances and resolutions that set the utility rates. Those include:

- A stormwater utility rate of $127.70 per equivalent residential unit (ERU). Each residential property will pay $127.70 or one ERU per year, and each commercial property will pay $127.70 multiplied by the number of ERUs measured on their property. This rate is unchanged from fiscal year 2017.
- Water usage rates continue to follow a multi-tiered progressive structure which incorporates both fixed and variable charges based on consumption and meter size. On average, these rates reflect a 3.5% increase in fiscal year 2018.
- Sewer rate of $9.26 per 1,000 gallons, an increase of 12.5% from the FY17 rate of $8.23.
- Refuse rate of $445 per residential property per year, an increase of 5.0% from the FY17 rate of $424.

An important aspect of utility rate setting for the fiscal year 2018 budget were the rate increases in the water, sewer, and refuse programs, which ensure the financial health of these operations. Mayor and Council adopted the fiscal year 2018 rates and future rates to ensure rate stability and consistency for City residents.

An important economic factor that directly impacts the City's budget is property assessments. In January 2016, a portion of the City's properties were reassessed. While there were no reassessments in January 2017, the three-year phase in from the 2016 reassessment combined with new properties on the City's tax roll, results in a projected 3.5% increase in real property tax revenues for fiscal year 2018. Budgeted personal property taxes are expected to remain flat and consistent with actual revenues the City has received historically. These combined factors, brings estimated total real and personal property tax revenue to $40.9 million, an increase of approximately $1.3 million. While this provides a positive outlook, the City will continue to maintain reserves at policy levels and closely monitor spending.

REQUESTS FOR INFORMATION

This financial report is designed to provide a general overview of the City's finances for all those with an interest in the City's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the Chief Financial Officer, 111 Maryland Avenue, City of Rockville, Rockville, Maryland, 20850.

Basic Financial Statements

City of Rockville, Maryland

Statement of Net Position

June 30, 2017

	Governmental Activities	Business-type Activities	Total
Assets			
Equity in pooled cash and cash equivalents	$ 36,044,433	$ 7,684,521	$ 43,728,954
Property tax receivable, net	372,721	-	372,721
Accounts receivable, net	623,317	5,510,964	6,134,281
Due from other governments	2,539,902	-	2,539,902
Prepaid assets	156,000	-	156,000
Loans receivable	1,889,274	-	1,889,274
Other assets	478,092	42,002	520,094
Unbilled assessments receivable	8,702	-	8,702
Capital assets (net of accumulated depreciation):			
Land	11,544,482	2,058,940	13,603,422
Construction in progress	4,371,418	5,013,391	9,384,809
Buildings, Improvements and Infrastructure	256,286,674	133,481,759	389,768,433
Equipment	11,975,670	3,185,421	15,161,091
Purchased capacity	-	10,473,267	10,473,267
Accounts receivable, net	-	139,693	139,693
Capital lease, net	-	23,820,006	23,820,006
Total Assets	$ 326,290,685	$ 191,409,964	$ 517,700,649
Deferred Outflows of Resources			
Deferred outflows from pensions	$ 7,696,423	$ -	$ 7,696,423
Deferred charge on advance refunding	172,745	3,146,860	3,319,605
Total Deferred Outflows of Resources	$ 7,869,168	$ 3,146,860	$ 11,016,028
Total Assets and Deferred Outflows of Resources	$ 334,159,853	$ 194,556,824	$ 528,716,677
Liabilities			
Accounts payable	$ 3,486,492	$ 2,377,193	$ 5,863,685
Internal balances	(16,772,813)	16,772,813	-
Accrued liabilities	2,091,487	772,513	2,864,000
Unearned revenue	1,358,978	-	1,358,978
Retainages payable	294,644	325,204	619,848
Deposits and other liabilities	1,566,734	16,495	1,583,229
Noncurrent Liabilities:			
Due within one year:			
Compensated absences	3,591,609	719,001	4,310,610
Bonds payable and loan payable, net	3,809,203	7,007,854	10,817,057
Claims payable	671,897	-	671,897
Due in more than one year:			
Compensated absences	1,328,403	265,932	1,594,335
Bonds payable and loans payable, net	30,012,247	96,844,102	126,856,349
Claims payable	1,096,253	-	1,096,253
Net pension liability	21,520,338	-	21,520,338
Net OPEB obligation	746,803	-	746,803
Total Liabilities	$ 54,802,275	$ 125,101,107	$ 179,903,382
Deferred Inflows of Resources			
Deferred inflows from pensions	$ 10,183	$ -	$ 10,183
Deferred inflows from OPEB	-	-	-
Total Deferred Inflows of Resources	$ 10,183	$ -	$ 10,183
Total Liabilities and Deferred Inflows of Resources	$ 54,812,458	$ 125,101,107	$ 179,913,565
Net Position			
Net investment in capital assets	$ 251,497,341	$ 82,902,957	$ 334,400,298
Restricted for:			
Special activities fund programming	9,196,988	-	9,196,988
Unrestricted	18,653,066	(13,447,240)	5,205,826
Total Net Position	$ 279,347,395	$ 69,455,717	$ 348,803,112
Total Liabilities, Deferred Inflows of Resources and Net Position	$ 334,159,853	$ 194,556,824	$ 528,716,677

See accompanying notes to the basic financial statements.

City of Rockville, Maryland

Statement of Activities
For the Fiscal Year Ended June 30, 2017

Functions / Programs	Expenses	Program Revenues: Charges for Services	Program Revenues: Operating Grants and Contributions	Program Revenues: Capital Grants and Contributions	Net (Expense) Revenue and Changes in Net Position Primary Government: Governmental Activities	Net (Expense) Revenue and Changes in Net Position Primary Government: Business-type Activities	Total
Primary Government:							
Governmental activities:							
General government	$ 22,179,924	$ 411,704	$ 259,008	$ -	$ (21,509,212)	$ -	$ (21,509,212)
Community development	5,559,447	2,043,566	235,878	10,669	(3,269,334)	-	(3,269,334)
Public safety	13,055,908	4,367,130	780,346	-	(7,908,432)	-	(7,908,432)
Public works	11,298,192	208,457	-	743,745	(10,345,990)	-	(10,345,990)
Recreation and parks	22,483,951	6,124,135	566,809	175,000	(15,618,007)	-	(15,618,007)
Interest long-term debt	1,279,361	-	-	-	(1,279,361)	-	(1,279,361)
Total Governmental Activities	$ 75,856,783	$ 13,154,992	$ 1,842,041	$ 929,414	$ (59,930,336)	$ -	$ (59,930,336)
Business-Type Activities:							
Water	$ 9,541,833	$ 12,360,559	$ -	$ -	$ -	$ 2,818,726	$ 2,818,726
Sewer	10,632,475	12,407,271	-	-	-	1,774,796	1,774,796
Refuse	4,593,424	6,121,016	-	-	-	1,527,592	1,527,592
Parking	1,800,872	857,266	-	306,322	-	(637,284)	(637,284)
Stormwater management	3,522,042	5,781,614	-	1,376,748	-	3,636,320	3,636,320
RedGate golf course	104,761	-	-	-	-	(104,761)	(104,761)
Total Business-Type Activities	$ 30,195,407	$ 37,527,726	$ -	$ 1,683,070	$ -	$ 9,015,389	$ 9,015,389
Total primary government	$ 106,052,190	$ 50,682,718	$ 1,842,041	$ 2,612,484	$ (59,930,336)	$ 9,015,389	$ (50,914,947)
General revenues:							
Property taxes					$ 40,246,427	$ 206,704	$ 40,453,131
Income taxes					13,577,486	-	13,577,486
Gas and motor vehicle taxes					1,897,093	-	1,897,093
County tax duplication payment					2,409,750	-	2,409,750
Admissions and amusement taxes					1,321,900	-	1,321,900
Use of money and property					456,123	42,127	498,250
Other revenue					3,409,976	303,016	3,712,992
Transfers and Contributions					4,300,850	(4,300,850)	-
Total general revenues and transfers					$ 67,619,605	$ (3,749,003)	$ 63,870,602
Change in net position					7,689,269	5,266,386	12,955,655
Net Position at beginning of year					271,658,126	64,189,331	335,847,457
Net Position at end of year					$ 279,347,395	$ 69,455,717	$ 348,803,112

See accompanying notes to the basic financial statements.

City of Rockville, Maryland

Balance Sheet
Governmental Funds
June 30, 2017

	General	Debt Service	Capital Projects	Other Governmental Funds	Total Governmental Funds
Assets					
Equity in pooled cash and cash equivalents	$ 7,594,618	$ 329,709	$ 19,086,001	$ 9,034,105	$ 36,044,433
Property taxes receivable, net	372,721	-	-	-	372,721
Accounts receivable, net	404,102	-	-	219,215	623,317
Interfund receivable	16,879,056	-	-	-	16,879,056
Due from other governments	2,117,445	-	85,779	336,678	2,539,902
Prepaid assets	156,000	-	-	-	156,000
Loans receivable	183,565	1,421,738	-	283,971	1,889,274
Other assets, net	469,828	493	7,771	-	478,092
Unbilled assessments receivable	-	8,702	-	-	8,702
Total Assets	$ 28,177,335	$ 1,760,642	$ 19,179,551	$ 9,873,969	$ 58,991,497
Liabilities					
Accounts payable	$ 1,879,210	$ 9,874	$ 1,318,142	$ 279,266	$ 3,486,492
Interfund payable	-	-	-	106,243	106,243
Accrued liabilities	1,943,204	-	-	-	1,943,204
Unearned revenue	1,358,978	-	-	-	1,358,978
Retainages payable	-	-	294,644	-	294,644
Deposits and other liabilities	1,447,145	-	99,100	20,489	1,566,734
Total Liabilities	$ 6,628,537	$ 9,874	$ 1,711,886	$ 405,998	$ 8,756,295
Deferred Inflows of Resources					
Unavailable revenue - property taxes	$ 372,721	$ -	$ -	$ -	$ 372,721
Unavailable revenue - special assessments	-	8,702	-	-	8,702
Total Deferred Inflows of Resources	372,721	8,702	-	-	381,423
Total Liabilities and Deferred Inflows of Resources	$ 7,001,258	$ 18,576	$ 1,711,886	$ 405,998	$ 9,137,718
Fund Balances					
Nonspendable:					
Inventory	$ 454,179	$ -	$ -	$ -	$ 454,179
Advances	183,565	1,421,738	-	283,971	1,889,274
Prepaid assets	156,000	-	-	-	156,000
Restricted for:					
Special revenue programming	-	-	-	9,196,988	9,196,988
Committed to:					
Debt service	-	320,328	-	-	320,328
Assigned for:					
Consulting services	139,242	-	-	-	139,242
Capital outlays	559,871	-	17,467,665	-	18,027,536
Other purposes	39,924	-	-	-	39,924
Unassigned:	19,643,296	-	-	(12,988)	19,630,308
Total Fund Balance	$ 21,176,077	$ 1,742,066	$ 17,467,665	$ 9,467,971	$ 49,853,779
Total Liabilities, Deferred Inflows of Resources and Fund Balance	$ 28,177,335	$ 1,760,642	$ 19,179,551	$ 9,873,969	$ 58,991,497

See accompanying notes to the basic financial statements.

City of Rockville, Maryland

Reconciliation of Total Government Fund Balances to Net Position of Governmental Activities

June 30, 2017

Amounts reported for governmental activities in the Statement of Net Position are different because:		
Total fund balances - governmental funds		$ 49,853,779
Capital assets used in governmental activities are not financial resources and therefore are not reported as assets in governmental funds.		
Cost of capital assets	376,173,002	
Accumulated depreciation	(91,994,758)	284,178,244
Unavailable revenues are not financial resources in the governmental funds, therefore the liability is eliminated and total net position is increased.		381,423
The unamortized deferred charge on advance refunding represents a long term outflow of resources that is not presented in the governmental funds.		172,745
The net pension liability and the related deferred outflows and deferred inflows do not represent current financial resources and is not reported in the governmental funds.		
Net pension liability	(21,520,338)	
Deferred outflows from pensions	7,696,423	
Deferred inflows from pensions	(10,183)	(13,834,098)
The net OPEB obligation related to governmental activities does not represent current financial resources and is not reported in the governmental funds.		(746,803)
Long-term liabilities are not due and payable in the current period and therefore are not reported as liabilities in the funds. Long-term liabilities as of year-end consist of:		
Compensated absences	4,920,012	
General obligation bonds payable	30,861,625	
Loans payable	241,333	
Accrued interest on the general obligation bonds	148,283	
Unamortized bond premiums on the general obligation bonds	2,718,492	
Claims payable	1,768,150	(40,657,895)
Total net position - governmental activities		$ 279,347,395

See accompanying notes to the basic financial statements.

City of Rockville, Maryland

Statement of Revenues, Expenditures, and Changes in Fund Balances of Governmental Funds
For the Fiscal Year Ended June 30, 2017

	General	Debt Service	Capital Projects	Other Governmental Funds	Total Governmental Funds
Revenues					
Property Taxes	$ 40,105,716	$ -	$ -	$ -	$ 40,105,716
Assessments	-	17,306	-	-	17,306
Revenue from other governments:					
Community development block grant	-	-	-	206,478	206,478
Income taxes	13,577,486	-	-	-	13,577,486
Gas and motor vehicles taxes	1,897,093	-	-	-	1,897,093
County tax duplication payment	2,409,750	-	-	-	2,409,750
Admission and amusement taxes	1,321,900	-	-	-	1,321,900
Grants and other governmental revenue	2,530,326	-	278,329	917,920	3,726,575
Licenses and permits	2,927,369	-	-	-	2,927,369
Charges for services	6,792,763	-	-	-	6,792,763
Use of money and property	324,031	47,514	75,879	8,699	456,123
Fines and forfeitures	1,267,285	-	-	1,832,161	3,099,446
Other revenues	6,729,063	-	101,400	776,492	7,606,955
Total Revenues	$ 79,882,782	$ 64,820	$ 455,608	$ 3,741,750	$ 84,144,960
Expenditures					
Current operations:					
General government	$ 16,407,663	$ -	$ -	$ -	$ 16,407,663
Community development	5,307,654	-	-	234,860	5,542,514
Public safety	11,109,168	-	-	1,334,618	12,443,786
Public works	7,230,606	-	-	-	7,230,606
Recreation and parks	22,202,495	-	-	230,489	22,432,984
Capital outlay	1,921,449	-	12,011,629	1,485,350	15,418,428
Debt service	-	5,314,229	-	-	5,314,229
Total Expenditures	$ 64,179,035	$ 5,314,229	$ 12,011,629	$ 3,285,317	$ 84,790,210
Excess (deficiency) of Revenues over Expenditures	$ 15,703,747	$ (5,249,409)	$ (11,556,021)	$ 456,433	$ (645,250)
Other Financing Sources (Uses)					
Transfers in	$ -	$ 5,350,000	$ 12,114,612	$ 119,890	$ 17,584,502
Transfers out	(18,344,022)	-	-	-	(18,344,022)
Payment to refunded bond escrow agent	-	(5,390,020)	-	-	(5,390,020)
Issuance of general obligation bonds	-	-	1,105,000	-	1,105,000
Premium on general obligation bonds	-	-	9,028	-	9,028
Issuance of advance refunding bonds	-	4,478,303	-	-	4,478,303
Premium on advance refunding bonds	-	950,993	-	-	950,993
Total Other Financing Sources (uses)	$ (18,344,022)	$ 5,389,276	$ 13,228,640	$ 119,890	$ 393,784
Net change in fund balances	$ (2,640,275)	$ 139,867	$ 1,672,619	$ 576,323	$ (251,466)
Fund balance at beginning of year	23,816,352	1,602,199	15,795,046	8,891,648	50,105,245
Fund balance at end of year	$ 21,176,077	$ 1,742,066	$ 17,467,665	$ 9,467,971	$ 49,853,779

See accompanying notes to the basic financial statements.

City of Rockville, Maryland

Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances
of Governmental Funds to the Statement of Activities
For the Fiscal Year Ended June 30, 2017

Amounts reported for governmental activities in the Statement of Activities are different because:		
Total net change in fund balances-total governmental funds		$ (251,466)
Capital outlays are reported in governmental funds as expenditures. However, in the Statement of Activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which capital outlays of $15,418,428 exceeded depreciation of $8,907,646.		6,510,782
In the Statement of Activities, only the annual amortized loss on advance refunding is reported, whereas in the governmental funds, the entire loss from the advance refunding decreases financial resources.		172,745
In governmental funds, bond proceeds and repayment of bond principal are revenues and expenditures, respectively. In the Statement of Net Position these activities are adjustments to long term liabilities. Bond repayments during the year of $9,135,601 exceeded bond proceeds of $5,583,303.		3,552,298
Governmental funds report the effect of premiums and discounts when debt is first issued, but these items are amortized in the Statement of Net Position and recognized annually.		(598,121)
Because the unavailable revenue will not be collected for several months after the City's fiscal year end, it is not considered revenue in the governmental funds. Unavailable revenue increased in the current fiscal year.		140,711
The net pension liability and the related deferred outflows and deferred inflows relate to funding for future retiree benefit payments which are not considered current. Changes in the net pension liability, deferred outflows and deferred inflows are reflected below:		
Net pension liability	(3,612,074)	
Deferred outflows from pensions	1,030,888	
Deferred inflows from pensions	1,124,071	(1,457,115)
The net OPEB obligation related to funding for future retiree health benefits are not considered current. The net OPEB obligation increased in the current fiscal year.		(27,983)
Expenses for claims are recognized only when paid using current financial resources in the governmental fund statements. In the Statement of Activities, the expenses are recognized when the City is made aware of its liability for claims payments due. This claims payable increased in the current fiscal year.		(176,152)
In the Statement of Activities, compensated absences are measured by the amounts earned during the year. In governmental funds, however, expenditures are measured by the amount of financial resources used (essentially, the amounts actually paid). This fiscal year, vacation and sick leave earned of $2,091,255 exceeded amounts used of $1,895,852.		(195,403)
In the Statement of Activities, interest expense is recognized as interest accrues, regardless of when it is due. In the governmental funds interest is recognized as an expenditure when it is due and requires the use of current financial resources. In fiscal year 2017, accrued interest on long-term debt reported in the Statement of Activities decreased.		18,973
Change in net position of governmental activities		$ 7,689,269

See accompanying notes to the basic financial statements.

City of Rockville, Maryland

Statement of Net Position
Proprietary Funds
June 30, 2017

	Business-Type Activities - Enterprise Funds						
	Water Facility Fund	Sanitary Sewer Fund	Refuse Fund	Parking Fund	Stormwater Mgmt. Fund	RedGate Golf Course Fund	Total Business-type Activities
Assets							
Current Assets							
Equity in pooled cash and cash equivalents	$ -	$ -	$ 2,467,637	$ 479,671	$ 4,716,549	$ 20,664	$ 7,684,521
Accounts receivable, net	2,352,875	2,460,043	58,348	218,554	420,144	1,000	5,510,964
Other receivables	-	-	1,685	420	2,386	37,511	42,002
Total current assets	$ 2,352,875	$ 2,460,043	$ 2,527,670	$ 698,645	$ 5,139,079	$ 59,175	$ 13,237,487
Noncurrent Assets							
Capital Assets:							
Land	123,202	-	-	-	842,697	1,093,041	2,058,940
Utility plant and equipment	85,667,218	108,904,584	7,583,050	86,968	19,985,275	2,607,389	224,834,484
Construction in progress	4,527,780	-	-	-	485,611	-	5,013,391
Less-accumulated depreciation	(38,831,244)	(42,128,210)	(5,109,230)	(37,307)	(5,005,345)	(1,862,154)	(92,973,490)
Purchased capacity, long-term	-	15,279,453	-	-	-	-	15,279,453
Other Noncurrent Assets:							
Accounts receivable, net	-	-	-	-	139,693		139,693
Capital lease, net	-	-	-	23,820,006	-	-	23,820,006
Total noncurrent assets	$51,486,956	$ 82,055,827	$ 2,473,820	$ 23,869,667	$ 16,447,931	$1,838,276	$178,172,477
Total Assets	$53,839,831	$ 84,515,870	$ 5,001,490	$ 24,568,312	$ 21,587,010	$1,897,451	$191,409,964
Deferred Outflows of Resources							
Deferred charge on advance refunding	$ 319,067	$ 105,061	$ -	$ 2,722,732	$ -	$ -	$ 3,146,860
Total Assets and Deferred Outflows of Resources	$54,158,898	$ 84,620,931	$ 5,001,490	$ 27,291,044	$ 21,587,010	$1,897,451	$194,556,824
Liabilities							
Current Liabilities							
Bonds payable within 1yr	$ 2,555,283	$ 2,868,533	$ 90,000	$ 1,170,860	$ 300,781	$ 22,397	$ 7,007,854
Accounts payable	843,191	368,931	298,407	38,008	828,656	-	2,377,193
Interfund payable	6,099,334	10,673,479	-	-	-	-	16,772,813
Accrued liabilities	251,164	200,503	118,428	111,809	89,130	1,479	772,513
Compensated absences	259,546	131,772	196,019	6,855	124,809	-	719,001
Retainages payable	70,474	166,310	-	-	88,420	-	325,204
Deposits / other liabilities	16,495	-	-	-	-	-	16,495
Total Current Liabilities	$10,095,487	$ 14,409,528	$ 702,854	$ 1,327,532	$ 1,431,796	$ 23,876	$ 27,991,073
Noncurrent Liabilities							
Compensated absences	95,997	48,738	72,500	2,535	46,162	-	265,932
Bonds payable, net	25,423,712	38,206,651	812,313	29,761,742	2,509,747	129,937	96,844,102
Total noncurrent liabilities	$25,519,709	$ 38,255,389	$ 884,813	$ 29,764,277	$ 2,555,909	$ 129,937	$ 97,110,034
Total Liabilities	$35,615,196	$ 52,664,917	$ 1,587,667	$ 31,091,809	$ 3,987,705	$ 153,813	$125,101,107
Net Position							
Net investment in capital assets	$24,927,086	$ 40,980,643	$ 1,671,883	$ -	$ 13,637,403	$1,685,942	$ 82,902,957
Unrestricted	(6,383,384)	(9,024,629)	1,741,940	(3,800,765)	3,961,902	57,696	(13,447,240)
Total net position	$18,543,702	$ 31,956,014	$ 3,413,823	$ (3,800,765)	$ 17,599,305	$1,743,638	$ 69,455,717
Total Liabilities and Net Position	$54,158,898	$ 84,620,931	$ 5,001,490	$ 27,291,044	$ 21,587,010	$1,897,451	$194,556,824

See accompanying notes to the basic financial statements.

City of Rockville, Maryland

Statement of Revenues, Expenses, and Changes in Fund Net Position
Proprietary Funds
For the Fiscal Year Ended June 30, 2017

	Business-Type Activities - Enterprise Funds						
	Water Facility Fund	Sanitary Sewer Fund	Refuse Fund	Parking Fund	Stormwater Mgmt. Fund	RedGate Golf Course Fund	Total Business-type Activities
Operating Revenues							
Charges for Services	$12,360,559	$12,407,271	$6,121,016	$ 857,266	$ 5,781,614	$ -	$ 37,527,726
Other Revenues	159,381	-	34,213	263,991	46,135	6,000	509,720
Total Operating Revenues	$12,519,940	$12,407,271	$6,155,229	$ 1,121,257	$ 5,827,749	$ 6,000	$ 38,037,446
Operating Expenses							
Treatment and purification	2,565,229	-	-	-	-	-	2,565,229
Distribution	1,543,136	-	-	-	-	-	1,543,136
Collection and disposal	-	2,770,390	3,598,307	-	-	-	6,368,697
Customer billing, collection, operating expenses	3,045,953	3,187,727	1,750,058	552,725	3,541,350	-	12,077,813
Repairs and maintenance	105,847	118,763	546,494	4,968	74,015	-	850,087
Total Operating Expenses	$ 7,260,165	$ 6,076,880	$5,894,859	$ 557,693	$ 3,615,365	$ -	$ 23,404,962
Operating income (loss) before depreciation / amortization	5,259,775	6,330,391	260,370	563,564	2,212,384	6,000	14,632,484
Less - depreciation and amortization of bond (discount)/premium	(2,847,962)	(4,037,003)	(295,511)	65,088	(642,971)	(99,216)	(7,857,575)
Operating Income (loss)	$ 2,411,813	$ 2,293,388	$ (35,141)	$ 628,652	$ 1,569,413	$ (93,216)	$ 6,774,909
Nonoperating Income (Expenses)							
Capital grants and contributions	-	-	-	306,322	1,376,748	-	1,683,070
Interest income	-	-	13,840	4,390	23,776	121	42,127
Interest expense	(992,860)	(1,392,436)	(35,254)	(1,294,567)	(78,646)	(5,545)	(3,799,308)
Other, net	(29,006)	(10,506)	-	(154,420)	-	-	(193,932)
Total Nonoperating Income	$(1,021,866)	$(1,402,942)	$ (21,414)	$(1,138,275)	$ 1,321,878	$ (5,424)	$ (2,268,043)
Income (loss) before transfers	1,389,947	890,446	(56,555)	(509,623)	2,891,291	(98,640)	4,506,866
Transfers							
Transfer (to) from Proprietary Funds	330,640	(330,640)	-	-	-	-	-
Transfer from General Fund	-	-	44,520	715,000	-	-	759,520
Total Transfers	$ 330,640	$ (330,640)	$ 44,520	$ 715,000	$ -	$ -	$ 759,520
Increase (decrease) net position	1,720,587	559,806	(12,035)	205,377	2,891,291	(98,640)	5,266,386
Net position at beginning of year	$16,823,115	$31,396,208	$3,425,858	$(4,006,142)	$14,708,014	$ 1,842,278	$ 64,189,331
Net position at end of year	$18,543,702	$31,956,014	$3,413,823	$(3,800,765)	$17,599,305	$ 1,743,638	$ 69,455,717

See accompanying notes to the basic financial statements.

City of Rockville, Maryland

Statement of Cash Flows
Proprietary Funds
For the Fiscal Year Ended June 30, 2017

	Business-Type Activities - Enterprise Funds						
	Water Facility Fund	Sanitary Sewer Fund	Refuse Fund	Parking Fund	Stormwater Mgmt. Fund	RedGate Golf Course Fund	Total Business-type Activities
Cash Flows from operating activities:							
Cash received from customers	$ 12,438,146	$ 12,166,341	$ 7,350,339	$ 1,171,110	$ 5,558,093	$ 5,000	$ 38,689,029
Cash payments to suppliers for goods and services	(3,877,418)	(4,771,875)	(3,239,803)	(301,901)	(1,470,911)	-	(13,661,908)
Cash payments to employees for services	(3,400,454)	(1,860,761)	(2,503,181)	(247,620)	(2,113,014)	-	(10,125,030)
Net cash provided by operating activities	$ 5,160,274	$ 5,533,705	$ 1,607,355	$ 621,589	$ 1,974,168	$ 5,000	$ 14,902,091
Cash Flows from noncapital financing activities:							
Transfer in from the General Fund	$ -	$ -	$ 44,520	$ 715,000	$ -	$ -	$ 759,520
Transfer (to) from Proprietary Funds	330,640	(330,640)	-	-	-	-	-
Proceeds from interfund payable	697,053	2,703,760	-	-	-	-	3,400,813
Net cash provided by noncapital financing activities	$ 1,027,693	$ 2,373,120	$ 44,520	$ 715,000	$ -	$ -	$ 4,160,333
Cash Flows from capital and related financing activities:							
Capital grants and contributions	$ -	$ -	$ -	$ 306,322	$ 1,180,491	$ -	$ 1,486,813
Acquisition and construction of capital assets	(3,702,730)	(7,492,883)	(357,697)	(25,235)	(2,630,403)	-	(14,208,948)
Proceeds from sale of capital assets	-	-	-	-	-	12,500	12,500
Principal paid on general obligation bond maturities	(7,575,372)	(5,988,044)	(430,000)	(641,250)	(300,304)	(22,397)	(14,957,367)
Interest paid on general obligation bonds	(1,003,805)	(1,397,167)	(36,494)	(1,296,633)	(79,609)	(5,742)	(3,819,450)
Proceeds from capital lease	-	-	-	318,125	-	-	318,125
Proceeds from issuance of debt/current refunding	6,093,940	6,971,269	-	-	-	-	13,065,209
Net cash (used in) capital and related financing activities	$ (6,187,967)	$ (7,906,825)	$ (824,191)	$ (1,338,671)	$ (1,829,825)	$ (15,639)	$ (18,103,118)
Cash Flows from investing activities:							
Interest on investments	$ -	$ -	$ 12,472	$ 4,153	$ 22,593	$ 110	$ 39,328
Net increase (decrease) in cash and cash equivalents	$ -	$ -	$ 840,156	$ 2,071	$ 166,936	$ (10,529)	$ 998,634
Cash and cash equivalents at the beginning of year	$ -	$ -	$ 1,627,481	$ 477,600	$ 4,549,613	$ 31,193	$ 6,685,887
Cash and cash equivalents at the end of year	$ -	$ -	$ 2,467,637	$ 479,671	$ 4,716,549	$ 20,664	$ 7,684,521

See accompanying notes to the basic financial statements.

(Continued)

City of Rockville, Maryland

Statement of Cash Flows (continued)
Proprietary Funds
For the Fiscal Year Ended June 30, 2017

Reconciliation of Net Operating Income (Loss) to Net Cash Provided By (Used In) Operating Activities

	Business-Type Activities - Enterprise Funds						
	Water Facility Fund	Sanitary Sewer Fund	Refuse Fund	Parking Fund	Stormwater Mgmt. Fund	RedGate Golf Course Fund	Total Business-type Activities
Operating income (loss)	$ 2,411,813	$ 2,293,388	$ (35,141)	$ 628,652	$ 1,569,413	$ (93,216)	$ 6,774,909
Adjustments to reconcile operating income (loss) to net cash provided by (used in) operating activities:							
Depreciation and amortization	$ 2,847,962	$ 4,037,003	$ 295,511	$ (65,088)	$ 642,971	$ 99,216	$ 7,857,575
Changes in assets and liabilities:							
(Increase) decrease in accounts receivable	(83,794)	(240,930)	1,195,110	49,853	(269,656)	(1,000)	649,583
Increase (decrease) in accounts payable	71,382	(690,476)	105,300	8,084	77,648	-	(428,062)
Increase (decrease) in accrued liabilities	13,695	7,089	13,440	937	7,778	-	42,939
Increase (decrease) in compensated absences	24,857	(3,285)	33,135	(849)	13,024	-	66,882
Increase (decrease) in retainages payable	(127,641)	130,916	-	-	(67,010)	-	(63,735)
Increase (decrease) in deposits and other liabilities	2,000	-	-	-	-	-	2,000
Total adjustments	$ 2,748,461	$ 3,240,317	$ 1,642,496	$ (7,063)	$ 404,755	$ 98,216	$ 8,127,182
Net cash provided by operating activities	$ 5,160,274	$ 5,533,705	$ 1,607,355	$ 621,589	$ 1,974,168	$ 5,000	$ 14,902,091
Noncash capital and related financing activities:							
Purchase of equipment on account	$ 55,630	$ (1,046,062)	$ -	$ -	$ 520,736	$ -	$ (469,696)

See accompanying notes to the basic financial statements.

City of Rockville, Maryland

Statement of Fiduciary Net Position
Fiduciary Funds
June 30, 2017

	Pension Trust Funds	OPEB Trust Fund
Assets		
Open End Mutual Funds:		
Bonds	$ 27,833,166	$ 3,392,992
Equities	84,638,752	3,603,998
Real Estate	12,954,284	-
Money Markets	1,860,000	30,869
Total Assets	$ 127,286,202	$ 7,027,859
Liabilities		
Benefits Payable	$ -	$ 27,563
Net Position		
Restricted for plan benefits	$ 127,286,202	$ 7,000,296
Total Liabilities and Net Position	$ 127,286,202	$ 7,027,859

See accompanying notes to the basic financial statements.

City of Rockville, Maryland

Statement of Changes in Fiduciary Net Position
Fiduciary Funds
For the Fiscal Year Ended June 30, 2017

	Pension Trust Funds	OPEB Trust Fund
Additions		
Contributions		
Employer	$ 4,157,580	$ 639,042
Plan Members	2,124,837	-
Total Contributions	$ 6,282,417	$ 639,042
Investment Income (loss)		
Net appreciation in the fair value of plan investments	13,049,939	515,476
Interest and dividends	394,845	114,582
Total investment income (loss)	13,444,784	630,058
Total	$ 19,727,201	$ 1,269,100
Deductions		
Benefits	$ 7,084,135	$ 274,540
Investment fee expense	473,473	24,086
Administrative expense	31,821	5,000
Total Deductions	$ 7,589,429	$ 303,626
Net Increase	$ 12,137,772	$ 965,474
Net position at beginning of year	115,148,430	6,034,822
Net position at end of year	$ 127,286,202	$ 7,000,296

See accompanying notes to the basic financial statements.

City of Rockville, Maryland
Notes to the Basic Financial Statements
June 30, 2017

(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Financial Reporting Entity

The City of Rockville (the "City"), was incorporated in 1860. Its legal authority is derived from Article XI E of the State Constitution and Article 23A of the Annotated Code of Maryland. The City has an estimated population of 68,385 and a land area of 13.55 square miles. According to the 2010 census, the City is the third largest city in Maryland. The City has operated under the council-manager form of government since 1948. The City is a municipal corporation where the City Council is comprised of a mayor and four at-large council members. Services provided include water, sewer, refuse, parking, streets and stormwater, recreation and parks, police, planning and zoning, and engineering services. Schools, libraries, social services, and fire protection are provided by Montgomery County, Maryland (the "County").

For financial reporting purposes, the government-wide financial statements include the various departments governed directly by the Mayor and Council. The City's officials are also responsible for appointing the board of directors of the Rockville Housing Enterprises (RHE), but the City's accountability does not extend beyond making the appointments, therefore the finances of RHE are not included in the financial statements. The City provides financial assistance to Rockville Economic Development, Inc. (REDI), but is not obligated to provide such assistance; therefore, the finances of REDI are not included in the financial statements.

B. Government-wide and Fund Financial Statements

The government-wide financial statements (i.e., the Statement of Net Position and the Statement of Activities) report information on all the nonfiduciary activities of the primary government. Mostly all the effects of interfund activities have been removed from these statements. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities. Business-type activities rely significantly on fees and charges for services.

The Statement of Activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable to a specific function or segment. Program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not included among program revenues are reported as general revenues.

Separate financial statements are provided for governmental funds, proprietary funds, and fiduciary funds, although the latter are excluded from the government-wide financial statements. Major individual governmental funds and major individual enterprise funds are reported in separate columns in the fund financial statements.

C. Measurement Focus, Basis of Accounting, and Financial Statement Presentation

The government-wide financial statements are reported using the economic resource measurement focus and the accrual basis of accounting, as are the proprietary funds and fiduciary funds financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenue in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current financial resource measurement focus and the modified accrual basis of accounting. Revenues are considered available when they are deemed collectible within the current period or soon thereafter to pay the liabilities of the current period. For this purpose, the City considers revenues to be available if they are collected within 60 days of the end of the current fiscal period.

(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

C. Measurement Focus, Basis of Accounting, and Financial Statement Presentation (Continued)

Expenditures generally are recorded when a liability is incurred, under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences, claims and judgments, are recorded only when payment is due. Property taxes, franchise taxes, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual and are recognized as revenues in the current fiscal period. Only the portion of special assessments receivable due within the current fiscal period is considered to be susceptible to accrual. All other revenue items are considered to be measurable and available only when cash is received by the government.

The government reports the following major governmental funds:

The General Fund is the government's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

The Debt Service Fund accounts for the resources accumulated and payments made for principal and interest on long-term general obligation debt of governmental funds.

The Capital Projects Fund is used to account for financial resources used for the acquisition or construction of major capital facilities (other than those financed by proprietary funds).

The government reports the following major proprietary funds:

The City operates six major types of enterprise funds: The Water Facility Fund, the Sanitary Sewer Fund, the Refuse Fund, the Parking Fund, the Stormwater Management Fund, and the RedGate Golf Course Fund. These funds account for the provision of water and sewer services, recycling and refuse services and the parking meter program, for residents within the City's service area. The Stormwater Management Fund and RedGate Golf Course Fund do not meet the requirements of a major fund; however, management has elected to report these funds as major. The Stormwater Management Fund accounts for the maintenance and construction of stormwater infrastructure. The RedGate Golf Course Fund accounts for the operating lease proceeds and long term debt costs for the City's golf course facility.

Additionally, the government reports the following fund types:

The City operates three nonmajor governmental funds: The Special Activities Fund, the Community Development Block Grant (CDBG) Fund, and the Automated Speed Enforcement Fund. These funds primarily use donor restricted grants, contributions, and state-earmarked funding to meet specific programmatic needs.

The City's Fiduciary Funds include the Pension Trust Funds and OPEB Trust Fund which account for the contributions made by the City and its employees to finance future pension and post-employment benefit payments.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements, but interfund services provided and used are not eliminated in the process of consolidation.

Amounts reported as program revenues include 1) charges to customers or applicants for goods, services, or privileges provided, 2) operating grants and contributions, and 3) capital grants and contributions, including special assessments.

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services, producing goods, and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the Water Facility, Sanitary Sewer, Refuse, and Stormwater Management Funds are charges to customers for sales and services. The Water Facility and Sanitary Sewer funds also recognize the portion of tap fees intended to recover the cost of connecting new customers to the system as operating revenue. Operating expenses for enterprise funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

When both restricted and unrestricted resources are available for use, it is the government's policy to first use restricted resources, then unrestricted resources as they are needed.

(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

D. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position/Fund Balance

1. Deposits and Investments

To facilitate effective management of the City's resources, substantially all operating cash is combined in one pooled account. The Pension Trust Funds and OPEB Fund assets are separately managed by the City's Retirement Board. The Pension Trust Fund investments are stated at fair value. Short-term investments of one year or less which are included in the City's equity in pooled cash and cash equivalents are stated at amortized cost plus accrued interest. These short-term investments include mutual funds.

For purposes of the Statement of Cash Flows, the proprietary fund type reflects all monies in the City's cash management pool as cash equivalents.

Interest income earned on City investments is allocated among the funds each month pro-rata based on the average equity in pooled cash balances for the previous six months.

2. Property Taxes

Taxes on real property and business personal property are levied on property values as assessed on January 1, billed on July 1, and payable either by September 30 or in two equal installments on September 30 and December 31. Montgomery County bills and collects property taxes for the City and remits the cash collections monthly. Property taxes are attached as an enforceable lien on the underlying properties as of the succeeding June 1 and are, thereafter, sold at public auction if deemed delinquent.

Real and personal property taxes are levied at rates enacted by the Mayor and Council in the annual budget ordinance on the assessed value as determined by the Maryland State Department of Assessments and Taxation. The rate of levy cannot exceed the constant yield tax rate furnished by the Maryland State Department of Assessments and Taxation without public hearings.

The real property tax rate was $0.292 per $100 of assessed value and the personal property tax rate was $0.805 per $100 of assessed value in fiscal year 2017. The City charges taxpayers interest (at the rate of 2/3 of 1 percent per month) and penalty (1 percent per month) on all overdue taxes.

3. Inventories and Prepaid Items

All City inventories (included in other assets in the governmental fund Balance Sheet) are maintained on a consumption basis of accounting and are valued at cost on a first-in, first-out basis and consist of either goods held for resale or goods and materials used in providing services. The classification of fund balance for General Fund inventories is made to reflect the non-spendable nature of those amounts for appropriation in the General Fund. Certain payments to vendors and contingent grants reflect costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements.

4. Restricted Net Position

The Special Activities Fund is used to account for programs for which external funding sources impose requirements and restrictions on the use of funds for a particular purpose.

5. Capital Assets

Capital assets, which include property, plant, equipment, and infrastructure assets (e.g., roads, bridges, sidewalks, and similar items), are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the City as assets with an initial, individual cost of more than $5,000 and an estimated useful life in excess of three years. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized. Assignments of fund balance in Capital Projects Fund have been made to reflect the authorized capital project appropriations.

Major outlays for capital assets and improvements are capitalized as projects are constructed, though the City does not capitalize interest. The capitalization threshold for infrastructure items is $25,000. GASB Statement No. 34 requires prospective reporting of all infrastructure assets acquired after June 30, 2002. It has also required that all infrastructure assets that were acquired after June 30, 1980 be reported for fiscal years beginning after June 15, 2006. The City is in compliance with this requirement and has capitalized infrastructure assets acquired after June 30, 2002.

(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

D. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position/Fund Balance (Continued)

5. Capital Assets (Continued)

Property, plant, and equipment of the primary government are depreciated over their useful lives using the straight-line method of depreciation in the government-wide financial statements. Depreciation is charged as an expense against operations and accumulated depreciation is reported on the respective balance sheet. The following are estimated useful lives:

Description	Lives (Years)
Buildings	30-50
Equipment	3-20
Furniture and fixtures	7-10
Automobiles and trucks	5-7
Water and sewer infrastructure	20-50
Stormwater management facilities	20-50
Purchased capacity	50

6. Deferred Outflows/Inflows of Resources

In addition to assets and liabilities, the Statement of Net Position sometimes reports a separate section for deferred outflows or inflows of resources. This separate financial statement element represents a consumption or production of net position that applies to a future period(s) and so will not be recognized as an outflow or inflow of resources until then. The City has four items that qualify for reporting in this category. They are the deferred charge on advance refunding reported in the government-wide and proprietary fund Statement of Net Position, the unavailable revenue for property taxes and special assessments reported in the Governmental Fund Balance Sheet, and the deferred outflows and inflows from pension activities reported in the government-wide Statement of Net Position. A deferred charge on refunding results from the difference in the carrying value of refunded debt and its reacquisition price. Deferred inflows and outflows from pension activities reflect changes in assumptions, differences between actual and expected experience and differences between actual and projected earnings on investments.

7. Compensated Absences

It is the City's policy to permit employees to accumulate earned but unused annual and sick leave benefits. All annual leave and sick leave is accrued when incurred and eligible for pay-out in the government-wide and proprietary financial statements. An expenditure for these amounts is reported in governmental funds only if they have matured, for example, as a result of employee resignations and retirements.

8. Long-Term Obligations

In the government-wide financial statements and proprietary fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the Statement of Net Position. Bond premiums and discounts are deferred and amortized over the life of the bonds using the effective interest method. Bonds payable are reported net of the applicable bond premium or discount. Bond issuance costs are reported as expenses in the current period in accordance with GASB Statement No. 65.

In the fund financial statements, the Debt Service Fund recognizes bond premiums and discounts, bond issuance costs, as well as any charges from advance refundings, in the period incurred. The face amount of debt issued is reported net of any bond premiums/discounts.

Commitments of fund balance in the Debt Service Fund have been made in accordance with the City's policy to maintain a minimum cash balance of 10% of average outstanding principal for future debt service appropriations. The City is not restricted by a legal debt limit.

9. Pensions

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Rockville Employee Retirement System (ROCKERS) and additions to/deductions from ROCKERS' fiduciary net position have been determined on the same basis as they are reported by ROCKERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments consist of open-end mutual funds which are reported at fair value.

(1) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

D. Assets, Liabilities, and Net Position or Equity (Continued)

10. Interfund Transactions

Activity between funds that are representative of lending/borrowing arrangements at the end of the fiscal year are referred to as "due to/from other funds" or "interfund receivable/payable". Any residual balances outstanding between the governmental activities and business-type activities are reported in the government-wide financial statements as "Internal Balances".

11. Fund Balance

In the fund financial statements, governmental funds report fund balance using classifications that comprise a hierarchy based on the extent to which the City is bound to honor constraints on the purpose for which the funds may be spent. The government itself can establish limitations on the use of resources through either a commitment (committed fund balance) or an assignment (assigned fund balance). Fund balance is reported in five components - nonspendable, restricted, committed, assigned and unassigned. When multiple categories of fund balance are available for expenditure, the City will start with the most restricted category and spend those funds first.

Nonspendable - Portion of net resources that cannot be spent either (a) because of their form or (b) because they must be maintained intact.

Restricted - Portion of net resources with imposed limitations set by either (a) creditors, grantors, contributors, or the laws and regulations of other governments or (b) laws through constitutional provisions or enabling legislation.

Committed - Portion of net resources with imposed limitations set at the highest level of decision making authority. Such authority includes ordinances of the Mayor and Council and the City's charter. Formal action at the same level of authority is required to remove such limitations.

Assigned - Portion of net resources intended for a specific use by the City, as determined by the City Manager, as the designee of the Mayor and Council pursuant to ordinance 12-13.

Unassigned - Portion of net resources in excess of the nonspendable, restricted, committed and assigned balances.

12. Net Position

Net position represents the difference between assets and deferred outflows of resources and liabilities and deferred inflows of resources. The net investment in capital assets portion of net position, consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowings used for the acquisition, construction, or improvement of those assets. The portion of net position related to investment in capital assets, excludes unspent debt proceeds of $1,519,501 attributable to business-type activities. Unspent debt proceeds of $1,140,547 are attributable to governmental activities and are reported as assigned in the Capital Projects Fund. Net positions are reported as restricted when there are limitations imposed on their use either through the enabling legislation or through external restrictions imposed by creditors, grantors or laws or regulations of other governments. The portion of net position restricted for external restrictions imposed by grantors is $9,196,988, as noted in the government-wide statement of net position. Restricted resources are used first to fund appropriations. When an expense is incurred for which both restricted and unrestricted net position are available, the City will first apply restricted resources.

(2) DETAILED NOTES ON ALL FUNDS

A. Equity in Pooled Cash and Cash Equivalents

The City maintains a cash and investment pool that is subject to oversight by the Mayor and Council, but is not subject to regulatory oversight by the Securities and Exchange Commission (SEC). The City's cash and investment pool is available for use by all the City's funds, except the Fiduciary Funds. The City is restricted by State law to invest only in federally insured banks in the State of Maryland, federally insured savings and loan associations in the State of Maryland, or in the Maryland Local Government Investment Pool (MLGIP). The City primarily invests in the MLGIP, a pooled fund money market for municipalities, which is highly efficient and utilizes a programmed approach to investing. Unit value is computed using the amortized cost method. The City's Pension and OPEB Trust Funds are invested in open end mutual funds, which are subject to oversight by the Mayor and Council and the Retirement Board. The City's open end mutual funds include equity, fixed income, real estate, and money market funds.

As of July 1, 2015 the City implemented GASB Statement No. 79, *Certain External Investment Pools and Pool Participants*. Under this standard, the MLGIP meets the criteria of a qualified external investment pool, thereby allowing the City to report its investments using the amortized cost method. There are no limitations or restrictions on MLGIP withdrawals. Amounts invested in external investment pools of $31,434,638 are comprised of securities valued using quoted market prices which are then allocated to pool participants to maintain a $1.00 per unit value.

As of June 30, 2017, the City had the following cash, cash equivalents and investments included as equity in pooled cash and cash equivalents in the Statement of Net Position and the Statement of Fiduciary Net Position:

	Primary Government	Fiduciary Funds	Interest Range
Deposits	$ 12,294,316	$ -	0.00%
Maryland Local Government Pool (MLGIP)	31,434,638	-	0.36% - 0.95%
	$ 43,728,954	$ -	
Open-End Mutual Funds	-	134,314,061	-0.68% - 23.14%
Total Fair Market Value of Investments	$ 43,728,954	$ 134,314,061	

Effective July 1, 2015 the City adopted GASB Statement No. 72, *Fair Value Measurement and Application*. The Pension Trust Funds and OPEB Fund categorize its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs.

The City has the following recurring fair value measurements as of June 30, 2017:

- Amounts invested in open-end mutual funds of $90,133,619 are comprised of securities valued using quoted market prices (Level 1) which are then allocated to position holders. These funds are required to publish their daily net asset value (NAV) and to transact at that price.
- Amounts invested in open-end mutual funds of $31,226,158 are comprised of domestic fixed income securities which are priced by industry standard vendors such as Interactive Data Corporation, using observable inputs such as benchmark yields, reported trades, broker/dealer quotes, and issuer spreads (Level 2) which are then allocated to position holders at a per unit value.
- Amounts invested in open-end mutual funds of $12,954,284 are comprised of real estate investments valued using observable inputs such as discounted income streams, the current cost of reproducing the real estate, and values indicated by comparable real estate in the market (Level 2) which are then allocated to position holders at a per unit value.

Deposits:

Custodial Credit Risk: Custodial credit risk for deposits is the risk that in the event of a bank failure, the City's deposits may not be returned. Maryland State Law prescribes that local government units, such as the City, must deposit its cash in banks which transact business in the State of Maryland. Such banks must also secure any deposits exceeding the Federal Depository Insurance Corporation insurance levels with collateral whose market value is at the least equal to 102% of the deposits. As of June 30, 2017, all the City's deposits were either covered by federal depository insurance or covered by collateral held in the pledging banks trust department in the City's name.

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

A. Equity in Pooled Cash and Cash Equivalents (Continued)

Investments:

Credit Risk: The Mayor and Council of Rockville recognize that their authority to invest the public funds of the City derives from Section 6-222a of the State of Maryland's Finance and Procurement Article, as well as Article 95, Section 22-22N of the Annotated Code of Maryland. Authority to invest City funds in compliance and provisions of these State statutes is delegated to the Director of Finance. The City invests in MLGIP which is rated "AAAm" by Standard and Poor's and is under control of the Maryland State Treasurer's Office. All City investments must receive one of the highest ratings from at least one of the national recognized statistical organizations, except for obligations which are backed by the full credit of the US Government, obligations of federal agencies, or an instrument that has been issued in accordance with acts of Congress and unrated. The Pension and OPEB Trust funds are invested in open-end pooled mutual funds, which are unrated.

Interest Rate Risk: Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. Interest rate risk is minimized due to the fact that all authorized investments have a maximum allowable maturity of two years from the date of purchase as stated in section XII of the City's investment policy. The MLGIP pooled money market funds and open-end mutual funds are highly liquid with no fixed maturity and therefore do not expose the City to interest rate risk. The maximum allowable maturity of any individual security within the MLGIP is 397 days. The average life of the MLGIP will generally range between 25-55 days. A portion of the Pension and OPEB trust funds are invested in open-end fixed income bond funds. These funds consist of debt instruments with average maturities ranging from 7.78 years to 10.58 years.

Custodial Credit Risk: Custodial credit risk for investments is the risk that in the event of failure of a depository financial institution or counterparty to a transaction, the City will not recover the value of deposits, investments or collateral securities that are in the possession of an outside party. The City is not exposed to custodial credit risk at June 30, 2017.

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

B. Receivables

Receivables as of the year ended June 30, 2017 for all the City's individual funds were as follows:

Receivables	General	Debt Service	Capital Projects	Other Governmental Funds	Water	Sewer	Refuse	Parking	Stormwater Management	RedGate Golf Course	Total
Billed / Unbilled Accounts	$ -	$ -	$ -	$ -	$ 2,360,071	$ 2,472,878	$ 66,472	$ -	$ 53,256	$ -	$ 4,952,677
Property Taxes Receivable	907,138	-	-	-	-	-	-	-	-	-	907,138
Accounts Receivable	404,102	-	-	219,215	-	-	-	247,850	-	1,000	872,167
Interfund Receivable	16,879,056	-	-	-	-	-	-	-	-	-	16,879,056
Due from Other Governments	2,117,445	-	85,779	336,678	-	-	-	-	506,581	-	3,046,483
Loans Receivable											
Rockville Commons, L.P.	63,565	-	-	-	-	-	-	-	-	-	63,565
RELP One, L.P.	120,000	-	-	-	-	-	-	-	-	-	120,000
RHE Fireside Park, Inc.	-	1,421,738	-	283,971	-	-	-	-	-	-	1,705,709
Other Assets	469,828	493	7,771	-	-	-	1,685	420	2,386	37,511	520,094
Unbilled Assessments Receivable	-	8,702	-	-	-	-	-	-	-	-	8,702
Gross Receivables	20,961,134	1,430,933	93,550	839,864	2,360,071	2,472,878	68,157	248,270	562,223	38,511	29,075,591
Allowance for Uncollectibles	(534,417)	-	-	-	(7,196)	(12,835)	(8,124)	(29,296)	-	-	(591,868)
Net Receivables	$ 20,426,717	$ 1,430,933	$ 93,550	$ 839,864	$ 2,352,875	$ 2,460,043	$ 60,033	$ 218,974	$ 562,223	$ 38,511	$ 28,483,723

The City calculates its allowance for uncollectible accounts using historical collection data and, in certain cases, specific account analysis. The allowance amounted to $591,868 at June 30, 2017, and is composed of the following:

General Fund property taxes receivable	$ 534,417
Enterprise Funds utility fees receivable	28,155
Enterprise Funds parking citations receivable	29,296
Total allowance for uncollectibles	$ 591,868

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

B. Receivables (Continued)

Governmental funds report deferred revenue in connection with receivables for revenues that are considered to be unavailable to liquidate liabilities of the current period. Governmental funds also postpone revenue recognition in connection with resources that have been received, but not yet earned. At the end of the current fiscal year, the various components of deferred revenue and unearned revenue in the governmental funds were as follows:

	Deferred	Unearned
Special assessments not yet due (Debt Service Fund)	$ 8,702	$ -
Property taxes receivable (General Fund)	372,721	-
Recreation services not earned (General Fund)	-	1,358,978
Total deferred/unearned revenue for governmental funds	$ 381,423	$ 1,358,978

The City has the following loans receivable which are noncurrent assets:

Rockville Commons, L.P.- The loan in the total amount of $250,000 was issued on July 17, 1997 to Rockville Commons, L.P. The loan bears interest at 3% per annum. The loan is secured by a Second Deed of Trust, Security Agreement and Assignment of Rents dated July 17, 1997. The maturity date is August 15, 2019. The loan is recorded in the General Fund. The outstanding balance was $63,565 as of June 30, 2017.

RELP One, L.P. - The loan in the total amount of $120,000 was issued on June 12, 2003 to RELP One, L.P. The loan bears no interest. The loan is secured by a Second Deed of Trust, Security Agreement and Assignment of Rents dated June 12, 2003. The maturity date is June 30, 2043. The loan is recorded in the General Fund. The outstanding balance was $120,000 as of June 30, 2017.

RHE Fireside Park, Inc. - The loan in the total amount of $1,800,000 was issued on December 21, 2012 to RHE Fireside Park, Inc. The loan bears interest at 3% per annum. The loan is secured by a Second Deed of Trust, Security Agreement and Assignment of Rents dated December 21, 2012. The maturity date is April 1, 2020. The loan is recorded in the Debt Service Fund and Special Activities Fund. The outstanding balance was $1,705,709 as of June 30, 2017, of which $1,421,738 is reported in the Debt Service Fund and $283,971 is reported in the Special Activities Fund.

C. Prepaid Assets

The City participated with the County by providing contingent grant awards, as economic development initiatives for Duball Rockville, LLC and Choice Hotels International, Inc., for the purpose of attracting business activity to the City. The grants have performance requirements, when if met, will initiate the City's recognition of the grant expenditure. If the performance requirements are not met, the contingent grant will convert to a loan receivable and bear interest at 3% per annum. In fiscal year 2017 the performance period concluded for the Duball Rockville, LLC contingent grant award and upon noted compliance with all requirements, the grant expenditure of $980,000 was recognized. The performance period for the remaining contingent grant award of $156,000 to Choice Hotels International, Inc. will conclude in fiscal year 2018. The cost of prepaid items is recorded as expenditures/expenses when consumed rather than when purchased. At June 30, 2017, prepaid assets in the General Fund consisted of $156,000 for the contingent grant award to Choice Hotels International, Inc.

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

D. Capital Assets

Capital asset activity for the year ended June 30, 2017 was as follows:

	Beginning Balance	Increases	Decreases	Transfers	Ending Balance
Governmental Activities:					
Capital assets, not being depreciated:					
Land	$ 7,843,832	$ 3,700,650	$ -	$ -	$ 11,544,482
Construction in progress	2,966,485	2,852,087	-	(1,447,154)	4,371,418
Total capital assets, not being depreciated	$ 10,810,317	$ 6,552,737	$ -	$ (1,447,154)	$ 15,915,900
Capital assets, being depreciated:					
Buildings	84,404,736	-	-	1,422,709	85,827,445
Improvements other than buildings	22,020,974	867,410	-	24,445	22,912,829
Equipment	26,623,543	1,636,169	(220,472)	-	28,039,240
Infrastructure	217,115,476	6,362,112	-	-	223,477,588
Total capital assets being depreciated	$ 350,164,729	$ 8,865,691	$ (220,472)	$ 1,447,154	$ 360,257,102
Less accumulated depreciation for:					
Buildings	(17,887,880)	(2,252,609)	-	-	(20,140,489)
Improvements other than buildings	(6,334,217)	(1,129,945)	-	-	(7,464,162)
Equipment	(14,156,139)	(2,127,903)	220,472	-	(16,063,570)
Infrastructure	(44,929,348)	(3,397,189)	-	-	(48,326,537)
Total accumulated depreciation	$ (83,307,584)	$ (8,907,646)	$ 220,472	$ -	$ (91,994,758)
Total capital assets, being depreciated, net	266,857,145	(41,955)	-	1,447,154	268,262,344
Governmental activities capital assets, net	$ 277,667,462	$ 6,510,782	$ -	$ -	$ 284,178,244
Business-Type Activities:					
Capital assets, not being depreciated:					
Land	$ 2,058,940	$ -	$ -	$ -	$ 2,058,940
Construction in progress	6,956,236	3,907,441	-	(5,850,286)	5,013,391
Total capital assets, not being depreciated	$ 9,015,176	$ 3,907,441	$ -	$ (5,850,286)	$ 7,072,331
Capital assets, being depreciated:					
Buildings	4,447,888	-	-	-	4,447,888
Improvements other than buildings	193,800,946	9,024,989	-	5,850,286	208,676,221
Equipment	10,903,553	806,822	-	-	11,710,375
Purchased capacity	15,279,453	-	-	-	15,279,453
Total capital assets being depreciated	$ 224,431,840	$ 9,831,811	$ -	$ 5,850,286	$ 240,113,937
Less accumulated depreciation for:					
Buildings	(3,923,892)	(39,314)	-	-	(3,963,206)
Improvements other than buildings	(68,110,292)	(7,568,852)	-	-	(75,679,144)
Equipment	(8,005,040)	(519,914)	-	-	(8,524,954)
Purchased capacity	(4,500,597)	(305,589)	-	-	(4,806,186)
Total accumulated depreciation	$ (84,539,821)	$ (8,433,669)	$ -	$ -	$ (92,973,490)
Total capital assets, being depreciated, net	139,892,019	1,398,142	-	5,850,286	147,140,447
Business-type activities capital assets, net	$ 148,907,195	$ 5,305,583	$ -	$ -	$ 154,212,778

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

D. Capital Assets (Continued)

Depreciation expense was charged to functions/programs of the City as follows:

Governmental Activities:	
General Government	$ 3,818,038
Community Development	16,933
Public Safety	954,122
Public Works	4,067,586
Recreation and Parks	50,967
Total depreciation expense - governmental activities	$ 8,907,646
Business-Type Activities:	
Water	$ 3,102,757
Sewer	4,250,560
Refuse	307,524
Parking	8,014
Stormwater Management	664,265
RedGate Golf Course	100,549
Total depreciation expense - business-type activities	$ 8,433,669

E. Interfund Payables and Transfers

The interfund payables from various funds represent cash overdrafts that are payable to the General Fund within one year. The interfund payables as of June 30, 2017 consisted of the following:

	Interfund Payable Total
Governmental Funds:	
Community Development Block Grant Fund	$ 106,243
Proprietary Funds:	
Water Facility Fund	6,099,334
Sanitary Sewer Fund	10,673,479
Total	$ 16,879,056

The interfund transfers are used to provide resources from the General Fund to other funds, and occur in the normal course of business. Interfund transfers for the year ended June 30, 2017 consisted of the following:

	Transfers from General Fund
Debt Service Fund	$ 5,350,000
Capital Projects Fund	12,114,612
Special Activities Fund	119,890
Refuse Fund	44,520
Parking Fund	715,000
Total	$ 18,344,022

Transfer from the General Fund to the Debt Service Fund represents resources to repay general obligation bonds.
Transfer from the General Fund to the Capital Projects Fund represents the City's budgeted pay-as-you-go funding.
Transfer from the General Fund to the Special Activities Fund represents resources for the Art in Public Architecture program and Art in Public Places program.
Transfer from the General Fund to the Refuse Fund represents resources to pay for refuse services used by RHE properties.
Transfer from the General Fund to the Parking Fund represents resources to repay general obligation bonds.

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

E. Interfund Payables and Transfers (Continued)

Administrative functions of the City's water and sewer utility operations are maintained in the Water Fund. During the year ended June 30, 2017 the Sewer Fund transferred $330,640 to the Water Fund in order to cover their share of operational expenses.

F. Long-Term Debt

General Obligation Bonds and Loans Payable

General obligation bonds provide funds for the acquisition and construction of major capital assets and are direct city obligations in which the full faith and credit of the government is pledged. These bonds generally are issued as 10-30 year serial bonds with equal amounts of principal maturing each year. When preferential interest rates exist, the City will issue refunding and advance refunding bonds to refinance outstanding general obligation bonds. Loans payable represent amounts due to other government entities in connection with specific intergovernmental activities and initiatives. General obligation bonds and loans payable which were outstanding at June 30, 2017 are as follows:

	Year of Issuance	Outstanding Principal	Interest Rate Range	Year of Final Maturity
Governmental Activities				
General Improvements - 2010	2010	$ 11,080,000	3.00 - 4.10%	2031
General Improvements - Refunding 2011A	2011	508,893	2.00 - 3.00%	2021
General Improvements - Refunding 2013B	2013	2,698,206	3.00 - 4.00%	2023
Loan Payable - Montgomery County	2013	163,333	0.00%	2018
Loan Payable - Montgomery County	2013	78,000	0.00%	2019
General Improvements - Refunding 2014A	2014	3,727,186	2.00 - 5.00%	2024
General Improvements - 2014B	2014	2,525,000	2.00 - 5.00%	2025
General Improvements - Refunding 2015A	2015	4,824,249	4.00 - 5.00%	2025
General Improvements - 2016A	2016	1,045,000	2.00 - 3.00%	2036
General Improvements - Advance Refunding 2016B	2016	4,453,091	2.00 - 5.00%	2028
Total Governmental Activities		$ 31,102,958		
Business-Type Activities				
Loan Payable - State of Maryland	1999	$ 365,207	3.21%	2019
Loan Payable - State of Maryland	2000	397,752	3.64%	2020
Loan Payable - State of Maryland	2002	1,191,457	1.90%	2023
Loan Payable - State of Maryland	2005	581,305	0.00%	2025
General Improvements - 2008	2008	835,000	4.00 - 4.50%	2018
Loan Payable - State of Maryland	2010	640,168	1.00%	2031
General Improvements - 2010	2010	6,820,000	3.00 - 4.10%	2031
General Improvements - Refunding 2011A	2011	646,107	2.00 - 3.00%	2021
General Improvements - 2011B	2011	7,360,000	2.00 - 3.375%	2032
General Improvements - Advance Refunding 2011C	2011	30,830,000	3.50 - 4.375%	2036
General Improvements - 2013A	2013	13,550,000	3.00 - 4.00%	2034
General Improvements - Refunding 2013B	2013	876,793	3.00 - 4.00%	2023
General Improvements - Refunding 2014A	2014	882,815	2.00 - 5.00%	2024
General Improvements - 2014B	2014	9,805,000	2.00 - 5.00%	2035
General Improvements - Refunding 2015A	2015	3,690,752	4.00 - 5.00%	2025
General Improvements - 2015B	2015	9,630,000	2.00 - 5.00%	2036
General Improvements - 2016A	2016	4,850,000	2.00 - 3.00%	2036
General Improvements - Advance Refunding 2016B	2016	6,771,909	2.00 - 5.00%	2028
Total Business-Type Activities		$ 99,724,265		

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

F. Long-Term Debt (Continued)

The City anticipates that all amounts required for payment of interest and principal on business-type activities debt will be provided from the respective fund's revenues; however, the bonds are further secured by the full faith and credit and unlimited taxing power of the City.

Unamortized bond premiums are reported with outstanding principal for governmental and business-type activities. The long term outstanding debt payable consists of the following:

	Governmental Activities	Business-Type Activities
Long-term outstanding debt	$ 31,102,958	$ 99,724,265
Unamortized bond premiums	2,718,492	4,127,691
Long-term outstanding debt, net	$ 33,821,450	$ 103,851,956

The City's future payments of long-term debt for governmental activities are as follows:

	Governmental Activities		
Fiscal Year Ending June 30,	Principal	Interest	Total Principal and Interest
2018	$ 3,809,203	$ 1,200,499	$ 5,009,702
2019	3,634,994	1,063,455	4,698,449
2020	3,638,488	917,752	4,556,240
2021	3,606,048	787,425	4,393,473
2022	3,062,422	653,031	3,715,453
2023	3,055,373	532,688	3,588,061
2024	2,606,802	411,251	3,018,053
2025	2,117,537	306,707	2,424,244
2026	1,186,970	215,755	1,402,725
2027	1,190,121	167,338	1,357,459
2028	730,000	118,255	848,255
2029	730,000	91,507	821,507
2030	730,000	63,407	793,407
2031	730,000	35,307	765,307
2032	55,000	6,530	61,530
2033	55,000	5,294	60,294
2034	55,000	4,056	59,056
2035	55,000	2,750	57,750
2036	55,000	1,375	56,375
Total	$ 31,102,958	$ 6,584,382	$ 37,687,340

Note: Principal amounts do not include net unamortized bond premiums of $2,718,492 for governmental activities.

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

F. Long-Term Debt (Continued)

The City's future payments of long-term debt for business-type activities are as follows:

	Business-Type Activities												
Fiscal Year Ending June 30,	Water Facility		Sanitary Sewer		Refuse		Parking		Stormwater Management		RedGate Golf Course		Total Principal and Interest
	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest	
2018	$ 2,555,283	$ 968,858	$ 2,868,533	$ 1,336,139	$ 90,000	$ 32,794	$ 1,170,860	$ 1,270,983	$ 300,781	$ 67,602	$ 22,397	$ 5,070	$ 10,689,300
2019	2,150,144	881,169	2,864,799	1,240,064	90,000	30,094	1,160,000	1,223,641	301,263	58,121	22,027	4,398	10,025,720
2020	1,979,582	777,803	2,859,872	1,128,818	90,000	26,494	1,210,000	1,177,241	301,748	48,635	22,027	3,517	9,625,737
2021	1,847,400	702,186	2,864,875	1,024,995	90,000	21,994	1,255,000	1,128,841	302,238	44,544	22,027	2,636	9,306,736
2022	1,856,740	627,277	2,702,969	911,522	95,000	17,494	1,305,000	1,078,641	302,735	35,048	22,027	1,755	8,956,208
2023	1,862,065	553,545	2,693,754	805,926	95,000	12,744	1,360,000	1,026,441	303,235	25,547	21,841	874	8,760,972
2024	1,655,475	482,659	2,572,723	707,692	90,000	7,994	1,405,000	978,841	303,740	17,841	-	-	8,221,965
2025	1,656,921	417,829	2,455,542	608,963	95,000	4,394	1,455,000	926,856	304,252	10,131	-	-	7,934,888
2026	1,500,000	356,952	2,148,030	529,486	95,000	2,254	1,510,000	871,566	52,105	2,415	-	-	7,067,808
2027	1,500,000	304,420	2,144,879	461,261	-	-	1,575,000	811,166	52,626	1,894	-	-	6,851,246
2028	1,490,000	249,945	1,880,000	391,596	-	-	1,635,000	746,591	53,152	1,368	-	-	6,447,652
2029	1,075,000	195,646	1,870,000	335,066	-	-	1,705,000	678,739	53,682	836	-	-	5,913,969
2030	1,075,000	161,552	1,875,000	277,847	-	-	1,775,000	607,129	29,916	299	-	-	5,801,743
2031	1,070,000	127,109	1,875,000	219,692	-	-	1,855,000	532,579	-	-	-	-	5,679,380
2032	840,000	92,603	1,615,000	161,275	-	-	1,930,000	454,669	-	-	-	-	5,093,547
2033	690,000	66,617	1,275,000	111,370	-	-	2,010,000	372,644	-	-	-	-	4,525,631
2034	690,000	45,245	1,275,000	72,407	-	-	2,095,000	287,219	-	-	-	-	4,464,871
2035	445,000	24,119	725,000	33,888	-	-	2,190,000	195,563	-	-	-	-	3,613,570
2036	320,000	9,948	395,000	11,376	-	-	2,280,000	99,750	-	-	-	-	3,116,074
Total	$ 26,258,610	$ 7,045,482	$ 38,960,976	$ 10,369,383	$ 830,000	$ 156,256	$ 30,880,860	$ 14,469,100	$ 2,661,473	$ 314,281	$ 132,346	$ 18,250	$ 132,097,017

Note: Principal amounts do not include net unamortized bond premiums of $4,127,691 for business-type activities.

F. Long-Term Debt (Continued)

The future payments for long-term debt are summarized as follows:

Governmental Activities

Fiscal Year Ending June 30,	Principal	Interest	Total Principal and Interest
2018 - 2022	$ 17,751,155	$ 4,622,162	$ 22,373,317
2023 - 2027	10,156,803	1,633,739	$ 11,790,542
2028 - 2032	2,975,000	315,006	$ 3,290,006
2033 - 2036	220,000	13,475	$ 233,475
Total	$ 31,102,958	$ 6,584,382	$ 37,687,340

Note: Principal amounts do not include net unamortized bond premiums of $2,718,492 for governmental activities.

Business-Type Activities

Fiscal Year Ending June 30,	Water Facility		Sanitary Sewer		Refuse		Parking		Stormwater Management		RedGate Golf Course		Total Principal and Interest
	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest	
2018 - 2022	$ 10,389,149	$ 3,957,293	$ 14,161,048	$ 5,641,538	$ 455,000	$ 128,870	$ 6,100,860	$ 5,879,347	$ 1,508,765	$ 253,950	$ 110,505	$ 17,376	$ 48,603,701
2023 - 2027	8,174,461	2,115,405	12,014,928	3,113,328	375,000	27,386	7,305,000	4,614,870	1,015,958	57,828	21,841	874	38,836,879
2028 - 2032	5,550,000	826,855	9,115,000	1,385,476	-	-	8,900,000	3,019,707	136,750	2,503	-	-	28,936,291
2033 - 2036	2,145,000	145,929	3,670,000	229,041	-	-	8,575,000	955,176	-	-	-	-	15,720,146
Total	$ 26,258,610	$ 7,045,482	$ 38,960,976	$ 10,369,383	$ 830,000	$ 156,256	$ 30,880,860	$ 14,469,100	$ 2,661,473	$ 314,281	$ 132,346	$ 18,250	$ 132,097,017

Note: Principal amounts do not include net unamortized bond premiums of $4,127,691 for business-type activities.

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

F. Long-Term Debt (Continued)

Loans Payable

Three loans totaling $8,122,000 were awarded from the State of Maryland to the City between August 1998 and December 2001 to support the rehabilitation of the City's Water Treatment Plant. These loans have interest rates ranging from 1.90% to 3.64%. At June 30, 2017 there is $1,954,416 cumulatively outstanding in the Water Fund.

A non-interest bearing loan for $1,381,600 was awarded to the City from the State of Maryland in September 2005 for the restoration of Wootton Mill Park Stream. At June 30, 2017 the outstanding loan payable in the Stormwater Management Fund is $581,305.

A loan was awarded to the City for $998,100 from American Recovery and Reinvestment Act (ARRA) Funds through Maryland Department of the Environment (MDE) in December 2009. This is a revolving loan with a 1.00% interest rate that was awarded to the City for improvements to Woodley Gardens Park; of which $640,168 remained outstanding in the Stormwater Management Fund as of June 30, 2017.

The City participated with the County by providing contingent grant awards, as economic development initiatives for Duball Rockville, LLC and Choice Hotels International, Inc., for the purpose of attracting business activity to the City. The City obtained a loan from the County to fund the City's contributions. The loans bear no interest and will be repaid from the Debt Service Fund over a six-year period. As of June 30, 2017 the outstanding loans payable were $163,333 and $78,000, respectively.

Defeasance of Debt

Due to favorable interest rates during fiscal year 2017, the City issued $13,867,885, including premium, of Series 2016B advance refunding general obligation bonds, which refunded $13,065,000 in Series 2007 and 2008 general obligation bonds from the Debt Service, Water, and Sewer Funds. The proceeds were used to purchase U.S. government securities which were deposited in an irrevocable trust with an escrow agent for redemption on future call dates. As a result, a portion of the Series 2007 and 2008 general obligation bonds are considered to be defeased and the liability for those bonds has been removed from the Statement of Net Assets. The new total debt service of $14,988,358 represents a total savings of $1,824,186 as compared to the prior debt service of $16,812,544. The economic gain (the difference in the present value of the old and new debt service payments) totals $1,685,959. The associated deferred charge on the advance refunding is recognized over 11 years in the Debt Service and Sewer Funds and 12 years in the Water Fund, the respective terms of the new general obligation bonds. For the year ended June 30, 2017 the City recognized expenses of $56,787 and the remaining deferred charge on advance refunding is $ 596,873.
At June 30, 2017 $4,815,000 of these defeased bonds remain outstanding.

In prior years, the City defeased general obligation bonds in the Parking Fund. At June 30, 2017 there are no defeased bonds outstanding within the Parking Fund, however the associated deferred charge on the advance refunding is recognized over 20 years, the term of the new general obligation bonds. For the year ended June 30, 2017 the City recognized expenses of $189,958 and the remaining deferred charge on advance refunding is $2,722,732.

Conduit Debt Obligations

From time to time, the City may issue Economic Revenue Development Bonds to provide financial assistance to private-sector entities for the acquisition and construction of facilities deemed to be in the public interest. The bonds are secured by the property being financed and are payable solely from payments received on the underlying mortgage loans. Upon repayment of the bonds, ownership of the acquired facilities transfers to the private-sector entity served by the bond issuance. Neither the City, the County, the State, nor any political subdivision thereof is obligated in any manner for repayment of the bonds. Accordingly, the bonds are not reported as liabilities in the accompanying financial statements.

As of June 30, 2017, there were Economic Development Revenue Bonds outstanding with National Lutheran Home & Village at Rockville, Inc. with a principal amount payable of $20,985,000.

Bonds Authorized For Future Issuance

On May 1, 2017 the Mayor and Council authorized the issuance and sale of general obligation bonds for an amount not to exceed $12,000,000. At June 30, 2017 these bonds were not yet issued.

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

F. Long-Term Debt (Continued)

Changes in Long-Term Liabilities

The following is a summary of changes in the City's governmental activities long-term liabilities and business-type activities long term liabilities for the year ended June 30, 2017:

	Balance as of 6/30/16	Additions	Reductions	Balance as of 6/30/17	Due within One Year
Governmental Activities					
General obligation bonds	$ 34,224,590	$ 5,583,303	$ (8,946,268)	$ 30,861,625	$ 3,619,870
Unamortized bond premiums	2,120,371	960,022	(361,901)	2,718,492	-
Loans payable	430,666	-	(189,333)	241,333	189,333
Accrued obligations for compensated absences	4,724,609	2,091,255	(1,895,852)	4,920,012	3,591,609
Claims payable	1,591,998	777,000	(600,848)	1,768,150	671,897
Net pension liability	17,908,264	17,219,738	(13,607,664)	21,520,338	-
Net OPEB obligation	718,820	667,025	(639,042)	746,803	-
Governmental activities long-term liabilities	$ 61,719,318	$ 27,298,343	$ (26,240,908)	$ 62,776,753	$ 8,072,709

Business-Type Activities	Balance as of 6/30/16	Additions	Reductions	Balance as of 6/30/17	Due within One Year
General obligation bonds and loans					
Water facility fund	$ 28,413,982	$ 5,420,000	$ (7,575,372)	$ 26,258,610	$ 2,555,283
Sanitary sewer fund	38,452,322	6,496,697	(5,988,043)	38,960,976	2,868,533
Refuse fund	1,260,000	-	(430,000)	830,000	90,000
Parking fund	31,522,110	-	(641,250)	30,880,860	1,170,860
Stormwater management fund	2,961,777	-	(300,304)	2,661,473	300,781
RedGate golf course fund	154,743	-	(22,397)	132,346	22,397
Unamortized bond premiums	3,091,635	1,612,153	(576,097)	4,127,691	-
Accrued obligations for compensated absences	918,051	502,571	(435,689)	984,933	719,001
Business-type activities long-term liabilities	$ 106,774,620	$ 14,031,421	$ (15,969,152)	$ 104,836,889	$ 7,726,855

Note: The compensated absences in the governmental activities will be paid from the General Fund.

G. Operating Leases

The City leased the Arts and Innovations Center to VisArts under a 20-year lease which began on August 1, 2007 and expires on June 30, 2027. The rental income for the months beginning August 1, 2007 through July 1, 2008 were abated and the base rent for that year was allocated over lease years 2009 - 2011. The City began receiving monthly income for this lease on August 1, 2008. The following schedule provides future lease payments expected under the operating lease:

Fiscal Year	Rent Amount
2018	$ 33,598
2019	34,606
2020	35,644
2021	36,713
2022	37,815
2023 - 2027	206,787
Total	$ 385,163

(2) DETAILED NOTES ON ALL FUNDS (CONTINUED)

G. Operating Leases (Continued)

The City leased the Red Gate Golf Course under a ten-year lease which began on January 1, 2012 and expires on December 31, 2021. The lease agreement contains options for two additional 10 year periods and provisions for revenue sharing. The annual lease fee is $100 through calendar year 2016 and $12,000 from calendar year 2017 to 2021. During the current year, the City recorded revenues of $6,000. Rental income related to the operating leases is recognized as rent becomes due. The following schedule provides future lease payments expected under the operating lease:

Fiscal Year	Rent Amount
2018	$ 12,000
2019	12,000
2020	12,000
2021	12,000
2022	6,000
Total	$ 54,000

H. Capital Leases

Beginning September 1, 2011, the City became the lessor of its Town Center Parking Garages under a fifty-year capital lease which expires on August 31, 2061. The initial annual fixed minimum rent was $300,000, with annual adjustments based on increases to the Consumer Price Index. The agreement specifies that the annual fixed minimum rent payable to the City may not be less than the previous year and contains provisions for revenue sharing. Upon initial measurement, the net carrying value of the parking garages was less than the estimated future minimum lease payments, resulting in unearned income that will be recognized over the term of the capital lease. At June 30, 2017, the unearned income on the capital lease was $1,572,569 and the lease receivable was $25,392,575. Estimated future minimum lease payments and unearned income amortization is as follows:

Fiscal Year	Lease Amount	Unearned Income	Net Amount
2018	$ 324,464	$ 35,538	$ 288,926
2019	327,709	35,538	292,171
2020	330,986	35,538	295,448
2021	334,296	35,538	298,758
2022	337,639	35,538	302,101
2023 - 2061	23,737,481	1,394,879	22,342,602
Total	$ 25,392,575	$ 1,572,569	$ 23,820,006

I. Fund Balance and Net Position

At June 30, 2017 the City had a fund balance deficit for the CDBG Fund of $12,988. The CDBG Fund manages a federal grant program and may have liabilities exceeding its assets for vendor payables and for recaptured costs from the early sale of homes rehabilitated with grant proceeds. These are timing differences which are expected to clear over the term of each grant award.

The City has classified portions of its fund balance as nonspendable, which reflects the nonspendable form of the assets. At June 30, 2017 total nonspendable fund balance is $2,499,453.

At June 30, 2017 the City had a net position deficit for the Parking Fund of $3,800,765. This will continue until the long term debt from the construction of the parking garages is repaid.

(3) OTHER INFORMATION

A. Risk Management

The City is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; natural disasters; and employee health benefits. The City carries insurance for worker's compensation, comprehensive general, automobile and professional liability, fire and theft, and the liability for errors, omissions and other selected areas that require coverage.

Beginning July 1, 2011, the City became partially self-insured with respect to worker's compensation. City management believes it is more economical to manage its risks internally and set aside assets for claim settlements. The City has a Self-Insured Retention (SIR) of $500,000 per claim with an aggregate retention of $2,200,000 for the policy year. The worker's compensation claims payable of $1,768,150 reported at June 30, 2017 includes all claims for which information prior to the issuance of the financial statements indicates that it was probable that a liability had been incurred and that the loss could be reasonably estimated. Changes in the claims liability amounts for the current and previous year are as follows:

Fiscal Year	Beginning of the Fiscal Year Liability	Current Year Claims and Changes in Estimates	Claim Payments	Balance at Fiscal Year End
2016	$ 1,508,420	$ 797,000	$ (713,422)	$ 1,591,998
2017	$ 1,591,998	$ 777,000	$ (600,848)	$ 1,768,150

The City continues to carry commercial insurance for employee health insurance. Settled claims resulting from these risks have not exceeded commercial insurance coverage in any of the past three fiscal years.

B. Tax Abatements

The City enters into property tax abatement arrangements in the form of agreements with specific entities and special tax credit programs when authorized by the Mayor and Council. For fiscal year ended June 30, 2017, the City abated property taxes totaling $246,200, including the following tax abatement agreements that each exceeded 10 percent of the total amount abated:

- Economic Development Fund Agreements with Duball Rockville, LLC and Choice Hotels International, Inc. provided tax abatements in exchange for the relocation of Choice Hotels Corporate Headquarters and for the development of Cambria Suites Hotel. The abatement amounted to $189,000.
- Fireside Park Apartments makes payments in lieu of taxes (PILOT) under a waiver agreement in support of affordable housing within the City. The abatement amounted to $32,000.

C. Commitments and Contingent Liabilities

Washington Suburban Sanitary Commission (WSSC)

The City has contracted with WSSC to upgrade and enhance a portion of the Blue Plains Waste Water Treatment Plant. Through June 30, 2017, the City had paid $74,190,942 as its contractual share of the construction costs of the treatment facility and the related sewer transmission lines, which were recorded in capital assets. The City's remaining contribution through the completion of the project is estimated to be $15,742,849 for treatment capacity. The City intends to issue bonds to fund most of these costs.

The City has no direct ongoing equity interest in WSSC's assets and liabilities. Furthermore, the City has no significant influence over the management of the treatment facilities. Accordingly, the City does not record this contractual arrangement as a joint venture.

In addition to the capacity cost described above, WSSC charges the City a portion of its operating costs for treatment of sewage. The City accrues an amount for these charges each year based on its best estimate of usage. Adjustments to the accrued charges, which result from subsequent billings by WSSC, are recorded in the period during which the City receives the final bill.

(3) OTHER INFORMATION (CONTINUED)

C. Commitments and Contingent Liabilities (Continued)

Litigation

The City is contingently liable with respect to lawsuits and other claims which arise in the ordinary course of its operations. The total number of pending lawsuits and claims not covered by insurance nor expressly provided in these statements will not have an adverse impact on the City's financial condition.

(4) RETIREMENT PLANS

A. Retirement Plan Descriptions

Covered police and non-police employees hired before 1986 participate in one single-employer defined benefit pension plan. Non-police employees hired on or after 1986 participate in a hybrid pension plan that includes one single-employer defined benefit plan and one defined contribution plan. All benefitted employees of the City have the option to participate in a deferred compensation plan. The Retirement Board is composed of a member of the Mayor and Council, the City Manager, three City employees, below assistant department head level, and two residents with previous business experience, one of whom serves as the chairperson. Each board member serves a two-year term. The Finance Director is the executive secretary to the board. The Retirement Board makes recommendations to Mayor and Council, which has the authority to establish and amend the benefit provisions of the pension plans including contribution requirements of the employees and employer.

As of July 1, 2013, the City has implemented GASB Statement No. 67, Financial Reporting for Pension Plans. As of July 1, 2014, the City has implemented GASB Statement No. 68, Accounting and Financial Reporting for Pensions. These statements replace previously issued requirements for pension plans administered through trusts.

Measurement Focus and Basis of Accounting

The financial statements of the City's pension plans are prepared using the accrual basis of accounting. Member contributions are recognized in the period in which contributions are due. City contributions to each plan are recognized when due and the City has made a formal commitment to provide the contributions. City contributions to the defined benefit pension plan are actuarially determined. Benefits and refunds are recognized when due and payable in accordance with the terms of each plan. Future payments of the net pension liability are the primary responsibility of the General Fund, therefore this long-term liability is presented in the Government-wide Statement of Net Position.

Administration

The Principal Financial Group and Prudential Bank and Trust are record-keepers of the single-employer defined benefit pension plan and the hybrid pension plan, which were established and are administered by the City. For financial reporting purposes, the ROCKERS is included as a Fiduciary Fund in the City's financial statements. No other financial statements are issued related to the ROCKERS.

The ROCKERS includes the pre-1986 single-employer defined benefit pension plan and the hybrid pension plan which includes a defined benefit plan and a defined contribution plan. The activities of the pre-1986 defined benefit plan are combined with the activities of the defined benefit component of the hybrid plan for reporting purposes. The defined contribution plan and defined benefit plan are reported as separate Pension Trust Funds.

Method Used to Value Investments

Plan investments are reported at fair value or estimated fair value. Securities traded on a national or international exchange are valued at the last reported sales price at the current exchange rates. Real estate assets are reported at fair value utilizing an income approach to valuation.

(4) RETIREMENT PLANS (CONTINUED)

B. Defined Benefit Pension Plan

Pre-1986 Plan Benefits and Contributions

This benefit is available to police employees, who participate 100 percent in the defined benefit option regardless of the date of employment, administrative employees hired prior to April 15, 1986 and union employees hired prior to December 2, 1986. An employee who retires at age 60 or a police employee with the completion of 25 years of credited service regardless of age is entitled to an annual retirement benefit, payable monthly for life (120 payments are guaranteed). For union employees, the annual benefit amount is equal to 1.8 percent of his/her final average salary, for each year of credited service, for administrative personnel in an amount equal to 1.8 percent of his/her final average salary for credited service before April 1, 1996, and 2.0 percent of his/her final average salary for credited service after April 1, 1996.

For police personnel, the annual benefit amount is equal to the lesser of (a) (1) 2.0 percent of his/her final average earnings multiplied by his/her years of credited service prior to April 1, 2004, plus (2) 2.25 percent of his/her final average earnings multiplied by his/her years of credited service on or after April 1, 2004, or (b) 67.5 percent of his/her final average earnings. Final average salary for administrative personnel and union employees is computed as the average earnings over three consecutive years within the last 10 years of service which produces the highest average and for police employees the average annual earnings is computed as the average annual earnings during the final 60 months of employment with the City.

Covered police and pre-1986 non-police employees are required by statute to contribute a certain percent (4.2 percent for union, 5.2 percent for administrative and 8.5 percent for police) of their salaries to the plan. If an employee leaves covered employment or dies before 10 years of credited service (based upon a graduated vesting schedule of 50 percent after five years, up to 100 percent after 10 years of credited service), accumulated employee contributions plus credited interest thereon at the rate of 6 percent and a portion of the City's contribution (City contributions are deemed to be 150 percent of the employees contributions plus credited interest) are paid to the employee or designated beneficiary.

Post-1986 Hybrid Plan Benefits and Contributions

This benefit is available to full-time, permanent, non-police employees hired on or after April 15, 1986 and union employees hired after December 2, 1986. An employee becomes an eligible retiree after (a) having attained age 60 while employed with the City and completed at least 10 years of service prior to retirement, (b) taking early retirement occasioned by poor health, having attained age 50 while employed with the City and having completed 10 years of service if hired before July 1 , 2011, or having attained age 58 while employed with the City and having completed 10 years of service if hired on or after July 1, 2011, or (c) taking early retirement from the City when their age plus service equals or exceeds 85. These employees are also covered by the defined contribution plan described below. Employees are required to participate from the date of employment. Union employees are covered for an annual benefit equal to 1.0 percent of average salary and administrative personnel are covered for an annual benefit equal to 1.0 percent before April 1, 1996, and 1.2 percent on or after April 1, 1996, of average salary (as previously defined) for each year of credited service.

Administrative personnel are required by statute to contribute 1.0 percent of their salaries to the plan starting April 1, 1996 and union personnel have no contribution requirement. Employees are fully vested after 10 years of service, regardless of the plan entry age.

Membership

Membership in the defined benefit plan consisted of the following at July 1, 2016, the date of the actuarial valuation corresponding to the fiscal year ended June 30, 2017.

Retirees and beneficiaries receiving benefits	257
Terminated plan members vested but not yet receiving benefits	50
Active plan members	507
Total	814

(4) RETIREMENT PLANS (CONTINUED)

C. Net Pension Liability

The City's net pension liability was measured as of June 30, 2017, and the total pension liability used to calculate the net pension liability was based on an actuarial valuation date of July 1, 2016. Actuaries utilized update procedures to roll forward the total pension liability in the July 1, 2016 actuarial valuation to the June 30, 2017 measurement date.

Actuarial Assumptions

The total pension liability was determined using the following actuarial assumptions which were adopted by the City during fiscal year 2017 and applied to all periods included in the measurement:

Actuarial assumptions	
-Actuarial valuation date	July 1, 2016
-Investment rate of return, including inflation	7.00%
-Projected salary increases, including inflation	4.75% - 12.50%
-Includes inflation at	2.50%
-Cost of living adjustment	0.00%

The mortality rates were based on the RP-2000 Male and Female Combined Healthy Mortality Table, projected to 2016 for males and to 2020 for females using projection scale AA.

The actuarial assumptions used in the most recent actuarial valuation were based on the results of an actuarial experience study for the period January 1, 2006 through December 31, 2010. During fiscal year 2017, the actuarial experience study for the period April 1, 2011 through July 1, 2015 was finalized and new assumptions were adopted. The update procedures used to roll forward the total pension liability from the July 1, 2016 actuarial valuation to the June 30, 2017 report date utilizes the most current assumptions.

The long term expected rate of return on pension plan investments was determined by evaluating the historical investment, the selection of a portfolio of multiple asset classes, the use of professional investment managers, and the regular monitoring of investment performance. Expected future real rates of return are developed for each major asset class and combined to produce the single long term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and adding expected inflation. The target allocation and best estimates of arithmetic real rates of return for each major asset class are summarized in the following table:

Asset Class	Target Allocation	Long Term Expected Real Rate of Return
Domestic Equity	30.0%	6.20%
International Equity	20.0%	7.20%
Fixed Income Core	20.0%	1.60%
Real Estate	12.5%	4.70%
Treasury Inflation Protected Securities (TIPS)	7.5%	1.20%
Global Tactical Asset Allocation (GTAA)	10.0%	4.60%
Total	100.0%	

Based on these factors, the long term real rate of return is expected to be in the range of 4.00% and 5.50%. A rate of 4.50% was used for the actuarial assumption. When combined with the inflation rate of 2.50%, the investment rate of return is determined to be 7.00%. For the year ended June 30, 2017, the annual money-weighted rate of return on investments, net of investment expense was 11.10%.

Discount Rate

The discount rate used to measure the total pension liability was 7.00%. The projection of cash flows used to determine the discount rate assumed that plan member contributions will be made at the current contribution rate and that City contributions will be made equal to the actuarially determined contribution. Based on these assumptions, the pension plan's fiduciary net positon was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine total pension liability.

(4) RETIREMENT PLANS (CONTINUED)

C. Net Pension Liability (Continued)

Net Pension Liability

Changes in the City's net pension liability for the year ended June 30, 2017 were as follows:

	(A) Total Pension Liability	(B) Plan Fiduciary Net Position	(A - B) Net Pension Liability
Balances at June 30, 2016	$ 105,318,300	$ 87,410,036	$ 17,908,264
Changes for the year:			
Service Cost	2,092,506	-	2,092,506
Interest	7,847,249	-	7,847,249
Differences between expected and actual experience	1,097,364	-	1,097,364
Changes of assumptions	6,150,798	-	6,150,798
Contributions - employer	-	3,473,255	(3,473,255)
Contributions - employee	-	756,187	(756,187)
Net investment income	-	9,378,222	(9,378,222)
Benefit payments, including refunds of employee contributions	(5,664,043)	(5,664,043)	-
Administrative expense	-	(31,821)	31,821
Other charges	-	-	-
Net changes	11,523,874	7,911,800	3,612,074
Balances at June 30, 2017	$ 116,842,174	$ 95,321,836	$ 21,520,338

Sensitivity of the Net Pension Liability to Changes in the Discount Rate

The following presents the net pension liability of the City calculated using a discount rate of 7.00%, as well as what the City's net pension liability would be if it were calculated using a discount rate that is 1-percentage point lower (6.00%) or 1-percentage point higher (8.00%) than the current rate:

1% Decrease (6.00%)	Current Rate (7.00%)	1% Increase (8.00%)
$ 35,148,502	$ 21,520,338	$ 9,947,287

Pension Expense and Deferred Outflows of Resources

For the year ended June 30, 2017, the City recognized pension expense of $4,930,370. At June 30, 2017, the City reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	$ -	$ 10,183
Changes of assumptions	5,204,521	-
Net difference between projected and actual earnings on investments	2,491,902	-
Total	$ 7,696,423	$ 10,183

(4) RETIREMENT PLANS (CONTINUED)

C. Net Pension Liability (Continued)

Amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year Ended June 30:	
2018	$ 2,216,737
2019	2,216,738
2020	1,392,431
2021	344,276
2022	982,007
Thereafter	534,051
Total	$ 7,686,240

D. Defined Contribution Pension Plan

Full-time, permanent non-police employees hired on or after April 15, 1986, are required to participate in this plan from the date of employment. The plan is administered by Mass Mutual and allows participant contributions up to a maximum of 5 percent of earnings. The employee contributions are matched $0.50 by the City for each $1 contributed by the employee. The employee is fully vested in his/her employee contributions and investment earnings thereon. The City's contribution for each employee (City's contributions and investment earnings thereon) is fully vested after three years of credited service. The contributions made in fiscal year 2017 by plan members totaled $1,368,650 and the City contributed $684,325.

E. Deferred Compensation Plan

All employees of the City Government may participate in the deferred compensation plan organized under the Internal Revenue Code Section 457, and administered by Mass Mutual. Under the terms of the plan, participating employees may have a portion of their salaries withheld, subject to limitations imposed by the Internal Revenue Service, and invested in the plan. All taxes are deferred on these contributions and related earnings until the participant terminates from the plan. The City is compliant with the Internal Revenue Code Section 457(g) requiring all assets and income of the plan to be held in trust for the exclusive benefit of participants and their beneficiaries. Management’s involvement with the plan is limited to transferring amounts withheld from payroll to the Plan record keeper. Accordingly, the fair values of the plan assets are not reflected in the City’s financial statements.

(4) RETIREMENT PLANS (CONTINUED)

F. Combining Statements for Pension Trust Fund

The defined benefit pension plan and defined contribution pension plan combine in the Statement of Fiduciary Net Position and in the Statement of Changes in Fiduciary Net Position. The combining statements of the pension trust funds are provided below for the year ended June 30, 2017:

Combining Statement of Fiduciary Net Position
Pension Trust Funds
June 30, 2017

	Defined Contribution Trust	Defined Benefit Trust	Total Pension Trust Funds
Assets			
Investments at fair value - equity in pooled pension trust	$ 31,964,366	$ 95,321,836	$ 127,286,202
Liabilities			
Benefits payable	-	-	-
Net Position			
Restricted for plan benefits	$ 31,964,366	$ 95,321,836	$ 127,286,202

Combining Statement of Changes in Fiduciary Net Position
Pension Trust Funds
For the Fiscal Year Ended June 30, 2017

	Defined Contribution Trust	Defined Benefit Trust	Total Pension Trust Funds
Additions			
Contributions			
Employer	$ 684,325	$ 3,473,255	$ 4,157,580
Plan members	1,368,650	756,187	2,124,837
Total contributions	$ 2,052,975	$ 4,229,442	$ 6,282,417
Investment Income			
Net appreciation in the fair value of plan investments	3,642,326	9,407,613	13,049,939
Interest and dividends	20,728	374,117	394,845
Total investment income	$ 3,663,054	$ 9,781,730	$ 13,444,784
Total additions	$ 5,716,029	$ 14,011,172	$ 19,727,201
Deductions			
Benefits	$ 1,420,092	$ 5,664,043	$ 7,084,135
Investment fee expense	69,965	403,508	473,473
Administrative expense	-	31,821	31,821
Total deductions	$ 1,490,057	$ 6,099,372	$ 7,589,429
Net (decrease)/increase	4,225,972	7,911,800	12,137,772
Net position - beginning	27,738,394	87,410,036	115,148,430
Net position - ending	$ 31,964,366	$ 95,321,836	$ 127,286,202

(5) OTHER POST-EMPLOYMENT BENEFITS

A. Other Post-Employment Benefits Plan Description

Plan Administration

In addition to the pension benefits described in Note (4), the City provides other post-employment health benefits (OPEB). The City established an irrevocable trust for administering the plan assets and paying health care costs on behalf of the participants. For financial reporting purposes, the OPEB Trust Fund is included as a Fiduciary Fund in the City's financial statements. No other financial statements are issued related to the OPEB Trust Fund.

The ROCKERS administers the OPEB plan and stipulates the age and service requirements for retirements. The OPEB plan is a single-employer defined benefit plan that is used to provide post-employment benefits other than pensions for all permanent employees of the City. The Retirement Board has oversight of the ROCKERS and the OPEB plan and is composed of a member of the Mayor and Council, the City Manager, three City employees, below assistant department head level, and two residents with previous business experience, one of whom serves as the chairperson. Each board member serves a two-year term. The Finance Director is the executive secretary to the board. The Retirement Board makes recommendations to Mayor and Council, which has the authority to establish and amend the benefit provisions of the OPEB plan, including contributions.

As of July 1, 2016, the City has implemented GASB Statement No. 74, Financial Reporting for Postemployment Benefit Plans Other Than Pensions. This statement replaces previously issued requirements for OPEB plans administered through trusts.

Membership

At July 1, 2015, the date of the most recent valuation, plan membership was as follows:

	Plan Membership
Inactive employees or beneficiaries currently receiving benefits	70
Inactive employees entitled to but not yet receiving benefits	0
Active employees	484
Total	554

Benefits Provided

The OPEB plan authorizes a retiree who elects to stay with the City's group health policy to receive from the City the employer's share (i.e., the same level of premium support given to current employees) of medical insurance premiums up until age 65. In the event a retiree establishes residency outside the geographic area served by the City's group health insurance carriers, that person may purchase coverage and receive reimbursement from the City in an amount not to exceed the prevailing two-person coverage employer rate granted to current employees.

Contributions and Funding

The Retirement Board establishes the employer contributions to the OPEB plan based on actuarially determined amounts. During fiscal year 2017 the City directly funded cash of $639,042 for the actuarially determined contribution (ADC) of $658,361. It is noted that the original July 1, 2015 actuarial valuation provided a recommended annual required contribution (ARC) of $629,700, which provided the basis for the fiscal year 2017 contribution. Expenditures of $303,626 were incurred by the City and were eligible for reimbursement by the trust. Benefit expenses of $27,563 which were paid by the City, were reimbursed by the trust after June 30, 2017. Future payments of the net OPEB obligation are the primary responsibility of the General Fund, therefore this long-term liability is presented in the Government-wide Statement of Net Position.

Actuarial valuations for OPEB plans involve estimates of the value of reported amounts and assumptions about the probability of events far into the future and actuarially determined amounts are subject to continual revision as results are compared to past expectations and new estimates are made about the future.

(5) OTHER POST-EMPLOYMENT BENEFITS (CONTINUED)

A. Other Post-Employment Benefits Plan Description (Continued)

The following table shows the City's annual OPEB cost for the year, the amount actually contributed to the plan, and changes in the City's net OPEB obligation:

Annual required contribution (ARC)	$ 658,361
Interest on net OPEB obligation	53,912
Adjustment to ARC	(45,248)
Annual OPEB cost (expense)	667,025
Contributions made	(639,042)
Increase in net OPEB obligation	27,983
Net OPEB (asset) obligation, beginning of year	718,820
Net OPEB (asset) obligation, end of year	$ 746,803

The City's annual OPEB cost, the percentage of annual OPEB cost contributed to the plan, and the net OPEB obligation for the fiscal year ending June 30,2017 and the two preceding years were as follows:

Fiscal Year Ending June 30	Annual OPEB Cost	Employer Contributions	Percentage Contributed	Net OPEB Obligation
2015	$ 651,646	$ 642,286	98.6%	$ 775,133
2016	$ 618,087	$ 674,400	109.1%	$ 718,820
2017	$ 667,025	$ 639,042	95.8%	$ 746,803

As of the date of this report, the most recent valuation has been performed with a valuation date of July 1, 2015 and covers the valuation for the fiscal year 2017 plan year beginning July 1, 2016. Actuaries utilized update procedures to roll forward data to the June 30, 2017 measurement date. The funded status of the plan as of June 30, 2017, is as follows:

Actuarial Valuation for Plan Year Beginning July 1	(A) Actuarial Value of Assets	(B) Actuarial Accrued Liability (AAL) Entry Age	(A-B) Funded (Unfunded) AAL (FAAL)/UAAL	(A/B) Funded Ratio	(C) Covered Payroll	((A-B)/C) FAAL/UAAL as a percentage of Covered Payroll
2016	$ 6,034,822	$ 8,964,744	$ (2,929,922)	67.3%	$ 36,993,233	7.9%

B. Investments

The investment policy of the OPEB plan is established and may be amended by the Retirement Board. The City also utilizes an investment consultant with industry expertise to provide investment performance data and recommendations for the Board's consideration. It is the policy of the Retirement Board to seek an optimal mix of investments that will produce the desired returns and meet current and future liabilities with due regard to risk and preservation of the value of the portfolio.

The following was the adopted asset allocation policy as of June 30, 2017:

Asset Class	Target Allocation
Equity	55.0%
Fixed Income	45.0%
Total	100.0%

(5) OTHER POST-EMPLOYMENT BENEFITS (CONTINUED)

B. Investments (Continued)

The following investments, other than those issued or guaranteed by the U.S. government, represent those which make up 5% or more of the OPEB plan's fiduciary net position at June 30, 2017:

Investment	Fair Value	Allocation of Net Position
Manning and Napier Bond Fund	$ 1,256,367	17.9%
Net position at June 30, 2017	$ 7,000,296	

For the year ended June 30, 2017, the annual money-weighted rate of return on investments, net of investment expense, was 9.4% percent. The money-weighted rate of return expresses investment performance, net of investment expense, adjusted for the changing amounts actually invested.

C. Net OPEB Liability

The following table shows the components of the City's net OPEB liability for fiscal year 2017:

Total OPEB liability	$ 11,479,211
Plan fiduciary net position	(7,000,296)
Net OPEB liability	$ 4,478,915
Plan fiduciary net position as a percentage of the total OPEB liability	60.98%

Actuarial Assumptions

The total OPEB liability was determined by an actuarial valuation as of July 1, 2015. During fiscal year 2017, the actuarial experience study for the period April 1, 2011 through July 1, 2015 was finalized and new assumptions were adopted. The update procedures used to roll forward the total OPEB liability from the July 1, 2015 actuarial valuation to the June 30, 2017 report date utilizes the following most current assumptions:

Actuarial assumptions	
-Actuarial valuation date	July 1, 2015
-Investment rate of return, including inflation	7.00%
-Projected salary increases, including inflation	4.75% - 12.50%
-Includes inflation at	2.20%
-Healthcare cost trends:	5.00% for 2015, increasing to 5.43% for 2020 then decreasing to an ultimate rate of 3.84% by 2075

Mortality rates were based on the RP-2000 Healthy Annuitant Mortality Table for Males or Females, as appropriate, with adjustments for mortality improvements based on Scale AA.

The actuarial assumptions used in the July 1, 2016 valuation were based on the results of an actuarial experience study for the period the period January 1, 2006 through December 31, 2010. As noted above, the actuarial roll forward procedures to determine the OPEB liability at June 30, 2017 used the most recently adopted assumptions.

City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

November 9, 2017

National Capital Region Transportation Planning Board
Metropolitan Washington Council of Governments
777 North Capitol St NE
Washington, DC 20002

SUBJECT: 2017 Enhanced Mobility Program

Dear TPB Enhanced Mobility Program Selection Committee:

I am writing on behalf of the City of Rockville to express support for our application for funding from the 2017 Enhanced Mobility Program for a package of proposed bus stop and sidewalk improvement projects within the City of Rockville.

A successful grant award will enable the City to further expand the reach of our significant public transit infrastructure by improving sidewalk and bus stop shelter accessibility as well as passenger amenities at various locations throughout the City.

To accomplish this objective, the project proposes improvements to sidewalks and Metro Bus as well as Ride-On bus stops. The project proposes construction of missing sidewalk segments on the south side of Potomac Valley Road, adjacent to the Potomac Valley Nursing and Wellness Center as well as Julius West Middle School. The project also proposes improvements to 78 bus stops throughout Rockville. Bus stop improvements are to include replacement of non-ADA-compliant passenger shelter benches, construction of ADA-required wheelchair landing pads, installation of amenities such as missing shelter benches, freestanding benches and leaning rails, installation of larger shelters at high-activity stops and relocation of litter receptacles and other equipment to remove sidewalk and shelter obstructions.

MAYOR
Bridget Donnell Newton

COUNCIL
Beryl L. Feinberg
Virginia D. Onley
Julie Palakovich Carr
Mark Pierzchala

CITY MANAGER
Robert DiSpirito

CITY CLERK
DIRECTOR OF COUNCIL OPERATIONS
Kathleen Conway

CITY ATTORNEY
Debra Yerg Daniel

We understand the continued and growing need for transportation services and multimodal travel options for seniors and those with disabilities in our City and region. Funding through this application would help us improve access to transit and bus passenger experience for seniors, individuals with disabilities as well as all other bus riders. We appreciate your leadership and MWCOG's and TPB's dedication to coordinating high quality programs that have clear and visible benefits for the Metropolitan Washington region and our citizens.

If you have questions, or need additional information, please contact Mr. Emad Elshafei, Chief of Traffic and Transportation, at 240-314-8508 or via email at eelshafei@rockvillemd.gov.

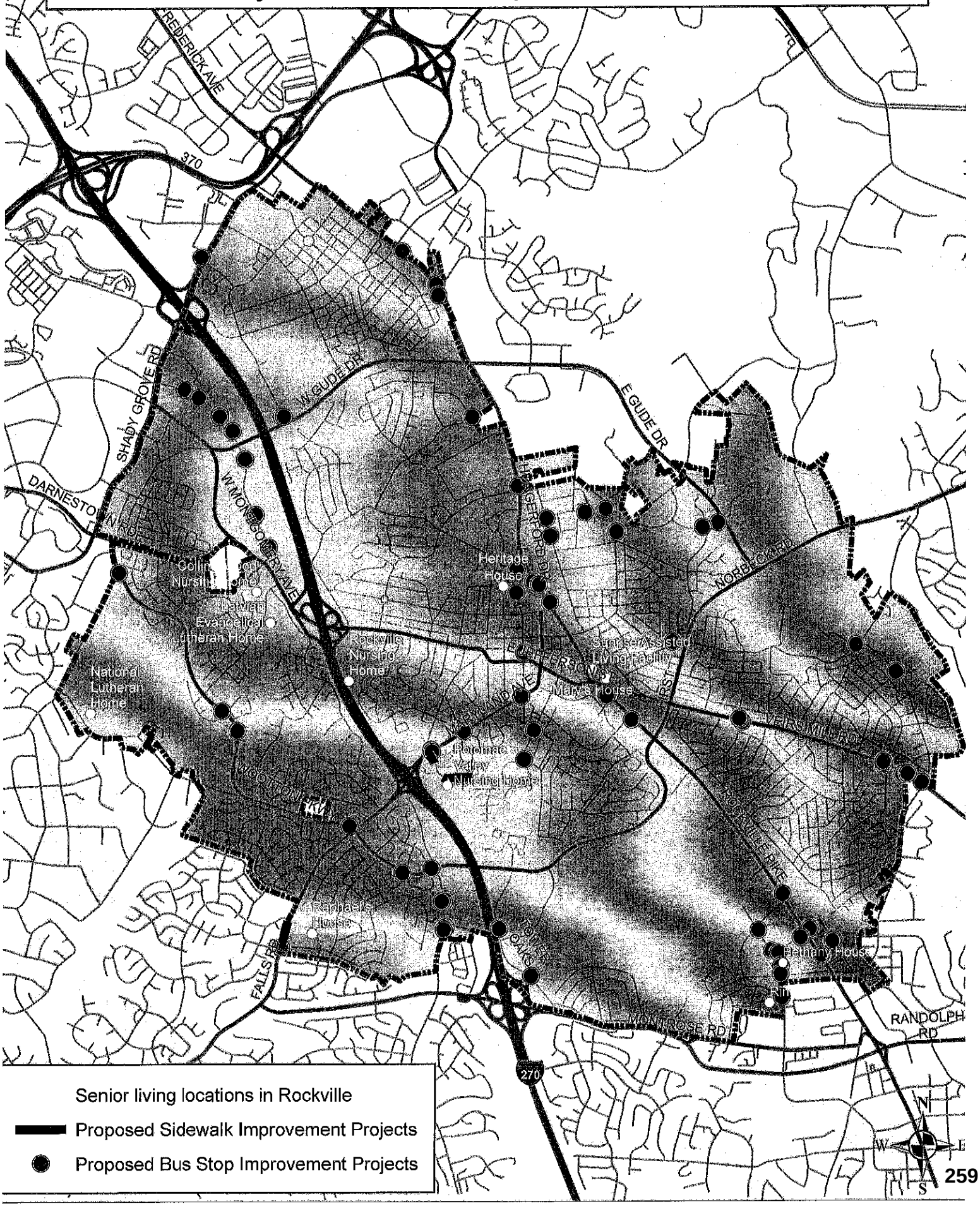
Sincerely,

Bridget Donnell Newton

Bridget Donnell Newton
Mayor

Cc E. Elshafei

2017 Enhanced Mobility Program for Seniors and Disabled
City of Rockville Proposed Projects



Metropolitan Washington Council of Governments

Enhanced Mobility of Seniors and Individuals with Disabilities Program

Procurement Procedures – Updated November 2018

Procurement Procedures:

The Metropolitan Washington Council of Governments (COG) conducts centralized procurement for vehicles funded by the 5310 Enhanced Mobility Program. Procurement activities using Federal funds for items other than vehicles are the responsibility of the subrecipient and are subject to federal procurement requirements.

To comply with federal procurement requirements, subrecipients must do the following:

- ✓ IF the procurement falls into Category III, $250,000 and above, ensure that prices are fair and reasonable by conducting an independent cost estimate (ICE) for any equipment (other than vehicles to be procured by COG), preventive maintenance and contracted service. The ICE is completed as part of research into cost of a budgeted line item at time of application. Examples of applicable line items include construction, software, dispatch, or GPS systems, evaluation or marketing contractors and printing services. An ICE is not required for services provided in-house by agency staff. The vendor that is ultimately awarded cannot be the same as the vendor that provides the ICE, therefore hired contractors and in-house staff (i.e. Engineer for a construction project) can develop the ICE if they have the applicable skills.

- ✓ When preparing for purchase under Category II/Simplified Procurement, obtain 2-3 written quotes using a price analysis, complete a comprehensive evaluation to determine best combination of price, quality, and other elements that are optimal to need, and obtain written concurrence from COG prior to the purchase of goods and services by submitting a request letter on agency letterhead to:

  Lynn Winchell-Mendy
  Grants Manager
  Metropolitan Washington Council of Governments
  777 North Capitol Street, N.E.
  Ste. 300
  Washington, DC 20002

Request letter can be attached to an email and sent to lmendy@mwcog.org

- ✓ Encourage the distribution of purchases equitably among local vendors, ensuring that no geographic preferences are shown in any procurement.

- ✓ Keep an annually updated record of all quotes received and a description of why each vendor was selected.

- ✓ Convey to vendors that the purchase is made with federal funds and, by fulfilling the purchase request, the vendor is agreeing to abide by all federal terms and conditions

    - Federal Contract Clauses must be attached to any contract or purchase order issued. See pgs. 8-9.

- ✓ Maintain file copies of all procurements using 5310 Enhanced Mobility funds by Fiscal Year

- ✓ Ensure that procurements do not discriminate against businesses as prohibited by federal and state law

- ✓ Check the status of a proposed vendor or contractor to ensure they are in good standing; not fraudulent, debarred or technically unqualified by verifying their status with the System for Award Management (SAM) https://www.sam.gov/portal/SAM/#1

Categories of purchases and applicable requirements

Category I - Micro Purchases up to $10,000

For purchases up to $10.000, quotes are NOT required and awards are made on the judgment of the recipient. Micro-purchases should be distributed equitably among qualified vendors. Document the procurement file with a determination of fair and reasonable price (recent purchase of similar item, current price list, current catalog, advertisements, personal knowledge, etc.). No concurrence from COG is required.

Category II - Simplified Procurements between $10,001 and $249,999

For purchases between $10,001 and $249,999 at least 3 fair and reasonable, written quotes should be received, reviewed, and evaluated using a comprehensive evaluation system. Awards are made on best combination of price, quality and other elements optimal to need as determined by the subrecipient. Obtain written concurrence from COG prior to the purchase of goods and services by submitting a request letter to COG. Document the procurement file with items listed above.

Category III – Procurements at $250,000 or more

Any subrecipient conducting a procurement at $250,000 or more must contact COG before initiating any procurement activity. Purchases exceeding the simplified purchase threshold of $249,999 must be competitively bid using a Request for Proposal (RFP) or Invitation for Bid (IFB). An ICE is required for this type of procurement before requesting bids and should have been completed as part of research into cost of a budgeted line item at time of application. Responses

must be fairly reviewed and considered and bids and selection justification provided to COG for written concurrence before any offer is accepted or a contract is executed.

Sole source justifications are allowed under certain circumstances and require documentation on the lack of other vendors to do the work, how the preferred vendor is uniquely qualified, and a Cost Analysis (because price competition is inadequate). Please contact staff for consideration.

Independent Cost Estimate (ICE) Form

(Submitted at time of application as proof of cost research for applicable budgeted line items of $250,000 or more. Used later to determine if bids are fair and reasonable).

Per FTA 4220.1F, it is required that before receiving bids or proposals for a procurement using Federal funds that an Independent Cost Estimate (ICE) be performed. COG requires this at time of application. An ICE can be completed using past purchase prices, quantities, physical inspection of the product, drawings, or analysis of similar work. For more complex projects, an ICE can be completed by independent architect or engineer that will provide estimated hours, direct and indirect labor costs, and estimated profit or fee for a particular project.

[INSERT NAME OF AGENCY]

Agency LOGO/Letterhead

Project Name:

Project Description:

Vendor:

Phone:

Email:

Item:

Date of Estimate:

Method of Obtaining Estimate (check appropriate section and attach supporting documentation)

____ Published List Price:
____ Past Pricing (date):
____ Comparable Purchase by Other Agencies
____ Engineering or Technical Estimate
____ Independent Third Party Estimate
____ Other (specify):

Through the method(s) statement above, it has been determined that the estimate total cost of the goods/services is $_____:

Prepared by:

Phone:

Email:

Date Prepared:

Price Analysis Form (submitted when preparing for purchase):

Quote 1

[INSERT NAME OF AGENCY]

Project Name:

Contract #:

Item:

Vendor:

Phone:

Email:

Date of Estimate:

Estimate Amount (Supporting documentation needs to be attached for Category II items ($10,001 - $249,999):

Additional Comments:

Prepared by:

Phone:

Email:

Date Prepared:

Price Analysis Form (submitted when preparing for purchase):

Quote 2

[INSERT NAME OF AGENCY]

Agency LOGO/Letterhead

Project Name:

Contract #:

Item:

Vendor:

Phone:

Email:

Date of Estimate:

Estimate Amount (Supporting documentation needs to be attached for Category II items ($10,001 - $249,999):

Additional Comments:

Prepared by:

Phone:

Email:

Date Prepared:

Price Analysis Form (submitted when preparing for purchase):

Quote 3

[INSERT NAME OF AGENCY]

Agency LOGO/Letterhead

Project Name:

Contract #:

Item:

Vendor:

Phone:

Email:

Date of Estimate:

Estimate Amount (Supporting documentation needs to be attached for Category II items ($10,001 - $249,999):

Additional Comments:

Prepared by:

Phone:

Email:

Date Prepared:

Federal Contract Clauses:

APPLICABILITY OF THIRD PARTY CONTRACT PROVISIONS

(excluding micro-purchases, except Davis-Bacon requirements apply to contracts exceeding $2,000)

TYPE OF PROCUREMENT

PROVISION	Professional Services/A&E	Operations/ Management	Rolling Stock Purchase	Construction	Materials & Supplies
No Federal Government Obligations to Third Parties (by Use of a Disclaimer)	All	All	All	All	All
False Statements or Claims Civil and Criminal Fraud	All	All	All	All	All
Access to Third Party Contract Records	All	All	All	All	All
Changes to Federal Requirements	All	All	All	All	All
Termination	>$10,000 if 49 CFR Part 18 applies.	>$10,000 if 49 CFR Part 18 applies.	>$10,000 if 49 CFR Part 18 applies.	>$10,000 if 49 CFR Part 18 applies.	>$10,000 if 49 CFR Part 18 applies.
Civil Rights (Title VI, ADA, EEO except Special DOL EEO clause for construction projects)	All	All	All>$10,000	All	All
Special DOL EEO clause for construction projects				>$10,000	
Disadvantaged Business Enterprises (DBEs)	All	All	All	All	All
Incorporation of FTA Terms	All	All	All	All	All
Debarment and Suspension	>$25,000	>$25,000	>$25,000	>$25,000	>$25,000
Buy America			>$100,000 As of Feb. 2011, FTA has not adopted the FAR 2.101 $150,000 standard.	>$100,000 As of Feb. 2011, FTA has not adopted the FAR 2.101 $150,000 standard.	>$100,000 As of Feb. 2011, FTA has not adopted the FAR 2.101 $150,000 standard.
Resolution of Disputes, Breaches, or Other Litigation	>$100,000	>$100,000	>$100,000	>$100,000	>$100,000
Lobbying	>$100,000	>$100,000	>$100,000	>$100,000	>$100,000
Clean Air	>$100,000	>$100,000	>$100,000	>$100,000	>$100,000
Clean Water	>$100,000	>$100,000	>$100,000	>$100,000	>$100,000
Cargo Preference			Transport by ocean vessel.	Transport by ocean vessel.	Transport by ocean vessel.
Fly America	Foreign air transp. /travel.	Foreign air transp. /travel.	Foreign air transp. /travel.	Foreign air transp. /travel.	Foreign air transp. /travel.

TYPE OF PROCUREMENT					
PROVISION	**Professional Services/A&E**	**Operations/ Management**	**Rolling Stock Purchase**	**Construction**	**Materials & Supplies**
Davis-Bacon Act				>$2,000 (also ferries).	
Contract Work Hours and Safety Standards Act		>$100,000 (transportation services excepted).	>$100,000	>$100,000 (also ferries).	
Copeland Anti-Kickback Act Section 1 Section 2				 All > $2,000 (also ferries).	
Bonding				$100,000	
Seismic Safety	A&E for new buildings & additions.			New buildings & additions.	
Transit Employee Protective Arrangements		Transit operations.			
Charter Service Operations		All			
School Bus Operations		All			
Drug Use and Testing		Transit operations.			
Alcohol Misuse and Testing		Transit operations.			
Patent Rights	R & D				
Rights in Data and Copyrights	R & D				
Energy Conservation	All	All	All	All	All
Recycled Products		EPA-selected items $10,000 or more annually.		EPA-selected items $10,000 or more annually.	EPA-selected items $10,000 or more annually.
Conformance with ITS National Architecture	ITS projects.	ITS projects.	ITS projects.	ITS projects.	ITS projects.
ADA Access	A&E	All	All	All	All
Notification of Federal Participation for States	Limited to States.	Limited to States.	Limited to States.	Limited to States.	Limited to States.

Procurement Resources:

- FTA CIRCULAR 4220.1F- Third Party Contracting Guidance
- 2 CFR 200
- FTA's Best Practices Procurement Manual

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Metropolitan Washington Council of Governments

FIRST AMENDMENT

to Contract 19-064

BETWEEN
THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
And
CITY OF ROCKVILLE
ROCKVILLE BUS STOP & SIDEWALK IMPROVEMENTS

THIS FIRST AMENDMENT made this day Mar 12, 2021, between the Metropolitan Washington Council of Governments ("COG") and the City of Rockville ("SUBRECIPIENT"); and

WITNESSETH:

WHEREAS, COG entered in an agreement with the CONTRACTOR, dated June 27, 2019, for "Enhanced Mobility of Seniors and Individuals with Disabilities Program" ("Project"); and

WHEREAS, the Original Contract is being amended for the FIRST time; and

WHEREAS, COG and the SUBRECIPIENT have mutually agreed to no-cost extension; and

NOW, THEREFORE, in consideration of the mutual promises, covenants and representations contained herein and in the Original Contract, as amended, the Parties agree as follows:

MODIFICATION 1. SECTION 3. PERIOD OF PERFORMANCE

The period of performance is extended from January 31, 2021 to July 31, 2023.

** Signature page follows **

DocuSign Envelope ID: DE9CB68F-393C-469B-AC32-19735893C19B

All other terms and conditions shown in the Original Contract, as amended, shall remain the same.

THE PARTIES have executed this FIRST Amendment to the Original Contract, as of the month, day and year first above written.

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

Chuck Bean
Print/Type Name

By: Chuck Bean (Mar 12, 2021 12:08 EST)
Executive Director

Date: Mar 12, 2021

CITY OF ROCKVILLE

Robert DiSpirito
Print/Type Name

By: Robert DiSpirito

Title: City Manager

Date: 3/11/2021

Metropolitan Washington Council of Governments

THIRD AMENDMENT

to Contract 19-064

BETWEEN
THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
And
THE MAYOR AND COUNCIL OF ROCKVILLE
ROCKVILLE BUS STOP & SIDEWALK IMPROVEMENTS

THIS THIRD AMENDMENT is made this day, _____, between the Metropolitan Washington Council of Governments, located at 777 North Capitol Street, NE, Washington, DC 20002 ("COG") and the Mayor and Council of Rockville, located at 111 Maryland Avenue, Rockville, MD 20850 ("SUBRECIPIENT"). COG and SUBRECIPIENT are the "Parties" to this Third Amendment.

WITNESSETH:

WHEREAS, pursuant to Article I, Section 1 of the Charter of the City of Rockville, the "Mayor and Council of Rockville" is the corporate name of the Maryland municipal corporation and body politic commonly known as the City of Rockville.

WHEREAS, COG entered in an agreement with the SUBRECIPIENT, previously identified as the City of Rockville, dated June 27, 2019, for "Enhanced Mobility of Seniors and Individuals with Disabilities Program" (the "Original Contract"); and

WHEREAS, COG and SUBRECIPIENT amended the Original Contract for the FIRST time on March 12, 2021 to extend the period of performance to July 31, 2023; and

WHEREAS, COG and SUBRECIPIENT amended the Original Contract for the SECOND time on October 13, 2023 to extend the period of performance to July 31, 2025 and to revise the SUBRECIPIENT's name from "City of Rockville" to "Mayor and Council of Rockville"; and

WHEREAS, the Parties seek to amend the Original Contract for the THIRD time to further extend the period of performance to July 31, 2027 at no cost to either Party.

NOW, THEREFORE, in consideration of the mutual promises, covenants and representations contained herein and in the Original Contract, as amended, the Parties agree as follows:

MODIFICATION 1. SECTION 3. PERIOD OF PERFORMANCE

The period of performance shall terminate on July 31, 2027.

All other terms and conditions shown in the Original Contract, as amended, shall remain the same.

THE PARTIES have executed this THIRD Amendment to the Original Contract, as of the month, day and year first written above.

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

By: _____
Signature

Clark Mercer
Print/Type Name

Executive Director
Title

_____
Date

MAYOR AND COUNCIL OF ROCKVILLE

By: _____
Signature

_____
Print/Type Name

_____
Title

_____ _____
Date

MAYOR AND COUNCIL Meeting Date: December 1, 2025
Agenda Item Type: CONSENT
Department: RECREATION & PARKS
Responsible Staff: STEVE MADER

Subject

Award and Authorize the City Manager to Execute a Rider Agreement with Empire Landscape, LLC., a Maryland limited liability corporation, in the amount not-to-exceed $125,000 for the initial term, with terms, including annual optional renewals for an amount not-to-exceed $125,000, through June 30, 2030, and pricing consistent with Queen Anne's County Contract SCON-003321 – RFQ-000348 for Integrated Vegetation Management Services.

Department

Rec & Parks - Parks & Facilities

Recommendation

Staff recommends that the Mayor and Council award and authorize the City Manager to execute a Rider Agreement to ride the Queen Anne's County Contract SCON-003321 – RFQ-000348: Integrated Vegetation Management (IVM) Services with Empire Landscape, LLC., of Silver Spring, Maryland, from date of award through June 30, 2026 with the option to extend for four additional years through June 30, 2030, consistent with Queen Anne's County's Contract, contingent upon annual appropriation by Mayor and Council.

Discussion

This Rider Agreement provides the city with a mechanism to obtain expert contractor support in removing Non-Native Invasive (NNI) plants, within storm water management facilities, on stream restoration Capital Improvement Projects (CIP) and in parks. Additionally, the Rider Agreement provides for restoration of areas where NNI was removed. Both the Public Works Department and the Recreation and Parks Department could access services pursuant to the Rider Agreement to manage NNI where needed.

Use of this Rider Agreement supports goals laid out in the city's 2040 master plan, including conservation of key environmental areas (Recreation and Parks Element goal 4) and management of a sustainable urban forest and protection of stream corridors, wildlife habitat and water quality (Environmental Element Goal 6).

Mayor and Council History

This is the first time this has been brought before Mayor and Council.

Procurement

Staff believe that this Rider Agreement is the best for the city because the scope fits the city's needs and the Queen Anne's County Contract has multiple line items with estimated quantities larger than the city's and, as such, provides more competitive pricing based on higher volume.

Empire Landscape, LLC, is certified with Montgomery County and other entities as a Minority, Female, or Disabled entity, and has qualified as a local small business reserve program company.

In accordance with Section 17-71 of the Rockville City Code, Cooperative Procurement; (b) The city may contract with any contractor who offers goods, services, insurance or construction on the same terms as provided other state or local governments or agencies thereof who have arrived at those terms through a competitive procurement procedure similar to the procedure used by the city.

In accordance with Section 17-39 of the Rockville City Code, Awarding Authority, (a) All contracts involving more than two hundred and fifty thousand dollars ($250,000.00) shall be awarded by the Council. Since the contract amount for the initial term plus all renewal option years exceeds $250,000, approval is required by the Mayor and Council.

The proposed Rider Agreement is Attachment 1 to this agenda item.

To view the Queen Anne's County Contract please click on the link provided:

https://www.swisstransfer.com/d/1ce69dc5-68ba-486e-a1cf-7918d597843a

Fiscal Impact

Sufficient funding is available in Public Works, Environmental Management Division, and in Recreation and Parks, Parks and Facilities Maintenance Division to support this award. All future year funding is subject to Mayor and Council appropriation.

Next Steps

Upon the Mayor and Council approval, the Procurement Department will obtain the Contractor's insurance, complete execution of the Rider Agreement, and issue a Master Agreement to Empire Landscape, LLC. for services.

Attachments

Attachment 1 - Rider Agreement - Final Draft

CITY OF ROCKVILLE
RIDER AGREEMENT

This **CITY OF ROCKVILLE, MARYLAND RIDER AGREEMENT** (this "**Rider Agreement**") is, made this ___ day of _____, 2025 (the "**Effective Date**"), by and between **THE MAYOR AND COUNCIL OF ROCKVILLE**, a body politic and municipal corporation of the State of Maryland, acting through its City Manager (the "**Mayor and Council**" or the "**City**"), and **EMPIRE LANDSCAPE, LLC** a Maryland limited liability company (the "**Contractor**"). Individually, the Mayor and Council and the Contractor may each be referred to hereinafter as the "**Party**," or collectively as the "**Parties**."

RECITALS

1. **WHEREAS,** the Mayor and Council desire to procure, on behalf of the City of Rockville Departments of Recreation and Parks and Public Works (collectively, the "**Departments**"), certain services for integrated vegetation management ("**Contractor Services**") which will enable the Departments to, among other things, manage its parks and natural areas, and maintain its stormwater facilities through non-native invasive species removal treatments and native plant revegetation; and

2. **WHEREAS,** in accordance with Section 17-71(b) of the Rockville City Code, the City may enter into a contract to procure the Contractor Services from the Contractor without utilizing the City's formal solicitation process if (a) the Contractor has entered into a contract to provide the Contractor Services to "other state or local governments or agencies," (b) the other state or local government or agency arrived at the contract terms for the Contractor Services with the Contractor "through a competitive procurement procedure similar to the procedure used by the City," and (c) the City obtains the same contract terms the Contractor offered to the other state or local government or agency for the Contractor Services; and

3. **WHEREAS,** Queen Anne's County is a county of the State of Maryland with a Board of County Commissioners ("**County**" or "**Queen Anne's County"**); and

4. **WHEREAS,** on or about August 26, 2024, as amended August 27, 2025 the County issued a Request for Proposals: RFP: Invasive Vegetation Control on Parklands, bid number BPM046032 ("**Queen Anne's RFQ**") to solicit noxious and invasive weed control services and related tasks, and on September 16, 2024, the Contractor submitted a bid in response to the Queen Anne's RFQ agreeing to provide the County with non-native invasive species removal services, including the Contractor Services; and

5. **WHEREAS,** on October 30, 2024, Queen Anne's County entered a requirements-type contract with the Contractor (the "**Queen Anne's County Procurement Agreement**") attached hereto as **Exhibit A** and incorporated by this reference, pursuant to which the Contractor agreed to provide the County, among other things, the Contractor Services; and

6. **WHEREAS,** the City has determined that the County's procurement procedure is similar to the competitive procurement procedure utilized by the City; and

7. **WHEREAS,** the Contractor agrees to provide the Contractor Services to the City on the same terms and conditions as provided in the Quenn Anne's Procurement Agreement, subject to the terms and conditions of this Rider Agreement; and

8. **WHEREAS,** the Parties agree that where the terms of this Rider Agreement vary from the terms and conditions of the Queen Anne's Procurement Agreement, the terms and conditions of this Rider Agreement shall prevail.

NOW, THEREFORE, IN CONSIDERATION of the foregoing and the covenants, warranties and agreements of the Parties hereto, as are hereinafter set forth, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged by each Party hereto, the Parties hereby agree as follows:

OPERATIVE PROVISIONS

ARTICLE I. CONTRACTOR PROVISION OF GOODS AND/OR SERVICES

Section 1.01. Scope of Work. The Contractor shall, in the usual and customary manner consistent with the highest quality industry standards and in accordance with the terms and conditions of this Agreement, provide to the City those Contractor Services specified in the "**Scope of Work**" attached hereto as **Exhibit B** and incorporated by this reference.

Section 1.02. Project Administrators. The following staff members of the Departments are the City's designated "**Project Administrators**":

Jessica Corazza, City Horticulturist
(240) 314-8706
jcorazza@rockvillemd.gov

Heather Gewandter, Public Works
(240) 314-8873
hgewandter@rockvillemd.gov

Jason Bible, Park Manager
(240) 314-8703
jbible@rockvillemd.gov

Charles Reed, Park Manager
(240) 314-8711
creed@rockvillemd.gov

It shall be the Contractor's responsibility to ensure that the applicable Project Administrator is kept informed on the progress of the Scope of Work for the Notice to Proceed submitted by that Project Administrator. The City Manager or designee may modify the designated Project Administrators by notifying the Contractor in writing of any such modification.

Section 1.03. Notices to Proceed. When the City requires certain Contractor Services, the Contractor will provide those services pursuant to the terms and conditions of this Rider Agreement, upon request, on an as-needed basis, as follows:

(a) A Project Administrator will issue a request for services by providing the Contractor (i) the task needed and service required (ii) the location where the work will be performed and the Contractor Services provided, and (iii) a detailed preliminary timeline for the scope of work, subject to the terms of this Agreement.

(b) The Contractor will acknowledge the request via email within 48 hours of the date of request.

(c) The Contractor will respond in writing within 8 business days of the date of request by providing to the City a quote confirming the task needed and service required, location, timeline for performance and quote consistent with the fee schedule ("**Contractor Quote**") OR indicate the specific additional time needed to respond, and will provide a quote as described within that timeframe.

(d) Upon receipt and if acceptable, the Project Administrator will provide the Contractor with a City of Rockville Notice to Proceed ("**Notice to Proceed**") and attach the Contractor Quote. All changes including, without limitation, scope and timeline must be communicated to the Project Administrator and if acceptable confirmed by the supplemental Notice to Proceed.

(e) Any work performed outside the scope of a written Notice to Proceed is at Contractor's risk and faces the probability of delayed or denied payment.

(f) Any agreements or stipulations in a request for services or response that are contrary to the terms of this Agreement shall be void unless the Parties have expressly agreed in writing that such agreement shall supersede the terms of this Agreement.

ARTICLE II. CONTRACT TERM

Section 2.01. Contract Term. The term of this Rider Agreement shall begin on the Effective Date and shall expire on September 19, 2026. The County, at its sole discretion, may extend the term of the Queen Anne's Procurement Agreement for one (1), three-year term, and may consider price adjustment requests as provided in the Queen Anne's Procurement Agreement. If the County exercises its option to extend the term of the Queen Anne's Procurement Agreement, the City may extend the term of this Rider Agreement by up to one (1), three-year term, until September 19, 2029, by notifying Contractor of such extension and confirmation of pricing in writing at least 60 days before September 19, 2026 and subject to Mayor and Council appropriation of adequate funds.

Section 2.02. Time of Essence. Time is of the essence in the performance of the Scope of Work.

ARTICLE III. COMPENSATION AND PAYMENT

Section 3.01. Compensation; Required Appropriation of Funds.

(a) In order to compensate the Contractor for its provision of Contractor Services, the Mayor and Council agrees to pay the Contractor, subject to any limitations set forth in this Rider Agreement, the amounts specified in the "**Compensation and Fee Schedule**" attached hereto as **Exhibit D** and incorporated herein by reference, which total amount, including reimbursements for actual expenses, shall not exceed **ONE HUNDRED TWENTY-FIVE THOUSAND AND 00/100 DOLLARS ($125,000.00)** for the initial term of this Rider Agreement (the "**Contract Sum**"). If the term of this Rider Agreement is extended until September 19, 2029, in accordance with Section 2.01, the annual maximum total compensation shall not exceed One Hundred Twenty-Five Thousand and 00/100 Dollars ($125,000.00) for each fiscal year the term of this Rider Agreement is extended, subject to appropriation by the Mayor and Council. Any work performed or expenses incurred for which payment would result in a total exceeding the Contract Sum shall be at no cost to the Mayor and Council.

(b) The Mayor and Council appropriates funds on a fiscal year basis; the City's fiscal year runs from July 1 through June 30. Funds have been appropriated for the first year of this Rider Agreement through the end of the fiscal year, June 30, 2026. All payments made under this Rider Agreement after June 30, 2026, are contingent upon appropriation and encumbrance of funds. If the Mayor and Council fails to approve an appropriation to fund this Rider Agreement for a subsequent fiscal year, this Rider Agreement shall terminate on the first day of that fiscal year without further cost to the City.

(c) This Rider Agreement does not guarantee any minimum level of purchases or any minimum amount of compensation.

Section 3.02. Manner and Method of Payment; Invoices.

(a) Manner and Method of Payment. The City shall pay the Contractor in accordance with the Compensation and Fee Schedule. The Contractor is not entitled to a total payment, including fees for expenses, that exceed the Contract Sum. The method of compensation is detailed in the Compensation and Fee Schedule, and may include (i) a lump sum payment upon completion and acceptance of Contractor Services, (ii) payment in accordance with specified tasks or the percentage of completion of the provision of the Contractor Services, (iii) payment for time and materials based upon the Contractor's rates as specified in the Compensation and Fee Schedule, provided that time estimates are provided for the performance of sub tasks, but not exceeding the Contract Sum, or (iv) such other methods as may be specified in the Compensation and Fee Schedule.

(b) Invoices.

(i) In accordance with the Compensation and Fee Schedule, the Contractor shall submit to the Contract Manager identified at section 3.02(b)(iii), in duplicate, for all work performed, tasks and deliverable completed, and expenses incurred. The invoice shall include a reference number and detailed charges for all necessary and actual expenses by the following categories: labor (by sub-category), materials, equipment, supplies, and Subcontractor contracts. Subcontractor charges shall also be detailed by such categories.

(ii) The Contract Manager will independently review the invoices submitted by the Contractor to determine whether the work performed, tasks and deliverables completed, and expenses incurred for the provision of Contractor Services comply with the provisions of this Rider Agreement. Except as to any charges for work performed or expenses incurred by the Contractor which are disputed by the City, or as provided in Section 9.03, the City will use its best efforts to cause the Contractor to be paid within thirty (30) days of receipt the Contractor's correct and undisputed invoice. In the event any charges or expenses are disputed by the City, the original invoice shall be returned by the City to the Contractor for correction and resubmission.

(iii) All invoices shall be forwarded to the following address:

Ms. Alex Kramer
Parks and Facilities Administrative Manager
Recreation and Parks Department
City of Rockville
240-314-8700 (Main)
240-314-8712 (Direct)
240-314-8719 (Fax)
akramer@rockvillemd.gov

(iv) Electronic Payment Option. The City's Vendor ACH Payment Program allows payments to be deposited directly into a designated financial institution account. Funds will be deposited into the account identified automatically and on time. There is no additional cost to participate. All transactions are conducted in a secure environment.

(v) Payment to Subcontractor. Within seven days after receipt of amounts paid by the City for work performed by a subcontractor under this Rider Agreement, the Contractor shall either: (A) pay the subcontractor for the proportionate share of the total payment received from the City attributable to the work performed by the subcontractor under this Rider Agreement; or (B) notify the City and the subcontractor, in writing, of the Contractor's intention to withhold all or a part of the subcontractor's payment and the reason for non-payment. In no event shall the City be liable for the Contractor's failure to pay a subcontractor. It is the Contractor's responsibility to ensure that no lien for work performed by the Contractor or subcontractor is placed on the City.

Section 3.03. Waiver. Payment to the Contractor for work performed and expenses incurred for the provision of Contractor Services pursuant to this Rider Agreement shall not be deemed to waive defects in the work performed by the Contractor.

Section 3.04. Errors and Omissions. The Contractor is solely responsible for costs, including, but not limited to, increases in the cost of providing the Contractor Services, arising from or caused by the Contractor's errors and omissions, as applicable, including, but not limited to, the costs of corrections of such errors and omissions, any change order markup costs, or costs arising from delay caused by the errors and omissions or unreasonable delay in correcting the errors and omissions.

ARTICLE IV. COORDINATION OF WORK

Section 4.01. Representatives and Contractor Personnel. The following key personnel of the Contractor (the "**Key Personnel**") are hereby designated as being the principals and representatives of the Contractor, authorized to act on its behalf with respect to the work related to the provision of the Contractor Services and make all decisions in connection therewith.

Sarah Herlihy, Division Manager

It is expressly understood that the experience, knowledge, capability and reputation of the foregoing personnel were a substantial inducement for the City to enter into this Rider Agreement. Therefore, the foregoing Key Personnel shall be responsible during the Term of this Rider Agreement for directing all activities of the Contractor and devoting sufficient time to personally supervising the work hereunder.

Section 4.02. Status of Contractor. The Contractor shall have no authority to bind the officials, officers, employees or agents of the City in any manner, or to incur any obligation, debt or liability of any kind on behalf of or against the City, whether by contract or otherwise, unless such authority is expressly conferred under this Rider Agreement or is otherwise expressly conferred in writing by the City Manager. The Contractor shall not at any time or in any manner represent that the Contractor or any of the Contractor's officers, employees, agents, or subcontractors, if any, are in any manner officials, officers, employees or agents of the City. Neither the Contractor, nor any of the Contractor's officers, employees, agents, or subcontractors, if any, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to the City's employees. The Contractor expressly waives any claim the Contractor may have to any such rights.

Section 4.03. Independent Contractor. Neither the City, nor any of its officials, officers, employees or agents shall (i) have control over the manner, mode or means by which the Contractor, its employees, agents, or subcontractors perform the work related to the provision of the Contractor Services, except as otherwise set forth herein; or (ii) have a voice in the selection, discharge, supervision or control of the Contractor's employees, servants, representatives or agents, or in fixing their number, compensation or hours of service. The Contractor shall perform all services required herein as an independent contractor of the City and shall always remain as to the City a wholly independent contractor with only such obligations as are consistent with that role. The Contractor shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of the City. The City shall not in any way or for any purpose become or be deemed to be a partner of the Contractor in its business or otherwise or a joint venturer or a member of any joint enterprise with the Contractor.

Section 4.04. Intentionally Omitted.

ARTICLE V. CONTRACTOR COVENANTS AND OBLIGATIONS

Section 5.01. Contractor Qualifications. The Contractor covenants that it, its employees, agents and subcontractors, if any, have and shall maintain during the term of this Rider Agreement all licenses, permits, qualifications, insurance and approvals of whatever nature that are legally required to perform Scope of Work related to the provision of the Contractor Services.

Section 5.02. Standard of Care. The Contractor covenants that it shall follow the highest professional standards in performing the work related to the provision of the Contractor Services required hereunder and that all materials will be of good quality, fit for the purpose intended. For purposes of this Rider Agreement, the phrase "highest professional standards" shall mean those standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

Section 5.03. Compliance with Law. The Contractor covenants that it shall keep itself informed concerning and shall perform all Contractor Services in accordance with all ordinances, resolutions, rules, and regulations of the City and any applicable Federal, State or local governmental entity having jurisdiction in effect at the time services are rendered and the Scope of Work performed.

Section 5.04. Licenses, Permits, Fees and Assessments. The Contractor covenants that it shall obtain at its sole cost and expense such licenses, permits and approvals as may be required by law for the performance of the Scope of Work required by this Rider Agreement. The Contractor shall have the sole obligation to pay for any fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and arise from or are necessary for the Contractor's performance of the Scope of Work required by this Rider Agreement, and shall indemnify, defend and hold harmless the City, its officers, employees or agents of the City, against any such fees, assessments, taxes, penalties or interest levied, assessed or imposed against the City hereunder.

Section 5.05. Conflict of Interest. The Contractor covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of the City or which would in any way hinder the Contractor's performance of work related to the provision of the Contractor Services. The Contractor further covenants that in the provision of the Contractor Services, no person having any such interest shall be employed by it as an officer, employee, agent or subcontractor, if any, without the express written consent of the City Manager. The Contractor agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of the City in the performance of this Rider Agreement. The Contractor further covenants that, in the performance of this Rider Agreement, it will not employ subcontractors or other persons or parties having such an interest. The Contractor certifies that no person who has or will have any financial interest under this Rider Agreement is a member, officer or employee of the City; this provision will be interpreted in accordance with the applicable provisions of the Rockville City Code, as amended from time to time. The Contractor agrees to notify the City Manager or designee if any conflict arises.

Section 5.06. Compliance with ADA. The Contractor covenants and agrees that pursuant to the Americans with Disabilities Act of 1990, as amended (the "**ADA**"), programs, services and

other activities provided by a public entity to the public, whether directly or through a contractor or subcontractor, are required to be accessible to the disabled public. The Contractor will perform the Scope of Work specified in this Rider Agreement in a manner that complies with the ADA and any other applicable federal, state and local disability rights laws and regulations, as amended from time to time. The Contractor will not discriminate against persons with disabilities in the performance of the Scope of Work for the provision of services, benefits or activities provided under this Rider Agreement.

ARTICLE VI. RECORDS, REPORTS, AND RELEASE OF INFORMATION

Section 6.01. Records. The Contractor shall keep, and require subcontractors, if any, to keep, such ledgers books of accounts, invoices, vouchers, canceled checks, records, reports, studies, documents or other information relating to the disbursements charged to City and services performed hereunder (the "**Books and Records**"), as shall be necessary to perform the work related to the provision of the Contractor Services required by this Rider Agreement and enable the Contract Administrator to evaluate the performance of such Services. All such documents shall be maintained in accordance with generally accepted accounting principles and shall be complete and detailed. The City Manager and designee shall have full and free access to such Books and Records at all times during normal business hours of the City of Rockville, including the right to inspect, copy, audit and make records and transcripts from such records. Such records shall be maintained for a period of three (3) years following completion of the Scope of Work hereunder, and the City shall have access to such records in the event any audit is required. In the event of dissolution of the Contractor's business, custody of the Books and Records may be given to City, and access shall be provided by the Contractor's successor in interest.

Section 6.02. Reports. The Contractor shall periodically prepare and submit to the City Manager or designee such reports concerning the performance related to the provision of the Contractor Services as the City Manager or designee shall require. The Contractor hereby acknowledges that the cost of work and services to be performed pursuant to this Rider Agreement is a priority for the City. For this reason, the Contractor agrees that if the Contractor becomes aware of any facts, circumstances, techniques, or events that may or will materially increase or decrease the cost of the work or services contemplated herein or, if the Contractor is providing design services, the cost of the project being designed, the Contractor shall promptly notify the Contract Administrator of said fact, circumstance, technique or event and the estimated increased or decreased cost related thereto and, if the Contractor is providing design services, the estimated increased or decreased cost estimate for the project being designed.

Section 6.03. Intentionally Omitted.

Section 6.04. Intentionally Omitted.

Section 6.05. Confidentiality and Release of Information.

(a) All information gained or work product produced by the Contractor in performance of this Rider Agreement shall be considered confidential, unless such information is in the public

domain or already known to the Contractor. The Contractor shall not release or disclose any such information or work product to persons or entities other than the City without prior written authorization from the Contract Administrator.

(b) The Contractor, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the City Manager or designee or unless requested by the City Attorney, voluntarily provide documents, declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Rider Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided the Contractor gives City notice of such court order or subpoena.

(c) If the Contractor, or any officer, employee, agent or subcontractor of the Contractor, provides any information or work product in violation of this Rider Agreement, then the City shall have the right to reimbursement and indemnity from the Contractor for any damages, costs and fees, including attorneys' fees, caused by or incurred because of the Contractor's conduct.

(d) The Contractor shall promptly notify the City should the Contractor, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Rider Agreement and the work performed there under. The City retains the right, but has no obligation, to represent the Contractor or be present at any deposition, hearing or similar proceeding. The Contractor agrees to cooperate fully with the City and to provide the City with the opportunity to review any response to discovery requests provided by the Contractor. However, this right to review any such response does not imply or mean the right by the City to control, direct, or rewrite said response.

ARTICLE VII. INSURANCE AND INDEMNIFICATION

Section 7.01. Insurance Requirement.

(a) The Contractor shall be required to obtain and maintain, at its sole cost and expense, in a form and content satisfactory to the Risk Manager for the City of Rockville (the "**Risk Manager**"), during the entire term of this Rider Agreement including any extensions thereof, the insurance coverages described in **Exhibit E**, entitled "**Insurance Requirements**", which Insurance Requirements shall cover the Mayor and Council, its appointed officers, and employees and agents of the City of Rockville.

(b) In the event the Contractor subcontracts any portion of the Scope of Work hereunder, the contract between the Contractor and such subcontractor shall require the subcontractor to maintain the same policies of insurance that the Contractor is required to maintain pursuant to Section 7.01, and such certificates and endorsements shall be provided to the Risk Manager.

Section 7.02. Indemnification. To the full extent permitted by law, the Contractor agrees to indemnify, defend and hold harmless the Mayor and Council and its appointed officers, employees and agents ("**Indemnified Parties**") against, and will hold and save them and each of them harmless from, any and all actions, either judicial, administrative, arbitration or regulatory claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions or liabilities whether actual or threatened (herein "**Claims or Liabilities**") that may be asserted or claimed by any person, firm or entity arising out of or in connection with the negligent performance of the work, operations or activities provided herein of the Contractor, its officers, employees, agents, subcontractors, or invitees, or any individual or entity for which the Contractor is legally liable ("**Indemnors**"), or arising from the Contractor's reckless or willful misconduct, or arising from the Contractor's Indemnors' negligent performance of or failure to perform any term, provision, covenant or condition of this Rider Agreement, and in connection therewith:

(a) The Contractor will defend any action or actions filed in connection with any of said Claims or Liabilities and will pay all costs and expenses, including legal costs and attorneys' fees incurred in connection therewith;

(b) The Contractor will promptly pay any judgment rendered against the Mayor and Council, its appointed officers, agents or employees for any such Claims or Liabilities arising out of or in connection with the negligent performance of or failure to perform such work, operations or activities of the Contractor hereunder; and the Contractor agrees to save and hold the Mayor and Council, its appointed officers, agents, and employees harmless therefrom;

(c) In the event the Mayor and Council, its appointed officers, agents or employees is made a party to any action or proceeding filed or prosecuted against the Contractor for such damages or other claims arising out of or in connection with the negligent performance of or failure to perform the work, operation or activities of the Contractor hereunder, the Contractor agrees to pay to the Mayor and Council, its appointed officers, agents or employees, any and all costs and expenses incurred by the Mayor and Council, its appointed officers, agents or employees in such action or proceeding, including but not limited to, legal costs and attorneys' fees.

The Contractor shall incorporate similar, indemnity agreements with its subcontractors and if it fails to do so the Contractor shall be fully responsible to indemnify City hereunder therefore, and failure of City to monitor compliance with these provisions shall not be a waiver hereof. This indemnification includes Claims or Liabilities arising from any negligent or wrongful act, error or omission, or reckless or willful misconduct of the Contractor in the performance of services hereunder. The provisions of this Section do not apply to Claims or Liabilities occurring as a result of City's sole negligence or willful acts or omissions, but, to the fullest extent permitted by law, shall apply to claims and liabilities resulting in part from City's negligence, except that design professionals' indemnity hereunder shall be limited to claims and liabilities arising out of the negligence, recklessness or willful misconduct of the design professional. The indemnity obligation shall be binding on successors and assigns of the Contractor and shall survive termination of this Rider Agreement.

Section 7.03. Intentionally Omitted.

Section 7.04. Sufficiency of Insurer or Surety. Insurance or bonds required by this Rider Agreement shall be satisfactory only if issued by companies qualified to do business in Maryland, rated "A" or better in the most recent edition of Best Rating Guide, The Key Rating Guide or in the Federal Register, and only if they are of a financial category Class VII or better, unless such requirements are waived by the Risk Manager due to unique circumstances. If this Rider Agreement continues for more than 3 years duration, or in the event the Risk Manager determines that the work or services to be performed under this Rider Agreement creates an increased or decreased risk of loss to the City, the Contractor agrees that the minimum limits of the insurance policies and the performance bond (if any) may be changed accordingly upon receipt of written notice from the Risk Manager; provided that the Contractor shall have the right to appeal a determination of increased coverage by the Risk Manager to the City Manager within 10 days of receipt of notice from the Risk Manager.

ARTICLE VIII. CONTRACTOR REPRESENTATIONS AND WARRANTIES

As a material inducement to the Mayor and Council's entry into this Rider Agreement, the Contractor hereby (i) makes the following representations and warranties to the Mayor and Council, as of the Effective Date, (ii) covenants that until the expiration or earlier termination of this Rider Agreement, upon learning of any fact or condition which would cause any of the warranties and representations in this Rider Agreement not to be true, the Contractor shall promptly give written notice of such fact or condition to the City Manager or authorized designee, (iii) acknowledges that the Mayor and Council shall rely upon the Contractor's representations made herein notwithstanding any investigation made by or on behalf of the Mayor and Council, and (iv) agrees that such representations and warranties shall survive until the expiration or termination of this Rider Agreement:

Section 8.01. Organization. The Contractor is duly organized, validly existing and in good standing under the laws of the state in which it is organized and is duly qualified to conduct business in the State of Maryland.

Section 8.02. Authority of the Contractor. The Contractor has full power and authority to execute and deliver this Rider Agreement, and all other documents or instruments executed and delivered, or to be executed and delivered, pursuant to this Rider Agreement, and to perform and observe the terms and provisions of all the above.

Section 8.03. Authority of Persons Executing Documents. This Rider Agreement and all other documents or instruments executed and delivered, or to be executed and delivered, pursuant to this Rider Agreement have been executed and delivered by persons who are duly authorized to execute and deliver the same for and on behalf of the Contractor, and all actions required under the Contractor's organizational documents and applicable governing law for the authorization, execution, delivery and performance of this Rider Agreement and all other documents or instruments executed and delivered, or to be executed and delivered, pursuant to this Rider Agreement, have been duly taken (to the extent such actions are required as of the date of execution and delivery of the above-named documents).

Section 8.04. No Breach of Law or Agreement. To the Contractor's knowledge, neither the execution nor delivery of this Rider Agreement or any other documents or instruments executed and delivered, or to be executed or delivered, pursuant to this Rider Agreement, nor the performance of any provision, condition, covenant or other term hereof or thereof, will conflict with or result in a breach of any statute, rule or regulation, or any judgment, decree or order of any court, board, commission or agency whatsoever binding on the Contractor, or any provision of the organizational documents of the Contractor, or will materially conflict with or constitute a material breach of or a material default under any agreement to which the Contractor is a party, or will result in the creation or imposition of any lien upon assets or property of the Contractor, other than liens established pursuant hereto.

Section 8.05. Qualifications. The Contractor, its employees, agents and subcontractors, if any, possess the necessary professional expertise, qualifications and capabilities, and all required licenses and certifications to perform the Scope of Work and provide the Contractor Services.

ARTICLE IX. ENFORCEMENT OF AGREEMENT AND TERMINATION

Section 9.01. Maryland Law. This Rider Agreement shall be interpreted, construed and governed both as to validity and to performance of the Parties in accordance with the laws of the State of Maryland. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Rider Agreement shall be instituted in the Circuit Court of Montgomery County, State of Maryland, and the Contractor covenants and agrees to submit to the personal jurisdiction of such court in the event of such action. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the State of Maryland, Southern Division.

Section 9.02. Disputes; Default. If the Contractor is in default under the terms of this Rider Agreement, the City shall not have any obligation or duty to continue compensating the Contractor for any work performed after the date of default. Instead, the City may give notice to the Contractor of the default and the reasons for the default. The notice shall include the timeframe in which the Contractor may cure the default. This timeframe is presumptively twenty (20) days, but may be extended, though not reduced, if circumstances warrant. During the period that the Contractor is in default, the City shall hold all invoices and shall, when the default is cured, proceed with payment on the invoices. In the alternative, the City may, in its sole discretion, elect to pay some or all the outstanding invoices during the period of default. If the Contractor does not cure the default, the City may take necessary steps to terminate this Rider Agreement under this Article. Any failure on the part of the City to give notice of the Contractor's default shall not be deemed to result in a waiver of the City's legal rights or any rights arising out of any provision of this Rider Agreement.

Section 9.03. Retention of Funds. The Contractor hereby authorizes the City to deduct from any amount payable to the Contractor (whether or not arising out of this Agreement) (i) any amounts the payment of which may be in dispute hereunder or which are necessary to compensate the City for any losses, costs, liabilities, or damages suffered by the City, and (ii) all amounts for which the City may be liable to third parties, by reason of the Contractor's acts or omissions in

performing or failing to perform the Contractor's obligation under this Agreement. In the event that any claim is made by a third party, the amount or validity of which is disputed by the Contractor, or any indebtedness shall exist which shall appear to be the basis for a claim of lien, the City may withhold from any payment due, without liability for interest because of such withholding, an amount sufficient to cover such claim. The failure of the City to exercise such right to deduct or to withhold shall not, however, affect the obligations of the Contractor to insure, indemnify, and protect the City as elsewhere provided herein.

Section 9.04. Waiver. Waiver by either Party to this Rider Agreement of any term, condition, or covenant of this Rider Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Rider Agreement shall not constitute a waiver of any other provision or a waiver of any subsequent breach or violation of any provision of this Rider Agreement. Acceptance by the City of any work or services by the Contractor shall not constitute a waiver of any of the provisions of this Rider Agreement. No delay or omission in the exercise of any right or remedy by a non-defaulting party on any default shall impair such right or remedy or be construed as a waiver. Any waiver by either Party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Rider Agreement.

Section 9.05. Rights and Remedies are Cumulative. Except with respect to rights and remedies expressly declared to be exclusive in this Rider Agreement, the rights and remedies of the Parties are cumulative and the exercise by either Party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other Party.

Section 9.06. Legal Action. In addition to any other rights or remedies, either Party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Rider Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Rider Agreement.

Section 9.07. Intentionally Omitted.

Section 9.08. Termination Prior to Expiration of Term. This Section shall govern any termination of this Rider Agreement except as specifically provided in the following Section for termination for cause. The City reserves the right to terminate this Rider Agreement at any time, with or without cause, upon thirty (30) days' written notice to the Contractor, except that where termination is due to the fault of the Contractor, the period of notice may be such shorter time as may be determined by the City Manager or designee. Upon receipt of any notice of termination, the Contractor shall immediately cease all work hereunder except such as may be specifically approved by the City Manager or designee. Except where the Contractor has initiated termination, the Contractor shall be entitled to compensation for all portions of the Scope of Work performed prior to the effective date of the notice of termination for any Scope of Work authorized by the City Manager or designee thereafter in accordance with the Compensation and Fee Schedule or such as may be approved by the City Manager or designee, except as provided in Section 7.02. In

the event the Contractor has initiated termination, the Contractor shall be entitled to compensation only for the reasonable value of the work product actually produced hereunder. In the event of termination without cause pursuant to this Section, the terminating party need not provide the non-terminating party with the opportunity to cure pursuant to Section 9.02.

Section 9.09. Termination for Default by Contractor. If termination is due to the failure of the Contractor to fulfill its obligations under this Rider Agreement, the City may, after compliance with the provisions of Section 9.02, take over the work related to the provision of the Contractor Services and prosecute the same to completion by contract or otherwise, and the Contractor shall be liable to the extent that the total cost for completion of the Contractor Services required hereunder exceeds the compensation herein stipulated (provided that the City shall use reasonable efforts to mitigate such damages), and the City may withhold any payments to the Contractor for the purpose of set-off or partial payment of the amounts owed the City as previously stated.

Section 9.10. Attorneys' Fees. If either Party to this Rider Agreement is required to initiate or defend or made a party to any action or proceeding in any way connected with this Rider Agreement, each Party shall pay its Attorney's fees.

ARTICLE X. MISCELLANEOUS PROVISIONS

Section 10.01. Notices, Demands, and Communications Between the Parties. Formal notices, demands, and communications between the Contractor and the City shall be given either by (a) personal service, (b) delivery by reputable overnight document delivery service such as Federal Express that provides a receipt showing date and time of delivery, or (c) mailing utilizing a certified or mail postage prepaid service of the United States Postal Service that provides a receipt showing date and time of delivery, addressed to:

To the City:

Mayor and Council of Rockville
c/o Office of the City Clerk / Director of Council Operations
111 Maryland Avenue
Rockville, Maryland 20850
Attn: City Clerk / Director of Council Operations
Email: cityclerk@rockvillemd.gov
Telephone: (240) 314-8283

With copies to:

Office of the City Manager
111 Maryland Avenue
Rockville, Maryland 20850
Attn: City Manager
Email: cmo@rockvillemd.gov
Telephone: (240) 314-8102

Office of the City Attorney
111 Maryland Avenue
Rockville, Maryland 20850
Attn: City Attorney
Email: cityattorney@rockvillemd.gov
Telephone: (240) 314-8150

Department of Procurement
111 Maryland Avenue
Rockville, Maryland 20850
Attn: Director
Email: procurement@rockvillemd.gov
Telephone: (240) 314-8432

To the Contractor:

Empire Landscape, L.L.C.
15717 New Hampshire Ave.
Silver Spring, MD 20905
Attn: Sarah Herlihy, Division Manager
Email: Sherlihy@empirelandscapellc.com
Telephone: (301) 775-8651

Notices personally delivered shall be deemed effective upon receipt or refusal thereof. Notices given by a reputable overnight document delivery service shall be deemed effective one (1) business day after delivery by such service. Notices mailed shall be deemed effective on the fifth (5th) business day following deposit in the United States mail. Such written notices, demands, and communications shall be sent in the same manner to such other addresses as any Party may from time to time designate in writing. As used herein, "business day" means a day other than Saturday, Sunday, or a federal holiday, state holiday in the State of Maryland, or a city holiday in the City of Rockville, Maryland.

Section 10.02. Incorporation of Recitals; Modification; Interpretation.

(a) Incorporation of Recitals. The Recitals and Exhibits are an integral part of this Rider Agreement and set forth the intentions of the Parties and the premises on which the Parties have decided to enter into this Rider Agreement. Accordingly, the Recitals above and Exhibits attached are incorporated into this Rider Agreement by this reference as if set fully forth and state the obligations as if the parties to the Queen Anne's Procurement Agreement were identical to the parties of this Rider Agreement

(b) Modification. Notwithstanding the Parties enter this Rider Agreement for the same contract terms as the Queen Anne's Procurement Agreement, the following modify the Queen Anne's Procurement Agreement to state with more particularity the post award requirements among these Parties:

i. All references in the Queen Anne's Procurement Agreement to "County," "Commissioners," or "Queen Anne's County" are herein revised to refer to the Mayor and Council of Rockville.
ii. Contractor's representations, covenants and certifications are relative to Mayor and Council of Rockville.
iii. Reference to locations for the performance of work are revised to refer to work to be performed within Rockville city limits.

(c) Interpretation. The terms of this Rider Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against any Party by reason of the authorship of this Rider Agreement or any other rule of construction which might otherwise apply. The Section headings are for purposes of convenience only and shall not be construed to limit or extend the meaning of this Rider Agreement. In the event of any conflict or inconsistency between the provisions of this Rider Agreement and provisions of the Queen Anne's Procurement Agreement, the provisions of this Rider Agreement will prevail and govern the interpretation thereof.

Section 10.03. Non-Liability of Officials, Employees and Agents. No member, official, employee or agent of the Mayor and Council shall be personally liable to the Contractor in the event of any default or breach by the Mayor and Council or for any amount which may become due to the Contractor or its successors or assigns or on any obligation under the terms of this Rider Agreement.

Section 10.04. No Waiver of Sovereign Immunity by Mayor and Council. Notwithstanding any other provisions of this Rider Agreement to the contrary, nothing in this Rider Agreement nor any action taken by the Mayor and Council pursuant to this Rider Agreement nor any document which arises out of this Rider Agreement shall constitute or be construed as a waiver of either the sovereign immunity or governmental immunity of the Mayor and Council and its appointed officials, officers and employees.

Section 10.05. No Third-Party Beneficiaries. No provision of this Rider Agreement shall be construed to confer any rights upon any person or entity who is not a Party hereto, whether a third-party beneficiary or otherwise.

Section 10.06. Equal Opportunity Employment. Contractor will not discriminate against any employee or applicant for employment because of age (in accordance with applicable law), sex, race, ancestry, color, religion, sexual orientation, gender identity or expression, physical or mental handicap, marital status, or political expression. Contractor will take affirmative action to ensure that applicants are employed, and the employees are treated fairly and equally during employment regarding the above. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment, layoff or termination, rates of pay or other form of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

If Contractor fails to comply with nondiscrimination clauses of this Rider Agreement or fails to include such contract provisions in all subcontracts, this Rider Agreement may be declared void AB INITIO, cancelled, terminated or suspended in whole or in part and Contractor may be declared ineligible for further contracts with the Mayor and Council. Any employee, applicant for employment, or prospective employee with information concerning any breach of these requirements may communicate such information to the City Manager who shall commence a prompt investigation of the alleged violation. Pursuant to such investigation, the Contractor will permit access to Contractor's books, records, and accounts. If the City Manager concludes that the Contractor has failed to comply with nondiscrimination clauses, the remedies set out above may be invoked.

Section 10.07. Authority of the City Manager in Disputes. Any dispute concerning a question of fact arising under the agreement signed by the City and the Contractor which is not disposed of by this Rider Agreement shall be decided by the City Manager who shall notify the Contractor in writing of his determination. The Contractor shall be afforded the opportunity to be heard and offer evidence in support of the claim. Pending final decision of the dispute herein, the Contractor shall proceed diligently with performance under this Rider Agreement. The decision of the City Manager shall be final and conclusive unless an appeal is taken pursuant to the City Purchasing Ordinance.

Section 10.08. Tax Exemption. The City is exempt from the payment of any federal excise or any Maryland sales tax.

Section 10.09. Local Government. Notwithstanding anything herein contained to the contrary, Contractor acknowledges the Mayor and Council is a political subdivision and its obligations hereunder are given only to the extent permitted by applicable law, contingent upon the appropriation and encumbrance of funding, and subject to the notice requirements and damages limitations stated in applicable law, including, but limited to, the Local Government Tort Claims Act, Md. Code Ann., Ct & Jud. Proc. § 5-301, et seq. (2013 Repl. Vol.), as amended from time to time.

Section 10.10. Severability. If any term, provision, covenant, or condition of this Rider Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of this Rider Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Rider Agreement. In the event that all or any portion of this Rider Agreement is found to be unenforceable, this Rider Agreement or that portion which is found to be unenforceable shall be deemed to be a statement of intention by the Parties; and the Parties further agree that in such event, and to the maximum extent permitted by law, they shall take all steps necessary to comply with such procedures or requirements as may be necessary in order to make valid this Rider Agreement or that portion which is found to be unenforceable.

Section 10.11. Entire Agreement, Waivers and Amendments. This Rider Agreement integrates all the terms and conditions mentioned herein, or incidental hereto, and supersedes all negotiations and previous agreements between the Parties. All waivers of the provisions of this

Rider Agreement must be in writing and signed by the appropriate authorities of the Party to be charged, and all amendments and modifications hereto must be in writing and signed by the appropriate authorities of the Parties.

Section 10.12. Counterparts. This Rider Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

Section 10.13. Electronic Signatures. This Agreement may be executed by electronic signature, which will be construed as an original signature for all purposes and have the same force and effect as an original signature. For these purposes, "electronic signature" means electronically scanned and transmitted versions (e.g., via pdf file or facsimile transmission) of an original signature, or signatures electronically inserted via software such as DocuSign or Adobe Sign.

(**Signature pages to follow**)

IN WITNESS WHEREOF, the Parties have each executed, or caused to be duly executed, this Rider Agreement in the name and behalf of each of them (acting individually or by their respective officers or appropriate legal representatives thereunto duly authorized) as of the day and year first written above.

MAYOR AND COUNCIL

Approved as to form:

THE MAYOR AND COUNCIL OF ROCKVILLE, a body corporate and municipal corporation of the State of Maryland

By: _____
Jeff Mihelich, City Manager

_____
Robert Dawson, City Attorney

CONTRACTOR

EMPIRE LANDSCAPE, LLC, a Maryland limited liability company

By: _____
Sarah Herlihy, Division Manager

EXHIBIT A
Queen Anne's Procurement Agreement

Please See Attached.

Mayor and Council may request any or all the Contractor Services described in the Queen Anne's County Procurement Agreement to accomplish, as needed.

Subject to receipt of a written Notice to Proceed Contractor will perform the following types of tasks consistent with the terms and conditions of this Rider Agreement:

a. Removal of non-native invasive plants at parks and stormwater management facilities, and stream restoration capital improvement projects within Rockville city limits.
b. Restore areas where non-native invasives are removed.
c. Any or all other work as listed in the Queen Anne's County Procurement Agreement, except controlled burns.

EXHIBIT C
Intentionally Omitted (Schedule of Performance)

Work will be scheduled as needed in accordance with this Agreement, Section 1.

Contractor to provide labor, materials, and services necessary for and reasonably incidental to providing Contractor Services, at the materials and labor rates included in Queen Anne's County Procurement Agreement, reproduced here:

[Bid Sheet on next page]

APPENDIX B. COST PROPOSAL FORM

Page 1 of 2

Proposers shall use this form or a reasonable facsimile to provide a Cost Proposal. Add additional pages as necessary. Costs proposed below may be used in selection of CONTRACTORS for particular projects and during the approval process for Task Order Quotes.
Quotes should adhere to the pricing offered below.
Qualifications to your Cost Proposal should be reflected in the Remarks column and on the Technical Proposal as appropriate.

No Bid	Method of Control/Practice	Maximum Hourly Labor Rate: Per Person $/Hr	Equipment to be Used:	Equipment Rate: $/Hr	Materials Rate: Indicate your mark-up % for Materials	Other Costs: Specify the Cost Center	Other Costs Rate: $/Unit or Lump Sum	Remarks *Minimum hourly rates may apply to any line*
	Invasive Vegetation Control Measures in the Field – Methods of Control:							
	Mowing-High	$75.00	1. Skid loader w/ Ambusher Attachment 2. Agria Field Mower 3. Walk Behind Brush Cutter	1. $80.00 2. $60.00 3. $15.00				
	Mowing-Low	$55.00	1. Zero Turn Mower 2. Agria Field Mower	1. $50.00 2. $60.00				
	Tree/Shrub Mechanical Removal: Mowing-Forestry Head; Mechanized Brush Clearing	$80.00	1. Green Climber 2. Forestry Mower 3. Skid loader w/ Ambusher Attachment	1. $115.00 2. $135.00 3. $80.00				
	Tree/Shrub Hand Removal; Brush Clearing by Hand	$75.00	1. Chainsaws, Machetes, Pole & Hand Saws, String Trimmers 2. Towed Chipper 3. Tracked Chipper	1. (incl.) 2. $40.00 3. $125.00	Dump Fee @ Cost + 35%			Typically 4-Person Crew
	Controlled Burn	No	Bid	X	X	x	x	
	Spot Spraying	$75.00	1. Backpack/Bottle Sprayer 2. ATV w/ Spray Rig	1. (incl.) 2. $50.00	Cost + 35%			Follow Up Sprays Priced the Same
	Cut & Spray	$75.00	1. Backpack/Bottle Sprayer	1. (incl.)	Cost + 35%			Typically 4-Person Crew Follow Up Sprays Priced the Same
	Broadcast Spraying	$75.00	1. On/Off Road Truck w/ Boom Sprayer 2. ATV w/ Spray Rig	1. $20.00 2. $50.00	Cost + 35%			Typically a 2-Person Crew Follow Up Sprays Priced the Same
	Vines: Treatment	$75.00			Cost + 35%			Typically 4-Person Crew Follow Up Sprays Priced the Same

	Aquatic Treatments	No	Bid	X	X	x	x	
	Vines: Removal	$75.00						Typically 4-Person Crew
	Stump Grinding	$80.00	1. Stump Grinder	1. $90.00				
	Biological Controls	No	Bid	X	X	x	x	
	Native Seeding	$75.00	1. Towed Hydro-seeder 2. Hydro-seeder Tank Truck	1. $50.00 2. $155.00	Cost + 50%			
	Native Planting	$75.00	1. Skid-Loader w/Auger	1. $80.00	Cost + 50%			
	Other: Soil Preparation	$75.00	1. Soil Conditioner 2. Soil Injector	1. $80.00 2. $40.00	Cost + 35%			
	Other: Watering	$75.00	1. Water Truck 2. Truck w/ Water Trailer	1. $30.00 2. $15.00				
	Other: Tree Removal Tree Inspection	$80.00	1. *Seninebogen* Tree Handler 2. Bucket Truck 3. Off-Road Spider Lift	1. $400.00 2. $50.00 3. $135.00	Dump Fee @ Cost + 35%			
	Other: Mobilization Fee					Equipment Mobilization – Lump Sum	$650.00	*Mobilization fee may apply on equipment usage under 20 Hours*
	Other: Mobilization Fee					Crew Mobilization – Lump Sum	$250.00	*Mobilization fee may apply on crew usage under 8 Hours*
	Other: Site Superintendent	$90.00						

(*) Procurement of materials TBD.
(**) Concerning materials, as the types and quantities of herbicides used vary according to density, species and time of year, please indicate a standard mark-up above Proposer's actual cost that you intend to apply to your charge for herbicides or other materials.

See next page.

Page 2 of 2

APPENDIX B. COST PROPOSAL FORM

For the following tasks, indicate one or more unit costs (hourly, per acre, or lump sum). If more than a single unit cost is used to price a task, the COUNTY reserves the right to select the unit cost method which is most advantageous to the COUNTY.

No bid	Task	$/Hour	$/Acre of defined HMZ	$/Each – Lump Sum
	Consultation	$125.00/hr		
	Field Survey	$125.00/hr		
	Maintenance Plan – 1 year	$135.00/hr		
	Maintenance Plan – 3 year	$135.00/hr		
	Monitoring & Documentation of Field Conditions	$125.00/hr		
	Delineation & Layout of HMZs	$125.00/hr		
	Wetlands Delineation	No	Bid	X
	Other Services Offered or Recommended: Maryland Licensed Tree Expert (Bird nesting, Bat Survey's, Tree Health)	$150.00/hr		
	Other Services Offered or Recommended: ISA Arborist Services	$165.00/hr		

Lynette Scaffidi — 09-16-2024

Name of Authorized Representative — Date

Prior to the execution of the contract by the City, the Contractor must obtain at their own cost and expense and keep in force and effect during the term of the contract including all extensions, the following insurance with an insurance company/companies licensed to do business in the State of Maryland evidenced by a certificate of insurance and/or copies of the insurance policies. The Contractor's insurance shall be primary. The Contractor must submit to the Purchasing Division, 111 Maryland Avenue, Rockville, MD 20850 a certificate of insurance prior to the start of any work. In no event may the insurance coverage be less than shown below.

Unless otherwise described in this Rider Agreement the successful contractor and subcontractors will be required to maintain for the life of the contract and to furnish the City evidence of insurance as follows:

MANDATORY REQUIREMENTS FOR INSURANCE

Contractor's insurance coverage shall be primary insurance as respects the City, its elected and appointed officials, officers, consultants, agents and employees and any insurance or self-insurance maintained by the City, shall be excess of the Contractor's insurance and shall not be called upon to contribute with it.

Type of Insurance	Amounts of Insurance	Endorsements and Provisions
1. ***Workers' Compensation*** *2.* ***Employers' Liability***	Bodily Injury by Accident: $100,000 each accident Bodily Injury by Disease: $500,000 policy limits Bodily Injury by Disease: $100,000 each employee	Waiver of Subrogation: **WC 00 03 13 Waiver of Our Rights to Recover From Others Endorsement signed and dated.**
3. Commercial General Liability a. Bodily Injury b. Property Damage c. Contractual Liability d. Premise/Operations e. Independent Contractors f. Products/Completed Operations g. Personal Injury	Each Occurrence: $1,000,000	City to be listed as additional insured and provided 30 day notice of cancellation or material change in coverage. **CG 20 37 07 04 and CG 20 10 07 04 forms to be both signed and dated.**
4. Automobile Liability a. All Owned Autos b. Hired Autos c. Non-Owned Autos	Combined Single Limit for Bodily Injury and Property Damage - (each accident): $1,000,000	City to be listed as additional insured and provided 30 day notice of cancellation or material change in coverage. **Form CA20 48 02 99 form to be both signed and dated.**
5. Excess/Umbrella Liability	Each Occurrence/Aggregate: $1,000,000	City to be listed as additional insured and provided 30 day notice of cancellation or material change in coverage.
6. Professional Liability	Each Occurrence/Aggregate: $1,000,000	

Alternative and/or additional insurance requirements, when outlined under the special provisions of this Rider Agreement, shall take precedence over the above requirements in part or in full as described therein.

POLICY CANCELLATION

No change, cancellation or non-renewed shall be made in any insurance coverage without a thirty (30) day written notice to the City Purchasing Division. The Contractor shall furnish a new certificate prior to any change or cancellation date. The failure of the Contractor to deliver a new and valid certificate will result in suspension of all payments and cessation of on-site work activities until a new certificate is furnished.

ADDITIONAL INSURED

The Mayor and Council of Rockville, which includes its elected and appointed officials, officers, consultants, agents and employees must be named as an additional insured on the Contractor's Commercial and Excess/Umbrella Insurance for liability arising out of contractor's products, goods, and services provided under this Rider Agreement. Additionally, The Mayor and Council of Rockville must be named as additional insured on the Contractor's Automobile and General Liability Policies. Endorsements reflecting the Mayor and Council of Rockville as an additional insured are required to be submitted with the insurance certificate.

SUBCONTRACTORS

All subcontractors shall meet the requirements of this Section before commencing work. In addition, Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all the requirements stated herein.

CERTIFICATE HOLDER

The Mayor and Council of Rockville
(Contract #, title)
City Hall
111 Maryland Avenue
Rockville, MD 20850

MAYOR AND COUNCIL Meeting Date: December 1, 2025
Agenda Item Type: CONSENT
Department: CITY CLERK/DIRECTOR OF COUNCIL OPERATIONS OFFICE
Responsible Staff: SARA TAYLOR-FERRELL

Subject

Approval of Minutes

Recommendation

Staff recommends the Mayor and Council approve the following minutes:

November 3, 2025 (Meeting No. 26-25)
November 10, 2025 (Meeting No. 27-25)

Attachments

MAYOR AND COUNCIL Meeting Date: December 1, 2025
Agenda Item Type: AUTHORIZATION
Department: CPDS - ZONING REVIEW & OTHER
Responsible Staff: HOLLY SIMMONS

Subject

Authorization to File Zoning Text Amendment to Revise and Replace Chapter 25 of the City Code, also Known as the Zoning Ordinance

Department

CPDS - Zoning Review & Other

Recommendation

Staff recommends that the Mayor and Council authorize the filing of the Zoning Text Amendment for the Zoning Ordinance Rewrite.

Change in Law or Policy

The adoption of the new Zoning Ordinance will replace the existing Zoning Ordinance in its entirety, implementing the recommendations of the Rockville 2040 Plan, Town Center Master Plan, and the FAST 2 Initiative.

Discussion

Background

In 2023, the City began a comprehensive rewrite of the City's Zoning Ordinance. This project, known as the Zoning Ordinance Rewrite (ZOR), kicked off shortly after the adoption of the Rockville 2040 Comprehensive Plan. The Zoning Ordinance Rewrite project will produce a new Zoning Ordinance for the City of Rockville.

The project has the following objectives:

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

- Create a modern ordinance that can accommodate the changing living, working, and lifestyles of the 21st century.
- Create a user-friendly, accessible, and well-organized document.

At the time of writing, a first draft of the new Zoning Ordinance has been produced and is included as Attachment 3. At the December 1 meeting, the Mayor and Council will consider authorizing the filing of the Zoning Text Amendment (ZTA) for the draft Zoning Ordinance. This action will initiate the formal public review and adoption process. Through the adoption process, staff anticipates that this first draft of the Zoning Ordinance will be refined and amended before adoption by the Mayor and Council.

In conjunction with the ZOR, the city's Zoning Map will be updated through a Comprehensive Map Amendment (CMA). The ZOR and CMA are undertaken concurrently but will be adopted separately; as such, the CMA is included as a separate agenda item on the December 1 meeting agenda. The new Zoning Ordinance will be adopted by ordinance as a ZTA, while the new zoning map will be adopted by ordinance as a CMA.

Draft Zoning Ordinance Overview

Draft Zoning Ordinance

Drafting of the new Zoning Ordinance began in earnest in January 2025. That same month, the Mayor and Council began hosting work sessions to provide staff with guidance on major policy issues (work session topics and dates are described in the Mayor and Council History section, below; full accounting of direction provided is found on pages 4 to 8 of *Attachment 1 – Highlights: City of Rockville Draft Zoning Ordinance*). These work sessions produced practical direction, which has been implemented in the draft. This process allowed for some of the work that would normally occur through review and revision in the adoption process to occur proactively, prior to production of the full first draft of the ordinance.

Staff relied on a number of additional inputs to draft the details of the new ordinance. Specifically, the draft is informed by the following:

- Adopted policy, including Comprehensive Plan land use and zoning recommendations, and the Mayor and Council's 2021 Social Justice Resolution;
- Mayor and Council priorities, particularly related to housing and economic development;
- Specific direction of the Mayor and Council provided during work sessions;
- Community input;
- Consultant recommendations; and
- Best practices research.

As such, the draft Zoning Ordinance document is best understood as a staff recommendation, developed over the past two years of research, community engagement, and direction by the Mayor and Council. It is anticipated that this first draft will be amended and revised over the course of the adoption process.

Brief Book Materials

The draft ordinance is accompanied by the following materials, intended to help readers navigate and understand the new draft ordinance:

- *Attachment 1 – Highlights: City of Rockville Draft Zoning Ordinance*. This document provides a high-level overview of the new Zoning Ordinance. It highlights key changes from the current Zoning Ordinance, along with the rationale for the change, and summarizes the guidance and direction provided by Mayor and Council during work sessions.

  The *Highlights* document is meant to be a user-friendly guide to the new ordinance, but it does not note every point of difference between the city's existing Zoning Ordinance and the new draft Ordinance. This document serves as an overview and 'jumping off point'; full details are best viewed in the corresponding sections of the draft Zoning Ordinance.
- *Attachment 2 – Draft Zoning Ordinance: Table of Contents*. To help readers navigate the draft Zoning Ordinance, the table of contents includes page numbers associated with each of the draft's articles, divisions, and sections. Note that the Table of Contents is provided only for reference and is not part of the zoning text amendment.
- *Attachment 3 – Draft Zoning Ordinance: Zoning Text Amendment Application, November 21, 2025.* Attachment 3 contains the full text of the draft Zoning Ordinance. This document is the subject of the zoning text amendment, which Mayor and Council will consider authorizing staff to file.
- *Attachment 4 – Community Engagement Summary*. This summary is a detailed accounting of public notification and project engagement for both the Zoning Ordinance Rewrite and the Comprehensive Map Amendment. A first draft of the *Community Engagement Summary* was produced in April 2025. This draft has been updated to include engagement that occurred between April 2025 and November 10, 2025.
- *Attachment 5 – Zoning Ordinance Rewrite Public Comment Digest*. This digest provides the full text of comments received on the Zoning Ordinance Rewrite project prior to November 10, 2025. Comments are organized by date received and have been assigned ID numbers for easy reference.

Planned adoption schedule

Following Authorization to File at the December 1 meeting, the adoption process is planned to span a period of six months, from December 2025 to June 1, 2026. A planned schedule, which addresses both the Zoning Ordinance Rewrite and the concurrent Comprehensive Map Amendment, is shown below.

Date	Body	Milestone
December 1, 2025	**Mayor & Council**	**Authorization to File ZOR ZTA and CMA**
December 10, 2025	Planning Commission	ZOR and CMA briefing
January 14, 2026	Planning Commission	Public hearing #1; work session #1
January 28, 2026	Planning Commission	Public hearing #2; work session #2
February 11, 2026	Planning Commission	Work session #3
February 25, 2026	**Planning Commission**	**Recommendation to M&C**
March 9, 2026	Mayor & Council	Briefing on PC recommendation (optional)
April 13, 2026	Mayor & Council	Public hearing #1
April 20, 2026	Mayor & Council	Public hearing #2; work session #1
April 27, 2026	Mayor & Council	Work session #2
May 4, 2026	Mayor & Council	Work session #3
May 11, 2026	Mayor & Council	Work session (optional if needed)
May 18, 2026	Mayor & Council	Work session #4/Final direction
June 1, 2026	**Mayor & Council**	**Adoption of ZTA and CMA ordinances**

Mayor and Council History

The Mayor and Council approved a project charter for the Zoning Ordinance Rewrite Project in October 2022. Since the project was initiated, staff has provided periodic updates on the project via email, between the project initiation and the drafting of the new ordinance, which began in January 2025. During the drafting phase of the project, the Mayor and Council began holding work sessions on a variety of topics to provide guidance on the drafting process. These work sessions were as follows:

- January 27, 2025: Comprehensive Map Amendment
- April 24, 2025: Process improvements
- May 5, 2025: New zones, revisions to existing zones, height transitions, and CMA follow-up
- August 4, 2025: Land uses, parking, and process improvement follow-up
- October 6, 2025: Remaining topics, including Historic Preservation, Amenity Space, Nonconformities, Subdivision & Plats, Approval Findings, Neighborhood Conservation District Plans, and CMA follow-up

Public Notification and Engagement

A detailed accounting of public notification and project engagement can be found in Attachment 4 – Community Engagement Summary.

Boards and Commissions Review

The Planning Commission has received regular updates on project progress, with the most recent update occurring on October 8, 2025. The Environment Commission and the Transportation and Mobility Commission also requested and received briefings on November 7, 2024, and May 27, 2025, respectively.

Additionally, the Historic District Commission was briefed on the project and provided feedback on the proposed changes related to historic preservation at their meeting on July 17, 2025.

Moving forward, staff will provide boards and commissions with the opportunity to learn more about the project and provide input during the Planning Commission review period.

Next Steps

The adoption process for both ZOR and CMA is anticipated to proceed as described above.

Attachments

Attachment 1 - Highlights: City of Rockville Draft Zoning Ordinance, Attachment 2 - Draft Zoning Ordinance Table of Contents_FINAL, Attachment 3 - Draft Zoning Ordinance Zoning Text Amendment Application_FINAL, Attachment 4 - Community Engagement Summary_FINAL, Attachment 5 - Zoning Ordinance Rewrite Public Comment Digest_FINAL

Highlights: City of Rockville Draft Zoning Ordinance

Prepared for Mayor and Council

Rockville Zoning Ordinance Rewrite
November 21, 2025

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Introduction

A zoning ordinance is a legal document adopted by a jurisdiction to regulate the use of land and the built environment. Many people go their whole lives and never have to refer to a zoning ordinance. However, these documents can significantly affect the way a community grows and evolves over time.

Project Goals

1. Implement many of the recommended land use actions identified in the Rockville 2040 Comprehensive Plan, including implementing the Plan's zoning recommendations.
2. Accomplish goals from the city's ongoing FAST Initiative, making the development review and permitting process Faster, Accountable, Smarter, and Transparent.
3. Incorporate planning and zoning best practices that have become common in the field of urban planning and in other similarly situated communities.
4. Incorporate the city's commitment to equity, resilience, and sustainability, as described in the 2021 Mayor and Council social justice resolution and the 2022 Climate Action Plan.
5. Ensure compliance with current federal and state regulations.
6. Create a modern ordinance that can accommodate the changing living, working, and lifestyles of the 21st century.
7. Create a user-friendly, accessible, and well-organized document.

The Rockville 2040 Comprehensive Plan, which establishes a new land use vision and policy guidance for future development in the City over a twenty-year time horizon, was adopted in 2021. With new policy and guidance in place, the City embarked shortly thereafter, in 2023, on an update to the city's Zoning Ordinance and zoning map.

The project aims to modernize this Chapter of the City Code so that it better accommodates the changing living, working, and recreation trends of the 21st century. In conjunction with the Zoning Ordinance Rewrite, the city's zoning map will be updated through a Comprehensive Map Amendment to implement the rezonings and land use changes recommended in the Rockville 2040 Comprehensive Plan.

This document highlights the key updates from the current to the new draft ordinance. While it does not annotate every point of difference between the city's existing Zoning Ordinance and the new draft Ordinance, it is intended to reflect the careful, collaborative effort to make the ordinance clearer, more accessible, and easier to use for everyone in the community. It is also intended to serve as a user-friendly guide and navigation tool. For full details on all revisions, please refer to the ordinance itself.

New Ordinance Key Changes

This section is intended to provide an overview of the new Zoning Ordinance and highlight key changes from the current ordinance. It is important to remember that, while the proposed ordinance is designed to give property owners, developers, and businesses the flexibility and tools needed to build resilient communities, any changes to the Zoning Ordinance will not reshape the City overnight and do not require property owners to retroactively make changes to their property.

In addition to the changes highlighted below, changes were made throughout the Zoning Ordinance to clarify language; make standards clear, objective, and accurate; eliminate inconsistences and conflicts; ensure compliance with federal, State, and County regulations' and reorganize the code for enhanced usability.

Additionally, new tables and graphics are incorporated to illustrate and aid in understanding and interpreting requirements.

New Ordinance Structure

Article 1 General Provisions.

Lays out the legal framework and general purpose of the Zoning Ordinance.

Article 2 Definitions, Interpretations, & Measurements.

Defines terms used throughout the Zoning Ordinance and provides guidance on how to interpret language use in the ordinance, as well as how to calculate or measure certain standards, such as building height.

Article 3 Administration.

Addresses the general administration of the Zoning Ordinance, including approving authorities, appeals procedures, general application and noticing requirements.

Article 4 Development Applications, Permits, and Procedures.

Describes the application and approval process for Site Plans, Project Plans, Special Exceptions, permits, and variances.

Article 5 Zones & Zoning Map.

Establishes the City's zoning districts and the official zoning map.

Article 6 Uses & Use Standards.

Outlines which uses are allowed in each zone and provides definitions and standards specific to each use.

Article 7 Zone Standards.

Provides development standards for each zone, such as setback minimums and building height maximums.

Article 8 General Development Requirements.

Provides standards for accessory buildings and structures, parking and loading, pedestrian and bicycle facilities, amenity space, land abutting parks, landscaping and screening, noise, utility lines and equipment, and adequate public facilities, and incorporates by reference the City's Environmental Guidelines and lighting requirements of the Landscaping, Screening, and Lighting Manual.

Article 9 Nonconformities.

Provides requirements for nonconforming uses and structures (i.e., uses or structures that were legally in existence prior to the adoption of the zoning ordinance but that could not be built under today's zoning standards).

Article 10 Signs.

Provides standards for the placement, size, and material of signs.

Article 11 Historic Preservation.

Describes procedures and requirements for historic properties.

Article 12 Plats & Subdivision.

Describes procedures and requirements for subdivision.

Article 13 Enforcement.

Describes procedures for addressing violations of the Zoning Ordinance.

Mayor and Council Direction

Beginning in January 2025, the City of Rockville Mayor and Council held multiple work sessions on various topics related to the ZOR and CMA. During these work sessions, Mayor and Council provided direction to inform and guide the development of the draft Zoning Ordinance and zoning map. While guidance was provided during these work sessions, no actions were taken.

A summary of the five work sessions, along with direction received, can be found in Tables 1 through 5, below.

WORK SESSION 1: JANUARY 27, 2025 – COMPREHENSIVE MAP AMENDMENT (CMA)

On January 27, the Mayor and Council held their first work session on the Zoning Ordinance Rewrite (ZOR) and Comprehensive Map Amendment (CMA) project. This work session focused on the rezonings recommended in the Rockville 2040 Comprehensive Plan, which are proposed to be implemented through the Comprehensive Map Amendment.

While Mayor and Council provided preliminary support for the majority of the proposed rezonings, along with strong support for expansion of the RMD-Infill ('missing middle') zone generally, they expressed preliminary concerns related to proposed rezonings, including proposed rezonings located in the following neighborhoods:

- Lincoln Park (Planning Area 6; specifically, properties on N. Stonestreet Ave.)
- West End and Woodley Gardens E-W (Planning Area 4; specifically, properties owned by the Jerusalem-Mt. Pleasant church)
- Montrose & North Farm (Planning Area 10; specifically, properties along Piccard Drive)

Councilmembers also expressed general concerns in relation to any rezoning which could be understood as a 'downzoning.'

Mayor and Council prompted staff to conduct additional outreach. This included requesting that community meetings be conducted with additional civic and homeowners associations; and a larger radius be used during the next hard-copy notice mailing to property owners and residents where properties are proposed to be rezoned.

WORK SESSION 2: MARCH 3, 2025 – PROCESS IMPROVEMENTS

On March 3, the Mayor and Council held their second work session the ongoing Zoning Ordinance Rewrite (ZOR) and Comprehensive Map Amendment (CMA) project. This work session focused on process improvements. Staff presented four recommendations:

Work Session 2: March 3, 2025 – Process Improvements

1. Streamline the Project Plan process to be achievable within six months by combining multiple area meetings into a single post-application area meeting, removing the required briefings for Planning Commission and Mayor and Council, and allowing subsequent Site Plans to be approved administratively.
2. Streamline the Planned Development amendment process to be achievable within six months by combining multiple area meetings into a single post-application area meeting, removing the required briefings for Planning Commission and Mayor and Council, and allowing the requests to proceed directly to Mayor and Council with Planning Commission deciding subsequent Site Plans.
3. Allowing Site Plans that are currently approved by Planning Commission to be approved administratively in the most intense Mixed-Use zones (MXB, MXCT, MXE, MXCD, and MXTD) when not within 300 feet of a residential zone.
4. Allowing other types of Site Plans that are currently approved by Planning Commission to be approved administratively, including Research and Development in the MXE zone, nonresidential to residential conversions, Housing for Senior Adults and Persons with Disabilities, and other small residential projects.

During the work session, Mayor and Council expressed general support for streamlining processes. A majority of Mayor and Council expressed support for both recommendations 1 and 2 as presented while also requesting:

1. Planning Commission's feedback.
2. How to ensure Mayor and Council can be updated on projects (and provide feedback prior to hearing) if briefings are removed.

Mayor and Council were not currently comfortable with recommendations 3 and 4. They requested the following for further consideration:

1. Planning Commission's feedback.
2. Examples of similar changes from other cities that have been successful.
3. Examples of cases to be affected by this change.

Work Session 3: May 5, 2025 – New Zones, Revisions to Existing Zones, Height Transitions, CMA Follow-Up

On May 5, the Mayor and Council held their third work session on the ongoing Zoning Ordinance Rewrite (ZOR) and Comprehensive Map Amendment (CMA) project. This work session focused on new zones, revisions to existing zones, height transitions, and follow-up on the Comprehensive Plan's recommended rezonings.

Work Session 3: May 5, 2025 – New Zones, Revisions to Existing Zones, Height Transitions, CMA Follow-Up

During this meeting, Mayor and Council expressed support for several staff recommendations. These included:

1. Create a new 'family' of MXTD (Mixed-Use Transit District) zones for Town Center, which have increased heights corresponding to the Character Areas established with the Town Center Master Plan.
2. Increase the maximum height for properties currently zoned MXTD near the Twinbrook and Shady Grove Metro stations from 120' (30' bonus) to 235' (100' bonus).
3. Create a new Residential High Density (RHD) zone with a density of 50 dwelling units/acre.
4. Increase the maximum height for the I-L (Light Industrial) zone from 40' to 60'.
5. Implement modern requirements to ensure appropriate transitions from lower- to higher-intensity uses.
6. Update mixed-use design standards to clarify requirements and adding alternative compliance provisions.

Mayor and Council also provided guidance that they do not wish to implement a small number of the Comprehensive Plan's recommended rezonings at this time (all of which could be seen as down-zonings), including recommendations in West End and Woodley Gardens East-West and near King Farm.

Work Session 4: August 4 – Land Uses and Parking

On August 4, the Mayor and Council held their fourth work session on the ongoing Zoning Ordinance Rewrite (ZOR) and Comprehensive Map Amendment (CMA) project. This work session focused on land uses and parking, as well as follow-up on previously proposed development review process changes. Staff presented broad recommendations to modernize the City's land use regulations, specifically:

1. Ensure use terms and definitions are clear and current.
2. Update the list of uses contained in the Zoning Ordinance.
3. Update use permissions and use standards.

To illustrate these broad recommendations, staff highlighted 'notable changes,' including converting many Special Exception uses to Conditional or Permitted uses and allowing the development of multifamily housing on property owned by non-profits or places of worship, regardless of zone. Mayor and Council unanimously supported all notable changes, while

Work Session 4: August 4 – Land Uses and Parking

suggesting further refinements and specific ways in which the broader land use recommendations could be implemented.

Staff also presented recommendations related to parking, including:

1. Recommendations to further Vision Zero.
2. Right-size minimum and maximum parking requirements.

The second recommendation included eliminating parking requirements within ½ mile of Metro and ¼ mile of Bus Rapid Transit, consistent with policy adopted through the recently adopted Town Center Master Plan. Mayor and Council supported all recommendations unanimously.

Finally, staff presented recommendations for the development review process, including:

1. Streamline the Planned Development (PD) amendment process.
2. Designate certain mixed-use district developments for administrative Site Plan approval.
3. Designate additional project types for administrative Site Plan approval.
4. Update the residential area impact section of the Point System to be more transparent.

Mayor and Council unanimously supported recommendations 1, 2, and 4, and a majority supported recommendation 3.

Work Session 5: October 6, 2025 – Remaining topics, including Historic Preservation, Amenity Space, Nonconformities, and Subdivision

On October 6, the Mayor and Council held their fifth work session on the ongoing Zoning Ordinance Rewrite (ZOR) and Comprehensive Map Amendment (CMA) project. This work session focused on outstanding topics, including historic preservation, amenity space, nonconformities, and subdivision, among others. Staff presented recommendations, as follows:

1. Historic preservation
    - Allow for administrative approvals of certain exterior alterations in historic districts.
    - Rework regulations for who can nomination a property for historic designation and how owner consent is factored into the designation process.
    - Prohibit demolition by neglect.

WORK SESSION 5: OCTOBER 6, 2025 – REMAINING TOPICS, INCLUDING HISTORIC PRESERVATION, AMENITY SPACE, NONCONFORMITIES, AND SUBDIVISION

- Create a delisting procedure.
- Limit which demolitions are required to come to the Historic District Commission for an Evaluation of Significance.

2. Amenity space: Restructure requirements from broadly defined "public use space" to narrowly defined "amenity space."
3. Nonconformities
   - Create strategic nonconformities in the Mixed-Use Transit District (MXTD) zones.
   - Simplify and reduce the regulations of nonconformities.
4. Subdivision and plats
   - Place the authority to accept land dedication with the Mayor and Council.
   - Allow record plats for minor subdivisions to be approved by the Chief of Zoning (subject to delegation from the Planning Commission).
   - Eliminate "cluster subdivision" provisions.
   - Permit pipestem lots.
5. Approval findings (Site plans, Project plans, and Preliminary plans of subdivision)
   - Rework and simplify discretionary findings to be objective, accessible, consistent across application types, and strongly tied to the City's Comprehensive Plan and regulations governing life safety, natural features, and public facilities, etc.
6. Neighborhood Conservation District Plans
   - Eliminate the creation of new Neighborhood Conservation District plans (will not impact existing Neighborhood Conservation District plans).
7. Comprehensive Map Amendment
   - Rezone additional properties near the Twinbrook Metro to MXTD-200 to create a height transition similar to Town Center.

Mayor and Council supported all staff recommendations, while suggesting further refinements and specific ways in which the recommendations could be implemented.

Changes by Article

Changes corresponding with specific direction from Mayor and Council are denoted in ***red italics***.

For an overview of all pre-release work sessions with Mayor and Council and direction received, see the section of this document titled "Mayor and Council Direction."

Article 1. General Provisions

Rationale

The General Provisions Article lays out the legal framework and general purpose of the Zoning Ordinance.

Key Changes

1. Establishes the Zoning Ordinance's relationship to the Comprehensive Plan in the Purpose section.
2. Eliminates ability to waive Comprehensive Plan consistency findings.
3. Removes regulations pertaining to vesting of zoning rights, as this is governed by State law.
4. Includes new transitional provisions to govern the transition between the old and new zoning ordinance. These address Site Plan applications that are currently under review or that are approved and proceeding toward construction.
5. Revises Zoning Text Amendment process to allow authorization to file only by Mayor and Council.
6. Revises the annexation process described in the Zoning Ordinance to provide more detail and better align with existing State law on municipal annexations.

Article 2. Definitions, Interpretation, and Measurement.

Rationale

The Definitions, Interpretation, and Measurement Article defines terms used throughout the Zoning Ordinance, provides guidance on interpreting the language use in the ordinance, along with instruction for calculating or measuring certain standards, such as building height and setbacks, and outlines exceptions from height and setback requirements (i.e., encroachments).

Key Changes

1. ***Ensures all terms are properly defined and updates definitions throughout.***
2. Simplifies, clarifies, and makes consistent measurement standards, including building height measurements.
3. Allows encroachment of covered, unenclosed porches into the rear yard setback (9' to match front yard encroachment).
4. Allows in-kind replacement of nonconforming air conditioners and heat pumps in residential zones.

Article 3. Administration.

Rationale

The Administration Article brings together sections addressing the general administration of the Zoning Ordinance. These include sections describing the various approving authorities (Mayor and Council, Planning Commission, Board of Appeals, etc.), methods for appealing decisions rendered under the Zoning Ordinance, general application and noticing requirements, and amending the text of the Zoning Ordinance.

Key Changes

1. Provides more detail on how to appeal administrative decisions.
2. Simplifies provisions that allow plan and permit expirations to be extended, largely making these provisions consistent across plan and permit types. Specifically, allows the Chief of Zoning to extend most development approvals issued under the Zoning Ordinance up to two times by two years each time for good cause shown.

Article 4. Development Applications, Permits, and Procedures.

Rationale

This article describes the application and approval process for Site Plans, Project Plans, Special Exceptions, permits, and variances. As drafted, the new article incorporates recommendations from the FAST work program as well as input received from the Mayor and Council at several public meetings. The draft article streamlines the development review process by eliminating duplicative or unnecessary steps, expanding administrative approval authority, and clarifies the application process.

Key Changes

1. ***Allows development applications to proceed from Project Plan to Level 1 Site Plan (approved by the Chief of Zoning) rather than Level 2 Site Plan (approved by the Planning Commission).***
2. ***Eliminates the pre-application (PAM) process, including pre-application area and DRC meetings.***
3. ***Revises and updates the required approval findings for Project Plans and Site Plans, ensuring that required findings are non-discretionary and based on conformance to the law or the Comprehensive Plan.***
4. Eliminates Planning Commission review of Special Exceptions, while retaining the Board of Appeals as the Special Exception Approving Authority. This reduces time in the process without sacrificing function, as the Board is capable of making the required findings.
5. ***Modifies the Residential Area Impact section of the Points Table, which determines what type of approval process (e.g., Project Plan, Level 2 Site Plan, Level 1 Site Plan) a proposed development requires to improve transparency and administration.***
6. Clarifies the threshold that determines whether an amendment to a Site Plan or Project Plan is considered a Major Amendment (approved by the Approving Authority of the original approval being amended) or a Minor Amendment (approved by the Chief of Zoning), increasing objectivity and ensuring amendments to all development types are treated consistently.
7. Creates a streamlined process for the Chief of Zoning to approve a change of use in a development governed by a Site Plan or Project Plan without requiring a full Site Plan or Project Plan amendment.
8. ***Increases the number of projects eligible for Level 1 Site Plan approval (approved by the Chief of Zoning) instead of Level 2 Site Plan approval (approved by the Planning Commission).***

9. Creates new permit categories for fences and small sheds.
10. Throughout the ordinance, places the ability to approve waivers, modifications, and alternative compliance with the Approving Authority for the parent application.

Article 5. Zones and Zoning Map.

Rationale

This article establishes the City's zoning districts and the official zoning map, provides relevant guidance, and outlines the process for zoning land that is annexed into the City.

Key Changes

1. Includes a new table showing all zones and their abbreviations, as well as their corresponding category (e.g., Residential, Industrial, Mixed-Use, etc.).
2. ***Establishes three new Mixed-Use Transit District zones (MXTD-235, MXTD-200, and MXTD-85) and a Residential High Density (RHD) zone.***
3. Clarifies that the Historic District zone and Lincoln Park Neighborhood Conservation District zone are overlay zones (not special base zones).
4. Removes reference to interim floating zones and associated floating zone map amendments, which were instituted to bridge the gap between updates to the Comprehensive Plan and adoption of the new Zoning Ordinance.
5. Updates map amendment processes for accuracy.

Article 6. Uses and Use Standards.

Rationale

This new article addresses the permissions, definitions, and standards for all uses included in the Zoning Ordinance. To increase transparency and accessibility, the new article pulls together use-based standards from many different sections of the existing ordinance (including the various zones articles, the parking and loading article, and the nonconformities article, among others) to provide a clear and comprehensive view of use-based regulations.

Staff also reviewed all existing uses, use permissions, and use standards (as described below), resulting in comprehensive changes.

Key Changes

1. Grandfathers uses which were conforming prior to the effective date of the ordinance.
2. ***Ensures use terms and definitions are clear and current.***
3. ***Updates the list of uses contained in the Zoning Ordinance.*** This includes eliminating and consolidating uses. It also includes adding new uses and associated use permissions and, where applicable, use standards.
4. ***Organizes use permissions into one comprehensive use table allowing for comparison across zones.*** Locates all use definitions and standards within the same division, significantly increasing transparency and reducing the need to search the ordinance.
5. For accuracy, redefines what a 'Permitted' versus a 'Conditional' use is. In the draft, Permitted uses may or may not have use standards, and any use standards associated with a Permitted use apply regardless of zone the use is located in; Conditional uses have use standards that differ from one zone to another.
6. Comprehensively updates the list of uses, use permissions, and use standards to:
    a. Accomplish the goals of the Rockville 2040 Comprehensive Plan.
    b. Implement best planning practices.
    c. Make regulations more modern and user-friendly.
    d. Increase equity.
    e. Address identified issues.
    f. Reflect state and federal law.
7. ***Transitions many Special Exception uses to Permitted or Conditional uses.*** In certain cases, introduces new use standards to retain the intention of the Special Exception while reducing process (by eliminating the Special Exception).

Article 7. Zone Standards.

Rationale

The new article modernizes and streamlines development standards to improve clarity, usability, and consistency across districts. They align local regulations with state housing laws, support new and revised zoning districts that promote housing diversity and efficient land use, and provide objective, flexible design standards that encourage high-quality development. Together, these changes create a more predictable, transparent, and adaptable regulatory framework that better supports the city's housing, economic development, and urban design goals.

Key Changes

1. Consolidates development standards into tables grouped by similar zones to improve usability and transparency. (See Appendix A for a comprehensive review of changes to development standards.)
2. Introduces development standards for new zones (MXTD-235, MXTD-200, MXTD-85, and RHD) to implement the recommendations of the Town Center Master Plan and support desired land use patterns.
3. Significantly revises standards for the RMD-Infill ('missing middle') zone, increasing flexibility for the development of diverse housing types.
4. Modifies development standards, including:
    a. Modernizing the development standards of the RMD-25 zone.
    b. ***Increasing height maximums in the MXNC and I-L zones.***
    c. Revising certain development standards to reduce nonconformities.
5. ***Incorporates bonus heights associated with the State's Housing Expansion and Affordability Act.***
6. ***Replaces current requirements intended to provide transitions between lower and higher intensity zones with modern height transitions provisions.***
7. ***Significantly revises the design standards for the MX zones to increase clarity and objectivity. Provides alternative compliance provisions for projects that propose designs that meet or exceed the intent of the design standards.***
8. ***Eliminates the creation of new Neighborhood Conservation District plans (this change will not impact existing Neighborhood Conservation District plans).***

Article 8. General Development Requirements.

Division 1. Accessory Structures.

Rationale

This Division clarifies regulations for accessory buildings and structures and locates relevant regulations in one place for ease of access.

Key Changes

1. Consolidates accessory buildings and structures regulations in one location.
2. For residential accessory buildings and structures:
    a. Adds new applicability provisions to increase clarity.
    b. Eliminates rear yard lot coverage requirements, as they are viewed to be inequitable and overly restrictive
    c. Adds provisions for the RMD-Infill.

Division 2. Parking and Loading.

Rationale

This Division modernizes parking and loading standards to align with transit accessibility, sustainability goals, and evolving mobility patterns. The updates generally introduce flexibility to encourage more efficient land use and multimodal access while introducing new provisions for electric vehicles, pedestrian safety, and sustainable infrastructure such as solar canopies. New/increased standards for pick-up/drop-off and commercial loading have also been added to address staff-identified issues.

Key Changes

1. ***Eliminates minimum parking requirements within ½ mile of Metro or ¼ mile of Bus Rapid transit.*** No additional ADA parking is proposed to be required.
2. ***Right-sizes minimum parking requirements for individual uses.*** Additionally, updates minimum parking requirements by:
    a. Revising how/when minimum parking requirements apply, to increase flexibility.
    b. ***Providing by-right 'adjustments' to required parking ratios to support city goals and policies, similar to Montgomery County.***
    c. ***Outlining a new process for requesting reductions to the required parking ratios.***
    d. ***Allowing greater flexibility in shared parking ratios, consistent with Montgomery County.***

e. Removing provisions allowing for the deferral of providing required parking.

3. ***Loosens maximum parking requirements, while expanding the zones in which they apply.***
4. Re-introduces compact parking spaces as an allowable parking space type (previously eliminated with the 2009 update to the Zoning Ordinance).
5. Introduces new minimum requirements for pick-up/drop-off spaces and loading spaces, and clarifies existing requirements for stacking spaces. Includes a process for reducing minimum requirements.
6. Introduces new standards for electric vehicle parking spaces and EVSE to complement the requirements in the Building Code (Chapter 5).
7. ***Introduces new requirements for pedestrian visibility where sidewalks intersect driveways.***
8. Allows solar canopies over parking spaces.

Division 3. Pedestrian and Bicycle Facilities

Rationale

This Division consolidates and clarifies requirements for pedestrian and bicycle facilities to improve consistency and usability, while ensuring that new development supports active transportation. They establish clear, right-sized bicycle parking standards and design requirements consistent with best practices, with flexibility provided through a waiver process.

Key Changes

1. ***Consolidates pedestrian and bicycle facilities regulations in one location.***
2. ***Requires bicycle parking for both principal and accessory uses.*** Updates and right-sizes minimum bicycle parking requirements for individual uses.
3. Clarifies bicycle parking location requirements.
4. Includes new design standards for short-term bicycle parking, consistent with best practices.
5. Ensures flexibility by allowing applicants to seek a waiver from requirements.

Division 4. Amenity Space

Rationale

The current Zoning Ordinance requires development to provide a certain amount of public use space "to promote an appropriate balance between the built environment, public parks and other open spaces intended for respite from urban development, and to protect natural features and preserve the character of the City." Public use space is currently defined very broadly, and the current Zoning Ordinance does not always ensure that the public use space provided by

developments in the City is high quality. The new Zoning Ordinance eliminates the requirements for public use space in favor of "amenity space," which is defined more narrowly to require that all development projects subject to the amenity space requirement provide contiguous, high quality, amenitized space for residents, employees, patrons, and the public.

Key Changes

1. ***Transitions from broadly defined 'public use space' to 'amenity space,' which is defined to include only high-quality space with amenities, including those for both passive and active uses.***
2. Requires amenity space for residential and mixed-use projects in the mixed-use zones, residential medium density zones, and Residential High Density zone, except when the project:
    a. Consists of five or fewer dwelling units
    b. Is a non-residential use with a gross floor area of 20,000 square feet or smaller
    c. Is on a site of one acre or less in the MXTD or 20,000 square feet in any other zone
    d. Is a 100 percent affordable residential development located within ¼ mile of a public park or publicly accessible amenity space
3. Establishes certain design and configuration requirements for amenity space, including continuing to require that the space be publicly accessible except in certain circumstances.
4. Allows flexibility in the MXTD (where the Plan prioritizes density and where land is at a premium) for 50 percent of the required amenity space to be accessible only to resident of the development, such as on a rooftop.
5. Allows amenity space requirements to be met through dedication of land to the City, fee-in-lieu, or alternative compliance.

Division 5. Land Abutting Parks

Rationale

This Division introduces a new requirement for land that abuts City-owned parks. This requirement is intended to ultimately replace the Park Buffer requirements contained in the City's *Environmental Guidelines*, which lack desired force.

Key Changes

1. Introduces a new requirement that, on property abutting a City-owned park, excavation and grading are not permitted within 25 feet of any forest located on the City-owned park.

Division 6. Environmental Guidelines

Rationale

This Division incorporates by reference the City's *Environmental Guidelines*, which will being updated through a separate process.

Key Changes

1. No substantive changes.

Division 7. Landscaping and Screening

Rationale

This Division outlines landscaping requirements, which are currently addressed in the City's *Landscaping, Screening, and Lighting Manual*. The draft Zoning Ordinance moves these requirements from the existing Manual into the body of the Zoning Ordinance to better integrate them with other development standards.

Key Changes

1. Includes new specifications for plant materials, including height and caliper consistent with Chapter 10.5 and best practices.
2. Updates required parking lot perimeter planting strips. Information is also generally restructured from narrative to tables for ease of use.
3. Clarifies which Industrial (or similar) uses require transitional bufferyards to screen residential uses (currently these requirements apply to/from all "Industrial" uses to/from all "Residential" uses).

Division 8. Lighting

Rationale

This Division incorporates by reference the lighting portion of the City's Landscaping, Screening, and Lighting Manual, which is being updated through a separate process.

Key Changes

1. No substantive changes.

Division 9. Noise

Rationale

This Division requires compliance with the County Code Chapter 31B, Noise Control. The new Division consolidates in one location all information related to noise that is currently contained in the Zoning Ordinance to increase transparency and accessibility.

Key Changes

1. Consolidates all relevant information into one Division.
2. No substantive changes.

Division 10. Utility Lines and Equipment

Rationale

This Division describes requirements specific to utility lines and equipment, particularly related to undergrounding and screening. The new Zoning Ordinance does not propose any substantive changes to this Division.

Key Changes

1. No substantive changes.

Division 11. Adequate Public Facilities

Rationale

This Division provides the framework for ensuring that new development in the City is served by adequate public facilities ("APF"). Much of the detail in testing for APF is currently captured in the City's Adequate Public Facilities Standards, and the new Zoning Ordinance preserves this approach. However, the new Zoning Ordinance clarifies the language in the current code and simplifies the process for determining how long a development's adequate public facilities approval lasts.

Key Changes

1. Eliminates complex process for extending an APF approval in favor of more clearly tying APF approval to the validity period of an underlying development approval, such as a Project Plan or Site Plan.

Article 9. Nonconformities.

Rationale

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 location. The goal in amending the article was to simplify and clarify the requirements for such uses and structures to continue and to be brought into compliance with the Zoning Ordinance.

Key Changes

1. Renames the 'Nonconforming Alterations' approval process to the 'Nonconforming Use Expansion' approval process for accuracy and clarity.
2. ***Allows for nonconforming uses to expand by up to 20%, subject to the Nonconforming Use Expansion approval process (additional findings and Planning Commission approval).***
3. ***Allows certain site improvements to be approved through the standard process (not the Nonconforming Use Expansion approval process), including:***
    a. ***Bringing the nonconforming use into greater conformity with the Code;***
    b. ***Maintenance, safety, and ADA compliance work; or***
    c. ***Improvements to façades, stormwater management, or pedestrian and bicycle facilities.***
4. ***Allows nonconforming uses and structures to be replaced or repaired in kind in the event of a fire, flood, or other natural disaster or emergency.***

Article 10. Signs.

Rationale

The updated sign ordinance modernizes and reorganizes regulations to improve clarity, usability, and consistency across zoning districts while ensuring compliance with content-neutral requirements.

Key Changes

1. Significantly reorganizes the article for ease of use. Permitted signs are clearly identified and regulations for each zone are housed within the sign types.
2. Exempts certain signs, including directional signs and signs regulated by Chapter 21.
3. Ensures regulations are content-neutral (i.e., regulating sign size, location, design, rather than the text, color, or images on a sign).
4. Introduces new sign types, including A-frame signs, window signs, and building-mounted banner signs, and associated regulations.
5. Eliminates different regulations for real estate, temporary noncommercial, and yard sale signs and regulates them as temporary freestanding signs, with different regulations for zone, lot, and use types. Allows up to three temporary freestanding signs on lots with single-unit detached dwellings, townhouses, and multiplexes without a permit.
6. Prohibits certain signs, including feather flags and electronic message centers (unless they are pedestrian-oriented).
7. Consolidates sign types for consistent regulation of signs in the Industrial and Mixed Use zones.
8. Increases the permitted size of certain signs in the Industrial and Mixed Use zones.
9. Expands the scope of repairs allowed for nonconforming signs.
10. Eliminates sign concept plans (which regulate content) and optional sign packages (which have only been used once) while requiring a new comprehensive sign plan be submitted prior to permit where two or more signs are proposed on a site.
11. Revises and updates the required approval findings for a sign variance. Findings focus on effective signage and compatibility with structures on the site.

Article 11. Historic Preservation.

Rationale

Beyond the overarching objectives for the ZOR, the Historic Preservation Work Plan, endorsed by the Historic District Commission (HDC) and Mayor and Council in 2023, laid out a series of recommended Zoning Ordinance updates to modernize Rockville's historic preservation program and practices.

Key Changes

1. ***Codifies Rockville's nine designation criteria.***
2. ***Modifies who can submit an application to nominate a property for historic designation.***
3. ***Expands work in the Historic District Overlay zone that can be approved administratively by staff (as opposed to full HDC review).***
4. ***Prohibits demolition by neglect of historic properties.***
5. ***Outlines a process to remove historic designation from properties in rare circumstances.***

Article 12. Plats & Subdivision.

Rationale

This article provides the regulations for subdividing land in the City, including approval of preliminary plans of subdivision, record plats, and ownership plats. The new Zoning Ordinance reorganizes and simplifies the article and authorizes administrative approval of minor subdivisions.

Key Changes

1. Creates two processes for subdividing property:
    a. Minor subdivision, which requires a record plat approval.
    b. Major subdivision, which requires a preliminary plan of subdivision followed by a record plat.
2. ***Subject to delegation by the Planning Commission, allows record plats for minor subdivisions to be approved by the Chief of Zoning (currently, this requires Planning Commission approval).*** Approval of preliminary plans of subdivision and record plats for major subdivisions will continue to be approved by the Planning Commission.
3. ***Revises and updates the required approval findings for preliminary plans of subdivision, ensuring that required findings are non-discretionary and based on conformance to the law or the Comprehensive Plan. (Findings are the same as for Project Plans and Site Plans.)***
4. Consistent with other sections of the Zoning Ordinance, removes the list of preliminary plan application requirements (e.g., what needs to be shown on the plan, at what scale, etc.), which will be included in the Development Review Manual. This Manual is being updated through a separate process.
5. Allows the creation of lots for multiplexes where only one unit fronts the street, modeled on language from Montgomery County's Attainable Housing Solutions.
6. ***Permits pipestem lots (which currently are expressly prohibited) to increase options for housing diversity.***
7. Updates requirements for streets, pedestrian and bicycle connections, public utilities, floodplains, and sediment control.
8. ***Places the authority to accept land dedications or reservations at the time of subdivision with the Mayor and Council (currently this authority lies with the Planning Commission).***
9. Adds a requirement for access to burial sites, as required by State law.
10. Clarifies the provision allowing for waivers of certain subdivision regulations.

11. ***Eliminates provisions related to "cluster developments," which are unlikely to be used again in the City.***

Article 13. Enforcement.

Rationale

This article describes the enforcement of the Zoning Ordinance, including penalties associated with Zoning Ordinance Violations. Currently, violations are addressed through notices of violation, typically followed in the case of noncompliance with a municipal infraction citation, although other remedies are available. The new Zoning Ordinance does not propose any substantive changes to this article.

Key Changes

1. No substantive changes.

Appendix A Changes to Development Standards.

This appendix contains tables to display the changes to each district's development standards. In each table, the list of applicable development standards is provided in the column titled "Standard." The columns to the right of the "Standard" column present the existing and proposed standards for the zone listed at the top of the table. Standards that are proposed to change are listed in **bold**.

TABLE 4: R-400 DEVELOPMENT STANDARD CHANGES

Standard		Existing R-400	Proposed R-400
Lot Area (Min.)		40,000 sq. ft.	40,000 sq. ft.
Lot Frontage (Min.)		25 ft.	25 ft.
Lot Width at Front Setback Line (Min.)		150 ft.	150 ft.
Front Setback (Min.)		50 ft. or the established setback, whichever is greater (up to 100 ft. max.)	50 ft. or the established setback, whichever is greater (up to 100 ft. max.)
Side Setback	Abutting Street (Min.)	30 ft.	30 ft.
	Abutting Land (Min.)	20 ft.	20 ft.
Rear Setback (Min.)		50 ft.	50 ft.
I-270 Setback (Min.)		50 ft.	50 ft.
Building Height (Max.)		40 ft.	40 ft.
Front Yard Coverage (Max. per frontage)	Single Frontage and Through Lots	10%	10%
	Corner Lots	5%	5%
Lot Coverage (Max.)		15%	15%

TABLE 5: R-200 DEVELOPMENT STANDARD CHANGES

Standard		Existing R-200	Proposed R-200
Lot Area (Min.)		20,000 sq. ft.	20,000 sq. ft.
Lot Frontage (Min.)		25 ft.	25 ft.
Lot Width at Front Setback Line (Min.)		100 ft.	100 ft.
Front Setback (Min.)		35 ft. or the established setback, whichever is greater (up to 100 ft. max.)	35 ft. or the established setback, whichever is greater (up to 100 ft. max.)
Side Setback	Abutting Street (Min.)	25 ft.	25 ft.
	Abutting Land (Min.)	13 ft.	13 ft.
Rear Setback (Min.)		35 ft.	35 ft.
I-270 Setback (Min.		50 ft.	50 ft.
Building Height (Max.)		40 ft.	40 ft.
Front Yard Coverage (Max. per frontage)	Single Frontage and Through Lots	20%	20%
	Corner Lots	10%	10%
Lot Coverage (Max.)		25%	25%

TABLE 6: R-150 DEVELOPMENT STANDARD CHANGES

Standard		Existing R-150	Proposed R-150
Lot Area (Min.)		15,000 sq. ft.	15,000 sq. ft.
Lot Frontage (Min.)		25 ft.	25 ft.
Lot Width at Front Setback Line (Min.)		90 ft.	90 ft.
Front Setback (Min.)		35 ft. or the established setback, whichever is greater (up to 60 ft. max.)	35 ft. or the established setback, whichever is greater (up to 100 ft. max.)
Side Setback	Abutting Street (Min.)	30 ft.	30 ft.
	Abutting Land (Min.)	13 ft.	13 ft.
Rear Setback (Min.)		30 ft.	30 ft.
I-270 Setback (Min.)		50 ft.	50 ft.
Building Height (Max.)		40 ft.	40 ft.
Front Yard Coverage (Max. per frontage)	Single Frontage and Through Lots	25%	25%
	Corner Lots	12.5%	12.5%
Lot Coverage (Max.)		25%	25%

TABLE 7: R-90 DEVELOPMENT STANDARD CHANGES

Standard		Existing R-90	Proposed R-90
Lot Area (Min.)		9,000 sq. ft.	9,000 sq. ft.
Lot Frontage (Min.)		25 ft.	25 ft.
Lot Width at Front Setback Line (Min.)		**80 ft.**	**70ft.**
Front Setback		30 ft. or the established setback, whichever is greater (up to 60ft. max.)	30 ft. or the established setback, whichever is greater (up to 60ft. max.)
Side Setback	Abutting Street (Min.)	20 ft.	20 ft.
	Abutting Land (Min.)	11 ft.	11 ft.
Rear Setback (Min.)		25 ft.	25 ft.
I-270 Setback (Min.)		50 ft.	50 ft.
Building Height (Max.)		35 ft.	35 ft.
Front Yard Coverage (Max. per frontage)[4]	Single Frontage and Through Lots	30%	30%
	Corner Lots	15%	15%
Lot Coverage (Max.)		25%	25%

TABLE 8: R-75 DEVELOPMENT STANDARD CHANGES

Standard		Existing R-75	Proposed R-75
Lot Area (Min.)		7,500 sq. ft.	7,500 sq. ft.
Lot Frontage (Min.)		40 ft.	40 ft.
Lot Width at Front Setback Line (Min.)		70 ft.	70 ft.
Front Setback		25 ft. or the established setback, whichever is greater (up to 50 ft. max.)	25 ft. or the established setback, whichever is greater (up to 50 ft. max.)
Side Setback	Abutting Street (Min.)	20 ft.	20 ft.
	Abutting Land (Min.)	9 ft.	9 ft.
Rear Setback (Min.)		20 ft.	20 ft.
I-270 Setback (Min.)		50 ft.	50 ft.
Building Height (Max.)		35 ft.	35 ft.
Front Yard Coverage (Max. per frontage)[4]	Single Frontage and Through Lots	35%	35%
	Corner Lots	**17.5%**	**20%**
Lot Coverage (Max.)		35%	35%

TABLE 9: R-60 DEVELOPMENT STANDARD CHANGES

Standard		Existing R-60	Proposed R-60
Lot Area (Min.)		6,000 sq. ft.	6,000 sq. ft.
Lot Frontage (Min.)		35 ft.	35 ft.
Lot Width at Front Setback Line (Min.)		60 ft.	60 ft.
Front Setback		25 ft. or the established setback, whichever is greater (up to 50 ft. max.)	25 ft. or the established setback, whichever is greater (up to 50 ft. max.)
Side Setback	Abutting Street (Min.)	20 ft.	20 ft.
	Abutting Land (Min.)	8 ft.	8 ft.
Rear Setback (Min.)		20 ft.	20 ft.
I-270 Setback (Min.)		50 ft.	50 ft.
Building Height (Max.)		35 ft.	35 ft.
Front Yard Coverage (Max. per frontage)	Single Frontage and Through Lots	40%	40%
	Corner Lots	20%	20%
Lot Coverage (Max.)		35%	35%

TABLE 10: R-40 DEVELOPMENT STANDARD CHANGES

Standard		Existing R-40	Proposed R-40
Lot Area (Min.)		4,000 sq. ft.	4,000 sq. ft.
Lot Frontage (Min.)		25 ft.	25 ft.
Lot Width at Front Setback Line (Min.)		40 ft.	40 ft.
Front Setback		25 ft. or the established setback, whichever is greater (up to 50 ft. max.)	25 ft. or the established setback, whichever is greater (up to 50 ft. max.)
Side Setback	Abutting Street (Min.)	25 ft.	25 ft.
	Abutting Land (Min.)	10 ft.	10 ft.
Rear Setback (Min.)		20 ft.	20 ft.
I-270 Setback (Min.)		50 ft.	50 ft.
Building Height (Max.)		35 ft.	35 ft.
Front Yard Coverage (Max. per frontage)[4]	Single Frontage and Through Lots	45%	45%
	Corner Lots	22.5%	22.5%
Lot Coverage (Max.)		40%	40%

TABLE 11: RMD-INFILL DEVELOPMENT STANDARD CHANGES

Standard		Existing RMD-Infill	Proposed RMD-Infill
Density (Max.)		**1 DU/2,000 sq. ft. but never more than 4 DUs per lot**	**1 DU/2,000 sq. ft. but never more than 6 DUs per lot**
Bonus Density (Max.)		**N/A**	**30% increase in allowable dwelling units per lot**
Lot Size (Min.)		**4,000 sq. ft.**	**N/A**
Lot Frontage (Min.)		**40 ft.**	**N/A**
Front Setback		20 ft. or the established setback, whichever is less	20 ft. or the established setback, whichever is less
Side Setback	Abutting Street (Min.)	15 ft.	15 ft.
	Abutting Land (Min.)	5 ft. Side setbacks can be reduced from the normal requirement of 5 ft. provided that the sum of both side setbacks is a minimum of 10 ft.	5 ft. Side setbacks can be reduced from the normal requirement of 5 ft. provided that the sum of both side setbacks is a minimum of 10 ft.
Rear Setback (Min.)		**20 ft.**	**15 ft.**
I-270 Setback (Min.)		N/A	50 ft.
Building Height (Max.)		**35 ft.**	**30 ft. for cottage courts** **35 ft. for duplexes and triplexes** **40 ft. for fourplexes**

TABLE 12: RMD-10 DEVELOPMENT STANDARD CHANGES

Standard	Existing RMD-10	Proposed RMD-10
Density (Max.)	10 DU/acre	10 DU/acre
Bonus Density (Max.)	**N/A**	**30% increase in allowable dwelling units per acre**
Site Area (Min.)	20,000 sq. ft. but never more than 10 acres	20,000 sq. ft. but never more than 10 acres
Lot Frontage (Min.)	**60 ft.**	**14 ft.**
Front Setback (Min.)	20 ft. or the established setback, whichever is less	20 ft. or the established setback, whichever is less
Side Setback (Min.)	8 ft.	8 ft.
Rear Setback (Min.)	20 ft.	20 ft.
I-270 Setback (Min.)	**N/A**	**50 ft.**
Building Height (Max.)	35 ft.	35 ft.

TABLE 13: RMD-15 DEVELOPMENT STANDARD CHANGES

Standard	Existing RMD-15	Proposed RMD-15
Density (Max.)	15 DU/acre	15 DU/acre
Bonus Density (Max.)	**N/A**	**30% increase in allowable dwelling units per acre**
Site Area (Min.)	**1 acre**	**0.75 acres**
Lot Frontage (Min.)	**50 ft.**	**14 ft.**
Front Setback (Min.)	15 ft. or the established setback, whichever is less	15 ft. or the established setback, whichever is less
Side Setback (Min.)	8 ft.	8 ft.
Rear Setback (Min.)	15 ft.	15 ft.
I-270 Setback (Min.)	**N/A**	**50 ft.**
Building Height (Max.)	40 ft.	40 ft.

TABLE 14: RMD-25 DEVELOPMENT STANDARD CHANGES

Standard	Existing RMD-25	Proposed RMD-25
Density (Max.)	25 DU/acre	25 DU/acre
Bonus Density (Max.)	**N/A**	**30% increase in allowable dwelling units per acre**
Site Area (Min.)	**2 acres**	**0.75 acres**
Lot Frontage (Min.)	100 ft.	100 ft.
Front Setback	**25 ft. from a public street or tract boundary, plus 3 ft. for each 1 foot of building height above 45 ft.** **Main buildings must be set back from each other ½ the height of the building, plus 3 feet for each 1 foot of building height above 45 feet.**	**25 ft.**
Side Setback	**10 ft. or one-half the height of the building, whichever is greater.**	**8 ft. for townhouse, multiplex, small apartment buildings, and cottage courts** **10 ft. for apartments of seven or more units**
Rear Setback (Min.)	**15 ft. or one-half the height of the building, whichever is greater**	**25 ft.**
I-270 Setback (Min.)	**N/A**	**50 ft.**
Building Height (Max.)	75 ft.	75 ft.

TABLE 15: RHD DEVELOPMENT STANDARD CHANGES

Standard	[NEW ZONE]	Proposed RHD
Density (Max.)	**N/A**	**50 dwelling units/acre**
Bonus Density (Max.) [1]	**N/A**	**30% increase in allowable dwelling units per acre**
Lot Size (min)	**N/A**	**N/A**
Lot Frontage (Min.)	**N/A**	**10 ft.**
Front Setback (Min.)	**N/A**	**25 ft. when abutting or confronting a lot zoned for and developed with single-unit residential uses** **10 ft. in all other locations**
Side Setback	**N/A**	**10 ft.**
Rear Setback (Min.)	**N/A**	**10 ft.**
Building Height (Max.) [3]	**N/A**	**75 ft.** **When abutting or confronting a lot zoned for and developed with single-unit residential uses, buildings are limited to a max. height of 45 ft. within 100 ft. of the property line.**

TABLE 16: I-L DEVELOPMENT STANDARD CHANGES

Standard		Existing I-L	Proposed I-L
Front Setback (Min.)		25 ft.	25 ft.
Side Setback	Abutting Street (Min.)*	10 ft. (Minimum 1 side)	10 ft.
	Abutting Residential Property (Min.)*	Building height, but not less than 30' (Minimum 1 side)	30 ft. or building height, whichever is greater
	Abutting Nonresidential Property (Min.)*	None or 10 ft. if provided. (Minimum 1 side)	10 ft.; unless both side yards abut nonresidential property, in which case one of the side setbacks may be 0 ft.
Rear Setback	Abutting Residential Property (Min.)*	Building height, but not less than 30'	30 ft. or building height, whichever is greater
	Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided	None required. 10 ft. min. if provided
Building Height (Max.)		**40 ft.**	**60 ft.**
Lot Coverage (Max.)		**50%**	**N/A**

*Note: The side and rear setbacks may appear to have changed in this zone; however, the intention of the revisions are to clarify existing standards. No changes are intended.

TABLE 17: I-H DEVELOPMENT STANDARD CHANGES

Standard		Existing I-H	Proposed I-H
Front Setback (Min.)		25 ft.	25 ft.
Side Setback	Abutting Street (Min.)*	10 ft. (Minimum 1 side)	10 ft.
	Abutting Residential Property (Min.)*	Building height, but not less than 30' (Minimum 1 side)	30 ft. or building height, whichever is greater.
	Abutting Nonresidential Property (Min.)*	None or 10 ft. if provided. (Minimum 1 side)	10 ft.; unless both side yards abut nonresidential property, in which case one of the side setbacks may be 0 ft.
Rear Setback	Abutting Residential Property (Min.)*	Building height, but not less than 30'	30 ft. or building height, whichever is greater.
	Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided.	None required. 10 ft. min. if provided.
Building Height (Max.)		70 ft.	70 ft.

*Note: The side and rear setbacks may appear to have changed in this zone; however, the intention of the revisions are to clarify existing standards. No changes are intended.

TABLE 18: MXTD DEVELOPMENT STANDARD CHANGES

Standard		Existing MXTD	Proposed MXTD-235	Proposed MXTD-200	Proposed MXTD-85
Lot Frontage (Min.)		10 ft.	10 ft.	10 ft.	10 ft.
Setback Abutting Public Right-of-Way (Min.)		None	None	None	None
Side Setback	Abutting Residential Property (Min.)	**25 ft. or height of building, whichever is greater.**	**25 ft.**	**25 ft.**	**25 ft.**
	Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided	None required. 10 ft. min. if provided	None required. 10 ft. min. if provided	None required. 10 ft. min. if provided
Rear Setback	Abutting Residential Property (Min.)	**25 ft. or height of building, whichever is greater.**	**25 ft.**	**25 ft.**	**25 ft.**
	Abutting Nonresidential Land (Min.)	None required. 10 ft. min. if provided	None required. 10 ft. min. if provided	None required. 10 ft. min. if provided	None required. 10 ft. min. if provided
Building Height (Max.)		**120 ft.**	**235 ft.**	**200 ft.**	**85 ft.**
Bonus Building Height (Max.)		**N/A**	**100 ft.**	**100 ft.**	**50 ft.**

TABLE 19: MXCD DEVELOPMENT STANDARD CHANGES

Standard		Existing MXCD	Proposed MXCD
Lot Frontage (Min.)		10 ft.	10 ft.
Setback Abutting Public Right-of-Way (Min.)		None	None
Side Setback	Abutting Residential Property (Min.)	**25 ft. or height of building, whichever is greater**	**25 ft.**
	Abutting Nonresidential Property or Residential Uses with a Height of 45 ft. or greater (Min.)	None required. 10 ft. min. if provided.	None required. 10 ft. min. if provided.
Rear Setback	Abutting Residential Property (Min.)	**25 ft. or height of building, whichever is greater**	**25 ft.**
	Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided.	None required. 10 ft. min. if provided.
Building Height (Max.)		75 ft.	75 ft.
Bonus Building Height (Max.)		**N/A**	**50 ft.**[2]

TABLE 20: MXCT DEVELOPMENT STANDARD CHANGES

Standard		Existing MXCT	Proposed MXCT
Lot Frontage (Min.)		10 ft.	10 ft.
Setback Abutting Public Right-of-Way (Min.)		None	None
Side Setback	Abutting Residential Property (Min.)	**25 ft. or height of building, whichever is greater**	**25 ft.**
	Abutting Nonresidential Property or Residential Uses with a Height of 45 ft. or greater (Min.)	None required. 10 ft. min. if provided.	None required. 10 ft. min. if provided.
Rear Setback	Abutting Residential Property (Min.)	**25 ft. or height of building, whichever is greater**	**25 ft.**
	Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided.	None required. 10 ft. min. if provided.
Building Height (Max.)		75 ft.	75 ft.
Bonus Building Height (Max.)		**N/A**	**30% increase in allowable building height[3]**

TABLE 21: MXNC DEVELOPMENT STANDARD CHANGES

Standard		Existing MXNC	Proposed MXNC
Lot Frontage (Min.)		10 ft.	10 ft.
Setback Abutting Public Right-of-Way (Min.)		None required. 10 ft. min. if provided.	None required. 10 ft. min. if provided.
Side Setback	Abutting Residential Property (Min.)	**25 ft. or height of building, whichever is greater**	**25 ft.**
	Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided	None required. 10 ft. min. if provided.
Rear Setback	Abutting Residential Property (Min.)	**25 ft. or height of building, whichever is greater**	**25 ft.**
	Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided	None required. 10 ft. min. if provided.
Building Height (Max.)		**45 ft.**	**65 ft.**
Bonus Building Height (Max.)		**20 ft. for provision of additional public use space**	**30% increase in allowable building height**

TABLE 22: MXT DEVELOPMENT STANDARD CHANGES

Standard		Existing MXT	Proposed MXT
Lot Frontage (Min.)		10 ft.	10 ft.
Setback Abutting Public Right-of-Way (Min.)		10 ft.	10 ft.
Side Setback	Abutting Residential Property (Min.)	10 ft.	10 ft.
	Abutting Nonresidential Property (Min.)	None	None
Rear Setback	Abutting Residential Property (Min.)	20 ft.	20 ft.
	Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided.	None required. 10 ft. min. if provided.
Building Height (Max.)		35 ft.	35 ft.
Bonus Building Height (Max.)		**N/A**	**30% increase in allowable building height**

TABLE 23: MXC DEVELOPMENT STANDARD CHANGES

Standard		Existing MXC	Proposed MXC
Lot Frontage (Min.)		10 ft.	10 ft.
Setback Abutting Public Right-of-Way (Min.)		15 ft.	15 ft.
Side Setback	Abutting Residential Property (Min.)	15 ft.	15 ft.
	Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided	None required. 10 ft. min. if provided
Rear Setback	Abutting Residential Property (Min.)	**25 ft. or height of building, whichever is greater**	**20 ft.**
	Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided.	None required. 10 ft. min. if provided.
Building Height (Max.)		30 ft.	30 ft.
Bonus Building Height (Max.)		**N/A**	**30% increase in allowable building height**

TABLE 24: MXE DEVELOPMENT STANDARD CHANGES

Standard		Existing MXE	Proposed MXE
Lot Frontage (Min.)		10 ft.	10 ft.
Setback Abutting Public Right-of-Way (Min.)		None required. 10 ft. min. if provided.	None required. 10 ft. min. if provided.
Side Setback	Abutting Residential Property (Min.)	**25 ft. or ½ height of building, whichever is greater.**	**25 ft.**
	Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided.	None required. 10 ft. min. if provided.
Rear Setback	Abutting Residential Property (Min.)	**25 ft. or ½ height of building, whichever is greater.**	**25 ft.**
	Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided.	None required. 10 ft. min. if provided.
Building Height (Max.)		120 ft.	120 ft.
Bonus Building Height (Max.)		**N/A**	**30% increase in allowable building height**

TABLE 25: MXB DEVELOPMENT STANDARD CHANGES

Standard		Existing MXB	Proposed MXB
Lot Frontage (Min.)		10 ft.	10 ft.
Setback Abutting Public Right-of-Way (Min.)		None required. 10 ft. min. if provided.	None required. 10 ft. min. if provided.
Side Setback	Abutting Residential Property (Min.)	**25 ft. or ½ height of building, whichever is greater.**	**25 ft.**
	Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided.	None required. 10 ft. min. if provided.
Rear Setback	Abutting Residential Property (Min.)	**25 ft. or ½ height of building, whichever is greater.**	**25 ft.**
	Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided.	None required. 10 ft. min. if provided.
Building Height (Max.)		55 ft.	55 ft.
Bonus Building Height (Max.)		**N/A**	**30% increase in allowable building height**

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Draft Zoning Ordinance

Of the City of Rockville, MD

Zoning Text Amendment Application – November 21, 2025

Article 1. General Provisions

Division 1.1. General Information

Sec. 25.1.1.1. Title and effective date.

(a) *Title.* This chapter is known as the "Zoning Ordinance" of the Rockville City Code. Within this Chapter, the Zoning Ordinance may also be referred to as the "Chapter."

(b) *Effective date.* The effective date of this Chapter is [effective date of this Chapter].

Sec. 25.1.1.2. Purpose.

(a) This Chapter implements the objectives of the Comprehensive Plan and:

(1) Provides for appropriately scaled, designed, and sited buildings and other structures that are compatible with the natural and built environment;

(2) Promotes environmentally sustainable developments and otherwise provides for the conservation of natural resources and the environment;

(3) Promotes the City as an inclusive community by facilitating diversity in housing, building design, and land use;

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

(5) Promotes development that is consistent with the vision of the City as identified in the Comprehensive Plan;

(6) Ensures the availability of adequate infrastructure capacity and other public facilities;

(7) Ensures the appropriate use of land throughout the City;

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

(9) Preserves sites, structures, and districts of historical or architectural significance, and their appurtenances and environmental settings;

(10) Secures the public safety;

(11) Provides adequate light and air;

(12) Fosters innovative, creative, sustainable, and flexible building and site design;

(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, welfare, and happiness of the Rockville community through the comprehensive regulation of the use and development of land and structures.

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Sec. 25.1.1.3. Authority.

(a) This Chapter is adopted in accordance with the City Charter and the Land Use Article of the Annotated Code of Maryland, as amended.

Sec. 25.1.1.4. Applicability.

(a) This Chapter applies to all land, structures, and land uses within the corporate boundaries of the City, except as otherwise provided by this Chapter or other applicable law.

Sec. 25.1.1.5. Compliance.

(a) A person cannot use, develop, or alter any land or structure within the City without complying with the applicable provisions of this Chapter.

Sec. 25.1.1.6. Interpretation.

(a) *Minimum requirements*. In interpreting and applying this Chapter, the requirements contained within are declared to be the minimum requirements for the protection of the public health, safety, or welfare.

(b) *Conflict of provisions.*

(1) This Chapter shall not be deemed to interfere with, abrogate or annul, or otherwise affect in any manner whatsoever any ordinance, rule, regulation or permit, or any easement, covenant, or other agreement between parties.

(2) Notwithstanding the above, where this Chapter imposes a greater restriction upon the use or development of a building or a site than are imposed or required by other ordinances, rules, regulations, or permits or by easements, covenants, or agreement between parties, the provisions of this Chapter will prevail.

Sec. 25.1.1.7. Severability.

(a) All provisions of this Chapter are severable.

(b) All provisions of any ordinance enacted in the future that amend or add any provision to this Chapter are severable unless such ordinance specifically provides that its provisions are not severable.

(c) The finding by a court that some provision of this Chapter or any subsequent amendment is unconstitutional and void does not affect the validity of the remaining portions of this Chapter unless the court finds that the remaining valid provisions alone are incomplete and incapable of being executed in accordance with the legislative intent of the City.

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Division 1.2. Transitional Provisions

Sec. 25.1.2.1. Transitional provision; application in progress on [effective date of this Chapter].

(a) *Site plan review under previous Zoning Ordinance.* At the option of the applicant, an application for a site plan may be reviewed under the Zoning Ordinance in effect on [effective date of this Chapter] if the application:

(1) Was submitted and determined by the Chief of Zoning to be complete between [date one year before effective date of this Chapter] and [date one day before effective date of this Chapter]; and

(2) The application has not been deemed withdrawn pursuant to Sec. 25.3.2.5.

(b) *Submittal deadline.* To request review of an application under the Zoning Ordinance in effect on [date one day before effective date of this Chapter] pursuant to this Section, the applicant must submit a written request to the Chief of Zoning by [date two months after effective date of this Chapter].

(c) *Review and final decision.* An application reviewed under the Zoning Ordinance in effect on [date one day before effective date of this Chapter] pursuant to this Section:

(1) Must be reviewed solely under the provisions of the Zoning Ordinance in effect on [date one day before effective date of this Chapter]; and

(2) Must be approved or denied by the applicable Approving Authority by [date one year after effective date of this Chapter]. If final action on the application is not taken by that date, the application shall be deemed withdrawn.

Sec. 25.1.2.2. Transitional provision; commencement of construction.

(a) *Commencement of construction.* A person with a valid site plan approved before [effective date of this Chapter] or pursuant to Sec. 25.1.2.1 may secure all necessary permits and commence construction of the development subject to the site plan under the Zoning Ordinance in effect on [date one day before effective date of this Chapter] until [date one year after effective date of this Chapter] or the expiration of the validity period of the site plan, whichever is later. If construction has not commenced by this date, the applicant must bring the site plan and all associated permits into compliance with the current provisions of this Chapter.

Division 1.3. Annexation Process

Sec. 25.1.3.1. Annexation process.

(a) *Initiation.* When an annexation has been initiated in accordance with State law, either by petition or by the Mayor and Council, the Mayor and Council must introduce an annexation resolution pursuant to Sec. 4-405 of the Land Use Article of the Maryland Annotated Code, as may be amended. Following its introduction, the City Clerk must transmit a copy of the resolution to the Chief of Zoning.

(b) *Chief of Zoning Review.* The Chief of Zoning will review the proposed annexation for conformance with the municipal growth element and land use policies of the Plan. The Chief of Zoning will then transmit a recommendation to the Planning Commission.

(c) *Preliminary annexation plan.*

(1) The Planning Commission will study the area proposed to be annexed and prepare a preliminary annexation plan, consistent with the Plan, recommending the zoning classification or classifications of such property that would be appropriate if it were to be annexed.

(2) The Planning Commission must transmit a copy of the preliminary annexation plan to the Mayor and Council.

(d) *Final annexation plan.* After reviewing the preliminary annexation plan recommended by the Planning Commission, the Mayor and Council must adopt a final annexation plan.

(e) *Mayor and Council public hearing and notice.*

(1) After adoption of the annexation plan, the Mayor and Council must hold a public hearing on the annexation plan simultaneously with its hearing on the proposed annexation resolution, in accordance with State law.

(2) At least 30 days before the public hearing, the City Clerk must provide a copy of the adopted annexation plan to:

A. The Montgomery County Council;

B. The Montgomery County Executive;

C. The Montgomery County Planning Department; and

D. The Maryland Department of Planning.

(3) The City Clerk must provide notice of the proposed annexation and the public hearing in accordance with Sec. 4-406 of the Land Use Article of the Maryland Annotated Code, as may be amended.

(f) *Adoption of resolution.* After the public hearing, the Mayor and Council may adopt the annexation resolution. If adopted, the annexation resolution may not take effect until at least 45 days after adoption. The City Clerk must transmit copies of the adopted annexation resolution as required by Sec. 4-414 of the Land Use Article of the Maryland Annotated Code, as may be amended.

(g) *Amendment of zoning map.* After adoption of an annexation resolution, the Mayor and Council must adopt an ordinance amending the zoning map to include the annexed property and the zoning classification or classifications thereof. Such ordinance is effective the same date the annexation becomes effective.

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Division 1.4. Zoning Text Amendments

Sec. 25.1.4.1. Scope.

(a) Except as otherwise provided, no provision of this Chapter which directly affects property can be amended except in compliance with the procedures set forth in this Division and any other applicable law.

(b) The procedures set forth in this Division do not apply to amendments to the following provisions of this Chapter, which instead must be made by ordinance adopted in accordance with the procedures for amending other Chapters of City Code:

(1) Article 3, Division 3.1, pertaining to Approving Authorities;

(2) Sec. 25.1.4.2 and Sec. 25.5.3.1, pertaining to procedures for zoning text amendments and zoning map amendments;

(3) Article 13, pertaining to enforcement of this Chapter.

Sec. 25.1.4.2. Applications.

(a) *Authority to file*. An application for an amendment to the text of this Chapter may be made by the Mayor and Council.

(b) *Submission.*

(1) An application for an amendment to the text of this Chapter must be submitted to the City Clerk.

(2) An application for a text amendment must be submitted on forms approved by the Chief of Zoning. All information specified on such forms must be supplied.

(3) The time limits specified in this Chapter will commence when all submission requirements are met as determined by the Chief of Zoning.

(c) *Public notification of pending application.* Publication in a newspaper of general circulation is required before any hearing on a zoning text amendment application, in accordance with State law.

(d) *Referring application to the Planning Commission.*

(1) *City Clerk responsibility.* Within five days of acceptance of any text amendment application, the Clerk must transmit a copy of the application to the Planning Commission. The Planning Commission may submit a written recommendation to the Mayor and Council, which will be placed in the application file by the City Clerk and become a part of the record on the application.

(2) *Hearing before Planning Commission required for Article 12 amendment*. Before submitting its recommendation of any proposed amendment to Article 12, the Planning Commission must hold a public hearing on the application in accordance with the requirements of State law relating to proposed subdivision regulations.

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(e) *Hearing on application*. No application made under this Section may be granted unless a public hearing has been held on the application by the Mayor and Council in accordance with the requirements of State law.

(f) *Action on application*.

(1) A text amendment application may be granted by ordinance or denied, dismissed, or allowed to be withdrawn by resolution of the Mayor and Council.

(2) A text amendment application may be dismissed if the Mayor and Council finds that it does not comply with the procedural requirements of this Chapter or other applicable law.

(g) *Withdrawal of application*. An application for a text amendment for which a public hearing has been conducted may be withdrawn only with the approval of the Mayor and Council.

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Article 2. Definitions, Interpretations, and Measurements

Division 2.1. Interpretation

Sec. 25.2.1.1. General rules of interpretation.

(a) The following rules of construction apply to the text of this Chapter:

(1) The particular controls the general.

(2) In case of any difference of meaning or implication between the text of this Chapter and any caption, illustration, summary table, or illustrative table, the text controls.

(3) The words "shall," "may not," "will," and "must" are always mandatory and not discretionary. The words "should" and "may" are permissive.

(4) Words used in the present tense also include the future.

(5) Words used in the singular number also include the plural; and plural the singular, unless the context clearly indicates the contrary.

(6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."

(7) Words or terms not otherwise included are defined by their common dictionary meaning.

(8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunctions "and," "or," or "either…or," the conjunction will be interpreted as follows:

A. When used to connect a list of requirements or required conditions, "and" indicates that all the connected items apply.

B. When used to connect a list of permitted items or events, "and" indicates that the items or events are permitted singly or in any combination.

C. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

D. "And…or" indicates that the connected items, conditions, provisions, or events will apply singly or in combination.

E. "Either…or" indicates that the connected items, conditions, provisions, or events will apply singly but not in combination.

F. The word "includes" does not limit a term to the specified examples but is intended to extend its meaning to all other instances or circumstances of like kind or character and has the same meaning as "includes but is not limited to."

(b) All the terms appearing in this Chapter that are defined under various sections of the City Building Code have the meanings specified in the Building Code except where specifically defined in this Chapter; however, in case of a conflict, the more restrictive meaning applies.

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Division 2.2. Terms Defined

Sec. 25.2.2.1. "A" terms.

(a) Abutting.

(1) Having a common point or border.

(b) Accessory use.

(1) See "Use, Accessory."

(c) Adjacent.

(1) Near or close to but not necessarily touching.

(d) Adjoining.

(1) See "Abutting."

(e) Administrative adjustment.

(1) A modification of certain regulations by the Chief of Zoning as set forth in Sec. 25.25.4.5.3.

(f) Adult Day Care.

(1) See Sec. 25.6.5.1.

(g) Adult-Oriented Establishment.

(1) See Sec. 25.6.4.1.

(h) Alcoholic Beverage Production.

(1) See Sec. 25.6.6.1.

(i) Alcoholic Beverage Production, Limited.

(1) See Sec. Sec. 25.6.4.2.

(j) Alcoholic Beverage Retail Establishment.

(1) See Sec. 25.6.4.3.

(k) Alley.

(1) A right-of-way that provides secondary access for vehicles to the side or rear of abutting properties.

(l) Ambulance Service.

(1) See Sec. 25.6.4.4.

(m) Animal Boarding Establishment.

(1) See Sec. 25.6.4.5.

(n) Animal Grooming Establishment.

DRAFT

(1) See Sec. 25.6.4.6.

(o) Antenna.

(1) Any structure or device used to collect, receive, transmit, or radiate electromagnetic waves, including both directional antennae (such as panels, microwave dishes, satellite earth station antennae over two meters in diameter) and omni-directional antennae (such as whips). Antenna does not include antennae two meters or less in diameter, and antennae regulated by 47 C.F.R. Section 1.4000, as amended.

(p) Antenna support structure.

(1) A structure designed for the primary purpose of supporting one or more antennae (including telescoping mast, tower, monopole, tethered blimp, or other support structure). The term includes structures located on buildings or other structures, ground-mounted, or tethered.

(q) Apartment.

(1) See Sec. 25.6.3.1.

(r) Applicant.

(1) The person who is authorized by the owner to file an application for any type of development application regulated under this Chapter.

(s) Approving Authority.

(1) The elected or appointed body or other City representative authorized by this chapter to render a final decision on specific application requests administered under this Chapter.

(t) Article.

(1) An Article in Chapter 25 of the Code.

(u) Artisanal Craft Production.

(1) See Sec. 25.6.6.2.

(v) Auctioneer or Commercial Gallery.

(1) See Sec. 25.6.4.7.

(w) Automobile and Recreational Vehicle Sales or Rental Establishment.

(1) See Sec. 25.6.7.1.

(x) Automobile Repair Establishment.

(1) See Sec. 25.6.7.2.

(y) Automobile Service Establishment.

(1) See Sec. 25.6.7.3.

DRAFT

(z) Automobile Towing Establishment.

(1) See Sec. 25.6.7.4.

Sec. 25.2.2.2. "B" terms.

(a) Backyard Chicken Coop.

(1) See Sec. 25.6.8.1.

(b) Bank or Financial Institution.

(1) See Sec. 25.6.4.8.

(c) Banner sign.

(1) See "Sign, banner."

(d) Basement.

(1) The portion of a building below the first floor joists, at least half of whose clear ceiling height is above the level of the adjacent finished grade.

(e) Bed and Breakfast.

(1) See Sec. 25.6.4.9.

(f) Bicycle parking.

(1) A stationary rack, locker, or similar structure that support a bicycle in a stable position and to which the user can lock a bicycle with a cable or chain and lock.

(g) Blade sign.

(1) See "Sign, blade."

(h) Board, the.

(1) The Board of Appeals of the City, unless otherwise specified.

(i) Breezeway.

(1) An enclosed or unenclosed, covered passageway providing connection from the principal structure to an accessory building.

(j) Build-to line.

(1) See Sec. 25.2.3.3(c).

(k) Buildable lot.

(1) See "Lot, buildable."

(l) Building.

(1) A structure having one or more stories and a roof, designed primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.

DRAFT

(m) Building footprint.

(1) See "Footprint."

(n) Building line.

(1) A line tracing the perimeter of the foundation wall or any enclosed porch, vestibule, or other enclosed portion of a building.

(o) Building, main.

(1) A building in which the principal use of the lot on which it is situated is conducted. In residential zones, any dwelling except a detached accessory dwelling unit is also deemed to be a main building on the lot on which it is located.

(p) Building or structure, accessory.

(1) A building or structure which is customarily associated with and clearly incidental and subordinate to a legally established principal structure that is located on the same lot, unless otherwise provided in this Chapter, and which is not attached by any part of a common wall or common roof to the principal structure.

(q) Building permit.

(1) An official City document or certification authorizing the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, moving, or repair of a building or structure.

(r) Building sign.

(1) See "Sign, building."

(s) Building-mounted banner sign.

(1) See “Sign, building-mounted banner.”

Sec. 25.2.2.3. “C” terms.

(a) Capital Improvements Program (CIP).

(1) A schedule of future public improvements adopted annually by the Mayor and Council to provide a means of estimating construction schedules, costs, and means of financing projects such as roads, sewer and water systems, and parks, or improvements to the same.

(b) Cannabis Dispensary.

(1) See Sec. 25.6.4.10.

(c) Car Wash.

(1) See Sec. 25.6.7.5.

(d) Centerline, street.

DRAFT

(1) A line:

A. Established as a centerline of a street by any state, county, or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map; or

B. If there be no official centerline of a street, the centerline shall be a line lying midway between the street or right-of-way lines thereof. When the street lines are indeterminate, and pavement or a well-defined traveled way exists, the centerline is assumed to be a line midway between the edges of such pavement or traveled way.

(e) Certificate Of Approval.

(1) An official City document issued under the auspices of the Historic District Commission authorizing the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of the exterior of a building or structure or the alteration of the environmental setting of a site within the Historic District Overlay zone.

(f) Champion Project.

(1) A development project that is located within the South Pike as described in the 2016 Rockville Pike Neighborhood Plan and meets the following standards:

A. Contains at least five acres of private property that is contiguous or separated only by a Business District Class I or Class II street; and

B. Significantly advances one or more of the following goals:

C. Increases multifamily housing that provides more than the minimum requirement of moderately priced dwelling units near the Twinbrook Metro Station; and/or

D. Provides more than the required amenity space; and/or

E. Provides more than the required vehicular, bicycle and/or pedestrian safety measures and/or provides pedestrian and bicycle access over or under the CSX/Metro tracks; and/or

F. Provides a significant increase in the amount of employment.

(g) Chapter.

(1) A Chapter in the Code.

(h) Charitable or Philanthropic Institution.

(1) See Sec. 25.6.5.2.

(i) Chief Of Inspection Services.

DRAFT

(1) The individual holding the position of Chief of Inspection Services within the City's Department of Community Planning and Development Services or such individual's designee.

(j) Chief Of Zoning.

(1) The individual holding the position of Chief of Zoning within the City's Department of Community Planning and Development Services or such individual's designee.

(k) Child Care Center.

(1) See Sec. 25.6.5.3.

(l) Child Care Home.

(1) See Sec. 25.6.3.2.

(m) City.

(1) The Mayor and Council of Rockville, a body politic and municipal corporation of the State of Maryland, also known as the City of Rockville, Maryland.

(n) City manager.

(1) The individual appointed by the Mayor and Council of Rockville to serve as the City Manager pursuant to Article VI of the City Charter, or such individual's designee.

(o) Code.

(1) The compilation of the laws of the City of Rockville, otherwise known as the Rockville City Code.

(p) Collocation.

(1) In relation to a wireless telecommunications facility, the use of a wireless telecommunication facility by more than one wireless service provider.

(q) Commission, the.

(1) The Planning Commission of the City, unless otherwise specified.

(r) Comprehensive Map Amendment.

(1) A map amendment affecting the entire City. A comprehensive map amendment may rezone some or all areas of the City and reconfirm the zoning in other areas of the City.

(s) Comprehensive Transportation Review (CTR).

(1) An analysis that addresses requirements for multimodal transportation facilities, automobile traffic standards, and site access and circulation for the purpose of assuring adequate transportation facilities to serve proposed development.

(t) Conditional use.

(1) See "Use, Conditional."

DRAFT

(u) Confronting.

(1) Properties directly opposite each other and separated only by public right-of-way other than MD-355 and I-270.

(v) Contiguous.

(1) Sharing a common edge or boundary and not separated by other property or a public street or alley.

(w) Copy.

(1) For purposes of signs, the content of a sign.

(x) Corner lot.

(1) See "Lot, corner."

(y) Cottage court.

(1) See Sec. 25.6.3.3.

(z) County.

(1) Montgomery County, Maryland.

(aa) Coverage, front yard.

(1) See Sec. 25.2.3.4(a)(1).

(bb) Coverage, lot.

(1) See Sec. 25.2.3.4(b)(1).

(cc) Crematorium.

(1) See Sec. 25.6.5.4.

(dd) Crosswalk.

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one side of the roadway, the part of a roadway included within the extension of the lateral lines of the sidewalk at right angles to the centerline.

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated as a pedestrian crossing by pavement marking lines on the surface, which might be supplemented by contrasting pavement texture, style, or color.

(ee) Cul-de-sac.

(1) A secondary street with only one outlet and having an appropriate terminal for the convenient reversal of traffic movement.

(ff) Cultural Institution.

DRAFT

(1) See Sec. 25.6.5.5.

Sec. 25.2.2.4. "D" terms.

(a) Data Center or Data/Crypto Currency Mining.

(1) See Sec. 25.6.6.3.

(b) Decision.

(1) The final determination of an Approving Authority.

(c) Deck.

(1) An uncovered accessory structure attached to a dwelling and providing a level outdoor recreation space elevated at least six inches from the ground level.

(d) Demolition.

(1) The complete razing or removal of more than 50 percent of the floor area of a building or structure, or substantial reconstruction as defined in Chapter 5.

(e) Demolition by neglect.

(1) Failure to maintain property, or any component thereof, located within the Historic District Overlay zone so as to jeopardize the historic integrity of the property.

(f) Development.

(1) The subdivision of a property or any change to the existing condition or use of any land or structure that requires a permit or approval from any agency of the city, including the establishment of a use; the change of a use; the improvement of property through construction, alteration, or relocation of a structure; the provision of stormwater management or roads; grading; and clearing.

(g) Development standards nonconformity.

(1) A building, structure, or site improvement that was lawful when established but no longer conforms to development standards of the zone in which it is located, as set forth in this Chapter, because of the adoption or amendment of this Chapter or the zoning map.

(h) Directional sign.

(1) See "Sign, directional."

(i) Director.

(1) The individual holding the position of Director within the City's Department of Community Planning and Development Services or such individual's designee.

(j) Drive aisle.

(1) A paved area in a parking facility that provides vehicular access to driveways and parking and loading spaces.

DRAFT

(k) Drive-Through Window.

(1) See Sec. 25.6.7.6.

(l) Driveway.

(1) A private paved area that provides direct vehicular access from a street to a property, building, or off-street parking facility.

(m) Duplex.

(1) A two-unit multiplex.

(n) Dwelling, Single-Unit Detached.

(1) See Sec. 25.6.3.4.

(o) Dwelling unit.

(1) A building or portion thereof providing complete, independent living facilities for one or more persons, including facilities for cooking, sanitation, and sleeping.

(p) Dwelling Unit, Accessory.

(1) See Sec. 25.6.3.5. Sec. 25.6.3.5 also includes attached Accessory Dwelling Unit and detached Accessory Dwelling Unit.

(q) Dwelling unit, principal.

(1) The larger of the dwelling units on a lot that contains an Accessory Dwelling Unit.

Sec. 25.2.2.5. "E" terms.

(a) Easement.

(1) A grant or reservation by the owner of land for the use of all or a portion of such property to the public or others, for a specific purpose.

(b) Eating and Drinking Establishment.

(1) See Sec. 25.6.4.11.

(c) Educational Institution, Private.

(1) See Sec. 25.6.5.6.

(d) Effective date.

(1) The effective date of a decision or approval of an Approving Authority is the date set forth in the resolution, ordinance, or other written notice of the decision or approval.

(e) Electric vehicle (EV).

(1) A vehicle that uses electricity for propulsion.

(f) Electric Vehicle Charging.

(1) See Sec. 25.6.7.7.

DRAFT

(g) Electric vehicle charging station.

(1) Any structure housing one or more electric vehicle ports which provide power to one or more electric vehicles.

(h) Electric vehicle parking space.

(1) A parking space used, intended, or marked for the exclusive parking of electric vehicles and equipped with electric vehicle supply equipment or other infrastructure necessary to support electric vehicle charging.

(i) Electric vehicle supply equipment (EVSE).

(1) The conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

(j) Electronic message center.

(1) Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes

(k) Environmental setting.

(1) The area associated with a site within the Historic District Overlay zone, including buildings and grounds.

(l) Equipment enclosure.

(1) For purposes of a wireless communication facility, a freestanding or mounted structure, shelter, cabinet, or vault used to house and to protect the electronic equipment and associated equipment necessary for processing wireless communication signals. Associated equipment may include air conditioners, back-up power supplies, and emergency generators.

(m) Established setback.

(1) See Sec. 25.2.3.3(b).

(n) Event Space, Club, or Lodge.

(1) See Sec. 25.6.7.7.

Sec. 25.2.2.6. "F" terms.

(a) Facade.

(1) The exterior walls of a building or structure exposed to public view or that wall viewed by a person not within the building.

(b) Fence.

DRAFT

(1) A vertical structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening. This term includes walls used for the purpose of a lot boundary demarcation.

(c) Feather flag.

(1) A vertical sign resembling a bird's feather made of flexible materials attached or fastened on one side to a curved pole.

(d) Firearm.

(1) A rifle, shotgun, revolver, pistol, air gun, air rifle, and any similar mechanism, by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive, gas, compressed air, spring, or elastic and including any such mechanism that is loaded with blank or live cartridges or projectiles of any kind.

(e) Floodplain.

(1) This term has the same meaning as in Rockville City Code Chapter 10.

(f) Food Preparation Establishment.

(1) See Sec. 25.6.4.13.

(g) Footprint.

(1) With regard to a building, the area encompassed by a building's outer wall at ground level.

(h) Fourplex.

(1) A four-unit multiplex.

(i) Freestanding banner sign.

(1) See "Sign, freestanding banner."

(j) Freestanding sign.

(1) See "Sign, freestanding."

(k) Front lot line.

(1) See "Lot line, front."

(l) Front yard.

(1) See "Yard, front."

(m) Front yard coverage.

(1) See "Coverage, front yard."

(n) Frontage.

(1) The length of the front property line of the lot or parcel.

DRAFT

(o) Funeral Home.

(1) See Sec. 25.6.4.14.

Sec. 25.2.2.7. "G" terms.

(a) Gas Station.

(1) See Sec. 25.6.7.8.

(b) General Warehousing.

(1) See Sec. 25.6.6.4.

(c) Glare.

(1) A harsh brilliance from a direct or reflected light source that causes the observer to squint, shield, or avert the eyes.

(d) Gross floor area (GFA).

(1) The total square footage of a building's floor area as measured between the exterior faces of walls or the centerline of party walls or walls abutting a building, foundation, pier, or other means of support. Gross floor areas includes the area of basements and attics designed and available for tenant use or occupancy, but excludes uncovered steps, uncovered porches, atriums, rooftop mechanical equipment enclosures, and off-street parking.

(e) Group Home, Large.

(1) See Sec. 25.6.3.6.

(f) Group Home, Small.

(1) See Sec. 25.6.3.7.

Sec. 25.2.2.8. "H" terms.

(a) Hazardous material.

(1) Any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the home, workplace, or the environment.

(b) Health and Fitness Establishment.

(1) See Sec. 25.6.4.15.

(c) Health professional.

(1) A person licensed or certified by a board administered by the State Department of Health.

(d) Height.

(1) See Sec. 25.2.3.5(a).

DRAFT

(e) Historic designation.

(1) The placement of a historic site or the site of a historic structure in the Historic District Overlay zone.

(f) Home Maintenance Service.

(1) See Sec. 25.6.4.16.

(g) Home-Based Business Enterprise.

(1) See Sec. Sec. 25.6.8.2.

(h) Hospital.

(1) See Sec. 25.6.4.17.

(i) Hotel.

(1) See Sec. 25.6.4.18.

(j) Housing for Senior Adults and Persons with Disabilities.

(1) See Sec. 25.6.3.8.

Sec. 25.2.2.9. "I" terms.

(a) Implementation period.

(1) The date by which activity pursuant to an approval must commence in order to avoid expiration of the approval.

(b) Improvement.

(1) Any building, structure, road, parking facility, pedestrian or bicycle facility, landscaping or screening, fencing, recreational facility, or any other addition or alteration to a lot, parcel, or site.

(c) Industrial activity.

(1) Activity which involves any of the following: production, manufacturing, distilling, and/or synthesis of raw materials or chemicals; assembly, fabrication, and/or processing of products.

(d) Industrial, Heavy.

(1) See Sec. 25.6.6.5.

(e) Industrial, Light.

(1) See Sec. 25.6.6.6.

(f) Instructional Facility.

(1) See Sec. 25.6.4.19.

(g) Interior lot.

DRAFT

(1) See “Lot, interior.”

Sec. 25.2.2.10. “J” terms.

(a) Reserved.

Sec. 25.2.2.11. “K” terms.

(a) Reserved.

Sec. 25.2.2.12. “L” terms.

(a) Laboratory, Medical or Dental.

(1) See Sec. 25.6.4.20.

(b) Landscaping.

(1) Grass, trees, hedges, shrubs, vines, ground covers, or flowers planted and maintained to enhance the appearance of a development. Landscaping may include non-botanical hardscaping and features such as walks, fountains, reflecting pools, art works, rain gardens, stormwater management features, screens, walls, fences, and benches.

(c) Land Use Article

(1) The Land Use Article of the Maryland Annotated Code, as may be amended.

(d) Law.

(1) Any law, ordinance, resolution, or regulation having the effect of law, whether adopted by the Federal, State, County, City, or other unit of government or agency thereof.

(e) Legal description.

(1) For the land included in a plat, the lot, block, subdivision name, plat number along with the notation that it is recorded among the land records of Montgomery County, Maryland.

(f) Life Care Facility.

(1) See Sec. 25.6.3.9.

(g) Life science.

(1) A land use within the scope of "Research and Development." Research, laboratory testing, development, and manufacturing activities in one or more of the following scientific fields: biology, biophysics, biochemistry, bioelectronics, biotechnology, biomedical engineering, bioinformatics, medicine, immunology, embryology, clinical engineering, diagnostics, therapeutics, nutraceuticals, pharmacogenomics, drug production, genetic testing, or gene therapy activities, none of which emit or store hazardous materials. For a business, institution, or government agency conducting such activities, this also includes related activities and supporting services, such as administrative offices, educational facilities, libraries, data services, nanotechnology, information technology, and robotics.

DRAFT

(h) Live/work unit.

(1) See Sec. 25.6.3.10.

(i) Loading space.

(1) An off-street space used only for the parking of a vehicle while loading or unloading goods or materials.

(j) Local Map Amendment.

(1) A map amendment affecting a single, contiguous site that is typically sought by the owner or other person having a proprietary interest in the site. A local map amendment may include multiple lots or parcels.

(k) Lot.

(1) A parcel of land identified as a lot on a record plat or described by recorded deed or other instrument.

(2) For descriptions of corner lots, interior lots, through lots, and pipestem lots, see Sec. 25.2.3.2(a).

(l) Lot, corner.

(1) See Sec. 25.2.3.2(a)(3).

(m) Lot, interior.

(1) See Sec. 25.2.3.2(a)(1).

(n) Lot, ownership.

(1) A parcel of land designated on an ownership plat for purposes of ownership identification. Any land so designated does not constitute a record lot.

(o) Lot, part.

(1) A portion of a record lot.

(p) Lot, pipestem.

(1) See Sec. 25.2.3.2(a)(2).

(q) Lot, qualifying undersized.

(1) Any lot meeting the standards of Sec. 25.7.1.2.

(r) Lot, record.

(1) A lot shown on a record plat, not including land identified on any such plat as an outlot or an ownership lot shown on an ownership plat. A record lot which has been reduced in size due to dedication of right of way remains a record lot.

(s) Lot, through.

(1) See Sec. 25.2.3.2(a)(4).

DRAFT

(t) Lot, unbuildable.

(1) Any record lot for a single-unit detached dwelling which does not meet either:

A. The minimum lot area and lot frontage requirements of the current zone; or

B. The minimum standards outlined in Sec. 25.7.1.2.

(u) Lot coverage.

(1) See “Coverage, lot.”

(v) Lot line.

(1) See Sec. 25.2.3.2(b)(1)A.

Sec. 25.2.2.13. “M” terms.

(a) Main entrance.

(1) The primary point of pedestrian access to a building or property, typically designed for public or occupant use.

(b) Manufactured home.

(1) A land use within the scope of "Dwelling, Single-unit Detached." A transportable structure that is more than 320 feet, designed to be used as a dwelling, and includes the plumbing, heating, air-conditioning, and electrical system. Any manufactured home that has a HUD certification number and complies with federal safety standards meets the criteria.

(c) Manufacturing.

(1) The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

(d) Map amendment.

(1) A change in the zoning designation(s) of a property or area as depicted on the zoning map for the City. A map amendment may be a local map amendment, a sectional map amendment, or a comprehensive map amendment.

(e) Medical office.

(1) See “Office, medical.”

(f) Metes and bounds.

(1) A system of describing and identifying land by measurement (metes) and compass direction (bounds) from an identifiable point of reference such as a monument, marker, point of intersection, stone, or other permanent feature.

(g) Mobile Use.

DRAFT

(1) See Sec. 25.6.4.21.

(h) Modular dwelling.

(1) A land use within the scope of "Dwelling, Single-unit Detached." A building assembly or system of building subassemblies designed for habitation as a dwelling for one or more individuals that:

A. Includes the necessary electrical, plumbing, heating, ventilating, and other service systems.

B. Is made or assembled by a manufacturer on or off the building site for installation, or assembly and installation, on the building site and;

C. Is installed and set up according to the manufacturer's instructions on a foundation and support system that meets local building codes.

(i) Multiplex.

(1) See Sec. 25.6.3.11.

Sec. 25.2.2.14. "N" terms.

(a) Nonconforming use.

(1) See "Use, Nonconforming."

(b) Nonconformity, development standard.

(1) See "Development standard nonconformity."

(c) Nursing home.

(1) A land use within the scope of "Life Care Facility." A facility licensed, funded, or registered by the State of Maryland or the County devoted primarily to the maintenance and operation of resources for the treatment and care of persons suffering from illness, disease, aging, or injury and not requiring acute care that is normally provided in a hospital, but who require care in excess of room and board and who need the availability of on-site medical, nursing, convalescent, or chronic care.

Sec. 25.2.2.15. "O" terms.

(a) Office.

(1) See Sec. 25.6.4.22.

(b) Office, medical.

(1) A land use within the scope of "Office." A room, set of rooms, or a building occupied by up to 4 medical practitioners and related services to provide healthcare on an outpatient basis.

(c) Off-premises sign.

(1) See "Sign, off-premises."

DRAFT

(d) Outdoor Sales and Storage.

(1) See Sec. 25.6.4.23.

(e) Outlot.

(1) An unbuildable lot, whether due to insufficient size or frontage, poor topography, lack of accessibility, or other reasons, identified as an outlot on a record plat.

(f) Overlay zone.

(1) See “Zone, overlay.”

(g) Owner.

(1) The owner of property as shown on the assessment records of the State Department of Assessments and Taxation.

(h) Ownership lot.

(1) See "Lot, ownership."

(i) Ownership plat.

(1) See "Plat, ownership."

Sec. 25.2.2.16. “P” terms.

(a) Parcel.

(1) A quantity of land described with such definiteness that its location and boundaries may be established.

(b) Park.

(1) See Sec. 25.6.5.7.

(c) Parking facility.

(1) A lot and/or structure or portion thereof used for the storage or parking of automobiles, incidental to an office, commercial, institutional, recreational, industrial use, or residential use other than for a single-unit detached, townhouse, or multiplex dwelling, with or without compensation.

(d) Parking lot.

(1) See “Parking facility.”

(e) Parking Structure, Commercial.

(1) See Sec. 25.6.7.9.

(f) Party of record.

(1) Any person who registers an appearance at a public hearing or proceeding, either through direct testimony or written submission, or who provides written notice of intent to participate in a public hearing or proceeding.

DRAFT

(g) Party wall.

(1) A wall common to but dividing contiguous buildings or dwelling units, extending from the basement floor to the highest point of the roof with no openings.

(h) Patio.

(1) An uncovered level outdoor recreation space, normally masonry that is less 12 inches above grade.

(i) Pawnbroker.

(1) See Sec. 25.6.4.24.

(j) Period of significance.

(1) The length of time when a property was associated with important events, activities, or persons, or attained the characteristics which qualify it as a significant example of a type, period, or method of construction. Period of significance usually begins and ends with the dates when significant activities or events occurred, giving the property its historic significance; for a significant example of a type, period, or method of construction this is often a date of construction.

(k) Permanent sign.

(1) See "Sign, permanent."

(l) Permitted use.

(1) See "Use, Permitted."

(m) Person.

(1) An individual, association, firm, partnership, corporation, or government agency, not including the City.

(n) Person with a disability.

(1) A person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

(o) Personal Care Facility.

(1) See Sec. 25.6.4.25.

(p) Personal Living Quarters.

(1) See Sec. 25.6.3.12.

(q) Petitioner.

(1) See "Applicant."

(r) Pick-Up Drop-Off (PUDO) space.

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(1) A parking space used, intended, and marked exclusively for the short-term (no longer than 15-minute) stopping of vehicles to load or unload passengers or goods by ride-hailing services, taxis, delivery vehicles, private cars, and the like.

(s) Pharmacy.

(1) A land use within the scope of "Retail Establishment." An establishment primarily engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

(t) Pipe stem lot.

(1) See "Lot, pipe stem."

(u) Plan.

(1) The Comprehensive Plan of the City of Rockville, including all amendments thereto, approved and adopted in accordance with Title 3 of the Land Use Article of the Maryland Annotated Code.

(v) Place of Worship.

(1) See Sec. 25.6.5.8.

(w) Planned development governing documents.

(1) 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:

A. Any resolution of approval by the Mayor and Council and any subsequent amendment thereto including any attachments;

B. Any preliminary development plan approval by the Planning Commission and any subsequent amendment thereto including any attachments;

C. Any annexation agreement or other development agreement;

D. 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.

(x) Plat.

(1) A map of a subdivision showing the boundaries and locations of the lots or parcels recorded thereon.

(y) Plat, ownership.

(1) A map, in the form of a plat, designating land as separate lots for purposes of ownership identification only.

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(z) Plat, record.

(1) A plat that has been recorded among the land records of Montgomery County, Maryland.

(aa) Porch.

(1) A roofed, open area attached to or part of a building, and with direct access to and from the building.

(bb) Portable sign.

(1) See "Sign, portable."

(cc) Premises.

(1) A lot, together with all buildings and structures thereon.

(dd) Professional Services.

(1) See Sec. 25.6.4.26.

(ee) Prohibited use.

(1) See "Use, Prohibited."

(ff) Project Plan.

(1) A conceptual plan of development for a major project proposal as determined under the provisions of Sec. 25.4.1 that must be approved by the Mayor and Council, and which may include a phasing plan for completion of the development over time.

(gg) Public Utility Structure.

(1) See Sec. 25.6.5.9.

(hh) Publicly-Owned or -Operated Facility.

(1) See Sec. 25.6.5.10.

Sec. 25.2.2.17. "Q" terms.

(a) Qualifying undersized lot.

(1) See "Lot, qualifying undersized."

Sec. 25.2.2.18. "R" terms.

(a) Rear yard.

(1) See "Yard, rear."

(b) Record lot.

(1) See "Lot, record."

(c) Recreational Facility; Indoor, Commercial.

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(1) See Sec. 25.6.4.27.

(d) Recreational Facility; Outdoor, Commercial.

(1) See Sec. 25.6.4.28.

(e) Redevelopment.

(1) The process of replacing, repurposing, or substantially altering existing buildings, infrastructure, or land to accommodate new site improvements or uses.

(f) Renewable Energy System.

(1) See Sec. 25.6.8.3.

(g) Renewable energy generation equipment.

(1) Any equipment necessary for the onsite generation and use of energy from renewable energy sources including but not limited to solar, wind and geothermal.

(h) Research and Development.

(1) See Sec. 25.6.6.7.

(i) Restaurant.

(1) An establishment that merchandises or dispenses food and drink and provides patron seating and/or drive-through facilities.

(j) Retail.

(1) The sale of commodities or goods to an end consumer.

(k) Retail Establishment.

(1) See Sec. 25.6.4.29.

(l) Right-of-way.

(1) An area, including the earth below and air above, on which its authority allows the public, vehicles, and/or utilities a right to pass or travel and was accepted on behalf of the public by plat, easement, eminent domain, purchase, fee simple title, or prescriptive use. Associated features include, but are not limited to: bridges, roads, tunnels, sidewalks, shared-use paths, tree lawn, curb, gutter, drainage features, bike facilities and public utilities.

Sec. 25.2.2.19. "S" terms.

(a) Sectional Map Amendment.

(1) A map amendment affecting a section of the City. A sectional map amendment is a type of comprehensive amendment as defined by Maryland case law.

(b) Self-Storage Facility.

(1) See Sec. 25.6.6.8.

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(c) Senior adult.

(1) A person who is 62 years of age or older.

(d) Setback.

(1) See Sec. 25.2.3.3(a)(1).

(e) Sexually-oriented material.

(1) Any material, display, or performance whether written, oral or visual, whose predominant character and theme is the depiction or description of sexually oriented activities or specified anatomical areas, as well as any instrument, device, or paraphernalia, which is designed for use in connection with sexually oriented activities.

(f) Shooting Gallery.

(1) See Sec. 25.6.4.30.

(g) Shopping Center.

(1) A group of commercial establishments located on a single record lot, which are planned, developed, and managed as a unified entity.

(h) Side lot line.

(1) See "Lot line, side."

(i) Side street.

(1) See “Street, side.”

(j) Side yard.

(1) See "Yard, side."

(k) Sight distance triangle.

(1) A triangular area at an intersection of streets, alleys, or driveways that must remain clear of obstructions to ensure drivers have an unobstructed view of other vehicles, pedestrians and cyclists to allow drivers to safely stop, enter, or cross an intersection.

(l) Sign.

(1) Any structure that has a visual display readable from a public right-of-way and is designed to identify, announce, direct, or inform.

(m) Sign, A-frame.

(1) See Sec. 25.10.3.1(a).

(n) Sign, banner.

(1) A type of temporary sign made of fabric, cloth, flexible plastic, or other durable flexible material, which is mounted with no enclosing framework. This does not include any sign better classified as a flag.

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(o) Sign, blade.

(1) A sign attached to and projecting from the façade of a building or a support column, generally at a right angle to the building wall or support column.

(p) Sign, building.

(1) See Sec. 25.10.3.2(a).

(q) Sign, building-mounted banner (temporary).

(1) See Sec. 25.10.3.3(a).

(r) Sign, directional.

(1) A sign reasonably necessary for the safe and efficient circulation of pedestrian or vehicular traffic on a site. Directional signs may be freestanding signs or building signs.

(s) Sign, freestanding.

(1) See Sec. 25.10.3.4(a).

(t) Sign, freestanding (temporary)

(1) See Sec. 25.10.3.5(a).

(u) Sign, freestanding banner.

(1) A banner sign that is attached to a structure like a pole, column, frame, or brace as its sole means of support in which the support structure is not an integral part of the sign

(v) Sign, permanent.

(1) A sign that is constructed in a manner and of materials that will withstand long-term display and is intended to be displayed for an indefinite period of time.

(w) Sign, portable.

(1) A sign that is intended, by design and construction, to rest upon the ground for support and that may be easily moved or relocated.

(x) Sign, off-premises.

(1) A sign advertising a business, person, activity, good, product, or service not located on the site where the sign is installed, or that directs a person to any location not on the site.

(y) Sign, temporary.

(1) A sign intended to be displayed for a limited period of time.

(z) Sign, window.

(1) See Sec. 25.10.6(a). ec. 25.10.6(a) also includes permanent Window Sign and temporary Window Sign.

(aa) Sign face.

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(1) The entire surface area of a sign upon, against, or through which copy is placed, and does not include a sign's supporting elements or structure.

(bb) Site.

(1) Land proposed for or included in a single development application.

(cc) Site plan.

(1) The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; vehicle circulation, parking and loading areas; historic and archaeological resources; utility services; structures and buildings; signs; exterior lighting; buffers and screening; surrounding development; and any other information that reasonably may be required by the Approving Authority pursuant to this Chapter.

(dd) Special Exception.

(1) A grant of a specific use that would not be appropriate generally or without restriction and must be based upon a finding that certain conditions governing Special Exceptions as detailed in this Chapter exist, that the use conforms to the Plan, and that the use is compatible with the existing neighborhood.

(ee) Stacked townhouse.

(1) See "Townhouse, stacked."

(ff) Start of construction

(1) The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(gg) State.

(1) The State of Maryland.

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(hh) Street.

(1) A dedicated right-of-way which affords the principal means of vehicular access to abutting property, including street, avenue, place, drive, boulevard, highway, road, pike, cul-de-sac, court, and any other right-of-way except an alley.

(ii) Structure.

(1) A combination or assembly of materials designed for permanent location on the ground and intended for occupancy or use, but not including attached appurtenances. Structures include, but are not limited to, items such as buildings, arenas, tents intended for public assembly, solar canopies, electric power transmission towers, freestanding antennae for telecommunications, bridges, water tanks, fences, freestanding signs, and utility poles.

(jj) Structure, accessory.

(1) See “Building or structure, accessory.”

(kk) Studio.

(1) See Sec. 25.6.4.31.

(ll) Subdivision.

(1) The division or consolidation of land into one or more lots, outlots, or parcels. The creation of ownership lots is not a subdivision. "Subdivision" may also refer to a site that has been subdivided.

(mm) Swimming Pool.

(1) See Sec. 25.6.4.32.

Sec. 25.2.2.20. “T” terms.

(a) Temporary sign.

(1) See "Sign, temporary."

(b) Temporary Uses.

(1) See Sec. 25.6.8.4.

(c) Theater.

(1) See Sec. 25.6.4.33.

(d) Through lot.

(1) See "Lot, through."

(e) Tobacco and Vape Shop.

(1) See Sec. 25.6.4.34.

(f) Tobacco product.

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(1) Any product made or derived from tobacco, or containing nicotine from any source, that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product). The term "tobacco product" includes, but is not limited to, cigarettes, cigars, cigarillos, smokeless tobacco, bidis, dissolvable tobacco, kreteks, and loose tobacco intended for use in a pipe, hookah, or other smoking device.

(g) Toll.

(1) To suspend or stop temporarily.

(h) Townhouse.

(1) See Sec. 25.6.3.13.

(i) Townhouse, stacked.

(1) A building containing two dwelling units that are arranged vertically and separated from one another. Attached stacked townhouses are separated by a vertical party wall. Stacked townhouses may also be referred to as “two-over-twos.” Stacked townhouses are Multiplexes when arranged in groups of four units or fewer, and Apartments when arranged in groups of five units or more.

(j) Trailer.

(1) An unpowered wheeled vehicle designed to be towed by a motor vehicle.

(k) Triplex.

(1) A three-unit multiplex.

Sec. 25.2.2.21. “U” terms.

(a) Use.

(1) The purpose for which a lot, building, or structure, or portion thereof, is or may be designed, arranged, intended, occupied, or maintained.

(b) Use, accessory.

(1) A use which is customarily associated with and clearly incidental and subordinate to a legally established principal use that is:

A. Located and operated on the same lot as the principal use, unless otherwise provided in this Chapter.

B. Operated and/or maintained under or on behalf of the same ownership as the principal use, except when in conjunction with a Publicly-Owned or -Operated Facility.

(c) Use, conditional.

(1) See Sec. 25.6.2.1(a)(2).

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(d) Use, nonconforming.

(1) A use that was lawful when established but no longer conforms to the requirements of the zone in which it is located because of the adoption or amendment of this chapter or zoning map.

(e) Use, permitted.

(1) See Sec. 25.6.2.1(a)(1).

(f) Use, principal.

(1) The primary or predominant use of any lot, building, or structure.

(g) Use, prohibited.

(1) A use not permitted in a zone.

(h) Use, Special Exception.

(1) See Sec. 25.6.2.1(a)(3).

Sec. 25.2.2.22. "V" terms.

(a) Variance.

(1) A modification only of density, bulk, or area requirements in the zoning ordinance where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property, and not the result of any action taken by the applicant, a literal enforcement of this chapter would result in practical difficulty.

(b) Veterinary Services.

(1) See Sec. 25.6.4.35.

Sec. 25.2.2.23. "W" terms.

(a) Wearing apparel services.

(1) A land use within the scope of "Personal Care Facility." Establishments that maintain and repair clothing, such as tailor or dressmaker, dry cleaner, cobbler, and laundromat.

(b) Wholesale Establishment.

(1) See Sec. 25.6.4.36.

(c) Window sign.

(1) See "Sign, window."

(d) Wireless Communication Facility.

(1) See Sec. 25.6.5.11.

(e) Wireless communication service.

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(1) Those services defined in the same manner as in Title 47, U.S. Code, Section 332(c)(7)(c), as they may be amended from time to time, and such other services that consist of the transmission and/or reception of information by electromagnetic wave, digital signals, broadcast television signals, analog signals, radio frequencies, or other communication signals.

Sec. 25.2.2.24. "X" terms.

(a) Reserved.

Sec. 25.2.2.25. "Y" terms.

(a) Yard.

(1) See Sec. 25.2.3.2(d)(1)A.

Sec. 25.2.2.26. "Z" terms.

(a) Zone.

(1) A specifically delineated area, district, or section of the City within which uniform development standards govern the use, placement, spacing, and size of land and buildings.

(b) Zone, overlay.

(1) A specifically delineated area, district, or section of the City within which standards that modify the requirements of the zone are superimposed.

(c) Zoning map.

(1) The zoning map of the City of Rockville, Maryland, officially adopted by the Mayor and Council, together with all amendments thereto subsequently adopted.

Division 2.3. Measurements and Exceptions

The rules of this Division apply to all zones unless stated otherwise.

Sec. 25.2.3.1. General rules of measurement and calculation.

(a) All measured distances are to be measured to the nearest integral foot.

(b) Measurements and calculations up to 0.49 feet are rounded down; measurements and calculations of 0.5 feet or more are rounded up.

(c) *Computation of time.* In computing the time limits specified in this Chapter:

(1) The day of the act, event, or default after which the designated period of time begins to run is not included.

(2) Unless business days are specified, days are counted as follows.

(3) If the period of time allowed is more than seven days, all calendar days are counted.

(4) If the period of time allowed is equal to or less than seven days, intermediate Saturdays, Sundays, and holidays are not counted.

(5) The final day is counted unless it is a Saturday, Sunday, holiday, or other day on which City Hall is not open for regular business; in which case, the next day on which City Hall is open for regular business will count as the last day.

Sec. 25.2.3.2. Lot measurement and configuration.

(a) *Lot configurations.*

(1) *Interior lot.*

A. Definition. Any lot other than a corner lot or a through lot.

(2) *Pipestem lot.*

A. Definition. A type of interior lot 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 or more lots.

(3) *Corner lot.*

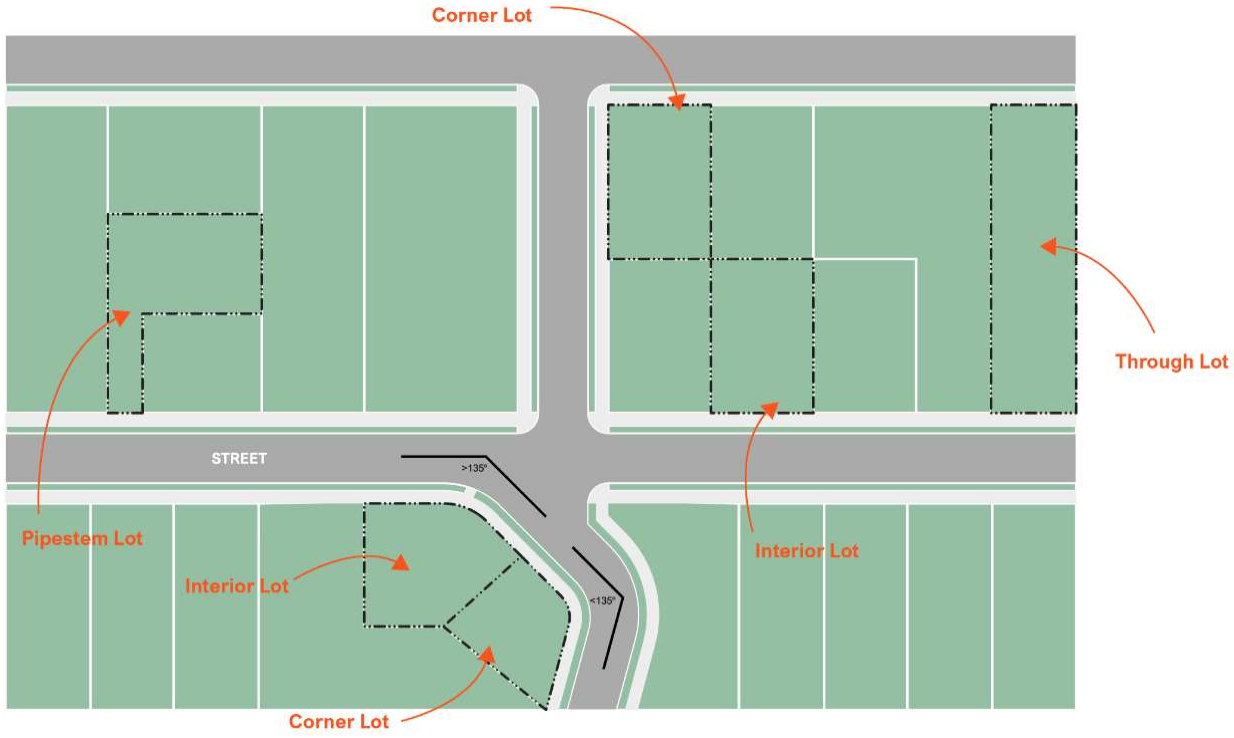
A. Definition. A lot abutting the intersection of two or more streets where the interior angle of the intersection does not exceed 135 degrees.

(4) *Through lot.*

A. Definition. An interior lot fronting on two or more streets that do not intersect adjacent to the lot. A through lot has two front yards and no rear yard.

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Figure 2.3.2-1: Lot Configurations



(b) *Lot lines.*

(1) *Lot line*.

A. *Definition*. The property lines bounding a lot.

(2) *Lot line, front*.

A. *Definition*. The front lot line is the lot line running along the front of the lot and separating it from the street, or where permitted, common open space.

1. In a through lot and a corner lot, both lines abutting the street are deemed to be front lot lines.

(3) *Lot line, rear*.

A. *Definition.* The rear lot line is the lot line generally opposite or parallel to the front lot line, except in a through lot.

1. If the rear lot line is less than 10 feet long or the lot comes to a point at the rear, the rear lot line is a line not less than 10 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of the front lot line.

2. Corner lots in the shape of a triangle have no rear lot line.

(4) *Lot line, side*.

A. *Definition.*

1. The side lot line is a lot line connecting the front lot line to the rear lot line; or
2. In the case of a through lot, the side lot lines are the lot lines connecting the two front lot lines; or
3. In the case of a corner lot in the shape of a triangle, the side lot line is the lot line connecting the two front lot lines.

(c) *Lot dimensions.*

(1) *Lot width.*

A. At the front lot line.

1. The lot width at the front lot line is measured between the side lot lines, at the front lot line, along a straight line; however, if the front lot line is curved, lot width at the front lot line is measured along the chord of the front lot line.

B. At the front setback line.

1. The lot width at the front setback line is measured between the side lot lines, at the front setback line, along a straight line.

(2) *Lot area.*

A. *Definition*. Lot area is the horizontal area included within the bounds of the lot lines or proposed street lines of the lot.

(3) *Lot area, useable.*

A. The useable area upon which the density of development is calculated must be determined by deducting from the gross area of the site the following:

1. All land indicated in the Plan for highways with a designated right-of-way width of 100 feet or greater;
2. All 100-year floodplains.

(d) *Yards.*

(1) *Yard.*

A. *Definition*. The undeveloped space on a lot lying between the lot lines and the principal building or structure.

(2) *Front yard.*

A. The front yard is an area extending across the full width of the lot, the depth of which is the distance between the front lot line and the principal structure façade.

B. On a corner lot or through lot, the yards lying between the principal building and the street are deemed front yards.

(3) *Rear yard.*

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A. The rear yard is an area extending across the full width of the lot, the depth of which is the distance between the rear lot line and the principal structure façade.

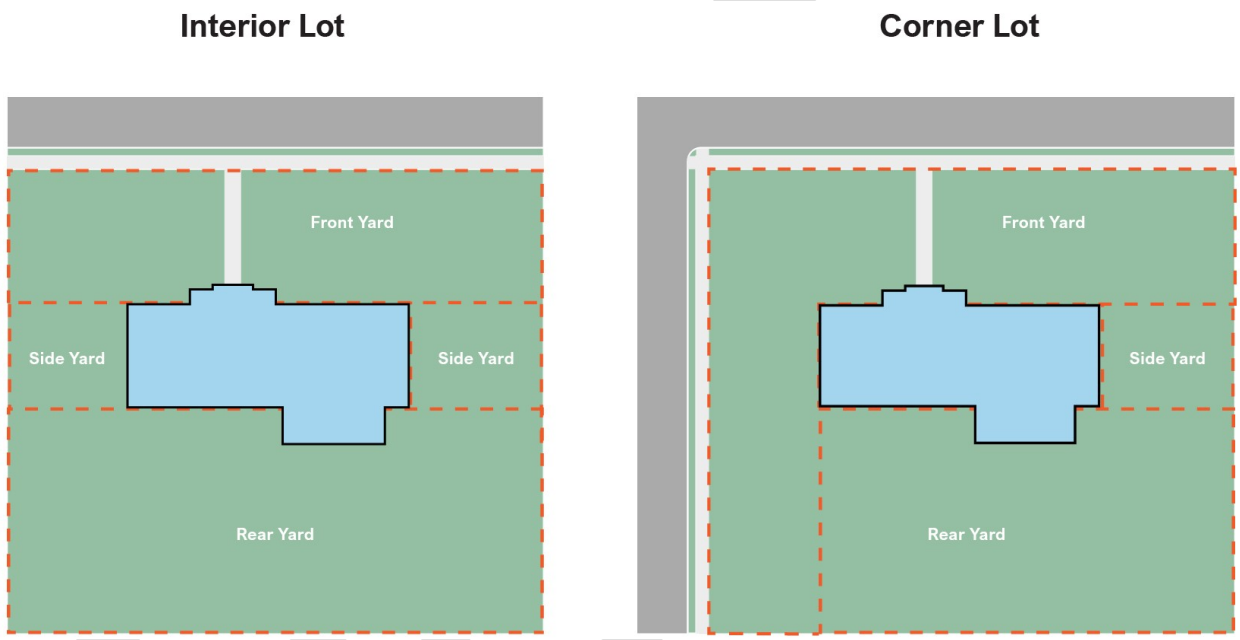
B. On a corner lot, the rear yard is the yard that meets the rear yard setback.

C. A through lot has no rear yard.

(4) *Side yard.*

A. The side yard is all the area between the side lot line and the building façade which does not qualify as front yard or rear yard.

Figure 2.3.2-2: Yards



Sec. 25.2.3.3. Structure placement and encroachments.

(a) *Setback*.

(1) *Definition*. A setback is the minimum perpendicular distance required between a lot line and any building or structure constructed or which may be constructed thereon consistent with the setback requirements of the zone in which such lot is located.

A. Setback from unimproved rights-of-way. If an unimproved right-of-way has remained unimproved for at least twenty years following the date of recordation of the plat or deed, and is not programmed for improvement in the current City Capital Improvements Program, the following regulations apply:

B. Setbacks for buildings. If the unimproved right-of-way abuts one side of a lot, then the side yard setback requirement in the zone applies in lieu of the front yard setback requirement. If the unimproved right-of way is approximately parallel to the improved street providing the primary access to the main dwelling, then the

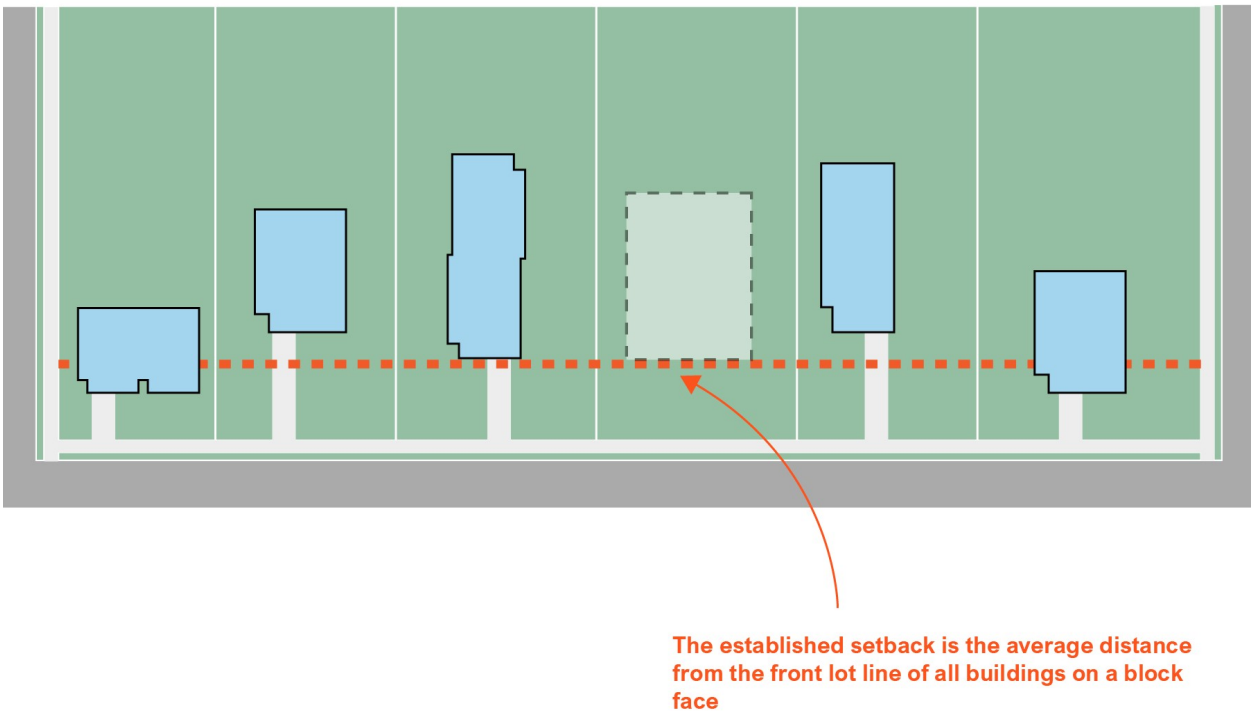
setback from the unimproved right-of-way is equivalent to the rear yard setback in the applicable zone in lieu of the front yard setback requirement.

(b) *Established setback*.

(1) *Definition*. The established setback is the average distance from the front lot line of all buildings on a block face (one side of a street between two intersecting streets).

A. When the majority of existing buildings located on the block face exceed the required front yard setback, the established setback applies as the front yard setback from new development. Where the established setback would be less than that required in the zone, the front setback of the zone applies.

Figure 2.3.3-1: Established Setback



(c) *Build-to line*.

(1) *Definition*. A build-to line is the maximum setback line established by the applicable master plan that sets the location of building construction on the lot. A build-to line typically runs parallel to the front property line and is established to create an even building facade line along a street.

(d) *Setback and build-to line encroachments*.

(1) Buildings and structures must be located at or behind the required setback line, except that the following structures and features are permitted to project into the required setbacks as set forth in Table 2.3.3-1.

Table 2.3.3-1: Setback and Build-To Line Encroachments

Structure of Feature	Permitted Encroachment
Air conditioners and heat pumps	In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, and RMD-Infill zones, air conditioners and heat pumps may project no more than five feet into the side and rear yard setback, except that: • Existing nonconforming air conditioners and heat pumps may be replaced in the same location.
Americans with Disabilities Act (ADA) improvements	Structures and structural features to assist persons with disabilities required to meet the provisions of the Americans with Disabilities Act (ADA) or the Maryland Accessibility Code are permitted to project into the required yard setbacks for each structure or feature. This encroachment is permitted only so long as it is needed to accommodate a person with disabilities and the right to such encroachment does not run with the land.
Architectural elements	Cornices, eaves, and gutters may project no more than: • Three feet into front and side yard setback; and • Five feet into rear yard setback.
	Bay windows, vestibules, or balconies that are less than 10 feet wide may project no more than three feet into the front and rear yard setbacks.
	Belt courses, sills, and lintels may project no more than six inches into front, rear, and side yard setback.
Canopies (other than solar canopies)	In the RMD-10, RMD-15, RMD-25, RHD, I-L, I-H, and all MXTD zones, as well as the MXCD, MXCT, MXNC, MXT, MXC, MXE, and MXB zones, canopies may encroach into applicable setbacks as follows: • Non-permanent canopies up to 10 feet wide may encroach up to the front lot line. • Permanent canopies up to 40 feet wide on lots with front setbacks of 50 feet or greater may encroach up to 40 feet into the front setback. • Permanent canopies up to 40 feet wide on lots with front setbacks of less than 50 feet may encroach up to 10 feet from any front lot line.

Structure of Feature	Permitted Encroachment
Chimneys less than six feet wide	Chimneys less than six feet wide may project no more than 18 inches into a front, side, or rear setback.
Emergency generators	In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, and RMD-Infill zones, emergency generators may project no more than: • Five feet into a rear yard setback; and • Five feet into a front yard setback on a corner lot.
Unenclosed steps, stoops, and porches	In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, and RMD-Infill zones, unenclosed steps, stoops, and porches may encroach no more than: • 12 feet into the front yard setback; • Nine feet into the rear yard setback; • Four feet into the side yard setback, so long as the steps, stoop, or porch are no greater than eight feet wide. • Such entryways may be covered or uncovered.

Sec. 25.2.3.4. Coverage.

(a) *Coverage, front yard*.

(1) *Definition*. The percent of the front yard covered by driveways, parking areas, and sidewalks, regardless of paving material or perviousness.

(b) *Coverage, lot*.

(1) *Definition*. The percentage of lot area covered by buildings, including covered porches and accessory buildings, except any areas covered by historic accessory buildings in the Historic District Overlay zone.

Sec. 25.2.3.5. Height.

(1) *Definition*.

A. The height of a building is measured from the level of the approved street grade opposite the middle of the front of the building, except that:

1. If a building is set back 35 feet or more from the street line, the building height is measured from the average elevation of the finished grade along the front of the building.

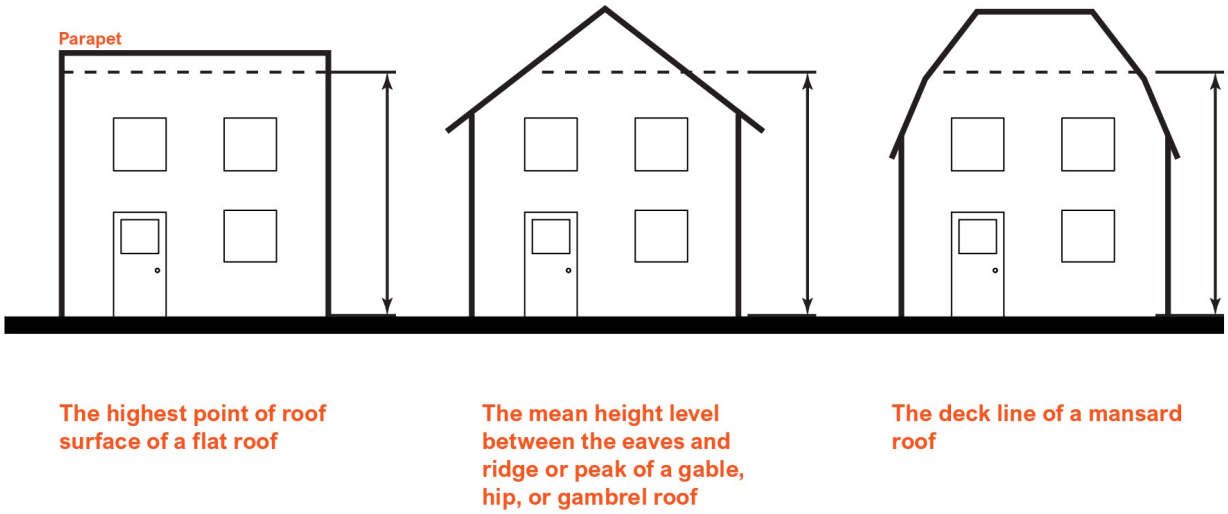
B. The height is measured to:

1. The highest point of roof surface of a flat roof;

2. The deck line of a mansard roof; or

3. The mean height level between the eaves and ridge or peak of a gable, hip, or gambrel roof.

Figure 2.3.5-1: Building height



C. *Terraces above street grade.* If the building is located on a pre-existing terrace above the street grade, the height is measured from the top of the terrace.

D. *Corner lots exceeding 20,000 square feet.* On a corner lot exceeding 20,000 square feet of area, the height of a building may be measured from either adjoining street grade.

E. *Through lots.* For a through lot, the height may be measured from either street grade, provided that the maximum height permitted on the higher street extends to a point 150 feet from the lower street line, at which point the maximum height must be measured from the lower street.

(b) *Exceptions.*

(1) *Accessory buildings*. The height of an accessory building or structure is measured from the lowest point of the finished grade at the front of the building to the highest point of the roof.

(2) *Lincoln Park Neighborhood Conservation District Overlay zone.* The height of a principal structure in the Lincoln Park Neighborhood Conservation District Overlay zone is measured from existing grade to the peak of the roof.

(3) *Height encroachments*.

A. The following non-habitable elements of a structure may exceed the height limitations prescribed for the zone in which the structure is located, subject to the restrictions of Sec. 25.2.3.5(g), below:

1. Architectural elements including parapet walls, belfries, chimneys, flagpoles, flues, monuments, and spires;
2. Rooftop mechanical equipment including elevator equipment and heating, ventilation, and air conditioning units (HVAC);
3. Water towers and tanks;
4. Solar heating panels, solar collectors, or renewable energy generation equipment; and
5. Radio and television towers or antennae or aerials (subject to the wireless provisions contained in Sec. 25.6.5.11).

(c) *Restrictions*. The height exemptions provided in Sec. 25.2.3.5(f), above, are subject to the following restrictions:

(1) Architectural elements listed above must meet the following standards:

A. Must have a total area less than 25 percent of the roof area;

B. Must only be used for a use incidental to the main use of the building;

C. Must be less than 19 feet in height as measured from the finished roof elevation; and

D. Must be setback from the edge of the roof by a minimum of a 1:1 setback to height ratio.

E. Parapet walls must not exceed six feet in height as measured from the finished roof elevation.

(2) Rooftop mechanical equipment and water towers and tanks must be screened from view by an enclosure no taller than 19 feet in height as measured from the finished roof elevation.

(3) Rooftop mechanical equipment, water tanks and towers, and their enclosures must be set back from the edge of the roof by a minimum of a 1:1 setback to height ratio.

(4) Rooftop enclosures must be designed to be compatible, using, as closely as possible, the materials, color and style of the building.

(d) *Waiver.*

(1) The Approving Authority may permit a waiver from any or all of the restrictions set forth in Sec. 25.2.3.5(g) upon finding that the size, scale, and dimensions of any non-habitable architectural structure listed above are:

A. Architecturally compatible with both the building on which it is to be erected and the adjacent buildings; and

B. Not contrary to the intent and purpose of the Plan or this Chapter.

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(2) In granting any such waiver, the Approving Authority may impose such conditions as may be reasonable and necessary so that the non-habitable architectural structures are consistent with the Plan, including, but not limited to, the screening of rooftop structures.

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Article 3. Administration

Division 3.1. Approving Authorities

Sec. 25.3.1.1. Mayor and Council.

(a) *Powers and duties.* The Mayor and Council has all powers and duties conferred and imposed on it by the City Charter, State law, and this Chapter.

Sec. 25.3.1.2. Planning Commission.

(a) *Established.* There is established a Planning Commission for the City of Rockville.

(b) *Powers and duties.*

(1) *Generally.* The Planning Commission has all powers and duties conferred and imposed upon it by State law and this Chapter, including, but not limited to:

A. Providing analysis and recommendations to the Mayor and Council on matters related to the Plan;

B. Providing analysis and recommendations to the Mayor and Council on matters related to amendments to this Chapter and the zoning map;

C. Reviewing and acting upon Site Plan and Project Plan applications in accordance with provisions of Article 4;

D. Administering the subdivision process as set forth in Article 12;

E. Considering appeals from the decisions of the Chief of Zoning as provided by this Chapter; and

F. Reviewing and acting on proposed public projects in accordance with the Land Use Article.

(2) *Responsibility where approval is required.* Where Planning Commission approval is required under this Chapter or other applicable law, the Planning Commission must:

A. Consider and act upon any request for approval;

B. Consider such request with regard to matters and facts pertinent and applicable thereto; and

C. Render its decision in accordance with the requirements, purpose, and intent of this Chapter and the Plan.

(c) *Membership.*

(1) *Number.* The Planning Commission consists of seven members who are appointed by the Mayor, subject to the confirmation of the Council.

(2) *Term.*

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A. *Length of term*. The term of each member is five years, or until a successor takes office. Appointment to fill an unexpired term is for the remaining length of the initial term.

B. *Staggered terms*. The respective terms of the seven members must be staggered.

(3) *Chairperson.*

A. *Appointment.* The Planning Commission must elect a Chair from among its members.

B. *Term.* The Chair serves a term of one year and is eligible for reelection.

(4) *Qualification.* Each member of the Planning Commission must be a resident of the City.

(5) *Clerk of Commission*. The Chief of Zoning serves as the Clerk of the Commission and must:

A. Attend all meetings of the Planning Commission;

B. Keep a full and accurate account of the proceedings of the Planning Commission, including but not limited to the official record of all matters filed with the Planning Commission;

C. Accept and transmit all relevant applications to the Planning Commission; and

D. Keep such other records and perform such other duties as may be required by this Chapter or by the Planning Commission.

(d) *Rules of procedure.* The Planning Commission must adopt reasonable rules for the conduct of its business.

(e) *Meetings and hearings.*

(1) The Planning Commission must meet when necessary to conduct business or at intervals as may be mandated by State law, this Chapter, or the rules of procedure adopted by the Planning Commission.

(2) The Planning Commission must hold public hearings when required by State law or this Chapter.

Sec. 25.3.1.3. Board of Appeals.

(a) *Established.* There is established a Board of Appeals for the City of Rockville.

(b) *Powers and duties.*

(1) *Generally.* The Board has all those powers and duties conferred and imposed upon it by State law and this Chapter, including but not limited to:

A. Reviewing and acting upon applications for Special Exceptions and variances; and

B. Reviewing and acting upon appeals from administrative decisions.

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(2) *Responsibility where approval is required.* Where Board of Appeals approval is required under this Chapter or other applicable law, the Board must:

A. Consider and act upon any request for approval;

B. Consider such request with regard to matters and facts pertinent and applicable thereto; and

C. Render its decision in accordance with the requirements, purpose, and intent of this chapter.

(c) *Membership.*

(1) *Number.* The Board of Appeals consists of three regular members and one alternate member who are appointed by the Mayor, subject to the confirmation of the Council.

(2) *Term.*

A. Length of term. The term of each member is three years, or until a successor takes office. Appointment to fill an unexpired term is for the remaining length of the initial term.

B. Staggered terms. The respective terms of the three regular members and one alternate member must be staggered.

(3) *Chairperson.*

A. *Appointment.* The Board of Appeals must elect a Chair from among its regular members.

B. *Term.* The Chair serves a term of one year and is eligible for reelection.

C. *Qualification.* Each member of the Board of Appeals must be a resident of the City.

(4) *Clerk of the Board.* The Chief of Zoning serves as the Clerk of the Board and must:

A. Attend all meetings of the Board of Appeals;

B. Keep a full and accurate account of the proceedings of the Board, including but not limited to the official record of all matters filed with the Board of Appeals;

C. Accept and transmit all relevant applications to the Board of Appeals; and

D. Keep such other records and perform such other duties as may be required by this Chapter or by the Board of Appeals.

E. Rules of procedure. The Board of Appeals must adopt reasonable rules for the conduct of its business.

(d) *Meetings and hearings.*

(1) The Board of Appeals must meet when necessary to conduct business or at intervals as may be mandated by State law, this Chapter, or the rules of procedure adopted by the Board of Appeals.

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(2) The Board of Appeals must hold public hearings when required by State law or this Chapter.

(3) The alternate member of the Board of Appeals may only sit on the Board of Appeals when a regular member is recused or absent.

Sec. 25.3.1.4. Historic District Commission.

(a) *Established.* There is established a Historic District Commission for the City of Rockville.

(b) *Powers and duties.*

(1) *Generally.* The Historic District Commission has all those powers and duties conferred and imposed upon it by State law and this Chapter, including but not limited to:

A. Identifying and recommending to the Mayor and Council properties and areas deemed eligible for historic designation due to their historic, archaeological, or architectural significance;

B. Reviewing applications for certificates of approval for sites, buildings, or structures within the Historic District Overlay zone;

C. Evaluating eligibility for historic designation of certain sites, buildings, or structures located outside the Historic District Overlay zone that are proposed for demolition, as defined in this Chapter;

D. Providing courtesy review to the Planning Commission and Mayor and Council as requested, for development within or adjacent to historic resources.

(2) *Responsibility where approval is required.* Where Historic District Commission approval is required under this Chapter or other applicable law, the Historic District Commission must:

A. Consider and act upon any request for approval;

B. Consider such request with regard to matters and facts pertinent and applicable thereto; and

C. Render its decision in accordance with the requirements, purpose, and intent of this chapter.

(c) *Membership.*

(1) *Number.* The Historic District Commission consists of five regular members and one alternate member who are appointed by the Mayor, subject to the confirmation of the Council.

(2) *Term.*

A. *Length of term.* The term of each member and alternate member is three years, or until a successor takes office. Appointment to fill an unexpired term is for the remaining length of the initial term.

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B. *Staggered terms.* The respective terms of the five regular members must be staggered.

(3) *Chairperson.*

A. *Appointment.* The Historic District Commission must elect a Chair from among its regular members.

B. *Term.* The Chair serves a term of one year and is eligible for reelection.

(4) *Qualification.*

A. Each regular member and alternate member must be a resident of the City; and

B. Each regular member and alternate member must possess a demonstrated special interest, specific knowledge or professional or academic training in such fields as history, architecture, architectural history, planning, archaeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design, or a building trade or profession with a specialty in structural restoration.

1. The requirement for a demonstrated special interest may be satisfied through either formal training in one or more of the above-listed fields or two or more years of active membership in a preservation-related organization as cited in a letter of recommendation from that organization.

2. The requirement for specific knowledge may be satisfied through formal post-secondary education, employment, or practical experience in one or more of the above-listed fields.

3. The requirement for professional or academic training may be satisfied through at least two years of experience working as a professional in one of the above-listed fields or a Baccalaureate degree or higher in one of the above-listed fields.

C. At least two regular members of the Historic District Commission must possess professional or academic training in history, architectural history, architecture, historic architecture, or archeology in accordance with the Secretary of the Interior's Professional Qualification Standards, to the extent that such professionals are available.

(5) *Clerk of the Historic District Commission.* The Director of the Department of Community Planning and Development Services must appoint an employee of the Department to serve as the Clerk of the Historic District Commission. The Clerk must:

A. Attend all meetings of the Historic District Commission;

B. Keep a full and accurate account of the proceedings of the Historic District Commission, including but not limited to the official record of all matters filed with the Historic District Commission;

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C. Accept and transmit all relevant applications to the Historic District Commission; and

D. Keep such other records and perform such other duties as may be required by this Chapter or by the Historic District Commission.

(d) *Rules of procedure.* The Historic District Commission must adopt reasonable rules for the conduct of its business.

(e) *Meetings and hearings.*

(1) Meetings must be held when necessary to conduct business or at intervals as may be mandated by State law, this Chapter, or the rules of procedure adopted by the Historic District Commission.

(2) The Historic District Commission must hold public hearings when required by State law or other provision of this Chapter.

(3) The alternate member of the Historic District Commission may only sit on the Historic District Commission when a regular member is recused or absent.

Sec. 25.3.1.5. Chief of Zoning.

(a) *Powers and duties.*

(1) *Generally*. The Chief of Zoning has all those powers and duties conferred and imposed upon the Chief of Zoning by this Chapter, including but not limited to:

A. Acting as the Clerk of the Planning Commission and the Board of Appeals;

B. For a use not listed in the land use tables, determining the applicable use permissions, provided the determination is consistent with the intent of this Chapter;

C. Issuing administrative interpretations in accordance with Sec. 25.3.1.6;

D. Reviewing and acting upon administrative adjustments in accordance with Sec. 25.4.5.3;

E. Reviewing applications for building permits, occupancy permits, and temporary occupancy permits for purposes of determining, and so advising the Chief of Inspection Services, whether all zoning requirements have been met;

F. Reviewing and acting upon sign permits in accordance with Sec. 25.4.4.4;

G. Reviewing and acting upon Site Plan applications in accordance with Article 4;

H. Reviewing and acting upon minor subdivisions in accordance with Article 12, Division 12.2;

I. Approving extensions to development approvals in accordance with Sec. 25.3.2.5; and

J. Interpreting the final decisions of the other Approving Authorities.

(b) *Responsibility where approval is required.* Where Chief of Zoning approval is required under this Chapter, the Chief of Zoning must:

(1) Consider and act upon any request for approval;

(2) Consider such request with regard to matters and facts pertinent and applicable thereto; and

(3) Render a decision in accordance with the requirements, purpose, and intent of this Chapter.

(c) *Administrative interpretations.*

(1) The Chief of Zoning may issue administrative interpretations on any provision of this Chapter.

(2) The Chief of Zoning must issue administrative interpretations in writing and must maintain such interpretations on file for public viewing.

Sec. 25.3.1.6. Chief of Inspection Services.

(a) *Powers and duties.* The Chief of Inspection Services has all those powers and duties conferred and imposed upon it by this Chapter, including but not limited to:

(1) Coordinating the authorization by City departments for the issuance of permits under Chapter 5 of the City Code, including, but not limited to, occupancy permits; and

(2) Administering temporary use permits in accordance with Sec. 25.4.4.1.

Division 3.2. General Application Provisions

Sec. 25.3.2.1. Applicability.

(a) The provisions of this Division apply to applications for all procedures, approvals, and permits provided for in this Chapter, except as provided in Sec. 25.3.2.1.b.

(b) The application and notification procedures contained in this Division do not apply to the following:

(1) Annexation process, as provided in Sec. 25.1.3.1;

(2) Zoning text amendments and zoning map amendments, as provided in Sec. 25.1.4.1 and Sec. 25.5.3.1, respectively;

(3) Applications for historic designation, pursuant to Sec. 25.11.1.2;

(4) Temporary use permits, as provided in Sec. 25.4.4.1;

(5) Fence permits, as provided in Sec. 25.4.4.2;

(6) Small shed permits, as provided in Sec. 25.4.4.3; and

(7) Sign permits, as provided in Sec. 25.4.4.4.

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Sec. 25.3.2.2. Filing application.

(a) *Authority to file.* The following persons may file an application under the provisions of this Chapter:

(1) The owner of record of the subject property;

(2) An authorized agent of the owner with written authorization to act on the owner's behalf; and

(3) A person who has a financial or fiduciary interest in the subject property or a contract purchaser with written authorization by the owner to act on the owner's behalf.

(b) *Applications.*

(1) *Forms.* Applications must be submitted to the Chief of Zoning, unless otherwise provided, on forms provided by the City, and must contain such information as may be required by this Chapter and any applicable regulations or guidelines in the Development Review Manual or as adopted by the Mayor and Council.

(2) *Completeness of submission.* If the application is incomplete, the Chief of Zoning or Chief of Inspection Services, as applicable, must advise the applicant in writing as to the information needed to complete the application. In such case, the application may be returned to the applicant or the application may be retained and a date set by which the missing information must be provided. An application is deemed complete once all submission requirements are met.

(3) *Acceptance.* An application is accepted once it is deemed complete. Acceptance of an application does not constitute any indication of approval.

(4) *Fees*. Each application may be subject to a fee established by resolution of the Mayor and Council.

Sec. 25.3.2.3. Modifying a pending application.

(a) Pending applications may be modified in consultation with the Chief of Zoning and in compliance with other requirements of this Chapter. The Chief of Zoning will determine whether the magnitude of a proposed modification warrants a change in scheduling, notification, data submission, or if a new application is required.

(b) Notwithstanding the provisions of Sec. 25.3.2.3(a), above, if the application requires action by the Mayor and Council, Planning Commission, Board of Appeals, or Historic District Commission, the applicant cannot request a modification to the application after the staff report has been issued, but in no event later than seven days prior to the meeting at which the application will be considered by the Approving Authority.

Sec. 25.3.2.4. Withdrawal of application.

(a) Once an application is filed, an applicant must submit revised plans or otherwise respond to any comments resulting from City staff review within six months of the date City staff transmits comments to the applicant, request an extension, or request that the review

process proceed. If the applicant does not respond, or the extension request is not granted by the Chief of Zoning, the application is deemed withdrawn.

Sec. 25.3.2.5. Extension of expiration date.

(a) Excluding certificates of approval, the Chief of Zoning may extend the expiration date of any development approval subject to this Division by up to two years upon finding that the applicant has demonstrated good cause for the extension. The Chief of Zoning may approve no more than two such extensions. An applicant seeking to extend the expiration date of development approval subject to this Division by more than four years beyond the original expiration date must apply for an amendment to the development approval pursuant to Article 4.

Sec. 25.3.2.6. Tolling of validity period.

(a) The validity period, including all extensions, of any development approval or related permit approval must be tolled during the pendency of any administrative appeals of the development approval or related permit approvals filed during the validity period. The tolling must start on the date a timely administrative appeal is filed. The tolling period must end on the date of the final action of the appellate body with ultimate jurisdiction.

(b) For all approvals automatically tolled pursuant to Sec. 25.3.2.6(a), above, the remaining validity period and any extensions granted pursuant to this Division or otherwise provided by this Chapter must resume running after the end of the tolling period. The development approval must remain in full force and effect throughout the validity period, inclusive of all extensions and the tolling period. During this period, the applicant may implement the development approval, and the City must continue to process all other applications necessary to implement the development approval, unless otherwise directed by court order. Upon request, the Chief of Zoning must issue a confirmation letter to an applicant of any tolling of the validity period under this Section.

Sec. 25.3.2.7. Abandonment of development approval.

(a) The owner of property subject to a valid and approved Project Plan, Site Plan, or Special Exception may seek to abandon such approval by filing a letter of abandonment with the Chief of Zoning. A letter of abandonment must be signed by all owners of property subject to the approval. An approval may only be abandoned if the approval has not been implemented, either through start of construction or issuance of an occupancy permit. Upon receipt of a letter of abandonment of an eligible approval, the Chief of Zoning must confirm the abandonment in writing.

Division 3.3. Notice Requirements

Sec. 25.3.3.1. Applicability.

(a) The provisions of this Division apply to applications for all procedures, approvals, and permits provided for in this Chapter, except as otherwise provided below.

(b) Except as otherwise provided in this Chapter, the application and notification procedures contained in this Division do not apply to the following:

(1) Annexation process, as provided in Sec. 25.1.3.1;

(2) Zoning text amendments and zoning map amendments, as provided in Sec. 25.1.4.1 and Sec. 25.5.3.1, respectively;

(3) Applications for historic designation, pursuant to Sec. 25.11.1.2;

(4) Temporary use permits, as provided in Sec. 25.4.4.1;

(5) Fence permits, as provided in Sec. 25.4.4.2;

(6) Small shed permits, as provided in Sec. 25.4.4.3; and

(7) Sign permits, as provided in Sec. 25.4.4.4.

Sec. 25.3.3.2. General notice requirements.

(a) All notices required under this Chapter must comply with the provisions of this Chapter and any greater notice requirements imposed by State law, if applicable.

(b) Unless otherwise specified in this Chapter, all notices must:

(1) Include the name of the applicant and the application number;

(2) Identify the date, time, and place of any scheduled area meeting and public hearing or meeting of an Approving Authority;

(3) If applicable, describe the property involved in the application by street and street number or, if no street name or number is available, by another general location description;

(4) Indicate the nature, scope, and purpose of the application;

(5) Indicate how interested parties may be heard or otherwise submit their comments on the application; and

(6) Indicate where additional information on the matter may be obtained.

Sec. 25.3.3.3. Written notice.

(a) *Applicability and timing.* Written notice of an application subject to this Section must be provided as follows:

(1) At least two weeks before any meeting of the Development Review Committee;

(2) At least two weeks before any area meetings required under the provisions of Article 4;

(3) At least two weeks before a public hearing held by the Planning Commission on a Project Plan application;

(4) At least two weeks before any public hearings held by an Approving Authority; and

(5) For any other matter as may be required by this Chapter or State law.

(b) *Exceptions.* Written notice is not required for minor amendments to Project Plans or Site Plans.

(c) *Recipients.* Written notice must be delivered, by hand delivery or first class mail, to the following parties:

(1) Each owner at the mailing address on the current tax assessment list;

(2) The resident at the property location address, if addresses are different on the tax roll; and

(3) Civic and homeowners' associations.

(d) *Notice radius.* Written notice must be mailed to all recipients under Section 25.3.3.3(c), above, within the following distances of the property subject to the pending application:

(1) For a Project Plan application, 1,500 feet;

(2) For a Level 2 Site Plan application, 1,250 feet;

(3) For a Level 1 Site Plan application, 750 feet;

(4) For a minor or major subdivision application, 750 feet;

(5) For a Special Exception application, the area of notice is based on Section 25.4.1.3, Table 4.1.3-1, as follows:

A. For applications with zero to six points, 750 feet;

B. For applications with seven to 15 points, 1,250 feet; and

C. For applications with 16 or more points, 1,500 points;

(6) For a nonconforming alteration, 500 feet;

(7) For administrative adjustments, adjoining and confronting property owners only; and

(8) For all other applications subject to this Division, 500 feet.

(e) *Electronic notice.* In addition to the mailed notice required by this Section, at least two weeks before a meeting of the Development Review Committee, an applicant must send electronic notice of a Level 2 Site Plan and Project Plan to all homeowners' associations and civic associations within the City, the Planning Commission, and the Mayor and Council.

(f) *Affidavit required.* Excluding applications under Article 11, at least one week before any meeting for which the applicant is required to provide written notice, the applicant must file an affidavit stating that notice has been mailed or delivered in accordance with the requirements of this Section and must provide the Chief of Zoning with the mailing or delivery list.

Sec. 25.3.3.4. Application signs.

(a) Application signs must be posted in accordance with the following provisions.

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(1) *Application signs to be furnished by the City*. All required application signs will be prepared and furnished to the applicant by the Chief of Zoning within five business days of acceptance by the City of the complete application, unless otherwise specified in this Chapter.

(2) *Posting.* Within three days after receiving the sign from the City, the applicant must erect and maintain the application sign on the property that is the subject of the application. Any application sign erected as required herein must be maintained and its content updated, at all times, by the applicant until final action by the Approving Authority on the application to which it pertains, and thereafter must be removed within seven days of the final action.

(3) *Location of application sign*. Application signs required by this Section must be erected by the applicant as follows:

A. Within 10 feet of each boundary line that abuts a public or private road or street. If the property boundary line is more than 250 feet long, one sign is required every 500 feet.

B. If no public or private road abuts the site, the application sign must be placed facing in such manner as may be most readily seen by the public.

C. For any property that abuts I-270, the application sign must be placed at the principal entrance to the property.

D. Unlawful to remove or tamper with application sign. It is unlawful for any person to remove or tamper with any application sign erected under this Section during the period it is required to be maintained. Early removal or tampering is subject to the penalties established in Article 13.

(4) *Affidavit required.*

A. On the day of the final public hearing on any application, the applicant must file an affidavit stating that all application signs required by this Section were continuously maintained in accordance with these requirements through the date of the final hearing.

B. If such application sign was not continuously maintained, the requirements of this Section will be deemed satisfied if the applicant provides an affidavit stating that following the erection of such sign:

1. The property was inspected at least once per week, and that on every occasion through the date of the affidavit, such sign was found to be in place; or

2. If such sign was damaged, destroyed, or removed, that such sign was repaired or replaced within five days of the inspection which resulted in discovery of the damage to or destruction or removal of such sign.

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Sec. 25.3.3.5. Notice of decision.

(a) Copies of all decisions made pursuant to this Chapter must be provided by the Approving Authority within 10 days after the decision is rendered via written notice by first class mail to the applicant or petitioner and to any other party of record, unless such party requests an e-mail notification in lieu of first class mailing.

(b) A copy of the notification must be made a part of the official record.

Sec. 25.3.3.6. Defects not jurisdictional.

(a) Failure to comply with any of the requirements of this Division, except for those requirements imposed by State law, is not a jurisdictional defect.

Division 3.4. Appeals

Sec. 25.3.4.1. Appeals.

(a) *Appeals from decisions of administrative bodies.* Any person aggrieved by a final decision of the Mayor and Council, Planning Commission, Board of Appeals, or Historic District Commission, including adjudication of an appeal of a decision of the Chief of Zoning, may appeal the same by filing a petition for judicial review in the Circuit Court for Montgomery County, Maryland, pursuant to Title 7, Chapter 200 of the Maryland Rules.

(b) *Appeals from decisions of the Chief of Zoning.*

(1) *Decisions and administrative interpretations.* Any person aggrieved by a final decision of the Chief of Zoning may appeal the decision to the Board of Appeals, except as follows:

A. *Project Plan*. Any person aggrieved by a final decision of the Chief of Zoning on a minor amendment to a Project Plan may appeal the decision to the Mayor and Council.

B. *Site Plan.* Any person aggrieved by a final decision of the Chief of Zoning on a Level 1 Site Plan or a minor amendment to a Site Plan may appeal the decision to the Planning Commission.

C. *Minor subdivision.* Any person aggrieved by a final decision of the Chief of Zoning on a minor subdivision may appeal the decision to the Planning Commission.

D. *Administrative interpretations of development approvals.* Any person aggrieved by an administrative interpretation issued by the Chief of Zoning regarding an approval issued by another Approving Authority may appeal the administrative interpretation to the Approving Authority that issued the approval.

(2) *Procedure.*

A. *Timing*. An appeal of a final decision of the Chief of Zoning must be filed in writing with the Chief of Zoning within 30 days of the date on the official letter of

notification of the decision or the date of the administrative interpretation, as applicable.

B. *Public hearing*. Upon receipt of the written notice of appeal, the Chief of Zoning must schedule a public hearing on the appeal as soon as practicable with the appropriate Approving Authority.

C. *Effect of appeal*. An appeal of a final decision of the Chief of Zoning filed under this section invalidates said decision, and the Approving Authority shall consider the matter de novo, pursuant to the standards and requirements of this Chapter and applicable law.

(c) *Appeals from decisions of the Chief of Inspection Services.* A person aggrieved by a final decision of the Chief of Inspection Services on a temporary use permit may appeal the decision to the Board of Appeals.

(d) *Time limit for appeals*. The time limitation for filing an appeal of the final decision of an Approving Authority runs from the date of the letter providing the notification of the decision or, in the case of a resolution or ordinance, from the date of the adoption of the resolution or ordinance.

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Article 4. Development Applications, Permits, & Procedures

Division 4.1. Project Plans and Site Plans

Sec. 25.4.1.1. Newspaper notice.

(a) Where required by law, the City must cause notice to be published in a newspaper of general circulation in accordance with this Chapter or State law, as applicable.

Sec. 25.4.1.2. Applicability.

(a) This Division applies to all development, except:

(1) A major or minor amendment under Article 4, Division 4.2;

(2) Construction, alteration, or relocation of no more than one single unit detached dwelling or one duplex or triplex building and related accessory uses;

(3) A change of use requiring a temporary use permit issued by the Chief of Inspection Services;

(4) Construction of a shed, fence, or sign;

(5) The following activities when they are not associated with any other development activities:

A. Grading;

B. Clearing;

C. Work within the public right-of-way;

D. Underground utility work;

E. Regular building or property maintenance that does not require a building permit; and

F. Work requiring a building permit that does not involve exterior changes to a building or the site.

Sec. 25.4.1.3. Approval required.

(a) *Types of approvals.* A development subject to this Division requires approval of a Level 1 Site Plan, a Level 2 Site Plan, or both a Project Plan and a Level 1 Site Plan, based on the intensity of the development and the requirements of this Division.

(b) *Application review table.*

(1) Except as otherwise provided in this Division, a development is evaluated on the acreage of the subject site and the projected number of dwelling units, non-residential square footage, residential impact area, and traffic impact. Each of these items is allocated points, which are added together to determine the total points of a proposed development. The total points determine which approvals are necessary, as follows:

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A. 0 to 6 points: Level 1 Site Plan only.

B. 7 to 15 points: Level 2 Site Plan only.

C. 16 or more points: Project Plan followed by Level 1 Site Plan. Where a proposed amendment to an existing development requires a new application under Sec. 25.4.2.1(a)(1), the point total is calculated only on the net new dwelling units and gross floor area.

Table 4.1.3-1: Application Review Table

Elements	Points				
	0	1	2	3	4
Site size in acres	N/A	1.0 or fewer	1.1 to 2.5	2.6 to 5.0	5.1 or greater
Net new dwelling units	0	1 to 19	20 to 50	51 to 150	151 or greater
Net new square footage of nonresidential space	0	5,000 sq. ft. or fewer	5,001 to 25,000 sq. ft.	25,001 to 100,000 sq. ft.	100,001 sq. ft. or greater
Proximity to land that is in a residential zone pursuant to Sec. 25.5.1.1, Table 5.1.1-1, except the RMD-25 and RHD, and developed with single-unit detached, townhouse, or multiplex dwellings	No residential within 500 ft.	Residential within 500 ft.	Residential within 100 ft.	Confronting residential	Adjacent to residential
Net new peak hour trips	0 or negative	1 to 29 trips	30 to 74 trips	75 to 149 trips	150 trips or greater

Sec. 25.4.1.4. Project Plan.

(a) *Application required.* The following developments must receive Project Plan approval:

(1) An application generating 16 or more total points under Sec. 25.4.1.3, Table 4.1.3-1;

(2) An application for a Champion Project; and

(3) An application including property subject to a pending annexation petition.

(b) *Approving Authority.* The Mayor and Council is the Approving Authority for Project Plans.

(c) *Level 1 Site Plan required.* All development subject to Project Plan approval must receive Level 1 Site Plan approval after Project Plan approval and before issuance of any building permits. An application for a Level 1 Site Plan may be submitted concurrently with a Project Plan application.

(d) *Application process.*

(1) *Application*. The applicant must file the application in accordance with Sec. 25.3.2.2 and must include a date for an area meeting.

(2) *Notice*. The applicant must provide notice pursuant to Article 3, Division 3.3.

(3) *Area meeting*. After submitting the application, the applicant must hold a public area meeting to outline the scope of the project and receive public comments.

(4) *Development Review Committee meeting.* After the area meeting, the applicant must hold a meeting with the Development Review Committee.

(5) *Planning Commission meeting.* After the Development Review Committee meeting, the Planning Commission must hold a public hearing on the application and prepare and transmit any comments or recommendations on the application to the Mayor and Council.

(e) *Public hearing*. After the Planning Commission hearing, the Mayor and Council must hold a public hearing on a Project Plan application before approving or denying the application.

(f) *Findings.* The Mayor and Council may only approve a Project Plan application if it finds that the application:

(1) Is consistent with the Plan;

(2) Is supported by adequate existing and programmed public facilities as set forth in Article 8, Division 8.11 and as provided in the adopted Adequate Public Facilities Standards; and

(3) Conforms to the requirements of this Chapter and other applicable law governing health, safety, natural resources, and the environment of the City.

(g) *Approval conditions.* The Mayor and Council may condition its approval of a Project Plan application on any conditions the Mayor and Council deems necessary to make the findings in Sec. 25.4.1.4(f).

(h) *Decision by resolution*. After the public hearing, the Mayor and Council must approve or deny a Project Plan application by resolution.

(i) *Preliminary plan of subdivision.* Approval of a Project Plan application also serves as approval of a preliminary plan of subdivision.

(j) *Expiration.* A Project Plan approval expires if start of construction on all phases of the approved Project Plan has not commenced pursuant to validly issued building permits within five years of Project Plan approval or by an alternative expiration date approved by

the Mayor and Council, if applicable. The approval does not expire with respect to those phases of the Project Plan for which construction has commenced. If the Mayor and Council approves a Project Plan expiration date that is different than that described in this Section, the resolution of approval may include a schedule by which construction on all phases of the Project Plan must begin.

Sec. 25.4.1.5. Level 2 Site Plan.

(a) *Application required*. A development generating seven to 15 total points under Sec. 25.4.1.3, Table 4.1.3-1 must receive approval of a Level 2 Site Plan, unless approval of a Project Plan is otherwise required, before issuance of any building permits.

(b) *Exceptions*. Notwithstanding Sec. 25.4.1.5(a), the following developments generating seven to 15 total points under Sec. 25.4.1.3, Table 4.1.3-1 are not subject to Level 2 Site Plan approval:

(1) A development subject to Project Plan approval pursuant to Sec. 25.4.1.4(a)(2) or (3); and

(2) A development subject to Level 1 Site Plan approval pursuant to Sec. 25.4.1.6(a)(2).

(c) *Approving Authority.* The Planning Commission is the Approving Authority for Level 2 Site Plans.

(d) *Application process.*

(1) *Application*. The applicant must file the application in accordance with Sec. 25.3.2.2 and must include a date for an area meeting.

(2) *Notice*. The applicant must provide notice pursuant to Article 3, Division 3.3.

(3) *Area meeting.* After submitting the application, the applicant must hold a public area meeting to outline the scope of the project and receive public comments.

(4) *Development Review Committee meeting.* After the area meeting, the applicant must hold a meeting with the Development Review Committee.

(e) *Public hearing.* After the Development Review Committee meeting, the Planning Commission must hold a public hearing on a Level 2 Site Plan application before approving or denying the application.

(f) *Findings.* The Planning Commission may only approve a Level 2 Site Plan application if it finds that the application:

(1) Is consistent with the Plan;

(2) Is supported by adequate existing and programmed public facilities as set forth in Article 8, Division 8.11 and as provided in the adopted Adequate Public Facilities Standards; and

(3) Conforms to the requirements of this Chapter and other applicable law governing health, safety, natural resources, and the environment of the City.

(g) *Approval conditions.* The Planning Commission may condition its approval of a Level 2 Site Plan application on any condition the Planning Commission deems necessary to make the findings in Sec. 25.4.1.5(f).

(h) *Decision by resolution.* After the public hearing, the Planning Commission must approve or deny a Level 2 Site Plan application by resolution.

(i) *Preliminary plan of subdivision.* Approval of a Level 2 Site Plan application also serves as approval of a preliminary plan of subdivision.

(j) *Expiration.* A Level 2 Site Plan expires if start of construction has not commenced pursuant to a validly issued building permit within five years of Level 2 Site Plan approval or by an alternative expiration date approved by the Planning Commission, if applicable.

Sec. 25.4.1.6. Level 1 Site Plan.

(a) *Application required.* The following developments must receive Level 1 Site Plan approval:

(1) A development generating zero to six total points under Sec. 25.4.1.3, Table 4.1.3-1; and

(2) The following developments generating seven to 15 total points under Sec. 25.4.1.3, Table 4.1.3-1:

A. Research and development uses in the MXE zone;

B. The conversion of nonresidential uses to residential use where recommended by the Plan;

C. Residential developments proposing 20 percent or greater Moderately Priced Dwelling Units;

D. Housing for senior adults and persons with disabilities;

E. Residential developments with 19 or fewer dwelling units; and

F. Development in the MXTD, MXCD, MXCT, MXE, or MXB zones when the limits of disturbance of the development are at least 300 feet from any lot improved with single-unit detached, townhouse, or multiplex uses, as measured from the nearest property line, or are separated from such uses by one of the following transportation rights-of-way: I-270, Shady Grove Road, Twinbrook Parkway, MD-355, MD- 586, or the Metro/CSX rail.

(b) *Approving Authority.* The Chief of Zoning is the Approving Authority for Level 1 Site Plans.

(c) *Application process.*

(1) *Application*. The applicant must file the application in accordance with Sec. 25.3.2.2 and must include a date for an area meeting.

(2) *Notice*. The applicant must provide notice pursuant to Article 3, Division 3.3.

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(3) *Area meeting*. After submitting the application, the applicant must hold a public area meeting to outline the scope of the project and receive public comments, except as provided in Sec. 25.4.1.5(c)(5).

(4) *Development Review Committee meeting*. After the area meeting, the applicant must hold a meeting with the Development Review Committee, except as provided in Sec. 25.4.1.5(c)(5).

(5) *Level 1 Site Plan implementing previously approved plan*. An applicant for a Level 1 Site Plan implementing an approved Project Plan, Planned Development, or Special Exception is not required to meet with the Development Review Committee or hold an area meeting.

(d) *Findings.* The Chief of Zoning may only approve a Level 1 Site Plan application upon finding that the application:

(1) Is consistent with any applicable Project Plan, Planned Development, or Special Exception;

(2) Is consistent with the Plan;

(3) Is supported by adequate existing and programmed public facilities as set forth in Article 8, Division 8.11 and as provided in the adopted Adequate Public Facilities Standards; and

(4) Conforms to the requirements of this Chapter and other applicable law governing health, safety, natural resources, and the environment of the City.

(e) *Approval conditions.* The Chief of Zoning may condition approval of a Level 1 Site Plan on any condition the Chief of Zoning deems necessary to support the findings in Sec. 25.4.1.6(d).

(f) *Decision by letter.* The Chief of Zoning must approve or deny a Level 1 Site Plan by dated letter. The Chief of Zoning must transmit a copy of the letter to the Planning Commission as well as all parties entitled to notification of the decision under Sec. 25.3.3.5.

(g) *Aggrieved parties.* The Chief of Zoning's decision letter must state that any aggrieved party may, within 15 days of the date of the letter, request a public hearing on the decision. A hearing request must be in writing, transmitted to the Chief of Zoning, and specify the reasons for the request and the nature of the objections or relief desired. If a request for a hearing is received within 15 days of the date of decision letter, the decision of the Chief of Zoning will become void and the Level 1 Site Plan application will be referred to the Planning Commission to conduct a public hearing and render a decision based on the findings in Sec. 25.4.1.6(d).

(h) *Preliminary plan of subdivision.* Approval of a Level 1 Site Plan application not implementing a previously approved Project Plan or Planned Development also serves as approval of a preliminary plan of subdivision.

(i) *Expiration.* A Level 1 Site Plan expires if start of construction has not commenced pursuant to a validly issued building permit within five years of Level 1 Site Plan approval.

Division 4.2. Amendments to Project Plans, Site Plans, and Planned Developments

Sec. 25.4.2.1. Application and review.

(a) *In general.* An application to amend any previously approved Project Plan, Planned Development, Level 2 Site Plan, Level 1 Site Plan, or equivalent approval must be filed with the Chief of Zoning in accordance with this Division.

(1) *New application required.* An application that disturbs more than 50 percent of the total site area of a property subject to an approved Project Plan, Level 2 Site Plan, Level 1 Site Plan, or equivalent approval may not be submitted as an amendment to the original approval, but requires the filing of a new Project Plan, Level 2 Site Plan, or Level 1 Site Plan, as applicable.

(2) If a new application is required under this Section, the entire site, including but not limited to all existing buildings, structures, and facilities, must be brought into compliance with the current development standards of this Chapter.

(b) *Scope of review.* The scope of an Approving Authority's review for an amendment submitted under this Division shall be limited to those aspects of an existing development that are directly related to or affected by the proposed amendment.

Sec. 25.4.2.2. Minor amendment.

(a) *Minor amendment required; Level 1 Site Plan.* A minor amendment is required for any amendment to a Level 1 Site Plan.

(b) *Minor amendment required; Project Plan and Level 2 Site Plan.* A minor amendment is required to amend a Project Plan, Level 2 Site Plan, or equivalent development when:

(1) The application reduces the size or scale of the approved development or does not deviate substantially from the terms, conditions, or intent of the original approval, including, but not limited to, minor adjustments to site engineering, parking (including the addition of electric vehicle charging stations or solar canopies over existing parking), loading areas, landscaping, sidewalks, recreational areas, and public use space; or

(2) The application meets the following criteria:

A. The application does not result in a substantial change to more than 20 percent of the total site area of the original approval;

B. The application does not generate more than 29 new peak hour trips;

C. The application does not expand any existing nonconformity;

D. The application does not result in an increase of more than 5,000 square feet or 20 percent of floor area, whichever is greater;

E. The limits of disturbance of the proposed development are at least 300 feet from any lot improved with single-unit detached, townhouse, or duplex uses, as measured from the nearest property line, or are separated from such uses by one of the following transportation rights-of-way: Interstate 270, MD 355, MD 586, or the Metro/CSX rail; and

F. The subject site is not in the Historic District Overlay zone.

(c) *Minor amendment not required*. A minor amendment is not required for interior construction, routine landscaping, building maintenance, or the addition or relocation of minor appurtenances including, but not limited to, bicycle racks, benches, pergolas, emergency generators, transformers, refrigeration equipment, trash enclosures, sidewalks and small storage sheds, as long as such addition or relocation does not alter the basic elements of the original approval or cause a safety hazard.

(d) *Approving authority*. The Chief of Zoning is the Approving Authority for minor amendments.

(e) *Application process.*

(1) *Application.* The applicant must file an application for a minor amendment in accordance with Sec. 25.3.2.2.

(2) *Notice*. The applicant must provide notice pursuant to Article 3, Division 3.3.

(f) *Findings.* The Chief of Zoning may only approve a minor amendment upon finding that the application:

(1) Is consistent with the criteria in Sec. 25.4.2.2(b);

(2) Conforms to the requirements of this Chapter and other applicable law governing health, safety, natural resources, and the environment of the City.

(g) *Approval conditions.* The Chief of Zoning may condition approval of a minor amendment on any condition the Chief of Zoning finds necessary to support the findings in Sec. 25.4.2.2(f).

(h) *Decision by letter.* The Chief of Zoning must approve or deny a minor amendment by dated letter. The Chief of Zoning must transmit a copy of the letter to the Approving Authority of the approval subject to the amendment as well as all parties entitled to notification of the decision under Sec. 25.3.3.5.

(i) *Aggrieved parties.* The Chief of Zoning's decision letter must state that any aggrieved party may, within 15 days of the date of the letter, request a public hearing on the decision. A hearing request must be in writing, transmitted to the Chief of Zoning, and specify the reasons for the request and the nature of the objections or relief desired. If a request for a hearing is received within 15 days of the date of decision letter, the decision of the Chief of Zoning will become void, and the minor amendment application will be referred to the

Approving Authority of the approval subject to the amendment to conduct a public hearing and render a decision based on the findings in Sec. 25.4.2.2(f).

(j) *Expiration.* A minor amendment expires if start of construction has not commenced pursuant to a validly issued building permit within five years of minor amendment approval.

Sec. 25.4.2.3. Major amendment.

(a) *Major amendment required.* A major amendment is required to amend a Project Plan, Level 2 Site Plan, or equivalent approval when the Chief of Zoning determines that the application is not eligible for a minor amendment under Sec. 25.4.2.2.

(b) *Application process and findings; Project Plan.* A major amendment to a Project Plan is subject to the procedures, requirements, and findings in Sec. 25.4.1.4. A major amendment to a Project Plan must receive Level 1 Site Plan approval after approval of the major amendment and before issuance of any building permits. An application for a Level 1 Site Plan may be submitted concurrently with the major amendment application.

(c) *Application process and findings; Level 2 site plan.* A major amendment to a Level 2 Site Plan or equivalent approval is subject to the procedures, requirements, and findings in Sec. 25.4.1.5.

Sec. 25.4.2.4. Planned Development amendment.

(a) *Planned Development amendment required.* The following changes to a Planned Development require Mayor and Council approval of an amendment to the Planned Development governing documents:

(1) Any increase in the maximum number of dwelling units or maximum gross square footage of nonresidential development beyond what is authorized in the Planned Development governing documents or the Planned Development's equivalent zone;

(2) Any increase in maximum building heights beyond what is authorized in the Planned Development governing documents or the Planned Development's equivalent zone;

(3) The addition of new uses not approved in the Planned Development governing documents or permitted in the Planned Development's equivalent zone;

(4) A major relocation of public or private streets; and

(5) A material reduction in the cumulative amount of public or private open space.

(b) *Amendment not required.* Any development within a Planned Development zone that does not meet the criteria for an amendment under Sec. 25.4.2.4(a) may proceed without a Planned Development amendment, subject to approval of all other plans and permits required by this Chapter and the City Code.

(c) *Application process and findings.* A Planned Development amendment is subject to the procedures, requirements, and findings in Sec. 25.4.1.4. A Planned Development amendment must receive Level 1 Site Plan approval after approval of the amendment and

before issuance of any building permits. An application for a Level 1 Site Plan may be submitted concurrently with the Planned Development amendment application.

(d) *Expiration.* A Planned Development amendment expires if start of construction has not commenced pursuant to a validly issued building permit within five years of Planned Development approval.

Sec. 25.4.2.5. Change of use; amendment not required.

(a) *Amendment not required.* Before issuance of any building permits, the Chief of Zoning may approve a change of use approved by a Project Plan, Level 2 Site Plan, or Level 1 Site Plan without a major or minor amendment, where the change of use:

(1) Is the only proposed change to the Project Plan or site plan;

(2) Does not require any change in the physical elements of the site that would otherwise require a major or minor amendment;

(3) Does not increase impact on transportation infrastructure, schools, water and sewer infrastructure, or other public facilities; and

(4) Is consistent with this Chapter and all applicable laws and regulations.

(b) *Notice.* Notice is not required for a change of use under this Section.

(c) *Letter of approval.* The Chief of Zoning must approve or deny a change of use under this Section by dated letter.

(d) *Other approvals required.* In addition to approval of a change of use under this Section, an applicant must also receive approval of an occupancy permit and any other permits or approvals required by this Chapter and other applicable law.

Division 4.3. Special Exceptions

Sec. 25.4.3.1. Application required.

(a) A person must receive approval of a Special Exception before putting land, property, or a structure to a use identified in this Chapter as requiring Special Exception approval. A proposed Special Exception may also require approval of a Project Plan, Level 2 Site Plan, Level 1 Site Plan, or an amendment thereto, if it includes development subject to Division 1 of this Article.

Sec. 25.4.3.2. Approving Authority.

(a) The Board of Appeals is the Approving Authority for Special Exceptions and amendments thereto, except as provided in Sec. 25.4.3.6(c).

Sec. 25.4.3.3. Application process.

(a) *Application.* The applicant must file the application in accordance with Sec. 25.3.2.2 and must include a date for an area meeting.

(b) *Notice.* The applicant must provide notice pursuant to Article 3, Division 3.3.

(c) *Area meeting.* After submitting the application, the applicant must hold a public area meeting to outline the scope of the project and receive public comments.

(d) *Development Review Committee meeting.* After the area meeting, the applicant must hold a meeting with the Development Review Committee.

Sec. 25.4.3.4. Approval process.

(a) *Public hearing.* The Board of Appeals must hold a public hearing on a Special Exception application before approving or denying the application.

(b) *Findings.* The Board of Appeals may only approve a Special Exception application if it finds that:

(1) The proposed use is consistent with the Plan, this Chapter, and all other applicable law; and

(2) The proposed use at the location selected will not:

A. Adversely affect the health and safety of residents or workers in the area;

B. Overburden existing and programmed public facilities as set forth in Article 8, Division 8.11 and as provided in the adopted adequate public facilities standards;

C. Be detrimental to the use or development of adjacent properties or the neighborhood;

D. Change the character of the neighborhood in which the use is proposed, considering services currently provided, population density, character, and number of similar uses; and

E. Constitute a nuisance because of noise, traffic, number of people, or type of physical activity.

(c) *Approval conditions*. The Board of Appeals may condition its approval of a Special Exception on any conditions necessary to support the findings in Sec. 25.4.3.4(b).

(d) *Decision by resolution.* After the public hearing, the Board of Appeals must approve or deny a Special Exception application by resolution.

Sec. 25.4.3.5. Expiration.

(a) *No expiration.* Unless an expiration date is established as a condition of Special Exception approval, a Special Exception does not expire. Any use governed by a Special Exceptions approval is deemed conforming for the life of the Special Exception.

Sec. 25.4.3.6. Amendments.

(a) *Amending a Special Exception.* The operator of a Special Exception or the owner of the subject site may file an application to amend the terms or conditions of the Special Exception.

(b) *Notice*. The applicant must provide notice pursuant to Article 3, Division 3.3.

(c) *Minor amendment.*

(1) *Chief of Zoning approval.* If, in the opinion of the Chief of Zoning, the proposed amendment to the terms or conditions does not substantially change the nature, character, or intensity of the use or substantially change the effect of traffic from the use on the immediate neighborhood, the Chief of Zoning may amend the Special Exception upon finding that the amendment conforms to the findings in Sec. 25.4.3.4(b).

(2) *Decision.* The Chief of Zoning must approve or deny a minor amendment by dated letter. The Chief of Zoning must transmit a copy of the letter to the holder of the Special Exception, the Board of Appeals, and all parties entitled to notice in accordance with Sec. 25.3.3.5.

(3) *Aggrieved party.* The Chief of Zoning's decision letter must state that any aggrieved party may, within 15 days after the date of the letter, request a public hearing on the decision. A hearing request must be in writing, transmitted to the Chief of Zoning, and specify the reasons for the request and the nature of the objections or relief desired. If a request for a hearing is received, the decision of the Chief of Zoning will become void and the minor amendment application will be referred to the Board of Appeals to conduct a public hearing and render a decision based on the findings in Sec. 25.4.3.4(b).

(d) *Major amendment*.

(1) *Board of Appeals approval.* If, in the opinion of the Chief of Zoning, the proposed amendment is not eligible for a minor amendment, the Board of Appeals must hold a public hearing to consider the proposed amendment.

(2) *Public hearing.* The Board of Appeals must hold a public hearing on a major amendment application before approving or denying the application. The scope of a public hearing on a major modification is limited to the following:

A. The proposed amendment as set forth in the application; and

B. Those aspects of the Special Exception use that are directly related to, or affected by, the proposed amendment.

(3) *Additional considerations for certain expansions.* Notwithstanding the provisions of Sec. 25.4.3.6(d)(2), the Board of Appeals must consider all aspects of the Special Exception if the amendment proposes an expansion of the total floor area of all structures or buildings by more than 25 percent, or 7,500 square feet, whichever is less.

(4) *Findings.* The Board of Appeals may only approve a major amendment if it finds that the amendment conforms to the findings in Sec. 25.4.3.4(b).

(5) *Approval conditions.* The Board of Appeals may condition its approval of a major amendment on any conditions necessary to support the findings in Sec. 25.4.3.4(b).

(6) *Decision.* The Board of Appeals must approve or deny a major amendment by resolution.

Division 4.4. Permits

Sec. 25.4.4.1. Temporary use permit.

(a) *Permit required.* Before using a building, structure, or land in a manner allowed as a temporary use and listed in Sec. 25.6.8.4, a person must receive a temporary use permit.

(b) *Exceptions.* A temporary use permit is not required for uses regulated by Chapter 12.

(c) *Issuance.* The Chief of Inspection Services may issue a temporary use permit upon finding that the use proposed by the application will not:

(1) Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;

(2) Be detrimental to the public welfare or injurious to property or improvements in the neighborhood; or

(3) Constitute a violation of any provision of this Chapter or other applicable law.

(d) *Expiration.* A temporary use permit must include an expiration date consistent with the requirements of Sec. 25.6.8.4.

Sec. 25.4.4.2. Fence permit.

(a) *Required.* Before constructing a fence, a person must receive approval of a fence permit from the Chief of Zoning.

(b) *Issuance.* The Chief of Zoning must issue a fence permit upon finding that the proposed fence is consistent with the requirements of this Chapter.

Sec. 25.4.4.3. Small shed permit.

(a) *Required.* Before constructing an enclosed structure of 200 square feet or less on a single-unit detached, townhouse, or multiplex lot, a person must receive approval of a small shed permit from the Chief of Zoning.

(b) *Issuance.* The Chief of Zoning must issue a small shed permit upon finding that the proposed structure is consistent with the requirements of this Chapter.

Sec. 25.4.4.4. Sign permit.

(a) *Required*. Before installing, erecting, illuminating, or modifying a sign, a person must receive approval of a sign permit from the Chief of Zoning.

(b) *Exceptions*. A sign permit under Chapter 25 is not required for:

(1) Signs specifically exempt under Article 10;

(2) Signs within the public right-of-way, which are subject to the requirements of Chapter 21 of City Code;

(3) The installation or erection of an A-frame sign;

(4) The installation or erection of a temporary freestanding sign on an individual residential lot or a lot containing a multiplex or apartment with up to 10 dwelling units; or

(5) The maintenance or repair of an existing, permitted sign, including but not limited to repainting, refacing, and electrical repairs.

(c) *Review*. The Chief of Zoning must review and grant or deny a sign permit application in writing within 15 business days of receipt of a complete sign permit application, including the required fee.

(d) *Incomplete application*. If a sign permit application is returned to an applicant due to incompleteness, the Chief of Zoning must advise the applicant in writing as to the information needed to complete the application.

(e) *Issuance*. The Chief of Zoning must grant a sign permit upon finding that the sign meets all application requirements of Article 10 and, if applicable, any comprehensive sign plan for the site.

Division 4.5. Variances, Waivers, and Administrative Adjustments

Sec. 25.4.5.1. Variances.

(a) *Authority.* The Board of Appeals may grant variances from the strict application of density, bulk, or area requirements of the development standards set forth in this Chapter.

(b) *Application process.* Applications for variances must be submitted in accordance with Sec. 25.3.2.2.

(c) *Notice.* The applicant must provide notice pursuant to Article 3, Division 3.3.

(d) *Public hearing.* The Board of Appeals must hold a hearing on a variance application before approving or denying the application.

(e) *Findings.* The Board of Appeals may only grant a variance if it finds that:

(1) The request for the variance is the result of conditions peculiar to the property and not the result of any action taken by the applicant;

(2) Literal enforcement of this Chapter would result in practical difficulty;

(3) The variance would not be contrary to the public interest; and

(4) The granting of the variance is not inconsistent with the purposes of this Chapter.

(f) *Approval conditions.* The Board of Appeals may condition its approval of a variance application on any conditions it finds necessary to make the findings in Sec. 25.4.5.1(e).

(g) *Decision by resolution.* After the public hearing, the Board of Appeals must approve or deny a variance application by resolution.

(h) *Expiration.* A variance approval expires if an applicant has not secured all other necessary approvals and exercised the rights granted by approval of the variance within five years.

Sec. 25.4.5.2. Waivers.

(a) *Waivers associated with other applications.* An applicant seeking a waiver of the requirements of this Chapter that is associated with another development application under this Article, including, but not limited to, a Project Plan or a site plan, must incorporate the waiver request and any required justification in the associated application. The waiver will be approved or denied by the applicable Approving Authority as part of the associated application, unless this Chapter identifies another Approving Authority for the waiver.

(b) *Standalone waivers.*

(1) *Application.* An applicant seeking a waiver of the requirements of this Chapter not associated with any other development application under this Article, or that must be approved by a different Approving Authority than the associated application, must submit a waiver application in accordance with Sec. 25.3.2.2.

(2) *Notice.* The applicant must provide notice pursuant to Article 3, Division 3.3.

(3) *Public hearing.* The Approving Authority must hold a public hearing on the waiver application before approving or denying the application.

(4) *Finding.* The Approving Authority may only approve a waiver application if it finds that the application conforms to the applicable waiver standards of this Chapter.

(5) *Approval conditions.* The Approving Authority may condition its approval of a waiver on any conditions it finds necessary to make the finding in Sec. 25.4.5.2(b)(4).

(6) *Decision by resolution.* After the public hearing, the Approving Authority must approve or deny a standalone waiver application by resolution.

(7) *Expiration.* A standalone waiver application expires if an applicant has not secured all other necessary approvals and exercised the rights granted by approval of the waiver within five years.

Sec. 25.4.5.3. Administrative adjustments.

(a) *Authority.* The Chief of Zoning may make administrative adjustments from the regulations of this Chapter as provided in this Section.

(b) *Permitted administrative adjustments for residential uses in single dwelling unit residential zones.* The Chief of Zoning may grant an administrative adjustment from the regulations of this Chapter for residential uses in single dwelling unit residential zones, in accordance with the criteria established in this Section, for the following:

(1) *Setbacks.* To reduce the required yard setback by no more than 10 percent; and

(2) *Lot coverage.* To increase the lot coverage requirements by no more than 10 percent.

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(c) *Permitted administrative adjustments for non-residential uses in residential zones and all uses in residential medium density, industrial, mixed use, and special zones.* The Chief of Zoning may grant an administrative adjustment from the regulations of this Chapter for non-residential uses in residential zones and all uses in residential medium density, industrial, mixed use, and special zones, in accordance with the criteria established in this Section, for the following:

(1) *Setbacks.* To reduce the required yard setback by no more than 10 percent.

(d) *Application.* Applications for administrative adjustments must be submitted and in accordance with Sec. 25.3.2.2.

(e) *Notice.* The applicant must provide notice pursuant to Article 3, Division 3.3.

(f) *Review procedures.* The following procedures apply to the review and consideration of an application for an administrative adjustment:

(1) *Staff review*. The Chief of Zoning, after having determined that the submission is complete, will distribute copies of the application to appropriate City departments for review.

(2) *Staff report.* Any City department reviewing the application will prepare staff comments on the application and transmit the comments to the Chief of Zoning.

(g) *Review criteria and findings.* The Chief of Zoning may only grant an administrative adjustment upon making the following findings:

(1) *Property characteristics.* The adjustment is necessary due to the small size or configuration of the site or the characteristics of the improvements located thereon, such that the adjustment provides a solution to a hardship encountered in the use or development of the site.

(2) *Consistency with purpose*. The adjustment is not inconsistent with the purposes of this Chapter as set forth in Sec. 25.1.1.2.

(3) *Total cumulative adjustment.* The total cumulative adjustment to the regulation that is the subject of the application does not exceed the maximum allowable adjustment. This total cumulative adjustment is to be considered in connection with all adjustments made to the applicable property and not solely to the adjustments in connection with any single application for adjustment.

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Article 5. Zones & Zoning Map

Division 5.1. Zones

Sec. 25.5.1.1. Establishment of zoning districts.

(a) The City is divided into zoning districts, as listed in Table 5.1.1-1: Establishment of Zoning Districts.

Table 5.1.1-1: Establishment of Zoning Districts

Category	Zoning District	Abbreviation
Residential	Residential 400	R-400
	Residential 200	R-200
	Residential 150	R-150
	Residential 90	R-90
	Residential 75	R-75
	Residential 60	R-60
	Residential 40	R-40
	Residential Medium Density Infill	RMD-Infill
	Residential Medium Density 10	RMD-10
	Residential Medium Density 15	RMD-15
	Residential Medium Density 25	RMD-25
	Residential High Density	RHD
Industrial	Industrial Light	I-L
	Industrial Heavy	I-H
Mixed-Use	Mixed-Use Transit District 235	MXTD-235
	Mixed-Use Transit District 200	MXTD-200
	Mixed-Use Transit District 85	MXTD-85
	Mixed-Use Corridor District	MXCD
	Mixed-Use Corridor Transition	MXCT
	Mixed-Use Neighborhood Commercial	MXNC
	Mixed-Use Transition	MXT
	Mixed-Use Commercial	MXC
	Mixed-Use Employment	MXE
	Mixed-Use Business	MXB
Special	Park	PARK
	Planned Development (multiple)	See Table 7.4.3-1: Planned Development Zones
Overlay	Historic District	HD
	Lincoln Park Neighborhood Conservation District	LPNCD

Division 5.2. Zoning Map

Sec. 25.5.2.1. Zoning map.

(a) The location and boundaries of zones established in the City are as shown on the map entitled "Zoning Map of the City of Rockville," adopted on [date of Comprehensive Map Amendment adoption] by Ordinance No. [XX] as may be amended. The maps, sections, notations, dimensions, designations, references, and other data shown on the map are hereby made a part of this Chapter.

Sec. 25.5.2.2. Boundaries of zones.

(a) Where uncertainty exists as to the boundaries of any of the zones as shown on the zoning map, the following rules apply:

(1) Where zone boundaries are indicated as approximately following street or alley lines, proposed street lines, rapid transit, or railroad rights-of-way, the zoning boundaries are the centerline of those streets, alleys, or rights-of-way;

(2) Where zone boundaries are indicated as approximately following lot lines and are not more than 10 feet distant from the property lines of an unplatted property, such lot lines are the boundaries; and

(3) Where zoning boundaries are greater than 10 feet distant from the property lines of an unplatted property, or where a zone boundary divides an unplatted property, the location of any such zoning boundary is determined by use of the map scale shown on the map to the nearest foot, unless the boundary is indicated by dimensions on the map.

Division 5.3. Zoning Map Amendments.

Sec. 25.5.3.1. Zoning map amendments.

(a) *Compliance required*. The zoning map cannot be amended except in compliance with the procedures set forth in this article and other applicable law.

(b) *Types of applications*. An application may be filed for any of the following types of amendment to the zoning map:

(1) Local map amendment;

(2) Sectional map amendment; and

(3) Comprehensive map amendment.

(c) *Applications*.

(1) *Authority to file*.

A. *Local map amendment*. An application for a local map amendment may be filed by any governmental agency or by a person with a financial, contractual, or proprietary interest in the property to be affected by the proposed amendment.

B. *Sectional and comprehensive map amendments*. Except as otherwise set forth in this subsection, an application for a sectional or comprehensive map amendment may be filed only by the Planning Commission or the Mayor and Council. An application for a sectional map amendment may be filed by the Historic District Commission in the case of a proposed designation of property as historic under the provisions of Sec. 25.11.1.2.

(2) *Submission*.

A. *General requirements*. An application for an amendment to the zoning map must be submitted to the City Clerk on forms approved by the Chief of Zoning and be accompanied by such fee as is determined by resolution of the Mayor and Council.

B. *Complete application*. The application will not be deemed to be complete until all submission requirements have been met.

(3) *Local amendment applications*.

A. *Limitation on successive applications*. The City Clerk must not accept for filing any application for a local amendment to the zoning map if the application is for the reclassification of the whole or any part of land, the reclassification of which has been approved or denied by the Mayor and Council on its merits within 12 months prior to the of date of the application for filing.

(4) *Public notification of pending application*.

A. *Notification requirements*. Notice must be provided in accordance with this Section.

B. *Newspaper notification*. Publication in a newspaper of general circulation is required prior to a hearing in accordance with the requirements of State law.

C. *Sign required*. In the case of a local amendment, the owners of the subject property must post an application sign or signs in accordance with Sec. 25.3.3.4.

D. *Written notification to property owners*. The Chief of Zoning must mail notice of any public hearing on a map amendment application at least 15 days before the public hearing, as follows:

1. *Local map amendment and sectional map amendment*. For a local map amendment or a sectional map amendment, each owner of property subject to the map amendment application at the mailing address on the current tax assessment list, and also the property location address, if addresses are different on the tax roll, and civic associations and homeowner's associations within 750 feet of the area proposed for rezoning.

2. *Comprehensive map amendment*. In the case of a comprehensive map amendment, mailed notice is not required.

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(5) *Referring application to the Planning Commission*. The Chief of Zoning must transmit a copy of the application to the Planning Commission. The Commission may submit a written recommendation to the Mayor and Council

(6) *Hearing on application*. No application made under this Section may be granted unless a public hearing has been held on the application by the Mayor and Council in accordance with the requirements of State law.

(7) *Action on application*.

A. An application may be granted by ordinance or denied, dismissed, or allowed to be withdrawn by resolution of the Mayor and Council.

B. An application may be dismissed if the Mayor and Council finds that it does not comply with any procedural requirements of this Chapter or other applicable law.

C. Adoption of an ordinance placing a site in the Historic District Overlay zone requires the unanimous vote of the Mayor and Council when the owner of the site has opposed the sectional map amendment in writing.

(8) *Withdrawal of application*. An application for a local map amendment for which a public hearing has been conducted may be withdrawn only with the approval of the Mayor and Council. The Mayor and Council may decline to permit the withdrawal and decide the application on its merits or may permit withdrawal subject to any reasonable condition including but not limited to, the imposition of a time limitation within which no subsequent application may be filed, the limitation not to exceed three years.

(9) *Notification of decision*.

A. Copies of all decisions made pursuant to this Section must be provided by the City Clerk within 10 days after the decision is rendered via written notice by first class mail to the applicant, if applicable, and to any other party of record, unless such party requests an e-mail notification in lieu of first class mailing.

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Article 6. Uses & Use Standards

Division 6.1. General Provisions

Sec. 25.6.1.1. General provisions.

(a) *Use categories.*

(1) There are six use categories which group like uses: Residential, Retail Sales and Services, Institutions and Public Uses, Industrial, Automotive, and Miscellaneous.

(2) When a use category is referenced in this Chapter, the use category applies to all uses found within that use category.

(b) *Use definitions.*

(1) The definition of a use in this Article applies to that use term wherever it is used in this Chapter.

(c) *Uses requiring a license.*

(1) When a use requires a license from the City, County, or State to operate, the use is allowed only when the license is in effect.

(d) *Grandfathered uses.*

(1) Any use that conforms to the use requirements in effect immediately prior to [effective date of this Chapter] but no longer conforms to the use requirements of the zone in which it is located is deemed to be a conforming use.

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Division 6.2. Use Table

Sec. 25.6.2.1. Classification of use permissions..

(a) The use table identifies uses allowed in each zone. The key for this table is as follows:

(1) *Permitted uses (P).* A "P" indicates that the use is permitted if it meets the “Use Standards” listed in this Division.

(2) *Conditional uses (C).* A "C" indicates that the use must meet the “Use Standards” and any applicable “Conditional Use Standards” listed in this Division.

(3) *Special Exception uses (S).* An "S" indicates that the use must meet the “Use Standards” and “Special Exception Use Standards” listed in this Division. These uses also require the approval of a Special Exception in accordance with the applicable provisions of Article 4, Division 3.

(4) *Blank cells.* A blank cell indicates that a use is prohibited in the zone.

Sec. 25.6.2.2. Use table.

Table 6.2.2-1 Use Table

Use P = Permitted C = Conditional S = Special Exception Blank = Prohibited	Use Definition and Standards	R-400	R-200	R-150	R-90	R-75	R-60	R-40	RMD-Infill	RMD-10	RMD-15	RMD-25	RHD	I-L	I-H	All MXTD Zones*	MXCD	MXCT	MXNC	MXC	MXT	MXE	MXB	PARK
Residential Uses																								
Apartment	Sec. 25.6.3.1	C	C	C	C	C	C	C	C	P	P	P	C			P	P	P	P	C	C	C	P	
Child Care Home (Up to 8 Children)	Sec. 25.6.3.2	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	
Cottage Court	Sec. 25.6.3.3	C	C	C	C	C	C	C	P	P	P	P	P											
Dwelling, Single-Unit Detached	Sec. 25.6.3.4	P	P	P	P	C	C	C	C	C	C	C				C	C	C	C	C	C	C	C	
Dwelling Unit, Accessory	Sec. 25.6.3.5	P	P	P	P	P	P	P	P	P	P	P	P			C	P	P	P	P	P	P	P	
Group Home, Large	Sec. 25.6.3.6	C	C	C	C	C	C	C	C	P	P	P	P			P	P	P	P	P	P	P	P	

Use P = Permitted C = Conditional S = Special Exception Blank = Prohibited	Use Definition and Standards	R-400	R-200	R-150	R-90	R-75	R-60	R-40	RMD-Infill	RMD-10	RMD-15	RMD-25	RHD	I-L	I-H	All MXTD Zones*	MXCD	MXCT	MXNC	MXC	MXT	MXE	MXB	PARK
Group Home, Small	Sec. 25.6.3.7	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	
Housing for Senior Adults and Persons with Disabilities	Sec. 25.6.3.8	C	C	C	C	C	C	C	C	C	P	P	P			P	P	P	P	C	C	P	C	
Life Care Facility	Sec. 25.6.3.9	C	C	C	C	C	C	C	C	C	C	C	C			P	P	P	C		C	P	C	
Live/Work Unit	Sec. 25.6.3.10													P		P	P	P	P	P	P	P	P	
Multiplex	Sec. 25.6.3.11	C	C	C	C	C	C	C	C	P	P	P	P			P	P	P	P	C	P	C	P	
Personal Living Quarters	Sec. 25.6.3.12															P	P	P	P		P	P	P	
Townhouse	Sec. 25.6.3.13	C	C	C	C	C	C	C	P	P	P	P	P			P	P	P	P		C	C	P	
Retail and Service Uses																								
Adult-Oriented Establishment	Sec. 25.6.4.1													S										
Alcoholic Beverage Production, Limited	Sec. 25.6.4.2													C	P	C	C	C	C			C	C	
Alcoholic Beverage Retail Establishment	Sec. 25.6.4.3															P	P	C	C	C	C	P		
Ambulance Service	Sec. 25.6.4.4													C			P	C	C	C		P	C	
Animal Boarding Establishment	Sec. 25.6.4.5													P	P	C	C	C	C	C	C	C	C	
Animal Grooming Establishment	Sec. 25.6.4.6															P	P	P	P	P	P	P	P	
Auctioneer or Commercial Gallery	Sec. 25.6.4.7													P		P	P	P	P	P	P	P	P	
Bank or Financial Institution	Sec. 25.6.4.8															P	P	P	P	P	P	P	P	
Bed and Breakfast	Sec. 25.6.4.9	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	
Cannabis Dispensary	Sec. 25.6.4.10													P		P	P	P	P	P	P	P	P	

Use P = Permitted C = Conditional S = Special Exception Blank = Prohibited	Use Definition and Standards	R-400	R-200	R-150	R-90	R-75	R-60	R-40	RMD-Infill	RMD-10	RMD-15	RMD-25	RHD	I-L	I-H	All MXTD Zones*	MXCD	MXCT	MXNC	MXC	MXT	MXE	MXB	PARK
Eating and Drinking Establishment	Sec. 25.6.4.11													C		P	P	P	P	P	P	P	P	
Event Space, Club, or Lodge	Sec. 25.6.4.12	S												P		P	P	P	C		C	P	P	
Food Preparation Establishment	Sec. 25.6.4.13													P		P	P	P				P	P	
Funeral Home	Sec. 25.6.4.14															P	P	P	P	P	P		P	
Health and Fitness Establishment	Sec. 25.6.4.15													P		P	P	P	C	C	C	P	P	
Home Maintenance Service	Sec. 25.6.4.16													P	P	P	P	P	P	P	P	P	P	
Hospital	Sec. 25.6.4.17													P		P	P	P	C			P	P	
Hotel	Sec. 25.6.4.18															P	P	P	C			P	P	
Instructional Facility	Sec. 25.6.4.19													P		P	P	P	P	P	P	P	P	
Laboratory, Medical or Dental	Sec. 25.6.4.20													P		P	P	P	C			P	P	
Mobile Use	Sec. 25.6.4.21													P		P	P	P	P	P	P	P	P	
Office	Sec. 25.6.4.22										C	C	C	C		P	P	P	P	P	P	P	P	
Outdoor Sales and Storage	Sec. 25.6.4.23													P		C	C	C	C	C	C	C	C	
Pawnbroker	Sec. 25.6.4.24													P										
Personal Care Facility	Sec. 25.6.4.25											C	C			P	P	P	P	P	P	P	P	
Professional Services	Sec. 25.6.4.26															P	P	P	P	P	P	P	P	
Recreational Facility; Indoor, Commercial	Sec. 25.6.4.27													P		P	P	P	P			P	P	
Recreational Facility; Outdoor, Commercial	Sec. 25.6.4.28													P		P	P	P	P			P		

Use P = Permitted C = Conditional S = Special Exception Blank = Prohibited	Use Definition and Standards	R-400	R-200	R-150	R-90	R-75	R-60	R-40	RMD-Infill	RMD-10	RMD-15	RMD-25	RHD	I-L	I-H	All MXTD Zones*	MXCD	MXCT	MXNC	MXC	MXT	MXE	MXB	PARK
Retail Establishment	Sec. 25.6.4.29										C	C	C	C		P	P	P	P	P	C	P	P	
Shooting Gallery	Sec. 25.6.4.30													S	S									
Studio	Sec. 25.6.4.31													P		P	P	P	P	P	P	P	P	
Swimming Pool	Sec. 25.6.4.32	C	C	C	C	C	C																	C
Theater	Sec. 25.6.4.33															P	P	P	P	P	P	P	P	
Tobacco and Vape Shop	Sec. 25.6.4.34													P		P	P	P				P	P	
Veterinary Service	Sec. 25.6.4.35	C	C											P		P	P	P	P	P	C	P	P	
Wholesale Establishment	Sec. 25.6.4.36													P			C	C				C	C	
Institutional and Public Uses																								
Adult Day Care	Sec. 25.6.5.1	C	C	C	C	C	C	C	C	C	C	C	C	P		P	P	P	P	P	P	P	P	
Charitable or Philanthropic Institution	Sec. 25.6.5.2	C	C	C	C	C	C	C	C	C	C	C	C	P		P	P	P	P	P	P	P	C	C
Child Care Center (9 or More Children)	Sec. 25.6.5.3	C	C	C	C	C	C	C	C	C	C	C	C	P		P	P	P	P	P	P	P	P	
Crematorium	Sec. 25.6.5.4																							
Cultural Institution	Sec. 25.6.5.5													C		P	P	P	P	P	P	P	P	
Educational Institution, Private	Sec. 25.6.5.6	C	C	C	C	C	C		C	C	C	C	C	P		P	P	P	C	P	C	P	P	
Park	Sec. 25.6.5.7	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Place of Worship	Sec. 25.6.5.8	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	
Public Utility Structure	Sec. 25.6.5.9	S	S	S	S	S	S	S	C	C	C	C	C	P	P	P	P	P	P	P	C	P	P	S

Use P = Permitted C = Conditional S = Special Exception Blank = Prohibited	Use Definition and Standards	R-400	R-200	R-150	R-90	R-75	R-60	R-40	RMD-Infill	RMD-10	RMD-15	RMD-25	RHD	I-L	I-H	All MXTD Zones*	MXCD	MXCT	MXNC	MXC	MXT	MXE	MXB	PARK
Publicly-Owned or -Operated Facility	Sec. 25.6.5.10	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wireless Communication Facility (Located entirely within an existing building or on the roof or side of a building, or attached to an existing structure)	Sec. 25.6.5.11	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Wireless Communication Facility (Located on a freestanding ground mounted antenna support structure)	Sec. 25.6.5.11	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Industrial Uses																								
Alcoholic Beverage Production	Sec. 25.6.6.1													C	P							C		
Artisanal Craft Production	Sec. 25.6.6.2													C	P	P	P	P	P	P	P	P	P	
Data Center or Data/Cryptocurrency Mining	Sec. 25.6.6.3																							
General Warehousing	Sec. 25.6.6.4													P	P									
Industrial, Heavy	Sec. 25.6.6.5														P									
Industrial, Light	Sec. 25.6.6.6													C	P							C	C	
Research and Development	Sec. 25.6.6.7													P		P	P	P				P	P	
Self-Storage Facility	Sec. 25.6.6.8													P	P							C	P	
Automotive Uses																								

Use P = Permitted C = Conditional S = Special Exception Blank = Prohibited	Use Definition and Standards	R-400	R-200	R-150	R-90	R-75	R-60	R-40	RMD-Infill	RMD-10	RMD-15	RMD-25	RHD	I-L	I-H	All MXTD Zones*	MXCD	MXCT	MXNC	MXC	MXT	MXE	MXB	PARK
Automobile and Recreational Vehicle Sales or Rental Establishment	Sec. 25.6.7.1													P		C	C	C		C		C	C	
Automobile Repair Establishment	Sec. 25.6.7.2													P	P								P	
Automobile Service Establishment	Sec. 25.6.7.3													P			P					P	P	
Automobile Towing Establishment	Sec. 25.6.7.4													P	P								C	
Car Wash	Sec. 25.6.7.5													P			P							
Drive-Through Window	Sec. 25.6.7.6																P	P	S	P		C	P	
Electric Vehicle Charging	Sec. 25.6.7.7	C	C	C	C	C	C	C	C	C	C	C	C	P	P	C	P	P	C	C	C	C	P	P
Gas Station	Sec. 25.6.7.8													S	S		S	S	S	S		S		
Parking Structure, Commercial	Sec. 25.6.7.9															P	P	P				P	P	
Miscellaneous Uses																								
Backyard Chicken Coop	Sec. 25.6.8.1	P	P	P	P	P	P	P	P	P	P	P	P			C	P	P	P	P	P	P	P	
Home-Based Business (Little to No Impact)	Sec. 25.6.8.2	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	
Home-Based Business (Material Impact)	Sec. 25.6.8.2	S	S	S	S	S	S	S	S	S	S	S	S			S	S	S	S	S	S	S	S	
Renewable Energy System	Sec. 25.6.8.3										C	C	C	C/S	C/S	C	C	C	C	C		C	C	C
Temporary Uses	Sec. 25.6.8.4	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

Division 6.3. Residential Uses

Sec. 25.6.3.1. Apartment.

(a) *Definition*.

(1) Apartment means one of a group of five or more dwelling units contained within a single building where each unit is separated from the other units. This term includes dwellings located within apartment buildings, condominiums, and cooperatives. It does not include Townhouses. Stacked Townhouses are Apartments when arranged in groups of five units or more.

(b) *Use standards*. In all zones, the following standards apply:

(1) Apartments are prohibited in buildings in which the principal use is industrial.

(c) *Conditional use standards*.

(1) In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, and RMD-Infill zones the following standards apply.

A. The use must be located on land, including land that is subject to a ground lease, that is either:

1. Wholly owned by a nonprofit organization as defined in Sec. 7-504 of the Land Use Article of the Maryland Annotated Code, as may be amended;

2. Includes improvements owned by an entity that is controlled by a nonprofit organization as defined in Sec. 7-504 of the Land Use Article of the Maryland Annotated Code, as may be amended;

3. A Place of Worship; or

4. A Publicly-Owned or -Operated Facility.

B. The use must consist of 25 percent MPDUs.

C. Development standards are those required for the zone, except as follows:

1. *Minimum street frontage*. The lot must have at least 60 feet of frontage on a public street.

2. *Building height*.

i. In the R-400, R-200, R-150, RMD-10, and RMD-15, the height may be increased to 50 feet if:

a. A step back of 10 feet on the side and rear facades are provided for any height above the height permitted in the zone.

ii. In the R-90, R-75, R-60, R-40, and RMD-Infill the height may be increased to 50 feet if:

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a. A step back of 10 feet on the side and rear facades are provided for any height above the height permitted in the zone.
b. Side and rear setbacks double the width required in the zone are provided.

(2) In the RHD zone, Apartment developments must comply with the mixed-use building location and design standards of Sec. 25.7.3.6, Sec. 25.7.3.8, and Sec. 25.7.3.9.

(3) In the MXT and MXE zones, the following standards apply:

A. The use must be in areas recommended for residential use in the Plan;

B. Where the Approving Authority determines the use is compatible with adjoining and confronting uses by means of landscaping, screening, or other measures; or

C. In buildings in which the principal use is an Office. In Office buildings in the MXE, Apartments may occupy no more than 20 percent of the building's gross floor area.

(4) In the MXC zone, Apartments are not permitted at the ground floor level.

Sec. 25.6.3.2. Child Care Home.

(a) *Definition*.

(1) Child Care Home means a residence in which child care services are provided for up to eight children for compensation any one time in accordance with all applicable State and County laws and regulations.

Sec. 25.6.3.3. Cottage Court.

(a) *Definition*.

(1) Cottage Court means two or more detached dwelling units arranged around a shared courtyard on a single lot.

(b) *Use standards.* In all zones, the following standards apply.

(1) Three to 12 units may be located on a single lot and up to half of the units may be duplexes.

(2) There must be a minimum of six feet between detached units.

(3) Accessory Dwelling Units are prohibited on lots where Cottage Courts are located.

(4) *Development standards*.

A. The maximum height is 25 feet.

B. The maximum building width is 24 feet.

C. The maximum unit size is 1,200 square feet.

(5) *Design standards*. Cottage Courts must conform to the following design standards.

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A. Each dwelling unit must front on a shared courtyard which is either partially or wholly open to the street. All units must have access to common areas and public sidewalks via walkways.

B. Facades along street frontages other than alleys must include elements that provide interaction with the street such as stoops, porches, terraces, balconies, and bay windows.

C. Attached garages or carports are not permitted.

(c) *Conditional use standards*.

(1) In the R-400, R-200, R-150, R-90, R-75, R-60, and R-40 zones, Cottage Courts are permitted as part of a qualified project as defined in Subtitle 5, Title 7, Division II of the Land Use Article of the Maryland Annotated Code.

Sec. 25.6.3.4. Dwelling, Single-Unit Detached.

(a) *Definition*.

(1) Single-Unit Detached Dwelling means a dwelling unit that is entirely separated from any other building or structure on all sides, except for an attached accessory dwelling unit.

(b) *Use standards*. In all zones, the following standards apply:

(1) Except as otherwise provided, no more than one Single-Unit Detached Dwelling may be built on a lot.

(c) *Conditional use standards.*

(1) In the R-75, R-60, and RMD-10, Single-Unit Detached Dwellings and their Attached Accessory Dwelling Units must conform to the design standards of the East Rockville Design Guidelines, adopted February 1, 2021, as applicable.

(2) The R-40 and RMD-Infill, MXT, and MXC zones, Single-Unit Detached Dwellings must comply with the following:

A. The development standards of the R-60 zone; and

B. The design standards of the East Rockville Design Guidelines, adopted February 1, 2021, as applicable.

(3) In the RMD-10, RMD-15, and RMD-25, Single-Unit Detached Dwellings must comply with the development standards of the R-60 zone.

(4) In all MXTD zones, Single-Unit Detached Dwellings are permitted only when they were lawfully in existence on [effective date of this Chapter] and must comply with the development standards of the R-60 zone.

(5) In the MXCD, MXCT, MXNC, MXE, and MXB zones, Single-Unit Detached Dwellings must comply with the development standards of the R-60 zone and are permitted as follows:

A. In areas recommended for residential use in the Plan; or

B. Where the Approving Authority determines the use is compatible with adjoining and confronting uses by means of landscaping, screening, or other measures.

Sec. 25.6.3.5. Dwelling Unit, Accessory.

(a) *Definition*.

(1) Accessory Dwelling Unit means a dwelling unit that is subordinate to a Single-Unit Detached Dwelling on the same lot.

A. Attached Accessory Dwelling Unit means an Accessory Dwelling Unit that shares a common wall with the principal dwelling unit on the lot. Attached Accessory Dwelling Units may have a gross floor area:

1. Equal to or less than 50 percent of the total floor area of the principal dwelling unit; or

2. If the Attached Accessory Dwelling unit is located in a basement or cellar, equal to or less than the square footage of the basement or cellar.

B. Detached Accessory Dwelling Unit means an Accessory Dwelling Unit within a detached accessory building.

(b) *Use standards*. In all zones, the following standards apply:

(1) All Accessory Dwelling Units, whether attached or detached, must comply with the following standards:

A. Accessory Dwelling Units must be accessory to a Single-Unit Detached Dwelling located on the same lot.

B. Only one Accessory Dwelling Unit is permitted on a lot.

C. Both the Accessory Dwelling Unit and the principal dwelling unit on a lot must remain under common ownership. In accordance with Chapter 18 of City Code, only one rental license is permitted on a property.

(2) *Attached Accessory Dwelling Units.* Attached Accessory Dwelling Units, except for Accessory Apartments constructed before October 9, 2023, under a valid Special Exception approval, must comply with the following standards.

A. If a separate entrance to the Attached Accessory Dwelling Unit is provided, it must be located on the side or rear of the principal dwelling unit.

B. Attached Accessory Dwelling Units are subject to all design guidelines applicable to their principal Single-Unit Detached Dwellings.

(3) *Detached Accessory Dwelling Units.* Detached Accessory Dwelling Units must comply with the following standards:

A. Detached Accessory Dwelling Units are subject to the development standards in Sec. 25.8.1.3(c).

B. Detached Accessory Dwelling Units must be permanently attached to the ground by a foundation.

C. *Size limitation*.

1. If the principal dwelling unit has a gross floor area of 800 square feet or more, the Detached Accessory Dwelling Unit must be no larger than the lesser of:

i. 50 percent of the gross floor area of the principal dwelling unit; or
ii. 750 square feet.

2. If the principal dwelling unit has a gross floor area of less than 800 square feet, the Detached Accessory Dwelling Unit may be up to 400 square feet.

(c) *Conditional use standards.*

(1) In all MXTD zones, Accessory Dwelling Units are permitted only when located on the same lot as a Single-Unit Detached Dwelling that was in existence on [effective date of this Chapter].

Sec. 25.6.3.6. Group Home, Large.

(a) *Definition*.

(1) Large Group Home means a facility that is licensed by the State and County and operates as a group home or domiciliary care home, offering residential accommodations, supervision, or assisted community living for nine to 16 residents, or the limit set by State or County law, whichever is less.

A. The number of residents living in a Group Home is calculated by adding the number of individuals receiving services and the number of staff members residing in the Group Home. Dependent children of individuals receiving services may also live in the Group Home and are not included in this calculation.

(b) *Use standards*. In all zones, the following standards apply:

(1) Large Group Homes are not permitted in Apartments, Cottage Courts, Multiplexes, or Townhouses.

(c) *Conditional use standards*.

(1) In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, and RMD-Infill, Large Group Homes must be separated from existing Large Group Homes by at least ¼ mile (1320 feet) along the shortest line connecting the uses.

A. This standard does not apply where the Large Group Homes are separated by a principal arterial road, interstate highway, rail line, major topographical feature such as a major stream floodway, or major non-residential uses such as a Shopping Center or Office.

(2) Parking facilities for Large Group Homes must be located to the side or the rear of the principal structure on the lot.

Sec. 25.6.3.7. Group Home, Small.

(a) *Definition*.

(1) Small Group Home means a facility that is licensed by the State and County and operates as a group home or domiciliary care home, offering residential accommodations, supervision, or assisted community living for three to eight residents, or the limit set by State or County law, whichever is less.

A. The number of residents living in a Group Home is calculated by adding the number of individuals receiving services and the number of staff members residing in the Group Home. Dependent children of individuals receiving services may also live in the Group Home and are not included in this calculation.

Sec. 25.6.3.8. Housing for Senior Adults and Persons with Disabilities.

(a) *Definition*.

(1) Housing for Senior Adults and Persons with Disabilities means a building or buildings containing dwelling units for independent or assisted living and related services or facilities for senior adults or persons with disabilities. The use may also include facilities for such services to residents as meal preparation and service, day care, personal care, nursing, or therapy, or any service to the senior adult or disabled population of the community that is an ancillary part of any of the above operations.

(b) *Use standards.* In all zones, the following standards apply:

(1) Occupancy is restricted to the following:

A. A senior adult or a person with a disability, as defined in Sec. 25.2.2.14(n);

B. The spouse of a resident, regardless of age or disability;

C. The resident's relative or caregiver, if needed to assist a resident senior or person with a disability;

D. The resident's dependent child; and

E. Resident staff necessary for operation of the facility.

(2) Age restrictions must comply with at least one type of exemption for housing for older persons from the familial status requirements of the federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968, and subsequent amendments.

(3) For developments with a common main/front entrance, a designated pick-up and drop-off zone must be provided adjacent to the main/front entrance. The area must:

A. Allow safe, unobstructed vehicle access for passenger loading and unloading;

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B. Be ADA-compliant in location and design to accommodate accessible vehicles, including vans with wheelchair lifts;

C. Have sufficient space for at least one vehicle to pull off the main driveway or street without blocking through traffic; and

D. Include curb cuts and clear signage directing visitors and service providers to the zone.

(4) Usable outdoor recreational space must be provided. This outdoor space must be designed and maintained to accommodate active and passive recreation, including but not limited to seating areas, gardens, or patios. Usable outdoor recreation areas must:

A. Be located on the ground, terraces, rooftops, or courtyards;

B. Be accessible to all residents, including those with mobility aids;

C. Not include driveways, parking areas, loading/unloading zones, or required yard setbacks; and

D. Be landscaped or developed to promote social interaction, physical activity, and relaxation.

(c) *Conditional use standards*. In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, MXT, MXC, and MXB zones, the following additional standards apply:

(1) The site must have adequate accessibility to, or provide on-site, public transportation, medical services, shopping areas, and other community services frequently used by residents of such use.

(2) *Dimensional and development standards.*

A. Development standards are those required for the zone, except as follows:

1. *Minimum street frontage.* The lot must have at least 60 feet of frontage on a public street.

2. *Building height*.

i. In the MXC and MXT, the maximum height is 50 feet.

ii. In the R-400, R-200, R-150, RMD-10, and RMD-15, the height may be increased to 50 feet if:

a. A step back of 10 feet on the side and rear facades are provided for any height above the height permitted in the zone.

iii. In the R-90, R-75, R-60, R-40, and RMD-Infill the height may be increased to 50 feet if:

a. A step back of 10 feet on the side and rear facades are provided for any height above the height permitted in the zone.

b. Side and rear setbacks double that required in the zone are provided.

Sec. 25.6.3.9. Life Care Facility.

(a) *Definition*.

(1) Life Care Facility means a facility housed in a single building or group of buildings that provides continuing progressive care for residents, composed of a nursing home and any associated dwelling units for independent or assisted living. It may also include accessory facilities for the enjoyment, service, or care of the residents.

(b) *Use standards*. In all zones, the following standards apply:

(1) Occupancy is restricted in accordance with applicable State and County regulation, and the following:

A. A senior adult or a person with a disability, as defined in Sec. 25.2.2.16(n);

B. The spouse of a resident, regardless of age or disability;

C. The resident's relative or caregiver, if needed to assist a resident senior or person with a disability;

D. The resident's dependent child; and

E. Resident staff necessary for operation of the facility.

(2) Age restrictions must comply with at least one type of exemption for housing for older persons from the familial status requirements of the federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968, and subsequent amendments.

(3) A minimum of 50 square feet of common indoor living space per resident must be provided. This common space must be designed to accommodate social, recreational, or dining activities and must be accessible to all residents, including those using mobility aids. Common space includes lounges, dining rooms, recreational rooms, or other shared areas but excludes bedrooms, bathrooms, hallways, and service areas.

(4) A dedicated pick-up and drop-off zone must be provided adjacent to the main entrance of the life care facility. The area must:

A. Allow safe, unobstructed vehicle access for passenger loading and unloading;

B. Be ADA-compliant in location and design to accommodate accessible vehicles, including vans with wheelchair lifts;

C. Have sufficient space for at least one vehicle to pull off the main driveway or street without blocking through traffic; and

D. Include curb cuts and clear signage directing visitors and service providers to the zone.

(5) Usable outdoor recreational space must be provided. This outdoor space shall be designed and maintained to accommodate active and passive recreation, including but not limited to seating areas, gardens, or patios. Usable outdoor recreation areas must:

A. Be located on the ground, terraces, rooftops, or courtyards;

B. Be accessible to all residents, including those with mobility aids;

C. Not include driveways, parking areas, loading/unloading zones, or required yard setbacks; and

D. Be landscaped or developed to promote social interaction, physical activity, and relaxation.

(c) *Conditional use standards.*

(1) In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, RMD-15, RMD-25, RHD, MXNC, MXT and MXB zones, the following additional standards apply:

A. The site must have adequate accessibility to, or provide on-site, public transportation, medical services, shopping areas, and other community services frequently used by residents of such use.

B. *Dimensional and development standards*. Development standards are those required for the zone, except as follows:

1. *Minimum lot area*. The use must be on a lot of at least two acres.

2. *Minimum street frontage*. The lot must have at least 60 feet of frontage on a public street.

3. *Setbacks*. All structures on the site must be set back at least as follows:

i. *Front yard*. 50 feet.

4. *Building height.*

i. In the MXT, the maximum height is 50 feet.

ii. In the R-400, R-200, R-150, RMD-10, and RMD-15, the height may be increased to 50 feet if:

a. A step back of 10 feet on the side and rear facades are provided for any height above the height permitted in the zone.

iii. In the R-90, R-75, R-60, R-40, and RMD-Infill the height may be increased to 50 feet if:

a. A step back of 10 feet on the side and rear facades are provided for any height above the height permitted in the zone.

b. Side and rear setbacks double that required in the zone are provided.

Sec. 25.6.3.10. Live/Work Unit.

(a) *Definition*.

(1) Live/Work Unit means a building or spaces within a building used jointly for commercial or light industrial and residential purposes where the residential use of the space is secondary or accessory to the principal use as a place of work. This use

includes a dwelling unit for a caretaker in connection with a Self-Storage Facility or a Funeral Home.

(b) *Use standards*. In all zones, the following standards apply:

(1) *Occupancy*.

A. At least one full-time employee of the business must reside in the residential portion of the Live/Work Unit.

Sec. 25.6.3.11. Multiplex.

(a) *Definition.*

(1) Multiplex means a building containing a group of two to four attached principal dwelling units. Multiplex units may be arranged vertically, horizontally, or a combination of the two. A two-unit Multiplex is also known as a "duplex"; a three-unit Multiplex, a "triplex"; and a four-unit Multiplex, a "fourplex." A Single-Unit Detached Dwelling with an attached Accessory Dwelling Unit is not a Multiplex. Stacked townhouses are Multiplexes when arranged in groups of four units or fewer.

(b) *Use standards*. In all zones, the following standards apply:

(1) *Design standards*. Multiplexes must conform to the following design standards:

A. Facades along street frontages other than alleys must include elements that provide interaction with the street such as stoops, porches, terraces, balconies, and bay windows.

B. A single plane of a facade must not be greater than 40 feet in width.

C. Monotonous unarticulated blank wall surfaces are prohibited.

D. Attached garages or carports, where permitted, must be recessed a minimum of five feet behind the front facade of the main building.

E. Front-loaded Multiplexes. Where a Multiplex consists of more than one unit with garage(s) that face a street other than an alley (i.e., front-loaded), the Multiplex must be designed in a manner to accommodate all required site elements, including but not limited to wet and dry utilities, streetlights, street trees, traffic signage, storm drain inlets and structures, and stormwater management facilities. The garage door must not constitute more than 50 percent of the ground-floor facade of the Multiplex. Within the first eight from the curb, driveways of front-loaded units may be no greater than 10 feet wide.

(c) *Conditional use standards.*

(1) In the R-400, R-200, R-150, R-90, R-75, and R-60 zones, Multiplexes are permitted as part of a qualified project as defined in Subtitle 5, Title 7, Division I of the Land Use Article of the Maryland Annotated Code.

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(2) In the R-40 zone, Duplexes are permitted. Triplexes and fourplexes are permitted as part of a qualified project as defined in Subtitle 5, Title 7, Division I of the Land Use Article of the Maryland Annotated Code.

(3) In the RMD-Infill zone, the following standards apply:

A. Fourplexes may be located on a corner lot only where recommended by the Plan or where part of a qualified project as defined in Subtitle 5, Title 7, Division I of the Land Use Article of the Maryland Annotated Code.

(4) In the MXE zone, Multiplexes are permitted as follows:

A. In areas recommended for residential use in the Plan; or

B. Where the Approving Authority determines the use is compatible with adjoining and confronting uses by means of landscaping, screening, or other measures.

(5) In the MXC zone, dwelling units may not be placed on the ground floor.

Sec. 25.6.3.12. Personal Living Quarters.

(a) *Definition*.

(1) Personal Living Quarters means a permanent residential unit within a larger structure that houses at least five such units, plus a residential unit for an on-site manager. Personal Living Quarters have incomplete kitchen or bathroom facilities and are occupied by no more than two persons per unit.

Sec. 25.6.3.13. Townhouse.

(a) *Definition*.

(1) Townhouse means one of a group of five or more attached dwelling units where each dwelling unit is separated by a vertical party wall.

(b) *Use standards*. In all zones, the following standards apply:

(1) Front-loaded Townhouses. Where a Townhouse has a garage that faces a street other than an alley (i.e., front-loaded), the Townhouse must be designed in a manner to accommodate all required site elements, including but not limited to wet and dry utilities, streetlights, street trees, traffic signage, storm drain inlets and structures, and stormwater management facilities. 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.

(c) *Conditional use standards*.

(1) In the R-400, R-200, R-150, R-90, R-75, R-60, and R-40 zones the following additional standards apply:

A. A Townhouse must be:

1. Part of a qualified project as defined in Subtitle 5, Title 7, Division I of the Land Use Article of the Maryland Annotated Code; or

2. Located on land, including land that is subject to a ground lease, that is either:

   i. Wholly owned by a nonprofit organization as defined in Subtitle 5, Title 7, Division I of the Land Use Article of the Maryland Annotated Code;
   ii. Includes improvements owned by an entity that is controlled by a nonprofit organization as defined in Subtitle 5, Title 7, Division I of the Land Use Article of the Maryland Annotated Code;
   iii. A Place of Worship as defined in this Chapter; or
   iv. A Publicly-Owned or -Operated Facility.

B. Where Townhouses are permitted under Sec. 25.6.3.13(c)(1)A.2 , at least 25 percent MPDUs are required.

C. Development standards are those required for the zone, except as follows:

1. *Minimum street frontage.* The lot must have at least 60 feet of frontage on a public street.

2. *Building height.*

   i. In the R-400, R-200, R-150, RMD-10, and RMD-15 zones, the height may be increased to 50 feet if a step back of 10 feet on the side and rear facades are provided for any height above the height permitted in the zone.
   ii. In the R-90, R-75, R-60, R-40, and RMD-Infill the height may be increased to 50 feet if:

      a. A step back of 10 feet on the side and rear facades are provided for any height above the height permitted in the zone; and
      b. Side and rear setbacks double that required in the zone are provided.

(2) In the MXT and MXE zones, Townhouses are permitted as follows:

A. In areas recommended for residential use in the Plan; or

B. Where the Approving Authority determines the use is compatible with adjoining and confronting uses by means of landscaping, screening, or other measures.

Division 6.4. Retail and Service Uses

Sec. 25.6.4.1. Adult-Oriented Establishment.

(a) *Definition*.

(1) Adult-Oriented Establishment means any commercial establishment which devotes 250 or more square feet or five percent of its gross floor area, whichever is smaller, to the retailing, distributing, exhibiting, or storing of sexually-oriented materials, or to affording customers the opportunity to engage in sexually-oriented activities. The term

includes, but is not limited to, the following establishments which meet the criteria of this definition: bookstores, theaters or arcades, massage parlors, model studios, and nightclubs. It does not include Hotels. Theaters do not meet this definition unless a predominance of the pictures or performances exhibited constitute sexually-oriented materials.

(b) *Special Exception use standards*. In the I-L zone, Adult-Oriented Establishments may be permitted by the Board of Appeals under Article 4, Section 3, subject to the following requirements:

(1) *Location*. No Adult-Oriented Establishment is allowed within a structure that is located within 1,000 feet of the nearest property line of any residence, school, church, library, public facility, or public building.

(2) *Lighting and visibility*.

A. Lighting must provide visibility to all portions of the parking lot at all times.

B. Sexually-oriented material or sexually-oriented activities must not be visible or audible from outside the establishment.

(3) *Operations*.

A. Any employee of an Adult-Oriented Establishment must be at least 18 years old and must never have been convicted of violating any law, ordinance, or regulation concerning obscenity or restricting the access of minors to material, activities, or establishments; and

B. No person under 18 years of age is permitted access to any Adult-Oriented Establishment.

(4) *Special Exception findings*. The Board of Appeals must make the following additional findings:

A. That the owners and operators of any Adult-Oriented Establishment have devised and will implement a procedure sufficient to ensure that no person under 18 years of age will be allowed access to the establishment; and

B. That neither the owner nor the operator of such a use has ever been convicted of violating any law, ordinance, or regulation dealing with obscenity or restricting the access of minors to such material, activities, or establishments.

Sec. 25.6.4.2. Alcoholic Beverage Production, Limited.

(a) *Definition.*

(1) Limited Alcoholic Beverage Production means the production of any alcoholic beverage or neutral spirits by means of distilling, fermenting, brewing, or rectifying under the following Maryland State manufacturer's license classifications: Classes 4, 6, 7, and 9.

(b) *Use standards.*

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(1) In all zones, areas for the tastings or sampling of products are permitted in accordance with State law.

(c) *Conditional use standards*.

(1) In the I-L zone, Limited Alcoholic Beverage Production facilities must not abut or confront a residential use in a residential zone.

(2) In all MXTD zones, as well as the MXCD, MXCT, MXNC, MXE, and MXB zones, the following standards apply:

A. The use must be at least 250 feet from a lot with a public or private school providing pre-school or K-12 education.

B. The use must not abut or confront Single Unit Detached Dwellings.

Sec. 25.6.4.3. Alcoholic Beverage Retail Establishment.

(a) *Definition*.

(1) Alcoholic Beverage Retail Establishment means an establishment serving as a point of sale of beer, wine, or liquor in sealed packages or containers that may not be opened or consumed on the premises where sold.

(b) *Conditional use standards*.

(1) In the MXCT, MXNC, and MXT zones, Alcoholic Beverage Retail Establishment must not exceed 5,000 square feet of gross floor area.

(2) In the MXC zone, the use:

A. Is not permitted on sites that abut property within a residential zone; and

B. Must not exceed 5,000 square feet of gross floor area.

Sec. 25.6.4.4. Ambulance Service.

(a) *Definition*.

(1) Ambulance Service means a private facility providing medical transport or ambulance services.

(b) *Conditional use standards*.

(1) In the I-L, MXCT, MXNC, MXC, and MXB zones, Ambulance Services must not abut or confront residential uses.

Sec. 25.6.4.5. Animal Boarding Establishment.

(a) *Definition*.

(1) Animal Boarding Establishment means the provision of housing and care of an animal or animals in the absence of the owner, except for Veterinary Services. Accessory services related to grooming of animals for which a fee is charged are included in this definition.

(b) *Use standards*. The following standards apply in all zones:

(1) The facility must operate entirely indoors, except for outdoor runs; and

(2) Outdoor runs must be entirely enclosed by a fence at least six feet in height.

(c) *Conditional use standards*. In all MXTD zones, as well as the MXCD, MXCT, MXNC, MXT, MXC, MXE, and MXB zones:

(1) The use must not include the overnight housing of animals, except in the MXE and MXB zones;

(2) Outdoor runs must be located at least 100 feet from any lot line; and

(3) The parts of the building where animals are boarded must be fully enclosed, with solid core doors and no operable windows, and must be sufficiently insulated or soundproofed so that no unreasonable noise or odor can be detected off premises or through shared tenant party walls and ceilings.

Sec. 25.6.4.6. Animal Grooming Establishment.

(a) *Definition*.

(1) Animal Grooming Establishment means the provision of grooming and care of an animal or animals for which a fee is charged. This use does not include Animal Boarding Establishments or Veterinary Services.

(b) *Use standard*. The following standard applies in all zones:

(1) The facility must operate entirely indoors.

Sec. 25.6.4.7. Auctioneer or Commercial Gallery.

(a) *Definition*.

(1) Auctioneer or Commercial Gallery means a building, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder; or where works of art are kept, displayed, and offered for sale as the principal use. Auctioneer or Commercial Gallery does not include auctions for which the principal purpose is the sale of livestock or motor vehicles.

Sec. 25.6.4.8. Bank or Financial Institution.

(a) *Definition*.

(1) Bank or Financial Institution means an establishment that provides retail banking services, mortgage lending, or similar financial services, such as credit unions and savings and loans, to individuals and businesses. This use does not include check cashing services, bail bond brokers, investment or brokerage firms, or insurance services.

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Sec. 25.6.4.9. Bed and Breakfast.

(a) *Definition*.

(1) Bed and Breakfast means a Single-Unit Detached Dwelling in which a room or rooms are provided as overnight accommodations for a fee, and in which breakfast is served. This use does not include Hotels and is not a Home-Based Business.

(b) *Use standards*. The following standards apply in all zones.

(1) Bed and Breakfasts must be located within a Single-Unit Detached Dwelling.

(2) The Bed and Breakfast operator, who may be the owner or an on-site manager, must reside on the premises as their principal place of residence during any period of guest occupancy.

(3) Breakfast must be served to guests daily.

(4) *Minimum lot area*. At least 9,000 square feet, but no smaller than the minimum lot area required in the zone.

(5) No more than six guest rooms are allowed on a lot or parcel of less than two acres.

(6) *Guest rooms*. Guest rooms:

A. May not have separate utilities or provisions for cooking; and

B. Must be located within the principal dwelling.

(7) *Parking*. Parking must be located only in the side or rear yard.

Sec. 25.6.4.10. Cannabis Dispensary.

(a) *Definition*.

(1) Cannabis Dispensary means any retail establishment that is licensed by the State of Maryland to sell cannabis to patients or consumers.

(b) *Use standards*. In all zones, the following standards apply:

(1) Cannabis Dispensaries must meet all applicable requirements of State law and regulations, including but not limited to any distance requirements of Sec. 36-410 of the Alcoholic Beverages and Cannabis Article of the Maryland Annotated Code, as may be amended.

Sec. 25.6.4.11. Eating and Drinking Establishment.

(a) *Definition*.

(1) Eating and Drinking Establishment means an establishment selling food or drink for consumption, including restaurants, taverns, bars, coffee shops, cafeterias, fast-casual restaurants, fast food, and similar facilities selling prepared foods and drinks for on-site or off-site consumption.

(b) *Conditional use standards*.

(1) I-L zone, the following standards apply:

A. Carry-out is permitted as either a principal or accessory use with no additional use standards.

B. All other Eating and Drinking Establishments in the I-L zone:

1. Must be accessory to a principal use on the same lot;

2. Must be located within the main building; and

3. Must not occupy more than 25 percent of the gross floor area of the building.

(2) In the PD zones, accessory Eating and Drinking Establishments are permitted in an Office, subject to Sec. 25.6.4.22(b)(3).

Sec. 25.6.4.12. Event Space, Club, or Lodge.

(a) *Definition*.

(1) Event Space, Club, or Lodge means an indoor or outdoor gathering space available for rental to host meetings and social occasions or for use by associations for civic, social, cultural, religious, literary, political, recreational, or like activities, and that is operated for the benefit of its members and is not open to the general public.

(b) *Conditional use standards*.

(1) In the MXNC and MXT zones, a rental hall within an Event Space, Club, or Lodge must not exceed 4,000 square feet of gross floor area.

(c) *Special Exception use standards*.

(1) In the R-400, Event Spaces, Clubs, or Lodges may be permitted by the Board of Appeals under Article 4, Section 3.

Sec. 25.6.4.13. Food Preparation Establishment.

(a) *Definition*.

(1) Food Preparation Establishment means a licensed kitchen facility where raw or processed food products are used to prepare ready-to-eat foods for sale in wholesale or retail markets or for serving at events. Such uses include, but are not limited to, commercial kitchens, caterers, kitchen incubators, and ghost kitchens.

Sec. 25.6.4.14. Funeral Home.

(a) *Definition*.

(1) Funeral Home means:

A. An establishment providing any or all of the following services:

1. Temporary holding and transporting of human remains to and from the premises;

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2. Embalming and preparation of remains;

3. Visiting of the premises by family members and the public for the purpose of viewing the remains and conducting funeral and memorial services; and

4. Organizing funeral processions.

(2) A crematorium is not included in this definition.

Sec. 25.6.4.15. Health and Fitness Establishment.

(a) *Definition*.

(1) Health and Fitness Establishment means a membership facility providing space and specialized equipment for individual or group exercise.

(b) *Conditional use standards*.

(1) In the MXNC, MXT, and MXC zones, Health and Fitness Establishments must not exceed 5,000 square feet of gross floor area.

Sec. 25.6.4.16. Home Maintenance Service.

(a) *Definition*.

(1) Home Maintenance Service means an establishment or business providing for the maintenance, installation, or repair of appliances or constructed elements of a home. This includes plumber, electrician, carpenter, locksmith, appliance repair, upholstering, studio glass sales and installation, picture framing, and similar services for the upkeep of the home. Items regulated separately in this Chapter are not included in this definition.

Sec. 25.6.4.17. Hospital.

(a) *Definition*.

(1) Hospital means an institution licensed by the State that:

A. Has a group of at least five physicians who are organized as a medical staff for the institution;

B. Maintains facilities to provide, under the supervision of the medical staff, diagnostic and treatment services for two or more unrelated individuals; and

C. Admits or retains the individuals for overnight care.

(b) *Use standards*. In all zones, the following standards apply:

(1) Dimensional and development standards.

A. The site must be at least five acres, except as provided in Sec. 25.6.4.17(c), below.

B. The lot frontage must be at least 200 feet.

C. The front yard and side yard setbacks must be at least 50 feet.

D. The rear yard setback must be at least 100 feet.

(c) *Conditional use standards*.

(1) In the MXNC, the following additional standards apply:

A. The site must be at least two acres.

B. A Hospital may not have a gross floor area that exceeds 50,000 square feet.

Sec. 25.6.4.18. Hotel.

(a) *Definition*.

(1) Hotel means a building other than a Single-Unit Detached Dwelling that provides temporary lodging to the public for compensation, with or without meals. Accessory uses such as meeting rooms, pools, indoor gyms, business centers, and restaurants may be included. This definition includes motels and inns.

(b) *Conditional use standards*.

(1) In the MXNC zone, a Hotel may not exceed 15,000 square feet of gross floor area.

Sec. 25.6.4.19. Instructional Facility.

(a) *Definition*.

(1) Instructional Facility means a facility where non-accredited educational services or instruction are provided in individual or group settings, typically on a part-time or sessional basis. Instruction may include activities such as yoga, art, music, tutoring, dance, or similar skill-based learning. This use does not include facilities that offer formal academic curricula or award diplomas or degrees.

(b) *Use standards*.

(1) An Instructional Facility may not exceed 7,500 square feet of gross floor area.

Sec. 25.6.4.20. Laboratory, Medical or Dental.

(a) *Definition*.

(1) Medical or Dental Laboratory means a facility for the testing of blood or other clinical specimens or the fabrication of dental and orthodontic prosthetics and appliances.

(b) *Use standards*. In all zones, the following standards apply:

(1) Labs generating medical waste must comply with federal, State, and local disposal regulations.

(c) *Conditional use standards*.

(1) In the MXNC zone, a Medical or Dental Laboratory must not exceed 10,000 square feet of gross floor area.

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Sec. 25.6.4.21. Mobile Use.

(a) *Definition*.

(1) Mobile Use means a self-contained mobile unit in which permitted uses are operated, and in which all functional necessities for the operation of the use such as water, sanitary facilities, and power are self-contained.

(b) *Use standards*. In all zones, the following standards apply:

(1) Mobile Uses must not be permanently affixed to a foundation.

(2) Mobile Uses providing goods or services are subject to the Hawkers and Peddlers regulations set forth in Chapter 12 of the City Code.

Sec. 25.6.4.22. Office.

(a) *Definition*.

(1) Office means a room, set of rooms, or a building where the business of a commercial or industrial organization or of a professional person is conducted. Office includes medical and dentist offices but does not include Veterinary Services or Professional Services.

(b) *Conditional use standards*.

(1) In the RMD-15, RMD-25, and RHD zones, the following standards apply.

A. The use may only consist of a medical or dental Office in an apartment building.

B. The exterior of the apartment building must not be altered except for display of a sign.

C. The Office must be located on the ground floor or lower.

(2) In the I-L zone, an Office is limited to 25 percent of the gross floor area of a building.

(3) In the PD zones, so long as a principal Office use is listed for a parcel in the approved Planned Development governing documents, an accessory Eating and Drinking Establishment is permitted, subject to the following standards.

A. Signs will be governed by the Planned Development governing documents, including any comprehensive signage plan.

B. This use cannot exceed five percent of the total gross floor area of the building.

C. No drive-through or walk-up service is permitted.

D. A bar patron area cannot exceed 10 percent of the total patron use area.

Sec. 25.6.4.23. Outdoor Sales and Storage.

(a) *Definition*.

(1) Outdoor Sales and Storage means the permanent display, sale, or storage of merchandise or tangible property in a primarily outdoor location or within a storage shed. This use does not include a Junkyard or vehicle salvage yard or the display and storage of vehicles as part of an Automobile or Recreational Vehicle Sales or Rental Establishment.

(b) *Use standards*. In all zones, the following standards apply:

(1) Outdoor Sales and Storage areas are considered as part of the gross floor area of the associated retail use, except where the principal use is an Automobile or Recreational Vehicle Sales or Rental Establishment. Outdoor Sales and Storage areas associated with Automobile or Recreational Vehicle Sales or Rental Establishments are not considered part of the gross floor area of the use.

(c) *Conditional use standards*. In all MXTD, MXCD, MXCT, MXNC, MXT, MXC, MXE, and MXB zones, the following standards apply.

(1) Outdoor Sales and Storage must be accessory to the principal use on the site.

(2) Outdoor Sales and Storage must be an extension of the sales floor into which patrons are allowed free access.

(3) Outdoor Sales and Storage must be screened with opaque walls and/or fences.

Sec. 25.6.4.24. Pawnbroker.

(a) *Definition*.

(1) Pawnbroker means lending money against the deposit or pledge of tangible personal property or purchasing tangible personal property with the agreement to resell it to the original seller at a stipulated price, or to resell it to the general public if the seller fails to reclaim the property. Additionally, any person, corporation, or business entity required by the State or County to obtain a pawnbroker or pawn dealer license, or a similar license to operate a pawn shop or engage in pawning operations, is considered a Pawnbroker under this definition.

(b) *Use standards*. In the I-L zone, the following standards apply.

(1) Pawnbrokers are not permitted within a structure that is located within 500 feet of the nearest property line of any residentially zoned property.

(2) Pawnbrokers are not permitted within a structure located within 1,500 feet of another structure in which another Pawnbroker is located.

Sec. 25.6.4.25. Personal Care Facility.

(a) *Definition*.

(1) Personal Care Facility means an establishment offering specialized skilled services for individuals' personal improvement or maintenance, including but not limited to a barber shop, hair stylist, aesthetician, tanning salon, body piercing establishment,

tattoo parlor, wearing apparel services, and similar uses. Items separately regulated in this Chapter are not included in this definition. The accessory sale of merchandise is included in this definition.

(b) *Conditional use standards*.

(1) In the RMD-15, RMD-25, and RHD, the use is limited to wearing apparel services, which may be located in an apartment building if the building contains 150 dwelling units or more, the use is located on the ground floor, and no direct entrance to the use from the outside is provided.

Sec. 25.6.4.26. Professional Services.

(a) *Definition*.

(1) Professional Services means an establishment such as a law firm, architecture firm, investment or brokerage firm, insurance service, accounting firm, real estate offices, travel agency, or tech support company where professional services are provided to a client.

Sec. 25.6.4.27. Recreational Facility; Indoor, Commercial.

(a) *Definition*.

(1) Indoor Commercial Recreational Facility means a facility providing indoor recreational activities to the public for a fee as the principal commercial activity. This may include, but not be limited to, sports facilities, bowling alleys, laser tag, dance halls, and amusement device arcades. Shooting Galleries and Health and Fitness Centers are not included.

Sec. 25.6.4.28. Recreational Facility; Outdoor, Commercial.

(a) *Definition*.

(1) Outdoor Commercial Recreational Facility means a facility providing outdoor active and passive recreational activities to the public for a fee as the principal commercial activity, typically in a park-like setting. This may include, but not be limited to, sports facilities, picnic areas, and nature preserves, but does not include Shooting Galleries.

(b) *Use standards*. In all zones, the following standards apply.

(1) The use must extinguish all activity area lighting at the close of business or 11:00 p.m., whichever is earlier.

Sec. 25.6.4.29. Retail Establishment.

(a) *Definition*.

(1) Retail Establishment means an establishment serving as a point of sale of merchandise to the general public. Retail Establishment does not include Alcoholic Beverage Retail Establishments, Cannabis Dispensaries, and Tobacco and Vape Shops.

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(b) *Conditional use standards*.

(1) In the I-L zone, the use must be accessory to a principal use and is limited to 25 percent of the gross floor area.

(2) In the MXT zone, Retail Establishments must not exceed 5,000 square feet of gross floor area, except for grocery stores and pharmacies.

Sec. 25.6.4.30. Shooting Gallery.

(a) *Definition*.

(1) Shooting Gallery means any establishment which, as part of its activities, provides a location in which firearms are discharged indoors.

(b) *Special Exception use standards*. In the I-L and I-H zones, Shooting Galleries may be permitted by the Board of Appeals under Article 4, Section 3, subject to the following requirements.

(1) A Shooting Gallery must not locate within 200 feet of a residential zone.

(2) The facility's design must comply with occupational safety standards, including air filtration for lead and noise exposure limits (e.g., OSHA 29 CFR 1910.1025 for lead, 29 CFR 1910.95 for noise).

(3) The applicant must supply a security plan which at a minimum contains a continuously operating video surveillance system located on all exterior entrances.

(4) The applicant must provide a plan for the safe removal and disposal of lead and lead dust. Lead and lead dust may not be disposed of in either the storm system or the sanitary sewer system.

(5) A coded keypad lock must be installed at each entrance into the Shooting Gallery.

(6) The Shooting Gallery must be constructed in such a manner that a bullet of the maximum caliber fired within the range cannot escape from the structure.

(7) The range portion of the Shooting Gallery must utilize bullet traps that prevent the bullet from escaping from the structure and, in addition, minimize the escape of lead particles into the air, both inside and outside the structure.

(8) A first-aid kit containing items recommended by a certified expert in emergency medical treatment must be readily available in the range facility for emergency treatment or care for minor injuries.

Sec. 25.6.4.31. Studio.

(a) *Definition*.

(1) Studio means a building or room used for the creation or practice of various forms of art, including but not limited to painting, sculpture, photography, music, and dance. This definition includes instruction that is accessory to the principal use.

Sec. 25.6.4.32. Swimming Pool.

(a) *Definition*.

(1) Swimming Pool means a structure, whether above or below grade level, designed to hold water more than 30 inches deep to be used for recreational purposes. This use does not include accessory swimming pools.

(b) *Conditional use standards*.

(1) In the R-400, R-200, R-150, R-90, R-75, and R-60 zones Swimming Pools are permitted subject to the following standards:

A. *Legal capacity*. The number of persons allowed on the lot on which the Swimming Pool is located must not exceed the sum of the following:

1. One person for each 10 square feet of water surface where the water depth is less than five feet; and

2. One person for each 24 square feet of water surface where the water depth is five feet or greater, excluding 300 square feet of such water surface which shall be required for each diving board or diving platform.

B. The following dimensional and development standards apply:

1. *Setbacks*. A Swimming Pool must meet the following setbacks:

i. Abutting railroad rights-of-way, publicly owned land except street rights-of-way or land in a nonresidential zone: 25 feet.
ii. Abutting all other land, including street rights-of-way: 75 feet.

2. *Minimum lot area*. The minimum lot size of any Swimming Pool must be in accordance with Table 6.4.32-1, below, and the legal capacity of the Swimming Pool pursuant to Sec. 25.6.4.32(b)(1)A:

Table 6.4.32-1: Minimum Swimming Pool Lot Area

Legal Capacity of Swimming Pool (Persons)	Minimum Lot Area (Acres)
0 to 350	3
351 to 438	3.5
439 to 525	4
526 to 613	4.5
614 to 700	5

3. *Minimum deck size*. A Swimming Pool must have a pool apron, deck, or other structure surrounding the pool proper of at least 20 square feet multiplied by the legal capacity of the Swimming Pool pursuant to Sec. 25.6.4.32(b)(1)A.

(2) In the Park zone, Swimming Pools must be City-owned or -operated.

Sec. 25.6.4.33. Theater.

(a) *Definition*.

(1) Theater means a facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

Sec. 25.6.4.34. Tobacco and Vape Shop.

(a) *Definition*.

(1) Tobacco and Vape Shop means any retail establishment that devotes at least 10 percent of its floor area to the sale or display of tobacco products or electronic smoking devices or allows customers to vape or smoke (each as defined in City Code subsection 13-21(a)) indoors on site.

(b) *Use standards*. In all zones, the following standards apply:

(1) A Tobacco and Vape Shop must not be located on a parcel that is within 1,000 feet of a parcel on which one or more of the following uses are located:

A. Destination park, citywide park, or neighborhood park as classified by the City of Rockville Recreation and Parks Strategic Plan, as adopted December 7, 2020;

B. Public or private elementary school;

C. Public or private middle school; or

D. Public or private high school.

(2) A Tobacco and Vape Shop is deemed a nonconforming use subject to the requirements of Sec. 25.9.1 if a use listed in Sec. 25.6.4.34(b)(1), above, is established on a parcel within 1,000 feet of the parcel on which the Tobacco and Vape Shop is located after the Tobacco and Vape Shop began lawfully operating.

Sec. 25.6.4.35. Veterinary Service.

(a) *Definition*.

(1) Veterinary Service means a facility staffed by at least one veterinarian licensed by the State, dedicated to the medical treatment and care of animals. This includes facilities that provide care on both an outpatient basis and facilities that keep animals overnight exclusively for medical purposes.

(b) *Use standards*. In all zones, the following standards apply:

(1) The facility must operate entirely indoors, except for outdoor runs.

(2) Outdoor runs must be entirely enclosed by a fence at least six feet in height, and, except in the I-L zone, must be located at least 100 feet from any lot line.

(c) *Conditional use standards*.

(1) In the R-400 and R-200 zones, the following additional standards apply:

A. Minimum lot area. The use must be located on a lot of at least one acre.

B. Structures for the overnight keeping of animals must be located 50 feet of any residential use.

(2) In the MXT zones, Veterinary Services must not exceed 2,500 square feet of gross floor area.

Sec. 25.6.4.36. Wholesale Establishment.

(a) *Definition*.

(1) Wholesale Establishment means an establishment that primarily sells goods to other businesses, retailers, or resellers, rather than directly to consumers.

(b) *Conditional use standards*. In the MXCD, MXCT, MXE, and MXB zones, the following standards apply:

(1) Wholesale Establishments are limited to 20,000 square feet of gross floor area.

(2) 20 percent of the floor area may be devoted to retail sales or a showroom, which must be accessed from and facing a public street.

(3) Loading docks and loading or unloading activities must occur at the rear of the structure.

Division 6.5. Institutional and Public Uses

Sec. 25.6.5.1. Adult Day Care.

(a) *Definition*.

(1) Adult Day Care means a licensed facility in which day care services are provided to four or more persons over the age of 16, for any part of a 24-hour period in accordance with all applicable State and County laws and regulations.

(b) *Use standards*.

(1) For facilities serving nine or more individuals, a dedicated pick-up and drop-off zone must be provided adjacent to the main entrance of the Adult Day Care. The area must:

A. Allow safe, unobstructed vehicle access for passenger loading and unloading;

B. Be ADA-compliant in location and design to accommodate accessible vehicles, including vans with wheelchair lifts;

C. Have sufficient space for at least one vehicle to pull off the main driveway or street without blocking through traffic; and

D. Include curb cuts and clear signage directing visitors and service providers to the zone.

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(2) If outdoor activity areas are provided, these areas must be enclosed by a fence or barrier at least four feet in height designed to ensure resident safety and prevent unauthorized entry and exit.

(c) *Conditional use standards*.

(1) In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, and RMD-Infill zones, the following standards apply.

A. Adult Day Cares must meet the following lot size standards, based on the maximum number of individuals receiving services at any one time.

Table 6.5.1-1: Minimum Adult Day Care Lot Area

Number of Individuals Receiving Services	Minimum Lot Area (sq. ft.)
9 to 12	7,000
13 to 25	10,000
26 to 40	20,000
More than 40	30,000 plus 500 sq. ft. for each individual over 40 persons.

Sec. 25.6.5.2. Charitable or Philanthropic Institution.

(a) *Definition*.

(1) Charitable or Philanthropic Institution means a private, non-profit, and tax-exempt organization that is not organized or operated for commercial purposes.

(2) Charitable or Philanthropic Institution includes offices to support the use.

(b) *Conditional use standards*.

(1) In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, RMD-15, RMD-25, and RHD zones, the following standards apply.

A. The use may only consist of offices. No services, educational activities, or similar may be operated in these zones.

B. Minimum lot area: 25,000 square feet.

C. Minimum lot frontage: 150 feet.

D. Setbacks:

1. Front yard: 35 feet.

2. Side yard: A distance equal to at least twice the height of the tallest building on the lot containing the use.

3. Rear yard: 40 feet.

(2) In the MXB zone, the use must not exceed 5,000 square feet in gross floor area.

Sec. 25.6.5.3. Child Care Center.

(a) *Definition*.

(1) Child Care Center means a facility in which child day care services are provided to children in accordance with all applicable State and County laws and regulations. This use does not include Child Care Homes.

(b) *Use standards*. In all zones, the following standards apply:

(1) The use must satisfy all applicable State and County requirements.

(2) For facilities serving nine or more children, a dedicated pick-up and drop-off zone must be provided adjacent to the main entrance of the Child Care Center. The area must:

A. Allow safe, unobstructed vehicle access for passenger loading and unloading;

B. Be ADA-compliant in location and design to accommodate accessible vehicles, including vans with wheelchair lifts;

C. Have sufficient space for at least one vehicle to pull off the main driveway or street without blocking through traffic; and

D. Include curb cuts and clear signage directing visitors and service providers to the zone.

(3) Outdoor activity areas must be enclosed by a fence or barrier no less than four feet in height designed to ensure occupant safety and prevent unauthorized entry and exit.

(4) Any outdoor play or activity area must be safely accessible without crossing any hazardous area, such as a street or driveway.

(c) *Conditional use standards*.

(1) In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, and RMD-Infill zones, the following standards apply:

A. Child Care Centers must meet the following lot size standards, based on the maximum number of children being cared for at any one time.

Table 6.5.3-1: Minimum Child Care Lot Area

Number of Children in Care	Minimum Lot Area (sq. ft.)
9 to 12	7,000
13 to 25	10,000
26 to 40	20,000

Number of Children in Care	Minimum Lot Area (sq. ft.)
More than 40	30,000 plus 500 sq. ft. for each child in care over 40 children.

Sec. 25.6.5.4. Crematorium.

(a) *Definition*.

(1) Crematorium means an establishment or portion of an establishment used for the cremation of the remains of deceased persons or animals.

Sec. 25.6.5.5. Cultural Institution.

(a) *Definition*.

(1) Cultural Institution means any privately owned or operated structure and land where works of art or other objects are kept and displayed, or where books, periodicals, and other reading material are offered for reading, viewing, listening, study, or reference, but not typically offered for sale. Cultural Institution includes a museum, cultural or art exhibit, and library.

(b) *Use standards*. In all zones, the following standard applies:

(1) Cultural Institutions may include accessory Retail Establishments such as gift shops, provided that the accessory Retail Establishment comprises no more than 20 percent of the Cultural Institution's gross floor area.

(c) *Conditional use standards*.

(1) In the I-L zone, Cultural Institutions must be accessory to a principal use.

Sec. 25.6.5.6. Educational Institution, Private.

(a) *Definition*.

(1) Private Educational Institution means a privately operated school that provides structured academic or vocational instruction and that is staffed by regularly employed instructors and administrators. This use includes preschools, primary and secondary schools, post-secondary institutions, and trade or technical schools that offer certifications, diplomas, or degrees. This use does not include private educational institutions that are accessory to a Place of Worship.

(b) *Conditional use standards*.

(1) In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, RMD-15, RMD-25, RHD, MXNC, and MXT zones, the following standards apply:

(2) Institutions which offer any general academic instruction at levels above the eighth grade must comply with the following:

A. The lot area must be at least one acre plus 875 square feet for each student in excess of 50;

B. The lot frontage must be at least 300 feet;

C. The front yard and rear yard building setback must be at least 50 feet; and

D. The side yard building setback must be equal to at least two times the height of the tallest institutional building located on the lot which is proximate to a side yard.

(3) Kindergartens and nursery schools must comply with the following:

A. The lot area must be at least 10,000 square feet for up to 30 students;

B. The lot frontage must be at least 100 feet;

C. The front yard building setback must be at least 35 feet;

D. The side yard building setback must be equal to at least two times the height of the tallest institutional building located on the lot which is proximate to a side yard; and

E. The rear yard building setback must be at least 40 feet.

(4) All other Private Educational Institutions must comply with the following:

A. Where the maximum attendance at any one time does not exceed 40 students, Institutions must comply with the following:

1. The lot area must be at least 10,000 square feet for up to 20 students, plus 500 square feet for each student over 20 students;

2. The lot frontage must be at least 150 feet;

3. The front yard building setback must be at least 35 feet;

4. The side yard building setback must be equal to at least two times the height of the tallest institutional building located on the lot which is proximate to a side yard; and

5. The rear yard building setback must be at least 40 feet.

B. Where the maximum attendance at any one time exceeds 40 students, the Institution must comply with the following:

1. The lot area must be at least one acre, plus 700 square feet for each student, over 60 students;

2. The lot frontage must be at least 200 feet;

3. The front yard and rear yard building setback must be at least 50 feet; and

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4. The side yard building setback must be equal to at least two times the height of the tallest institutional building located on the lot which is proximate to a side yard.

Sec. 25.6.5.7. Park.

(a) *Definition*.

(1) Park means land owned or administered by a branch of government and available to the general public for recreational purposes.

Sec. 25.6.5.8. Place of Worship.

(a) *Definition*.

(1) Place of Worship means a building or facility used for religious practices, including, but not limited to a church, synagogue, mosque, convent, or monastery. This definition also includes private educational institutions located on the same lot as, and subordinate to, the principal use.

Sec. 25.6.5.9. Public Utility Structure.

(a) *Definition*.

(1) Public Utility Structure means buildings and structures of a public utility company for the housing of switching equipment, regulators, and stationary transformers for supplying electric service; telephone offices and exchanges; radio and television stations; and buildings and structures of similar nature and characteristics. The term Public Utility Structure does not include a Wireless Communication or Publicly-Owned or -Operated Facilities.

(b) *Conditional use standards*. In the RMD-10, RMD-15, RMD-25, RHD, and MXT, the following standards apply:

(1) The use must be screened from all abutting residential properties by a solid fence at least six feet in height and a landscaped buffer at least ten feet wide; or

(2) The use must incorporate high quality materials like brick, stone, decorative panels, wood, or precast concrete.

(3) The site must be maintained free of debris and graffiti.

(4) Security lighting on-site must be fully shielded, motion-activated, and oriented downward to prevent off-site glare.

(c) *Special Exception use standards*.

(1) In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, and Park zones, Public Utility Structures may be permitted by the Board of Appeals under Article 4, Section 3, and must meet the requirements of Sec. 25.6.5.(b), above.

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Sec. 25.6.5.10. Publicly-Owned or -Operated Facility.

(a) *Definition*.

(1) Publicly-Owned or -Operated Facility means any structure or use that is operated or funded by a governmental agency or entity for a public purpose. This use does not include sanitary landfills or Parks.

Sec. 25.6.5.11. Wireless Communication Facility.

(a) *Definition*.

(1) Wireless Communication Facility means one or more antennas designed for the purpose of emitting radiofrequency radiation and operating from a fixed location pursuant to Federal Communications Commission authorization, along with associated support structures and equipment, switches, wiring, cabling, power sources, shelters, or cabinets located at the same fixed location as the antenna or antennas.

(b) *Purpose*.

(1) The purpose of this section is to provide a uniform and comprehensive set of standards for the development and installation of Wireless Communication Facilities, related structures, and equipment. The regulations and requirements contained herein are intended to:

A. Regulate the placement, construction, and modification of Wireless Communication Facilities in order to protect the health, safety, and welfare of the public and the aesthetic quality of the City; and

B. Encourage managed development of wireless communication infrastructure, while at the same time not unreasonably interfering with the development of the competitive wireless communication marketplace in the City.

(2) This section is intended to promote the following objectives:

A. To minimize the total number of Wireless Communication Facilities and antenna support structures throughout the community through siting standards;

B. To provide for the appropriate location and development of Wireless Communication Facilities and related structures and equipment within the City, and, to the extent possible, minimize potential adverse impacts on the community;

C. To minimize adverse visual impacts of Wireless Communication Facilities and related structures and equipment through careful design, siting, landscape screening, and innovative camouflaging techniques, such as stealth technology, and utilizing current and future technologies;

D. To promote and encourage shared use/collocation of antenna support structures;

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E. To maintain and preserve the existing residential character of the City and its neighborhoods and promote the creation of a convenient, attractive, and harmonious community;

F. To promote the safety of citizens and avoid the risk of damage to adjacent properties by ensuring that Wireless Communication Facilities and related structures and equipment are properly designed, constructed, located, modified, maintained, and removed;

G. To ensure that Wireless Communication Facilities and related structures and equipment are compatible with surrounding land uses;

H. To encourage: the location of antennas on existing buildings or other structures; collocation of new antennas on existing antenna support structures; camouflaged antenna support structures; and construction of antenna support structures with the ability to locate three or more providers or users; and

I. To maintain and ensure that a non-discriminatory, competitive, and broad range of high-quality wireless communication services and high-quality wireless communication infrastructure consistent with laws are available to the community.

(c) *Wireless Communication Facilities attached to existing structures*. Wireless Communication Facilities attached to the roof or side of a building, or attached to an existing structure must comply with the following:

(1) The building or other structure on which a Wireless Communication Facility is to be installed must be at least 35 feet in height if used for nonresidential purposes and 50 feet in height if used for Apartment purposes. In a mixed-use development, the Apartment standard applies. Except as provided in Sec. 25.6.6.11(f), Wireless Communication Facilities are not permitted on any Single-Unit Detached Dwelling or appurtenant accessory building or structure.

(2) The antennas and antenna support structures must be located and designed to minimize visual impacts through various methods, including, but not limited to, the use of stealth technology. Antennas and antenna support structures must be installed according to the following order of preference, with Sec. 25.6.6.11(c)(2)A, below, being the preferred option.

A. Antennas must be flush mounted on existing structures, or on either rooftop enclosures or the side of a building and closely match the color and architectural treatment of the structure, enclosure, or building.

B. Antennas must be flush mounted on expanded rooftop mechanical equipment enclosures, with the enclosures and antennas designed to be consistent with the architectural treatment and color of the building.

C. Antennas must be enclosed with screening that is consistent with the architectural treatment and color of the building or structure.

D. Antennas and support structures must be painted or otherwise treated to minimize their visibility.

1. Use of a lower preference location is permitted only if an applicant provides detailed justification as to why higher preference locations are not suitable.

(3) Antennas and supporting structures are permitted to exceed the height of the building or structure to which they are attached by a maximum of 19 feet. The height above a building must be measured from the finished roof elevation, and not from the roof of any equipment enclosure.

(4) Antennas must comply with the following size standards:

A. Whip antennas must be no more than seven inches in diameter; and

B. Panel antennas must be no more than two feet wide and six feet long.

(5) An equipment building or cabinet may be located on the roof of a building provided it and all other roof structures do not occupy, in the aggregate, more than 25 percent of the roof area.

(6) When an antenna is located on a stadium light or utility pole, the total height of the antenna plus the pole or light must not exceed 125 percent of the average height of the lighting system at the stadium or run of poles within 500 feet of the pole on which the antenna is located.

(d) *Wireless Communication Facility located on freestanding ground-mounted antenna support structure.*

(1) *Scope*. This subsection applies to Wireless Communication Facilities mounted on free-standing antenna structures.

(2) *Special Exception*. Wireless Communication Facilities covered by this section require the approval of a Special Exception in accordance with the applicable provisions of Article 4, Division 7.4.

(3) *Additional findings required*. The following additional findings must be made for the granting of a Special Exception:

A. The location selected is necessary for the public convenience and service and cannot be supplied with equivalent public convenience on a building or structure or collocated on an existing antenna support structure; and

B. For new antenna support structures to be located in a residential zone or within 500 feet of a residential zone, it must be demonstrated that a good faith effort has been made to locate the proposed antenna support structure in a nonresidential zone more than 500 feet from the residential zone, with adequate coverage and on an isolated site with minimal visual impact.

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(4) *Independent consultant*. The City may hire an independent consultant to review evidence submitted by the applicant, and the applicant must reimburse the City for the reasonable cost of hiring and utilizing such a consultant.

(5) *Development standards*.

A. The maximum height of the facility, including antenna and other attachments, is 50 feet in a residential zone or within 500 feet of a residential zone, and 199 feet in all other locations. Height must be measured vertically from the pre-disturbance ground level at the center of the support structure.

B. Monopoles are the preferred type of freestanding antenna support structure.

C. No commercial or promotional signs, banners, or similar devices or materials are permitted on antenna support structures.

D. The ground-mounted antenna support structure must be located and designed in a manner that is harmonious with surrounding properties, to the extent practicable. Antenna support structures must be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment. When practicable, available stealth structure design techniques must be used.

E. Wireless Communication Facilities must be located on City-owned property, if feasible.

F. Antenna support structures must be set back one foot for every foot of height of the structure, measured from the base of the structure to each adjoining property line or right-of-way.

G. Lights are not permitted on antenna support structures unless they are required for aircraft warnings or other safety reasons, or to comply with applicable laws and regulations. If required, minimum lighting requirements must be applied, and strobe lights must be avoided unless specified by the Federal Aviation Administration or the Federal Communications Commission.

H. Outdoor storage of equipment or items related to the Wireless Communication Facility is prohibited on sites with antenna support structures.

I. All antenna support structures erected as part of a Wireless Communication Facility must be designed to accommodate collocation of additional wireless communication carriers. New antenna support structures of a height of 150 feet or more must be designed to accommodate collocation of a minimum of four additional providers either upon initial construction or through future modification to the antenna support structure. Antenna support structures of less than 150 feet must be designed to accommodate collocation of a minimum of two additional providers.

J. Prior to construction, each applicant must provide certification from a registered structural engineer that the structure will meet pertinent design, construction, installation, and operation standards, including but not limited to the applicable standards of the Electronics Industries Association (EIA), the Telecommunications Industry Association (TIA), ANSI, and the BOCA Code in effect at the time of the building permit application.

K. Upon completion of any sale or sublease of an antenna support structure, the owner of an antenna support structure must provide written notice to the City's Inspection Services Division.

L. The owner of a ground-mounted antenna support structure, at the owner's expense, must remove antenna support structures when a Wireless Communication Facility is not used for wireless purposes for a period of 180 days in a 12-month period. The owner of a ground-mounted antenna support structure must immediately notify the City, in writing, of nonuse or abandonment of the structure upon its cessation as a Wireless Communication Facility. Failure to remove an abandoned or unused ground-mounted antenna support structure will result in removal of the structure by the City at the expense of the owner.

M. When a ground-mounted antenna support structure is removed by an owner, said owner must apply for a demolition permit to remove the tower. A condition of the demolition permit is to restore the site to the standards required by the building code in effect at the time, at no expense to the City.

(e) *Equipment enclosures located at ground level standards*. Equipment enclosures located at ground level must comply with the following standards:

(1) Each enclosure that contains the equipment of a single provider must not exceed 560 square feet of gross floor area and 12 feet in height; if more than one provider is to be accommodated in an enclosure, a single enclosure must be constructed to accommodate the maximum number of providers that are required to collocate on the antenna support structure, up to a maximum of 1,500 square feet in area and 12 feet in height.

(2) The enclosure must conform to the applicable setback standards for main structures in the zone in which the property is located; setback standards for accessory buildings and structures in Article 8, Division 8.1 are not applicable to equipment enclosures.

(3) The enclosure must be screened to provide year-round screening. This standard may be met by one or a combination of the following: fencing, walls, landscaping, structures or topography which will block the view of the equipment shelter as much as practicable from any street or adjacent properties. In areas of high visibility, fencing may be wrought iron, masonry, or other decorative fencing material.

(4) Lighting associated with equipment structures must be directed so as to minimize any negative impact of such lighting on adjacent properties.

(5) When constructed as a freestanding building, the design of the enclosure must be coordinated with the design of the existing main building on the same lot, or if there is no building on the lot, with the buildings on an adjoining lot, to the extent practicable. In addition, the enclosure must be constructed of non-reflective materials.

(6) When attached to an existing building, the enclosure must be designed in a manner that is harmonious with the existing building and surrounding properties.

(7) The equipment enclosure must be removed at the cost of the owner when the Wireless Communication Facility is no longer being used by a wireless communication provider. Failure to remove abandoned equipment will result in removal by the City at the expense of the owner.

(f) *Waivers permitted.*

(1) *Regulated satellite earth station antennas*.

A. Any person or entity seeking to install or erect a satellite earth station antenna subject to this Section, other than an antenna specified in Sec. 25.6.6.11(f)(1)A.2 below, may apply for a waiver from one or more of the provisions of Sec. 25.6.6.11, and the Board of Appeals may grant such a waiver pursuant to applicable procedures and standards if it is shown that:

1. The provision(s) of Section 25.6.6.11 at issue materially limit or inhibit the transmission or reception of satellite signals at the waiver applicant's property or the provision(s) at issue impose more than a minimal cost on the waiver applicant;

2. The waiver, if granted, would not result in any noncompliance with applicable laws, regulations, and codes (including, but not limited to, safety and building codes); and

3. The waiver sought is the minimum waiver necessary to permit the reception or transmission of satellite signals at the waiver applicant's property.

B. The Board of Appeals is authorized to grant a complete or partial waiver to any provision of Sec. 25.6.6.11. In addition, the Board of Appeals may impose a lesser requirement instead of granting a complete waiver of any provision in this section if a complete waiver is not necessary to permit reception or transmission of amateur service communications at the waiver applicant's property, and the lesser requirement will allow the reception or transmission of satellite signals. The Board of Appeals shall not condition a waiver upon an applicant's expenditure of a sum of money, including costs required to screen, pole-mount, or otherwise specially install a satellite earth station antenna, over and above the aggregate purchase or total lease cost of the equipment as normally installed, if such sum would be greater that the aggregate purchase or total lease cost of the equipment as normally installed.

(2) *Wireless Communication Facilities for amateur service communications*.

A. Any person or entity seeking to install or erect a Wireless Communication Facility in the City for the purpose of engaging in amateur radio communications may apply for a waiver from one or more of the provisions of Sec. 25.6.6.11, and the Board of Appeals may grant such a waiver pursuant to applicable procedures and standards if it is shown that:

1. The provision(s) of Sec. 25.6.6.11 at issue preclude amateur service communications, do not reasonably accommodate amateur service communications at the waiver applicant's property or do not constitute the minimum practicable regulation to accomplish the City's health, safety, and welfare objectives;

2. The waiver, if granted, would not result in any noncompliance with applicable laws, regulations and codes (including, but not limited to, FCC regulations concerning amateur radio transmission and reception); and

3. The waiver sought is the minimum waiver necessary to reasonably accommodate amateur service communications at the waiver applicant's property.

B. The Board of Appeals is authorized to grant a complete or partial waiver to any provision of Sec. 25.6.6.11. In addition, the Board of Appeals may impose a lesser requirement instead of granting a complete waiver of any provision in this section if a complete waiver is not necessary to permit reception or transmission of amateur service communications at the waiver applicant's property, and the lesser requirement:

1. Will not preclude amateur service communications; and

2. Is the minimum practicable regulation to accomplish the City's health, safety, and aesthetic objectives.

C. In determining whether to grant a complete or partial waiver of any provision in Sec. 25.6.6.11 or to impose a lesser requirement, the Board must reasonably accommodate amateur radio communications.

(3) *All other Wireless Communication Facilities*.

A. The Board of Appeals is authorized to grant a waiver from any and all of the standards of Sec. 25.6.6.11, except for the height restrictions for a freestanding antenna support structure in subsection c. of this section, upon showing that compliance with this section would impose an undue hardship or prohibit or have the effect of prohibiting the provision of wireless communication services or would result in unreasonable discrimination among providers of functionally equivalent wireless communication services.

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B. Waiver requests from the height restrictions in Sec. 25.6.6.11(d)(5) for a freestanding antenna support structure may be granted by the Mayor and Council upon showing that compliance with this section would impose an undue hardship or prohibit or have the effect of prohibiting the provision of wireless communication services or would result in unreasonable discrimination among providers of functionally equivalent wireless communication services. When requesting a height waiver under this provision, the applicant must submit evidence to the Mayor and Council that the height requested for the freestanding antenna support structure is the minimum height necessary to provide adequate coverage for the area that is being served by the structure. The Mayor and Council, in reviewing any waiver request from this section, must also consider the impact that the increased height of the antenna support structure would have on properties in the area surrounding the proposed structure, including, but not limited to, the visibility of the structure from residences and proposed methods of mitigating the visibility of the structure.

C. This Sec. 25.6.6.11(f)(3) does not apply to antennas and Wireless Communication Facilities specified in Secs. 25.6.6.11(f)(1) and (2).

(4) *Procedures for all waivers*.

A. Unless the Mayor and Council adopt by resolution different procedures for processing waivers from the height restrictions contained in Sec. 25.6.6.11(f)(3), all waivers of this section must be processed in accordance with the procedures applicable to variances contained in Sec. 25.4.5.1.

B. A waiver applicant must provide supporting evidence and all information requested by the City. The City may hire an independent consultant to review such evidence, and the applicant must reimburse the City for the reasonable cost of hiring and utilizing such a consultant.

Division 6.6. Industrial Uses

Sec. 25.6.6.1. Alcoholic Beverage Production.

(a) *Definition*.

(1) Alcoholic Beverage Production means the production of any alcoholic beverage or neutral spirits by means of distilling, fermenting, brewing, or rectifying under the following Maryland State manufacturer's license classifications: Classes 1, 2, 3, and 5.

(b) *Use standards*. In all zones, the following standards apply:

(1) Areas for the tasting or sampling of products are permitted in accordance with State law.

(c) *Conditional use standards*.

(1) In the I-L zone, Alcoholic Beverage Production must not abut or confront a residential use in a residential zone.

(2) In the MXB zone, Alcoholic Beverage Production must not be located within 500 feet of a residential use in a residential zone.

Sec. 25.6.6.2. Artisanal Craft Production.

(a) *Definition*.

(1) Artisanal Craft Production means the production of specialty products by entrepreneurs which involve a substantial degree of hand work. Examples of such products include, but are not limited to, fine art, pottery, art glass, custom furniture, jewelry, food, drink and similar products. This does not include Alcoholic Beverage Production.

(b) *Conditional use standards*.

(1) In the I-L zone, any sale of items produced on site must be accessory to the principal use.

Sec. 25.6.6.3. Data Center or Data/Cryptocurrency Mining.

(a) *Definition*.

(1) Data Center or Data/Cryptocurrency Mining means a physical facility used primarily for the storage, processing, and distribution of digital data or computes the "mining" function and executes the associated administrative/accounting tasks for cryptocurrency mining.

Sec. 25.6.6.4. General Warehousing.

(a) *Definition*.

(1) General Warehousing means the indoor storage of goods, wares, and merchandise which will be processed, sold, transferred, or otherwise disposed of for ultimate consumption off the premises or through e-commerce.

Sec. 25.6.6.5. Industrial, Heavy.

(a) *Definition*.

(1) Heavy Industrial means industrial activity where such activity generates substantial air or waste pollution, dust, noise, smoke, odors, or other potentially adverse emanations. Examples include, but are not limited to rolling, drawing, or extruding of metals; asphalt batching plants; sawmills; meat slaughtering or packing houses; waste processing; and manufacture or packaging of cement products, fertilizer, glue, paint, petroleum products, turpentine, varnish, or charcoal. This definition does not include Alcoholic Beverage Production.

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Sec. 25.6.6.6. Industrial, Light.

(a) *Definition*.

(1) Light Industrial means industrial activity where such activity does not generate substantial air or waste pollution, dust, noise, smoke, odors, or other potentially adverse emanations. Such uses include but are not limited to contractor's storage yards; commercial greenhouses; outdoor storage lots and lumberyards; bottling plant; dry cleaning plant; automotive body shop; light manufacturing; blacksmith; specialty trade contractors providing services to alter, remodel, repair, or replace a building or part of a building used as a residence, including but not limited to roofing, flooring, tiling, windows, brick and stone masonry; and similar uses. This definition does not include Research & Development.

(b) *Conditional use standards*.

(1) In the I-L zone, lumberyards must not abut the R-400, R-200, R-150, R-90, R-75, R-60, R-40, or RMD-Infill zones.

(2) In the MXE zone, lumberyards are not permitted.

(3) In the MXB zone, Light Industrial uses:

A. Must consist only of specialty trade contractors providing services to alter, remodel, repair or replace a building or part of a building used as a residence; or assembly of electrical and electronic appliances and equipment and precision instruments; and

B. Must not abut or confront Single Unit Detached Dwellings.

Sec. 25.6.6.7. Research and Development.

(a) *Definition*.

(1) Research and Development means study, research, or experimentation using materials in one or more fields such as life sciences, electronics, robotics, prototype development, biology, biophysics, biochemistry, bioelectronics, biotechnology, cybernetics, nanotechnology, biomedical engineering, bioinformatics, clinical engineering, diagnostics, drug production, embryology, genetic testing, immunology, medicine, nutraceuticals, pharmacogenomics, and therapeutics. This includes the marketing of resultant products and related activities, and the use of accessory administrative offices, educational facilities, libraries, and data services. This use also includes accessory manufacturing, mixing, fermentation, treatment, assembly, packaging, and servicing of products resulting from on-site research.

Sec. 25.6.6.8. Self-Storage Facility.

(a) *Definition*.

(1) Self-Storage Facility means a building or group of buildings divided into separate compartments with controlled access and leased to customers for self-service storage

of property. Such use may also be referred to as a mini-warehouse or ministorage facility.

(b) *Use standards*. In all zones, the following standards apply:

(1) In all zones, a Self-Storage Facility is not permitted on a lot within 250 feet of any lot on which a public school is located.

(2) In all zones, the use must not adjoin or confront Single-Unit Detached Dwellings.

(c) *Conditional use standards*.

(1) In the MXE zone, the following additional standards apply.

A. The use is only permitted on a site that abuts a site that is zoned to accommodate Heavy Industrial uses, except as provided in Sec. 25.6.6.8(c)(1)B.

B. Any Self-Storage Facility in the MXE zone that does not conform to Sec. 25.6.6.8(c)(1)A but is subject to an approved site plan as of effective date of this Chapter] may continue as a conforming use until July 8, 2029, except that it may not be expanded, altered, or enlarged beyond the size and configuration of the original site plan approval. After July 8, 2029, such a Self-Storage Facility use in the MXE zone will be considered nonconforming.

(2) In the MXB zone, the following additional standards apply:

A. The use must not adjoin or confront Single-Unit Detached Dwellings.

Division 6.7. Automotive Uses

Sec. 25.6.7.1. Automobile Recreational Vehicles Sales or Rental Establishment.

(a) *Definition*.

(1) Automobile and Recreational Vehicle Sales or Rental Establishment means a principal use consisting of the selling, renting, or leasing of personal or recreational vehicles, including cars, light trucks and SUVs, motorcycles, RVs, ATVs, motorized recreational equipment, and motorized watercraft, which may also include incidental repair or service. This use includes accessory and incidental sales and storage areas.

(b) *Use standards*. In all zones, the following standards apply:

(1) Outdoor Sales and Storage areas that are accessory to the Automobile and Recreational Vehicle Sales or Rental Establishment use:

A. Are not considered as part of the gross floor area of the use; and

B. Must conform to all applicable standards of Sec. 25.6.4.23.

(2) Where an Automobile and Recreational Vehicle Sales or Rental Establishment abuts a residential zone, all buildings, off-street parking and loading areas, and all Outdoor Sales and Storage areas must be set back 50 feet from the abutting residentially zoned property.

(3) The storage of waste materials, auto parts, refuse, or motor vehicles is prohibited in any required setback area.

(4) The storage, display, sale, or leasing of vehicles that are not in operating condition is prohibited.

(c) *Conditional use standards*.

(1) In all MXTD zones, as well as the MXCD, MXCT, MXC, MXE, and MXB zones, the following additional standards apply:

A. The use may include the sale of boats provided that the sales and associated storage occur entirely indoors.

B. The sale or rental of trucks and trailers exceeding ¾ ton capacity is prohibited.

(2) In all MXTD zones, the following additional standards apply:

A. Sales and rental are limited to non-commercial vehicles and passenger vans. The sale or rental of commercial trucks or recreational vehicles is prohibited.

B. All vehicles available for sale or rental must be stored in a showroom or structured parking facility.

C. All ground floor showrooms must have a ground-floor transparency of 50 percent between four and eight feet above grade.

D. Maintenance and refueling of the vehicles available for sale or rental may not occur on-site.

E. Incidental repair and service is prohibited, except on properties containing an automobile and recreational vehicle sales or rental establishment established before and continually operating since March 16, 2009.

(3) In the MXC and MXE zones, the use may only consist of automobile rental. No vehicle sales may occur on site.

Sec. 25.6.7.2. Automobile Repair Establishment.

(a) *Definition*.

(1) Automobile Repair Establishment means any building, structure, or area used for automobile repair, body work and painting, detailing, tinting, stereo/audio system services, glass repair, fluid maintenance, or servicing including the accessory sale of oils, grease and coolants, or parts, but not including fuel.

(b) *Use standards*. In all zones, the following standards apply.

(1) Vehicles must not be serviced or stored for customers on or within the public right-of-way.

(2) Parking spaces may not be offered for rent.

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Sec. 25.6.7.3. Automobile Service Establishment.

(a) *Definition*.

(1) Automobile Repair and Service Establishment means any building, structure, or area used for automobile service activities such as routine fluid maintenance (servicing of fluids related to engine, transmission, differential, power steering, battery, brakes, cooling, and windshield washer systems), muffler repair, and tire installation.

(b) *Use standards*. In all zones, the following standards apply.

(1) Vehicles must not be serviced or stored for customers on or within the public right-of-way.

(2) Parking spaces may not be offered for rent.

(c) *Conditional use standards*.

(1) In the MXCD and MXE zones, vehicle storage is not permitted on site, except those temporarily awaiting service during the business hours of the establishment.

Sec. 25.6.7.4. Automobile Towing Establishment.

(a) *Definition*.

(1) Automobile Towing Establishment means an establishment operated for the purpose of towing vehicles from one location to another and which may include temporary storage on-site of inoperable motor vehicles.

(b) *Use standards*. The following standards apply to all zones:

(1) Vehicles may not be stored on the premises.

Sec. 25.6.7.5. Car Wash.

(a) *Definition*.

(1) Car Wash means an establishment where the principal use is the commercial washing of vehicles either by hand or by automated/semi-automated methods. Interior detailing may be accessory.

(b) *Use standards*. In all zones, the following standards apply:

(1) The site must have direct vehicular access to a public street. Vehicular access from the site to any residential street is prohibited.

(2) The use must provide required stacking spaces as described in Sec. 25.8.2.10.

Sec. 25.6.7.6. Drive-Through Window.

(a) *Definition*.

(1) Drive-Through Window means a sales window or electronic point of sale where food or goods are sold or services are provided to the general public, and which faces

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automobile stacking lane(s). This definition includes stacking lanes leading to the window or point of sale, along with any associated menu boards, speakers, or signage.

(b) *Use standards*. In all zones, the following standards apply:

(1) *All Drive-Through Windows*. Drive-Through Windows are permitted only when they are provided as accessory to one of the following principal uses:

A. Bank or Financial Institution;

B. Cannabis Dispensary;

C. Eating and Drinking Establishment; and

D. Pharmacy.

(2) Drive-Through Windows must be designed and situated to not obstruct traffic circulation within the site.

(3) The use must provide required stacking spaces as described in Sec. 25.8.2.10.

(4) Drive-Through Windows must not be located between the façade of the building and any right-of-way, except as follows.

A. If circumstances of the site require a drive-through lane to abut a right-of-way, landscaped screening must be provided along the entire length for which the drive-through abuts the right-of-way. The landscaped screening must consist of shrubs at least three feet tall.

B. If a grade change of five feet or more exists between the drive-through use and centerline of the adjacent right-of-way, the drive-through use will be exempt from these requirements.

(5) *Drive-Through Window associated with a Cannabis Dispensary*. Where a Cannabis Dispensary with drive-through dispensing services is permitted as a conditional use, it must meet all applicable requirements of State law, including but not limited to any distance requirements of Sec. 36-410 of the Alcoholic Beverages and Cannabis Article of the Maryland Annotated Code, as may be amended, and all applicable State regulations governing drive-through dispensing services.

(6) *Drive-Through Window associated with an Eating and Drinking Establishment*. A Drive-Through Window associated with an Eating and Drinking Establishment must conform to the following standards:

A. The associated Eating and Drinking Establishment must be the principal use of the lot.

B. The use must occupy a record lot that:

1. Is at least 400 feet away from any school site or parcel of land zoned or planned for Single-Unit Detached Dwelling residential development or medium density residential use (this setback does not apply to residential or

educational properties recommended for a nonresidential or noneducational use in the Plan); and

2. Has a minimum lot area of 40,000 square feet.

C. *Frontage, access, and circulation*.

1. The site must have at least 200 feet of frontage on and direct vehicular access to a public street. Vehicular access from the site to any residential street is prohibited.

2. If an Eating and Drinking Establishment Drive-Through Window occupies a corner lot, ingress and egress driveways must be located at least 75 feet from the point of intersection of the street line and the corner arc.

(c) *Conditional use standards*.

(1) In the MXE zone, a Drive-Through Window associated with an Eating and Drinking Establishment must be located on a site that has frontage on and access to a major arterial roadway at the front lot line.

(d) *Special Exception standards*.

(1) In the MXNC zone, Drive-Through Windows may be permitted by the Board of Appeals under Article 4, Section 3, and must meet the requirements of Sec. 25.6.7.6(b), above.

Sec. 25.6.7.7. Electric Vehicle Charging.

(a) *Definition*.

(1) Electric Vehicle Charging means a lot or portion thereof containing one or more electric vehicle (EV) parking spaces and associated electric vehicle supply equipment (EVSE).

(b) *Use standards*. In all zones, the following standards apply:

(1) Electric Vehicle Charging must comply with all standards set forth in Sec. 25.8.2.11(a)(4) .

(c) *Conditional use standards*.

(1) In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, RMD-15, RMD-25, RHD, all MXTD zones, MXNC, MXT, MXC, MXE, and Park zones, Electric Vehicle Charging must be accessory to the principal use.

Sec. 25.6.7.8. Gas Station.

(a) *Definition*.

(1) Gas Station means a facility having fuel pumps and fuel storage tanks which are used primarily to dispense motor vehicle fuels to customers. Minor automobile repair services and accessory car washes are included in this definition. Automobile and Recreational Vehicle Sales or Rental is not included in this definition.

(b) *Special Exception use standards*. In the I-L, I-H, MXCD, MXCT, MXNC, MXC, and MXE zones, Gas Stations may be permitted by the Board of Appeals under Article 4, Section 3, and must meet the following requirements:

(1) *Application*. As part of the Special Exception application, the applicant must provide the following information:

A. An acoustic analysis demonstrating that nighttime noise from operations (including the truck noise from refueling operations) will not violate the County noise control ordinance.

(2) *General*.

A. Incidental retailing of groceries is permitted.

B. Vehicle storage is not permitted on site, except those temporarily awaiting service during the business hours of the establishment.

C. Vehicles must not be serviced or stored for customers on or within the public right-of-way.

D. Parking spaces may not be offered for rent.

(3) *Location*.

A. The nearest gas pump on the site must be located at least 250 feet from any lot on which a school, outdoor playground, library, hospital, or residential use is located.

B. Gasoline pumps or other service appliances must be located on the lot at least 20 feet behind the front setback.

C. All service, storage, or similar activities in connection with such use must be conducted entirely within a building.

(4) *Frontage, access, and circulation*.

A. The site must have at least 150 feet of frontage on and direct vehicular access to a public street. Vehicular access from the site to any residential street is prohibited.

B. The proposed layout must provide adequate ingress, egress, and circulation for large fuel transport vehicles.

C. If a gas station occupies a corner lot, ingress and egress driveways must be located at least 75 feet from the point of intersection of the street line and the corner arc.

(5) In the MXC zone, Gas Stations additionally must:

A. Be located on a property that has a shopping center;

B. Be contained in a structure limited in size to two single car service bays plus restrooms and office or supply storage space;

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C. Be limited in function to dispensing and installing gasoline, oil, grease, antifreeze, tires, batteries, and automobile accessories; and to motor vehicle washing and polishing;

D. Not rent or sell motor vehicles, trailers, or general replacement parts;

E. Not overhaul, tune up, or repair motors or bodies, or provide brake relining or wheel alignment service, upholstery work, auto glass work, painting, welding, tire recapping, or auto dismantling; and

F. Extinguish all floodlights at the close of business or 11:00 p.m., whichever is earlier.

(6) *Special Exception findings*. The Board of Appeals must make the following additional findings:

A. That the use at the proposed location will not result in saturation of similar uses within a half-mile radius of the proposed use; and

B. That the additional development and use requirements contained in Sec. 25.6.7.8(b)(3) - (5), above, will be satisfied.

(7) *Abandonment*. Upon the abandonment of a gas station, the Special Exception will terminate, and all structures exclusively used in the business (including underground storage tanks), except buildings, must be removed and remediated by the owner of the property. For the purpose of this Subsection, the term "abandonment" means nonoperation as a gas station (including cessation of the sale of motor vehicle fuel) for a period of 12 months.

Sec. 25.6.7.9. Parking Structure, Commercial.

(a) *Definition*.

(1) Commercial Parking Structure means a structure, or portion thereof, other than a sales or rental lot associated with an Automobile and Recreational Vehicle Sales and Rental Establishment, used for the storage or parking of seven or more motor vehicles for compensation as the principal use of the site. This use does not include surface parking lots.

Division 6.8. Miscellaneous Uses

Sec. 25.6.8.1. Backyard Chicken Coop.

(a) *Definition*.

(1) Backyard Chicken Coop means a covered enclosure where chickens are kept, as permitted in City Code Section 3-24(b)(1)e.

(b) *Use standards*. In all zones, the following standards apply:

(1) Backyard Chicken Coops must comply with City Code Section 3-24(b)(1)e.

(c) *Conditional use standards*.

(1) In all MXTD zones, Backyard Chicken Coops are permitted only when located on the same lot as a Single-Unit Detached Dwelling that was in existence on [effective date of this Chapter].

Sec. 25.6.8.2. Home-Based Business.

(a) *Definition*.

(1) Home-Based Business means any occupation that provides a service or product that is conducted within a dwelling unit or accessory structure by a resident or residents of the dwelling unit. Home-Based Businesses are divided into two categories:

A. Home-Based Business (Little to No Impact) means a Home-Based Business with:

1. No more than one non-resident employee; and

2. No more than four customer visits per day.

B. Home-Based Business (Material Impact) means a Home-Based Business with:

1. Two or more non-resident employee; and

2. Five to eight customer visits per day.

(2) A Home-Based Business does not include the following uses: Bed and Breakfast, Child Care Home or Child Care Center, Group Home, and Private Educational Institution. Work from home in connection with off premises employment not involving any visits to the site, such as telecommuting, is not considered a Home-Based Business and is permitted in all residential dwellings.

(b) *Use standards*. In all zones, the following standards apply:

(1) *Area of use*.

A. The Home-Based Business must be subordinate to the residential use on the site.

B. Except as otherwise provided, a Home-Based Business must be conducted entirely within the dwelling unit or accessory building.

C. The use must not occupy more than 35 percent of the gross floor area of the principal dwelling, or 400 square feet, whichever is greater.

D. The floor area of an accessory building used in connection with the Home-Based Business is not included in the total floor area allowed for the business in the principal building.

(2) *Prohibition of nuisance*. A Home-Based Business must not:

A. Use any equipment or process that creates a nuisance such as noise (in violation of Chapter 31B of the Montgomery County Code, as amended), vibration, glare, fumes, odors, or electrical or electronic interference detectable at or beyond the

lot line of a detached dwelling unit or the floor, ceiling, or party wall of an attached dwelling unit; or

B. Involve the use, storage, generation, or disposal of any hazardous material, except for disposal of medical waste regulated by Maryland State laws and regulations.

(3) *Equipment or facilities*.

A. Contracting equipment or materials must not be stored on the lot, except in a commercial vehicle used for transporting said equipment and materials between jobs. Loading and unloading is prohibited on or in the vicinity of the site.

B. Motor vehicle repairs, sales, or internal combustion engine work is prohibited.

C. The use of mechanical or electrical equipment is prohibited on the premises, except for machinery or equipment customarily found in a home, associated with a hobby or avocation not conducted for gain or profit, or customary for a small business, professional office, or medical or dental office.

D. Outdoor display or storage of goods or equipment is prohibited.

(4) *Exterior appearance*. All structures associated with the use must have the exterior appearance of a dwelling or residential accessory structure.

(5) *Visits by customers*.

A. No more than two customers may be present at the Home-Based Business at any one time.

B. Visits are prohibited between the hours of 9:00 p.m. and 8:00 a.m., except in cases of medical emergency.

(6) *Truck deliveries prohibited*. No truck deliveries are permitted, except for parcels delivered by public or private parcel services that customarily make residential deliveries.

(7) *Residence requirement*. A Home-Based Business must be conducted by one or more persons who reside in the dwelling at least 220 days in each calendar year.

(8) *Existing Home-Based Businesses*. A Home-Based Business in existence as of March 16, 2009, is considered a conforming Home-Based Business if it complies with the provisions of the zoning ordinance for a Home Occupation in effect immediately prior to March 16, 2009.

A. If there is any change in the character of the existing Home-Based Business, all applicable provisions of this section will apply.

B. At such time as the Home Occupation ceases to operate for one year, or if the ownership of the property changes, all applicable provisions of this section will apply.

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(c) *Special Exception use standards*. Where a Home-Based Business (Material Impact) is proposed, it may be permitted by the Board of Appeals under Article 4, Section 3, and must meet the following additional requirements:

(1) *Application procedures*. As part of the Special Exception application, the applicant must provide the following information:

A. The location of any off-street parking spaces;

B. The hours of operation;

C. The number of nonresident employees; and

D. Any licensing requirements.

(2) *Inspections.*

A. All Home-Based Businesses (Material Impacts) are subject to inspection by the Chief of Zoning between the hours of 8:00 a.m. and 9:00 p.m.

(3) *Expiration.* Any Special Exception is granted solely to the owner/applicant and does not run with the land. The Special Exception expires when either of the following occurs:

A. The owner/applicant vacates the property; or

B. The owner/applicant no longer utilizes a portion of the dwelling for the home-based business.

Sec. 25.6.8.3. Renewable Energy System.

(a) *Definition.*

(1) Renewable Energy System means free-standing equipment necessary for the onsite generation and use of energy from renewable energy sources including but not limited to solar, wind, and geothermal. This use does not include solar canopies over parking facilities, Electric Vehicle Charging, or any systems or structures accessory to individual dwelling units.

(b) *Use standards.* In all zones, the following standards apply:

(1) *Glare.* Renewable Energy Systems must not produce glare onto adjacent buildings or roads.

(c) *Conditional use standards.*

(1) In the RMD-15, RMD-25, RHD, all MXTD zones, MXCD, MXCT, MXNC, MXC, MXE, and MXB zones, the following additional standards apply:

A. Renewable Energy Systems must be accessory to a principal use.

B. Height. The maximum height is 20 feet.

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C. Fencing. Renewable Energy Systems must be surrounded on all sides by a fence at least six feet tall, unless such a fence is prohibited in the underlying zone in which case the fence must be the maximum height allowed in the zone.

(2) In the I-L and I-H zones, height up to 50 feet is allowed without a Special Exception approval.

(d) *Special Exception use standards*. In the I-L zone, Renewable Energy Systems in excess of 50 feet may be permitted by the Board of Appeals under Article 4, Section 3.

Sec. 25.6.8.4. Temporary Uses.

(a) *Definition.*

(1) Temporary Uses mean any use which is impermanent in nature, demonstrating a fixed short-term operational period, which is subject to a Temporary Use Permit. Temporary Uses do not include uses that are regulated by the provisions set forth in Chapter 12 of City Code.

(b) *Use standards.* In all zones, the following standards apply:

(1) *Permit required*. All Temporary Uses are subject to the requirements of Sec. 25.4.4.1.

(2) *Construction-related temporary uses.*

A. Temporary buildings, trailers, semi-trailers, and portable storage units incidental and necessary to construction in the immediate area may operate under a Temporary Use Permit for as long as there is a valid Building Permit for construction on the site, except that the uses must cease operation no later than the issuance of the last required Occupancy Permit.

B. Temporary offices and model homes incidental to and necessary for the sale or rental of real property in the immediate area may operate under a Temporary Use Permit for as long as there is a valid Building Permit for construction on the site, except that the uses must cease operation no later than the issuance of the last required Occupancy Permit.

1. If such Temporary Uses are included in a valid Building Permit for construction on the site, no Temporary Use Permit is required.

(3) *Garden produce, house plants, and cut flower sales*. The temporary sale of garden produce, house plants, and cut flowers may operate May through October with a Temporary Use Permit.

(4) *Holiday tree sales*. Temporary holiday tree sales are permitted only between the fourth Friday in November and December 25.

(5) *Portable storage units associated with residential uses.*

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A. Portable storage units may be placed on property improved with a duplex, Single-Unit Detached Dwelling, or Townhouse for the short-term storage of household items.

B. The Temporary Use Permit may be issued for a period of up to 30 days. One extension may be granted for a period of up to an additional 60 days for good cause shown.

C. A Temporary Use Permit is not required for a portable storage unit used on residential property for moving or other short-term purposes for five days or less.

D. Portable storage units are prohibited from being placed in the public right-of-way.

(6) *Party and event tents.* Temporary tents associated with parties and events may be installed under a Temporary Use Permit for a period of up to seven days.

A. A Temporary Use Permit is not required in the following instances:

1. When a party and event tent is included in a special event permit under City Code Sec. 14-41 or Sec. 12-151.

2. When a party and event tent is used on residential property for a period of three days or less.

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Article 7. Zone Standards

Division 7.1. Residential Zones

Sec. 25.7.1.1. Compliance with development standards.

(a) All development must comply with the development standards in Tables 7.1.2-1, 7.1.3-1, 7.1.4-1, 7.1.5-1, 7.1.6-1, 7.1.7-1, and 7.1.8-1 as applicable, except as provided elsewhere in this Chapter.

Sec. 25.7.1.2. Qualifying undersized lots.

(a) *Qualifying undersized lots.* A record lot that meets the requirements for a qualifying undersized lot under Sec. 25.12.5.2(e) is deemed to be a buildable lot even if it has less than the minimum area required in the current zone. The owner may seek to have the lot recorded by plat pursuant to Sec. 25.12.5.2(e); however, recordation by plat is not required to build on the lot.

(b) *Development standards.* Development on a qualifying undersized lot must conform to the following standards:

(1) Buildings and structures must comply with the maximum building height and maximum lot coverage of the current zone;

(2) Development must comply with the setbacks established in Table 7.1.2-1, except as provided in Sec. 25.8.1.3; and

(3) Development on qualifying undersized lots must conform to any established building restriction lines.

Table 7.1.2-1: Qualifying Undersized Lot Principal Building Setbacks

Standard	Minimum Setback
Front Setback	25 ft.
Side Setback	7 ft.
Rear Setback	20 ft.

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Sec. 25.7.1.3. Large lot single-unit residential zones.

(a) *Purpose of the large lot single-unit residential zones.* The large lot single-unit residential zones include the R-400, R-200, and R-150 zones. These zones are intended primarily for single-unit residential uses on large lots and some institutional uses.

Figure 7.1.3-1: Large Lot Single-Unit Residential Zones

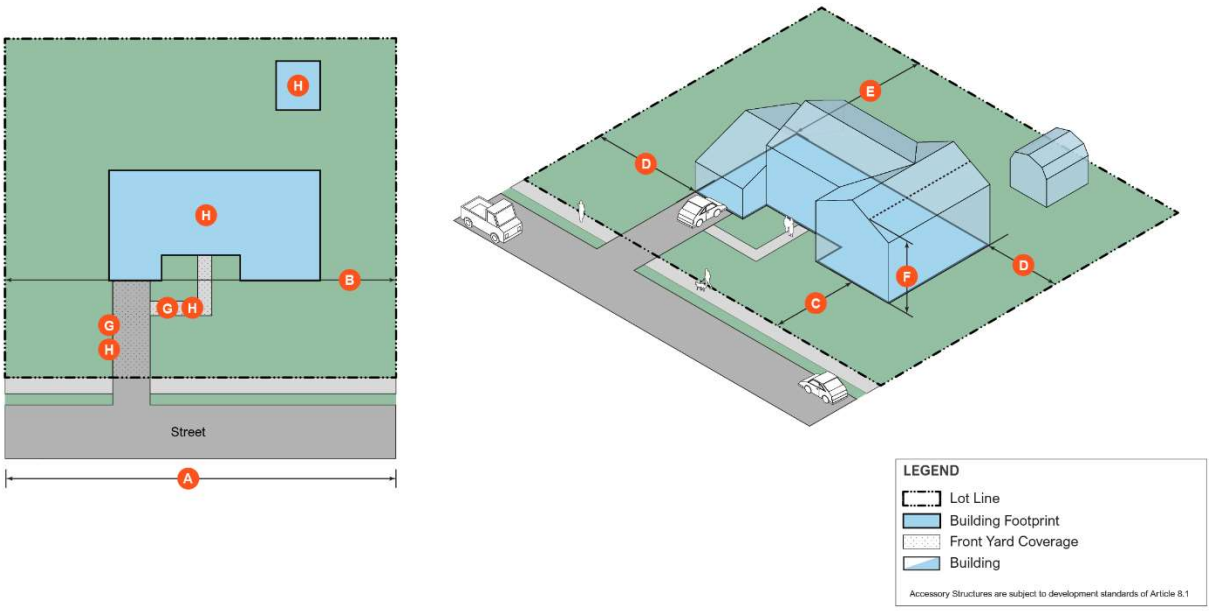


Table 7.1.3-1: Large Lot Single-Unit Residential Zone Development Standards

Standard			R-400	R-200	R-150
	Lot Area (Min.)		40,000 sq. ft.	20,000 sq. ft.	15,000 sq. ft.
A	Lot Frontage (Min.)		25 ft.	25 ft.	25 ft.
B	Lot Width at Front Setback Line (Min.)		150 ft.	100 ft.	90 ft.
C	Front Setback (Min.)		50 ft. or the established setback, whichever is greater (up to 100 ft. max.)	35 ft. or the established setback, whichever is greater (up to 100 ft. max.)	35 ft. or the established setback, whichever is greater (up to 100 ft. max.)
D	Side Setback	Abutting Street (Min.)[1]	30 ft.	25 ft.	30 ft.
		Abutting Land (Min.)	20 ft.	13 ft.	13 ft.
E	Rear Setback (Min.)		50 ft.	35 ft.	30 ft.

	Standard		R-400	R-200	R-150
	I-270 Setback (Min.)[2]		50 ft.	50 ft.	50 ft.
F	Building Height (Max.)		40 ft.	40 ft.	40 ft.
G	Front Yard Coverage (Max. per frontage)[3]	Single Frontage and Through Lots	10%	20%	25%
		Corner Lots	5%	10%	12.5%
H	Lot Coverage (Max.)		15%	25%	25%

[1] A side street setback applies only if the lot abutting the rear of the subject lot does not front on the street. If this condition is not met, front setback requirements apply.
[2] Principal dwelling units must be set back a minimum of 50 feet from I-270, except when the lot is shown on an approved preliminary subdivision plan or an approved final record plat prior to January 1, 1980, in which case the setback from I-270 does not apply.
[3] The Approving Authority may reduce this requirement for institutional uses if it finds that such a modification will reduce impacts of paved areas on adjoining residential uses, provide more efficient on-site traffic circulation, or address practical difficulties.

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Sec. 25.7.1.4. Small lot single-unit residential zones.

(a) *Purpose of the small lot single-unit residential zones.* The small lot single-unit residential zones include the R-90, R-75, R-60, and R-40 zones. These zones are intended primarily for single-unit residential uses on smaller lots than those in the large lot single-unit residential zones.

Figure 7.1.4-1: Small Lot Single-Unit Residential Zones

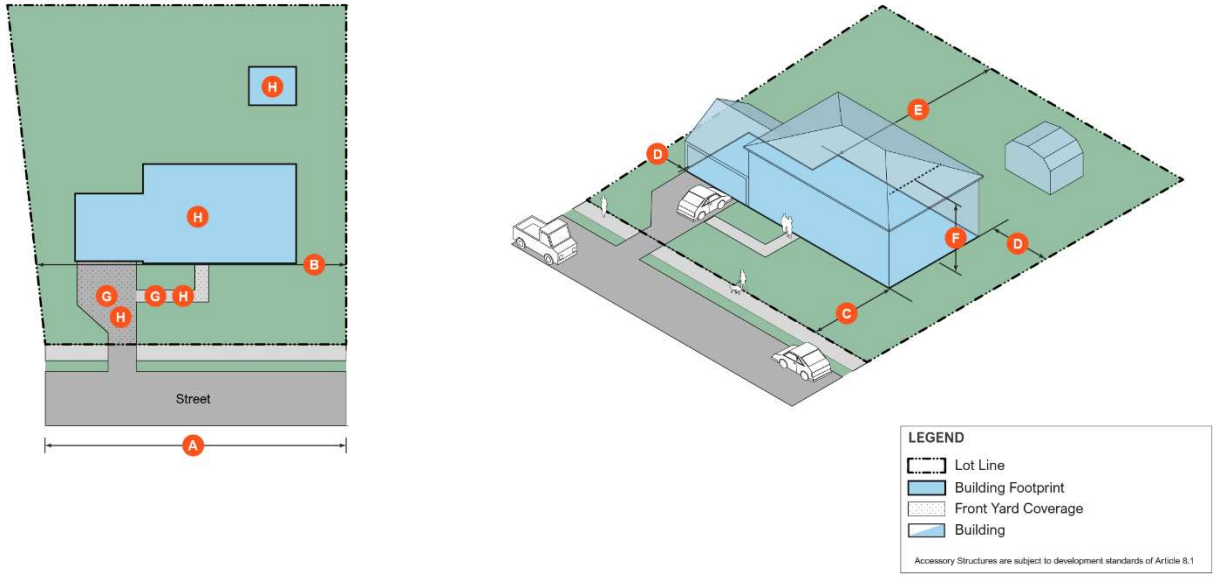


Table 7.1.4-1: Small Lot Single-Unit Residential Zone Development Standards

	Standard	R-90	R-75	R-60	R-40[1]
	Lot Area (Min.)	9,000 sq. ft.	7,500 sq. ft.	6,000 sq. ft.	4,000 sq. ft.
A	Lot Frontage (Min.)	25 ft.	40 ft.	35 ft.	25 ft.
B	Lot Width at Front Setback Line (Min.)	70ft.	70 ft.	60 ft.	40 ft.
C	Front Setback	30 ft. or the established setback, whichever is greater (up to	25 ft. or the established setback, whichever is greater	25 ft. or the established setback, whichever is greater	25 ft. or the established setback, whichever is greater

Standard			R-90	R-75	R-60	R-40[1]
			60ft. max.)	(up to 50 ft. max.)	(up to 50 ft. max.)	(up to 50 ft. max.)
D	Side Setback	Abutting Street (Min.)[2]	20 ft.	20 ft.	20 ft.	25 ft.
		Abutting Land (Min.)	11 ft.	9 ft.	8 ft.	10 ft.
E	Rear Setback (Min.)		25 ft.	20 ft.	20 ft.	20 ft.
	I-270 Setback (Min.)[3]		50 ft.	50 ft.	50 ft.	50 ft.
F	Building Height (Max.)		35 ft.	35 ft.	35 ft.	35 ft.
G	Front Yard Coverage (Max. per frontage)[4]	Single Frontage and Through Lots	30%	35%	40%	45%
		Corner Lots	15%	20%	20%	22.5%
H	Lot Coverage (Max.)		25%	35%	35%	40%

[1] For single unit detached dwellings located in the R-40, R-60 standards apply.
[2] A side street setback applies only if the lot abutting the rear of the subject lot does not front on the street. If this condition is not met, front setback requirements apply.
[3] Principal dwelling units must be set back a minimum of 50 feet from I-270, except when the lot is shown on a preliminary plan of subdivision or a final record plat approved prior to January 1, 1980, in which case the setback from I-270 does not apply.
[4] The Approving Authority may reduce this requirement for institutional uses if it finds that such a modification will reduce impacts of paved areas on adjoining residential uses, provide more efficient on-site traffic circulation, or address practical difficulties.

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Sec. 25.7.1.5. RMD-Infill, Medium Density Residential zone.

(a) *Purpose of the RMD-Infill zone.* The RMD-Infill zone is intended to provide for medium density residential uses with a range of housing types on infill lots.

Figure 7.1.5-1: RMD-Infill, Medium Density Residential Zone

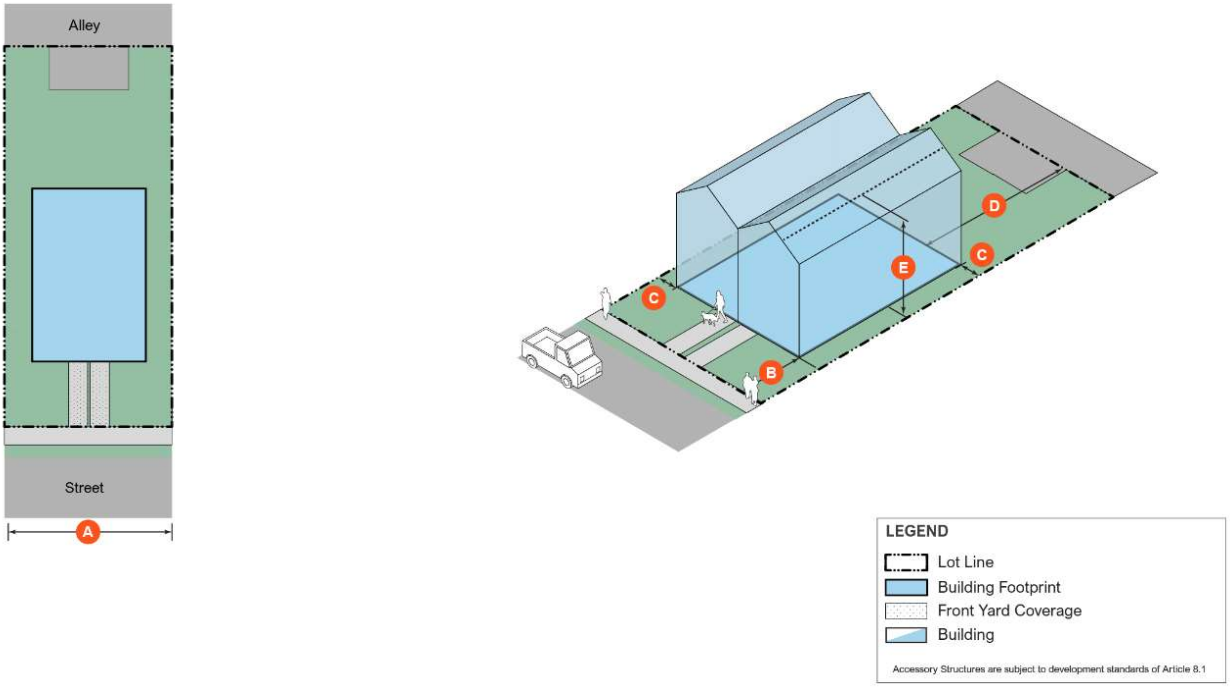


Table 7.1.5-1: RMD-Infill, Medium Density Residential Zone Development Standards

	Standard		Requirement
	Density (Max.)		1 DU/2,000 sq. ft.
	Bonus Density (Max.) [1]		30% increase in allowable dwelling units per lot
	Lot Size (Min.)		N/A
A	Lot Frontage (Min.)		N/A
B	Front Setback		20 ft. or the established setback, whichever is less
C	Side Setback	Abutting Street (Min.) [2]	15 ft.
		Abutting Land (Min.)	5 ft. Side setbacks can be reduced from the normal requirement of 5 ft. provided that the sum of both side setbacks is a minimum of 10 ft.
D	Rear Setback (Min.)		15 ft.
	I-270 Setback (Min.) [3]		50 ft.

Standard		Requirement
E	Building Height (Max.)	30 ft. for cottage courts
		35 ft. for single-unit detached dwellings, duplexes, and triplexes
		40 ft. for fourplexes

[1] The bonus density is permitted for any qualified project as defined in Subtitle 5, Division 1 of the Land Use Article of the Maryland Annotated Code.
[2] A side street setback applies only if the lot abutting the rear of the subject lot does not front on the street. If this condition is not met, front setback requirements apply.
[3] Principal dwelling units must be set back a minimum of 50 feet from I-270, except when the lot is shown on a preliminary plan of subdivision or a final record plat approved prior to January 1, 1980, in which case the setback from I-270 does not apply.

(b) *RMD-Infill design standards.* The following design standards apply to multiplex and cottage court development in the RMD-Infill zone. Additional townhouse, multiplex, and cottage court use standards are located in Article 6, Division 3.

(1) Facades along street frontages other than alleys must include elements such as windows, stoops, porches, terraces, balconies, and bay windows, which provide interaction with the street.

(2) Attached garages or carports, where permitted, must be placed a minimum of five feet behind the front facade of the main building.

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Sec. 25.7.1.6. RMD-10 and RMD-15, Medium Density Residential zones.

(a) *Purpose of the RMD-10 and RMD-15 zones.* The RMD-10 and RMD-15 zones are intended to provide for medium density residential uses with a range of housing types, typically townhouse, multiplex, and apartment dwellings.

Figure 7.1.6-1: RMD-10 and RMD-15, Medium Density Residential Zone

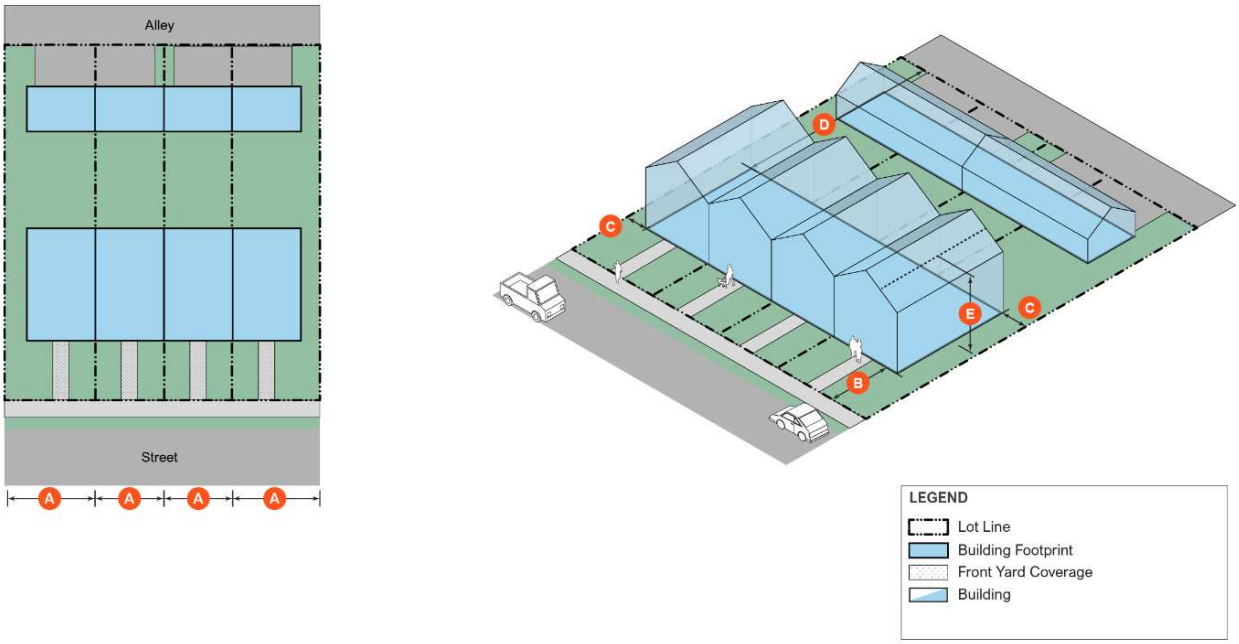


Table 7.1.6-1: RMD-10 and RMD-15, Medium Density Residential Zone Development Standards

	Standard	RMD-10	RMD-15
	Density (Max.)	10 DU/acre	15 DU/acre
	Bonus Density (Max.) [1]	30% increase in allowable dwelling units per acre	30% increase in allowable dwelling units per acre
	Site Area (Min.)	20,000 sq. ft. but never more than 10 acres	0.75 acres
A	Lot Frontage (Min.)	14 ft.	14 ft.
B	Front Setback (Min.)	20 ft. or the established setback, whichever is less	15 ft. or the established setback, whichever is less
C	Side Setback (Min.)	8 ft.	8 ft.
D	Rear Setback (Min.)	20 ft.	15 ft.
	I-270 Setback (Min.)[2]	50 ft.	50 ft.
E	Building Height (Max.)	35 ft.	40 ft.

Standard	RMD-10	RMD-15
[1] The bonus density is permitted for any qualified project as defined in Subtitle 5, Division 1 of the Land Use Article of the Maryland Annotated Code. [2] Principal dwelling units must be set back a minimum of 50 feet from I-270, except when the lot is shown on a preliminary plan of subdivision or a final record plat approved prior to January 1, 1980, in which case the setback from I-270 does not apply.		

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Sec. 25.7.1.7. RMD-25, Medium Density Residential zone.

(a) *Purpose of the RMD-25 zone.* The RMD-25 zone is intended to provide for medium density residential uses, typically townhouse and apartment dwellings, up to 25 dwelling units per acre.

Figure 7.1.7-1: RMD-25, Medium Density Residential Zone

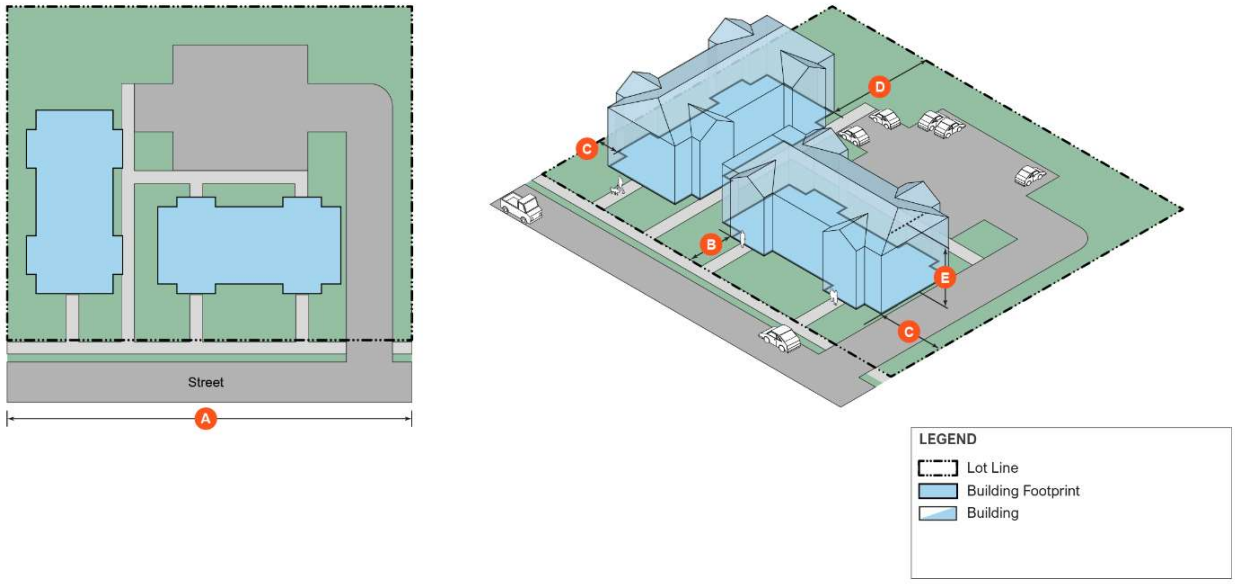


Table 7.1.7-1: RMD-25, Medium Density Residential Zone Development Standards

	Standard	Requirement
	Density (Max.)	25 DU/acre
	Bonus Density (Max.)[1]	30% increase in allowable dwelling units per acre
	Site Area (Min.)	0.75 acres
A	Lot Frontage (Min.)	100 ft.
B	Front Setback	25 ft.
C	Side Setback	8 ft. for townhouse, multiplex, small apartment buildings, and cottage courts 10 ft. for apartments of seven or more units
D	Rear Setback (Min.)	25 ft.
	I-270 Setback (Min.)[2]	50 ft.
E	Building Height (Max.)[3]	75 ft.

[1] The bonus density is permitted for any qualified project as defined in Subtitle 5, Division 1 of the Land Use Article of the Maryland Annotated Code.

Standard	Requirement
[2] Principal dwelling units must be set back a minimum of 50 feet from I-270, except when the lot is shown on a preliminary plan of subdivision or a final record plat approved prior to January 1, 1980, in which case the setback from I-270 does not apply. [3] Subject to the massing and height transitions requirements of Sec. 25.7.3.8(a)(1).	

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Sec. 25.7.1.8. RHD, Residential High Density zone.

(a) *Purpose of the RHD zone.* The RHD zone is intended to provide for high-density residential uses, typically apartment dwellings, up to 50 dwelling units per acre.

Figure 7.1.8-1: RHD, Residential High Density Zone

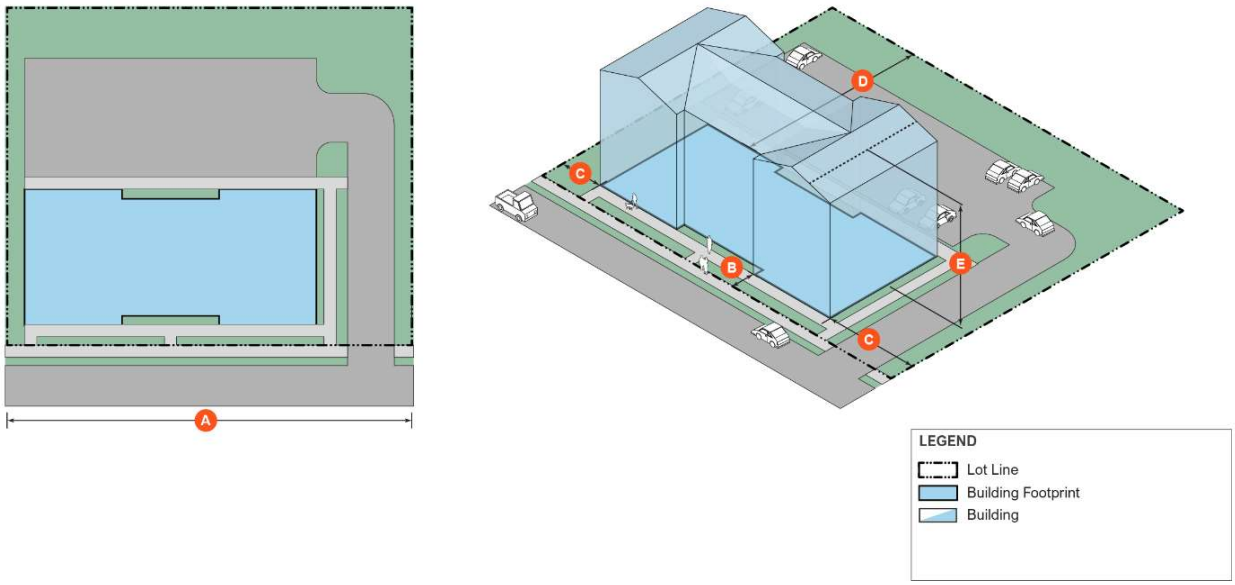


Table 7.1.8-1: RHD, Residential High Density Zone Development Standards

Standard		Requirement
	Density (Max.)	50 dwelling units/acre
	Bonus Density (Max.) [1]	30% increase in allowable dwelling units per acre
	Lot Size (min)	N/A
A	Lot Frontage (Min.)	10 ft.
B	Front Setback (Min.)	25 ft. when abutting or confronting a lot zoned for and developed with single-unit residential uses 10 ft. in all other locations
C	Side Setback	10 ft.
D	Rear Setback (Min.)	10 ft.
E	Building Height (Max.) [2]	75 ft. When abutting or confronting a lot zoned for and developed with single-unit residential uses, buildings are limited to a max. height of 45 ft. within 100 ft. of the property line.

[1] The bonus density is permitted for any qualified project as defined in Subtitle 5, Division 1 of the Land Use Article of the Maryland Annotated Code.
[2] Subject to the massing and height transitions requirements of Sec. 25.7.3.8(a)(1).

Division 7.2. Industrial Zones

Sec. 25.7.2.1. Compliance with development standards.

(a) All development must comply with the development standards in Tables 7.2.2-1 and 7.2.3-1, as applicable, except as provided elsewhere in this Chapter.

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Sec. 25.7.2.2. I-L, Light Industrial zone.

(a) *Purpose of the I-L zone*. The I-L zone is intended to provide for limited light manufacturing, warehousing, and wholesaling facilities necessary to serve residents of the City and surrounding areas, and to provide general retailing facilities for certain commodities appropriate in an industrial zone.

Figure 7.2.2-1: I-L, Light Industrial Zone

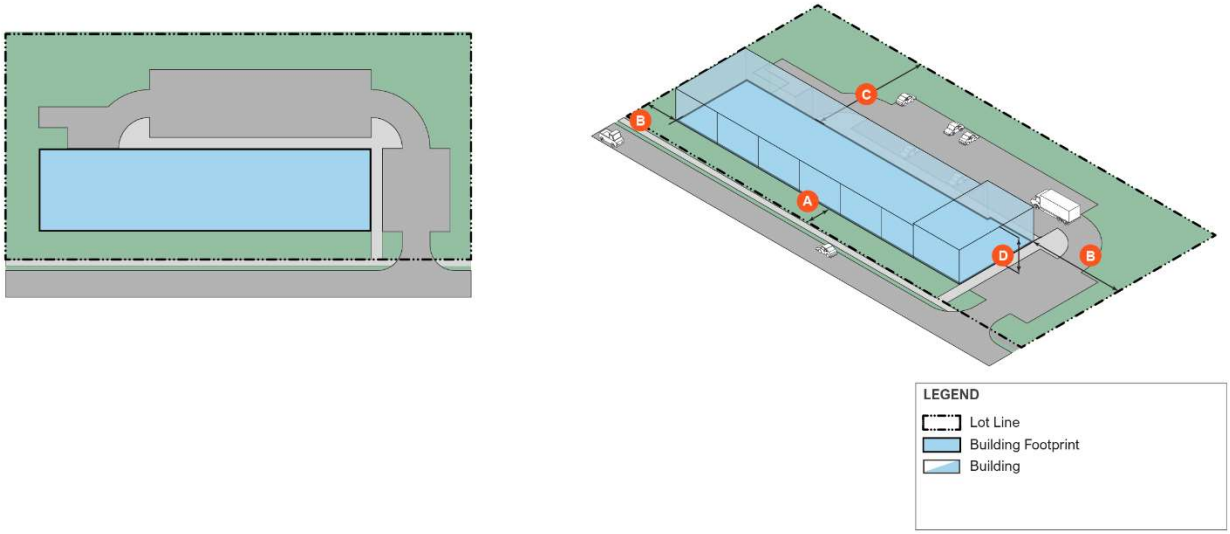


Table 7.2.2-1: I-L, Light Industrial Zone Development Standards

Standard			Requirement
	Lot Size (Min.)		N/A
	Lot Size (Max.)		N/A
A	Front Setback (Min.)		25 ft.
B	Side Setback	Abutting Street (Min.)	10 ft.
		Abutting Residential Property[1] (Min.)	30 ft. or building height, whichever is greater
		Abutting Nonresidential Property (Min.)	10 ft.; unless both side yards abut nonresidential property, in which case one of the side setbacks may be 0 ft.
C	Rear Setback	Abutting Residential Property[1] (Min.)	30 ft. or building height, whichever is greater
		Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided
D	Building Height (Max.) [2]		60 ft.
	Design Standards		Sec. 25.7.2.4

Standard	Requirement
[1] This setback applies when the abutting property is zoned R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, or RMD-15 and is developed with single-unit detached, townhouse, or multiplex dwellings. [2] Subject to the massing and height transitions requirements of Sec. 25.7.3.8(a)(1).	

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Sec. 25.7.2.3. I-H, Heavy Industrial zone.

(a) *Purpose of the I-H zone.* The I-H zone is intended to provide for a wide range of industrial and related uses which may need various types of access, and which, because of the nature of their operation, may or may not be compatible near other land uses.

Figure 7.2.3-1: I-H, Heavy Industrial Zone

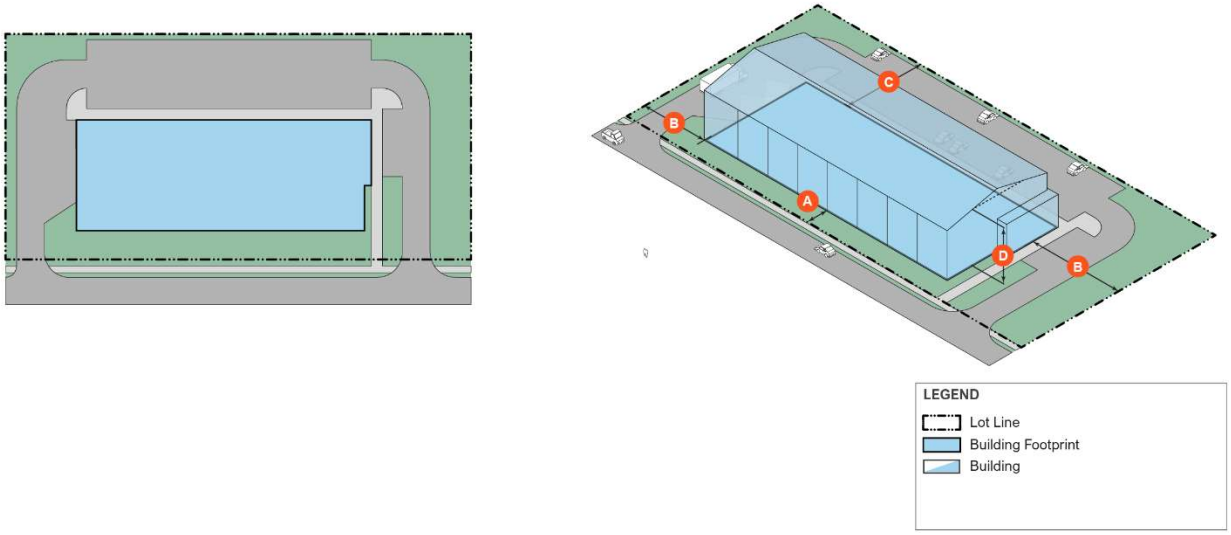


Table 7.2.3-1: I-H, Heavy Industrial Zone Development Standards

Standard			Requirement
	Lot Size (Min.)		N/A
	Lot Size (Max.)		N/A
A	Front Setback (Min.)		25 ft.
B	Side Setback	Abutting Street (Min.)	10 ft.
		Abutting Residential Property[1] (Min.)	30 ft. or building height, whichever is greater.
		Abutting Nonresidential Property (Min.)	10 ft.; unless both side yards abut nonresidential property, in which case one of the side setbacks may be 0 ft.
C	Rear Setback	Abutting Residential Property[1] (Min.)	30 ft. or building height, whichever is greater.
		Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided.
D	Building Height (Max.) [2]		70 ft.
	Design Standards		Sec. 25.7.2.4

Standard	Requirement
[1] This setback applies when the abutting property is zoned R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, or RMD-15 and is developed with single-unit detached, townhouse, or multiplex dwellings. [2] Subject to the massing and height transitions requirements of Sec. 25.7.3.8(a)(1).	

Sec. 25.7.2.4. Industrial zone design standards.

(a) Facades greater than 100 feet in length facing either abutting residentially-zoned property (other than live-work units or residential uses that are part of a mixed-use development) or a street other than an alley or drive aisle must include projections, recessions, or other treatments with a minimum depth or offset of 2 feet, spaced no more than 30 feet apart.

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Division 7.3. Mixed Use Zones

Sec. 25.7.3.1. Compliance with development standards.

(a) All development must comply with the development standards in Tables 7.3.2-1, 7.3.3-1, 7.3.4-1 and 7.3.5-1 as applicable, except as provided elsewhere in this Chapter.

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Sec. 25.7.3.2. Transit-oriented, high density mixed use zones.

(a) *Purpose of the Mixed-Use Transit District zones.* The MXTD zones are intended to provide for high-density development of retail, office, and residential uses in areas near Metro stations. These zones are characterized by their transit-oriented location, walkability and urban development patterns.

Figure 7.3.2-1: Transit-Oriented, High Density Mixed Use Zones

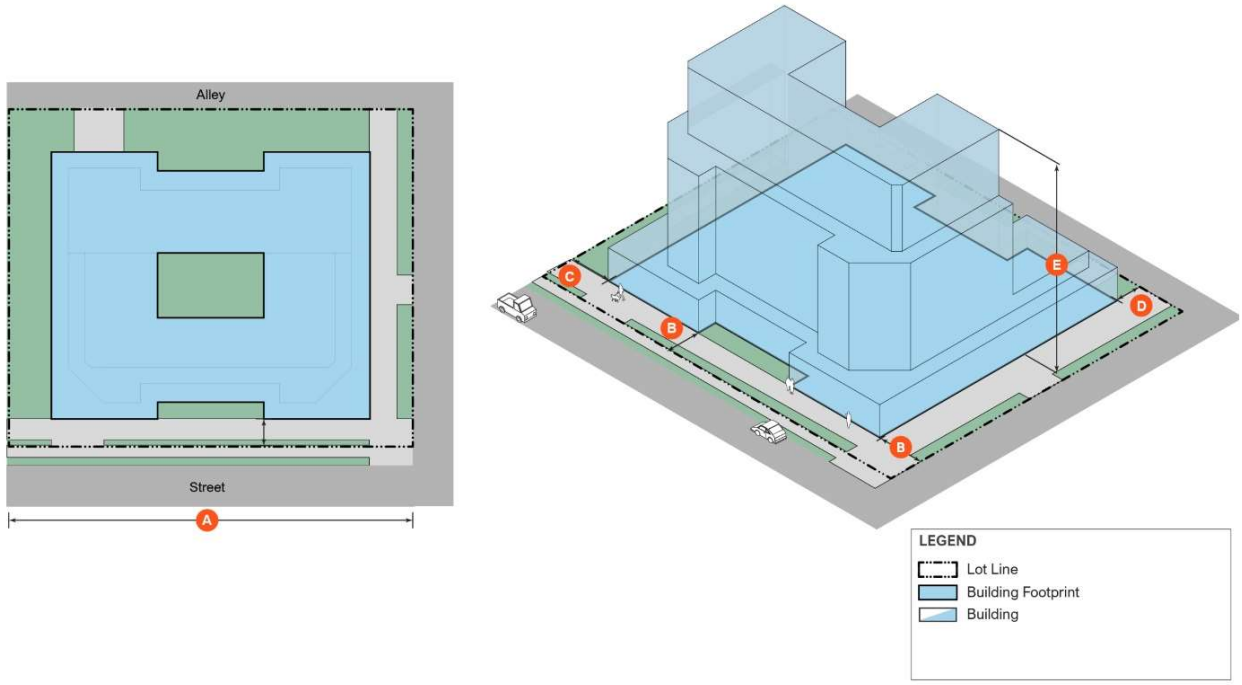


Table 7.3.2-1: Transit-Oriented, High Density Mixed Use Zones Development Standards

Standard			MXTD-235	MXTD-200	MXTD-85
A	Lot Frontage (Min.)		10 ft.	10 ft.	10 ft.
B	Setback Abutting Public Right-of-Way (Min.)		None	None	None
C	Side Setback	Abutting Residential Property[1] (Min.)	25 ft.	25 ft.	25 ft.
C		Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided	None required. 10 ft. min. if provided	None required. 10 ft. min. if provided

Standard			MXTD-235	MXTD-200	MXTD-85
D	Rear Setback	Abutting Residential Property[1] (Min.)	25 ft.	25 ft.	25 ft.
D		Abutting Nonresidential Land (Min.)	None required. 10 ft. min. if provided	None required. 10 ft. min. if provided	None required. 10 ft. min. if provided
E	Building Height (Max.)		235 ft.	200 ft.	85 ft.
	Bonus Building Height (Max.)[2]		100 ft.	100 ft.	50 ft.
	Building Location		Sec. 25.7.3.6		
	Design Standards		Sec. 25.7.3.8 and Sec. 25.7.3.9		

[1] This setback applies when the abutting property is zoned R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, or RMD-15 and is developed with single-unit detached, townhouse, or multiplex dwellings.

[2] The bonus building height is permitted for any Champion Project, any development project with a residential component that includes 20% or more moderately priced dwelling units, or any qualified project as defined in Subtitle 5, Division 1 of the Land Use Article of the Maryland Annotated Code.

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Sec. 25.7.3.3. Corridor-oriented, medium to high density mixed use zones.

(a) *Purpose of the Mixed-Use Corridor District zone*. The MXCD zone is intended to provide for areas along major highway corridors outside of the MXTD Zone areas. It allows for flexibility in siting medium density development of retail, office, auto-oriented, and residential uses.

(b) *Purpose of the Mixed-Use Corridor Transition zone*. The MXCT zone is intended to provide for medium density development of residential and office uses, as well as neighborhood-serving retail and service uses, and to serve as a transition between areas zoned for medium- to high-intensity development and areas of residential development or parks within residentially zoned areas.

Figure 7.3.3-1: Corridor-Oriented, Medium to High Density Mixed Use Zones

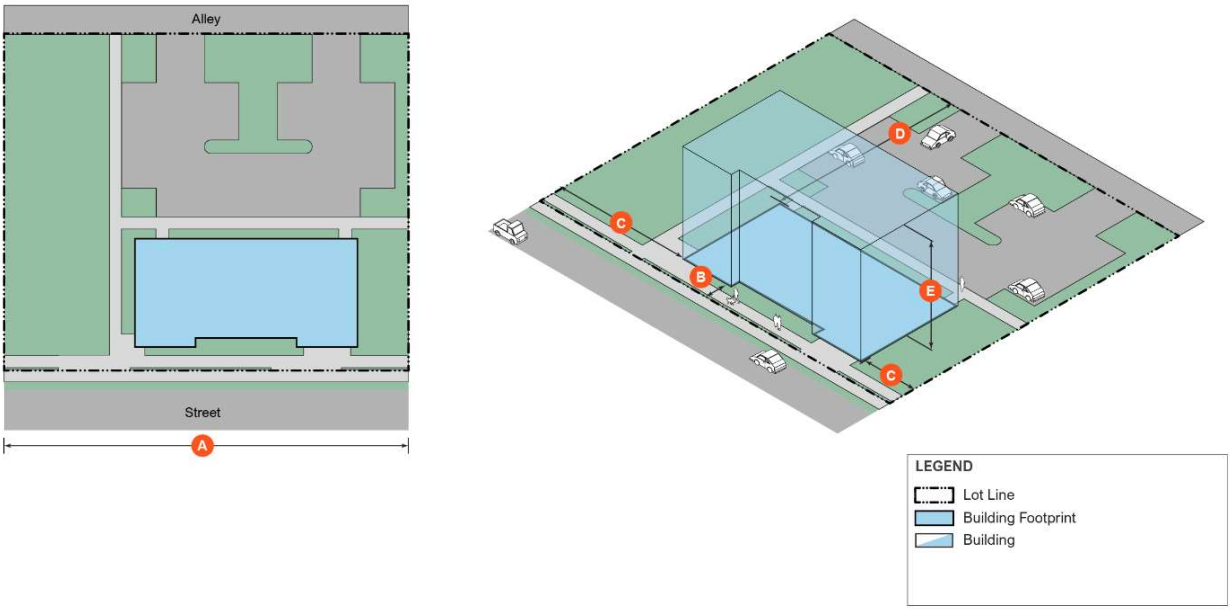


Table 7.3.3-1: Corridor-Oriented, Medium to High Density Mixed Use Zones Development Standards

Standard			MXCD	MXCT
A	Lot Frontage (Min.)		10 ft.	10 ft.
B	Setback Abutting Public Right-of-Way (Min.)		None	None
C	Side Setback	Abutting Residential Property[1] (Min.)	25 ft.	25 ft.
		Abutting Nonresidential Property or Residential Uses with a Height of 45 ft. or greater (Min.)	None required. 10 ft. min. if provided.	None required. 10 ft. min. if provided.

	Standard		MXCD	MXCT
D	Rear Setback	Abutting Residential Property[1] (Min.)	25 ft.	25 ft.
		Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided.	None required. 10 ft. min. if provided.
E	Building Height (Max.)		75 ft.	75 ft.
	Bonus Building Height (Max.)		50 ft.[2]	30% increase in allowable building height[3]
	Building Location		Sec. 25.7.3.6	
	Design Standards		Sec. 25.7.3.8 and Sec. 25.7.3.9	

[1] This setback applies when the abutting property is zoned R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, or RMD-15 and is developed with single-unit detached, townhouse, or multiplex dwellings.
[2] The bonus building height is permitted for any Champion Project or any qualified project as defined in Subtitle 5, Division 1 of the Land Use Article of the Maryland Annotated Code.
[3] The bonus height is permitted for any qualified project as defined in Subtitle 5, Division 1 of the Land Use Article of the Maryland Annotated Code.

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Sec. 25.7.3.4. Neighborhood-oriented, medium to low density mixed use zones.

(a) *Purpose of the Mixed-Use Neighborhood Commercial zone.* The MXNC zone is intended to provide primarily for local, low to moderate density retail and service uses in areas near single unit detached residential uses. This zone also allows for low to moderate density residential uses and limited office uses. It is not intended to provide for major employment.

(b) *Purpose of the Mixed-Use Transition zone.* The MXT zone is intended to provide for low density multi-unit, attached, and townhouse residential development, and other neighborhood-serving uses in areas located between moderate or high-density development and single-unit detached residential neighborhoods.

(c) *Purpose of the Mixed-Use Commercial zone.* The MXC zone is intended to provide primarily for local, low density retail and service uses in areas near single unit detached residential uses. This zone also allows for low density residential uses and limited office uses. It is not intended to provide for major employment.

Figure 7.3.4-1: Neighborhood-Oriented, Medium to Low Density Mixed Use Zones

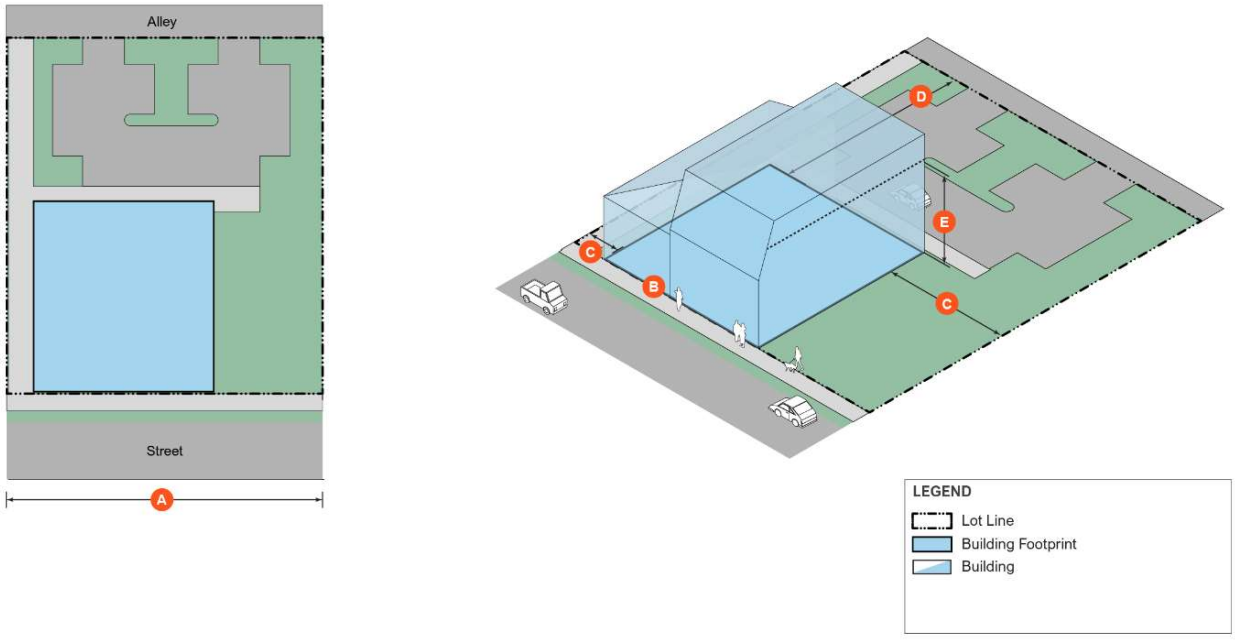


Table 7.3.4-1: Neighborhood-Oriented, Medium to Low Density Mixed Use Zones Development Standards

Standard		MXNC	MXT	MXC
A	Lot Frontage (Min.)	10 ft.	10 ft.	10 ft.
B	Setback Abutting Public Right-of-Way (Min.)	None required. 10 ft. min. if provided.	10 ft.	15 ft.

Standard			MXNC	MXT	MXC
C	Side Setback	Abutting Residential Property[1] (Min.)	25 ft.	10 ft.	15 ft.
C		Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided.	None	None required. 10 ft. min. if provided
D	Rear Setback	Abutting Residential Property[1] (Min.)	25 ft.	20 ft.	25 ft.
D		Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided.	None required. 10 ft. min. if provided.	None required. 10 ft. min. if provided.
E	Building Height (Max.)		65 ft.	35 ft.	30 ft.
	Bonus Building Height (Max.) [2]		30% increase in allowable building height	30% increase in allowable building height	30% increase in allowable building height
	Building Location		Sec. 25.7.3.6		
	Design Standards		Sec. 25.7.3.8 and Sec. 25.7.3.9		

[1] This setback applies when the abutting property is zoned R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, or RMD-15 and is developed with single-unit detached, townhouse, or multiplex dwellings.

[2] The bonus height is permitted for any qualified project as defined in Subtitle 5, Division 1 of the Land Use Article of the Maryland Annotated Code.

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Sec. 25.7.3.5. Business- and employment-oriented mixed use zones.

(a) *Purpose of the Mixed-Use Employment zone*. The MXE zone is intended to provide for areas that are either currently developed or are recommended for development primarily for office, light industrial, industrial park, and similar employment-generating uses, while also allowing for medium- to high-density development of retail, and residential uses.

(b) *Purpose of the Mixed-Use Business zone*. The MXB zone is intended to provide primarily for retail sales, neighborhood services, home maintenance services, and compatible residential development in areas convenient to both higher-density commercial zones and single-unit detached residential uses. This zone allows for a range of densities and permits retail, service, office, and residential uses.

Figure 7.3.5-1: Business- and Employment-Oriented Mixed Use Zones

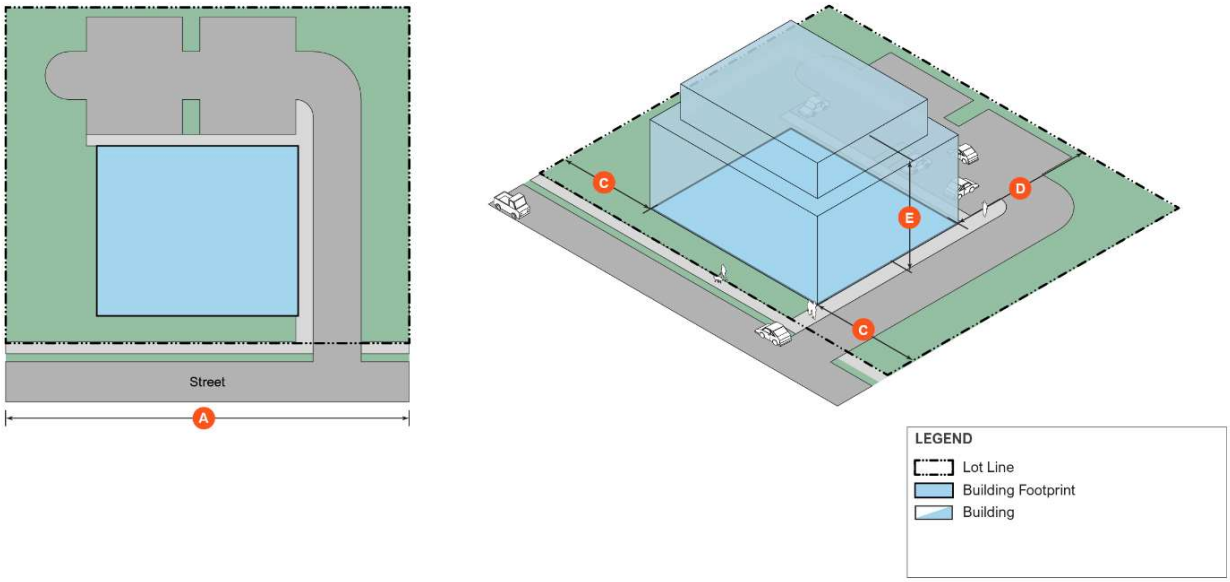


Table 7.3.5-1: Business- and Employment-Oriented Mixed Use Zones Development Standards

Standard			MXE	MXB[1]
A	Lot Frontage (Min.)		10 ft.	10 ft.
B	Setback Abutting Public Right-of-Way (Min.)		None required. 10 ft. min. if provided.	None required. 10 ft. min. if provided.
C	Side Setback	Abutting Residential Property[1] (Min.)	25 ft.	25 ft.
		Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided.	None required. 10 ft. min. if provided.
D	Rear Setback	Abutting Residential Property[1] (Min.)	25 ft.	25 ft.

Standard			MXE	MXB[1]
		Abutting Nonresidential Property (Min.)	None required. 10 ft. min. if provided.	None required. 10 ft. min. if provided.
E	Building Height (Max.)		120 ft.	55 ft.
	Bonus Building Height (Max.) [2]		30% increase in allowable building height	30% increase in allowable building height
	Building Location		Sec. 25.7.3.6	
	Design Standards		Sec. 25.7.3.8 and Sec. 25.7.3.9	

[1] This setback applies when the abutting property is zoned R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, or RMD-15 and is developed with single-unit detached, townhouse, or multiplex dwellings.
[2] The bonus height is permitted for any qualified project as defined in Subtitle 5, Division 1 of the Land Use Article of the Maryland Annotated Code.

Sec. 25.7.3.6. Mixed use building location standards.

(a) Buildings must be located at the front property line(s), including on corner lots, or the build-to line where established by the Plan. In the MXE zone, building location may be vis-à-vis a service drive.

(b) Parking must be located to the side or rear of buildings.

(c) Within the Rockville Pike Neighborhood Plan area, all building must conform to the build-to lines established in the Plan.

Sec. 25.7.3.7. Floor area limitation.

(a) Except as provided in Sec. 25.7.3.7(b), below, a single-tenant retail commercial use in the mixed-use zones cannot occupy more than 65,000 square feet of floor area at the ground level. This limit only applies to the ground area footprint and does not limit additional floors devoted to the single tenant so long as each additional floors does not exceed 65,000 square feet.

(b) For a Champion Project, the Mayor and Council may allow the floor area limit for a single retail tenant within the project to increase to no more than 100,000 square feet of floor area at the ground level and at each additional floor. As a condition of approval of the Champion Project, the following applies:

(1) Each of the exterior walls at the ground level, along any public street or way, must be activated with points of access for street-fronting retail, restaurants and/or service establishments that contribute to a vibrant walkable environment.

Sec. 25.7.3.8. Mixed use design standards.

(a) The following standards apply to all structures in the mixed-use zones, except for parking structures or any structures located on properties in the Historic District Overlay zone.

(1) *Massing and height transitions*.

A. A building greater than 50 feet in height in abutting or confronting a single-unit detached dwelling, townhouse, or multiplex in the R-400, R-200, R-150, R-90, R-75, R-60, R-40, or RMD-Infill zone must meet the following standards:

1. For buildings greater than 50 feet in height, the third story and above must be set back a minimum of 10 feet from the outer wall of the first story of the building.

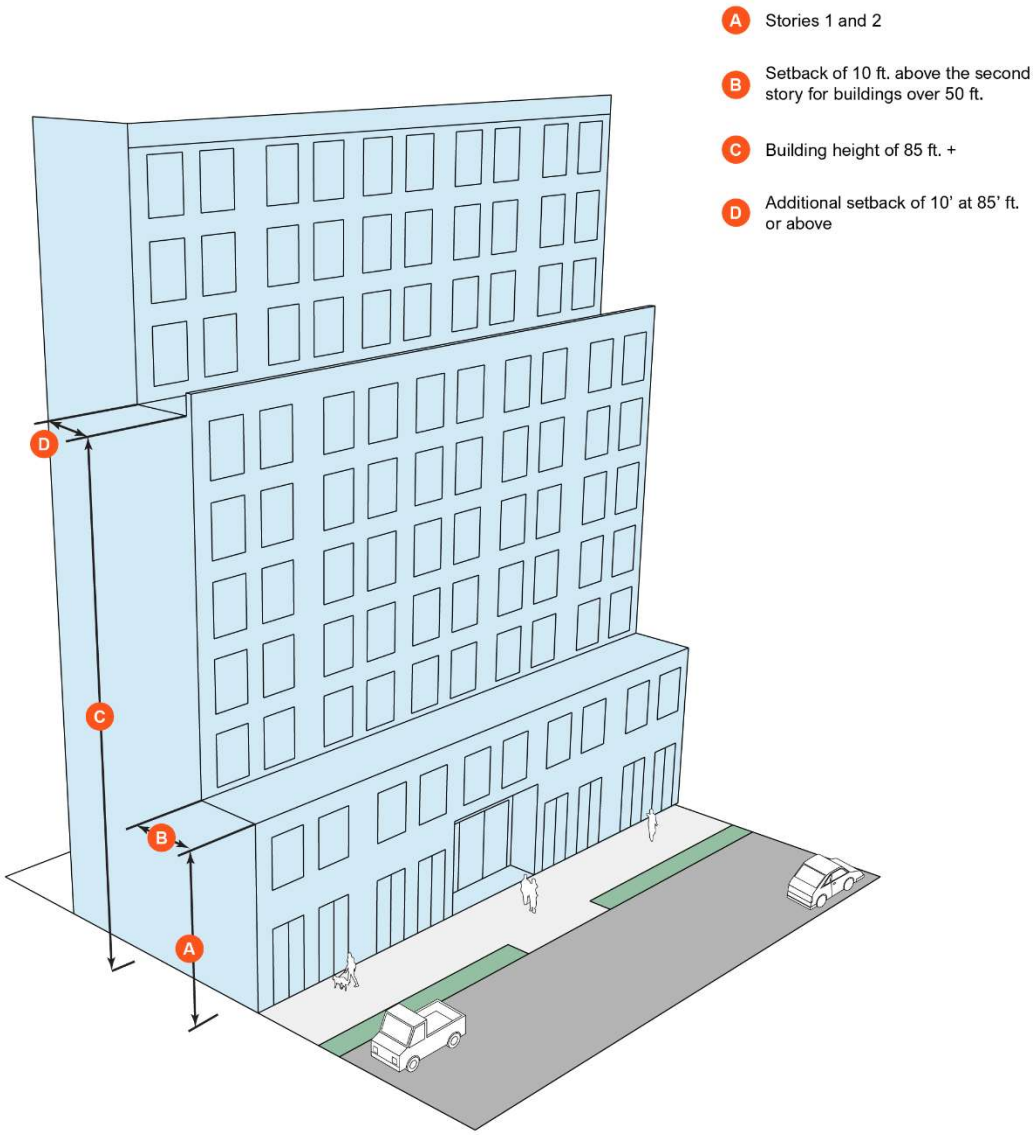
2. For all buildings greater than 85 feet in height, the building must be set back an additional 10 feet at 85 feet and above.

B. Height transitions under this subsection are only required for the portion of the façade directly abutting or confronting the single-unit detached dwelling, townhouse, or multiplex in the R-400, R-200, R-150, R-90, R-75, R-60, R-40, or RMD-Infill zone.

C. Height transition requirements do not apply to buildings of 50 feet in height or less.

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Figure 7.3.8-1: Mixed Use Design Standards - Massing and Height Transitions



(2) *Roofs.* Roof design must add interest to, and reduce the massive scale of, large buildings through the use of architectural treatments such as stepped or staggered rooflines; varying roof heights or pitches; cornices, dormers, or roof projections; variation in color or materials; and the addition of terraces, skylights, or light wells. The addition of solar panels, roof gardens, rainwater harvesting systems, and light color surfaces for energy and resource saving purposes are also encouraged.

A. Buildings in the MXT zone must have a gable, hip, or mansard roof.

Figure 7.3.8-2: Mixed Use Design Standards - Roofs



(3) *Facades.* The below requirements apply to all building facades and exterior walls, including sides and backs.

A. Side and rear facades must receive architectural treatment similar to that provided to the front facade to ensure consistent views from off-site locations and public areas onsite (e.g. parking lots, walkways, etc.).

B. All building facades greater than 250 feet long must vary the facade height to avoid a monotonous, monolithic appearance.

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Figure 7.3.8-3: Mixed Use Design Standards – Facade Height



C. At the pedestrian level (generally within the first 10 feet of the building wall measured vertically at street level), facades must include architectural features to break up the building wall and contribute to visual interest at the pedestrian scale. These can include such things as wall offsets, reveals, or projecting ribs.

D. Where the building height exceeds 35 feet, the architecture of the pedestrian level facade must differ from the upper levels.

E. In the MXTD-235, MXTD-200, and MXTD-85, building facades that face public or private streets, except for private alleys or driveways, are subject to the following requirements:

   1. Ground floor facades must be between 16 and 20 feet in height.

   2. All facades greater than 100 feet long must include projections, recessions, or other similar treatments.

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Figure 7.3.8-4: Mixed Use Design Standards – Facade Design



(4) *Entryways.* The primary building entrance must be clearly defined and accessible. Primary building entrances must include design features such as canopies, awnings, or porches that enhance the pedestrian experience or offer shelter.

(5) *Windows and doors*.

A. All facades must include windows, awnings, or similar features.

B. All ground floor facades must include windows along at least 60 percent of the building length.

C. In all zones except the MXE and MXB, windows above the ground floor must be individual framed windows.

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Figure 7.3.8-5: Mixed Use Design Standards - Windows and Doors



(6) *Materials and finishes*.

A. Construction materials such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar materials must be avoided unless the exterior surface is concealed.

B. Finishes that incorporate metallic or highly reflective surfaces must be limited to trim, signage, or accent areas and must not be applied to large, flat wall surfaces.

C. The applicant may be required to submit a sample or specification sheet for any proposed exterior materials to demonstrate compliance with material standards.

(7) Items allowed not facing a public street. For all uses other than single-unit detached dwellings, townhouses, multiplexes, and cottage courts, the following items are only allowed either on sides not facing a public street or in the rear yard:

A. Electric utility meters;

B. Air conditioning compressors; and

C. Irrigation and pool pumps.

Sec. 25.7.3.9. Parking structure design standards.

(a) The following standards apply to parking structures:

(1) *Signage*.

A. Access to a parking facility must be clearly marked with signage to facilitate vehicle access and reduce pedestrian and bicycle conflicts.

B. Where an automated directional sign system is installed, there must be a readily legible indication from the street of the status of available parking within the structure.

(2) *Facades*.

A. The architectural design of the pedestrian level facade (generally within the first 10 feet of the building wall measured vertically at street level) must differ from the upper levels. This can be achieved through elements such as awnings or canopies, architectural façade details, variations in fenestration, materials, or color.

B. In all MXTD zones, the pedestrian level of all parking garages must be wrapped by other uses allowed in the zone.

C. All façade treatment must include design features that screen, disguise, and conceal parking on upper stories. This can be achieved through wrapping with other uses or articulation and detailing of exposed facades with awnings, louvres, glass panels, perforated metal, grilles, screens, overhangs, vertical greenery, brick, stone, or similarly attractive material.

D. Architectural features must be integrated into the design of rooftop stair and elevator towers.

Figure 7.3.9-1: Parking Structure Design Standards







A The architectural design of the pedestrian level facade differs from the upper levels

B Façade treatment conceals parking on upper floors

C Parking garage hidden by public-facing retail

D Continuous building frontage along street due to location of parking in rear

E Retail uses on the ground floor of the parking podium

F Discrete but visible signage directing vehicles

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Sec. 25.7.3.10. Alternative compliance.

(a) Alternative compliance to the standards of Sec. 25.7.3.6, Sec. 25.7.3.7, Sec. 25.7.3.8, or Sec. 25.7.3.9 may be approved by the Chief of Zoning or other applicable Approving Authority as defined in the Zoning Ordinance provided that the proposed alternative design:

(1) Meets or exceeds the intent of the requirement(s) for which alternative compliance is being requested.

(2) Provides an equal or better design solution.

(3) Accomplishes the purpose of the zone in which the site is located.

(b) An applicant for alternative compliance must demonstrate, in a written statement, how their proposed alternative meets or exceeds each of the items list above.

Division 7.4. Special Zones

Sec. 25.7.4.1. Compliance with development standards.

(a) All development must comply with the development standards of the zone in which the development is located, except as provided elsewhere in this Chapter.

Sec. 25.7.4.2. Park zone.

(a) *Purpose of the Park zone.* The Park zone is intended to:

(1) Provide for recreational and other compatible uses;

(2) Provide and maintain adequate open space areas within the City to ensure that conservation, safety, and recreational needs, both active and passive, are met;

(3) Enhance the visual, economic, and environmental character of the community; and

(4) Improve the appearance and value of neighborhoods through the preservation of natural features, and the provision of recreation areas and open space.

(b) *Development standards.* The development standards of this zone are those development standards of the lowest density adjoining single dwelling unit residential zone.

Sec. 25.7.4.3. Planned Development zones.

(a) *Purpose of the Planned Development Zones.* Prior to March 16, 2009, developments with special provisions for development standards and types of uses were approved through several types of special development procedures. These included comprehensive planned development, planned residential unit, preliminary development plan, and the I-3 zone optional method. Under these procedures, approved developments may have had little or no relation to the underlying zoning that existed at the time of development. Development of each planned development is governed individually by approval documents.

(1) To more clearly identify planned developments, they were placed in individual Planned Development (or "PD") zones when the Zoning Ordinance was comprehensively

amended on March 16, 2009. Planned development governing documents are included by reference as the applicable standards in the respective Planned Development zones. In addition, one or more equivalent zones are designated for each Planned Development zone.

(b) *Uses.*

(1) Only those uses specifically permitted by the applicable planned development governing documents are allowed in a planned development zone.

(2) In addition to the uses specifically permitted by the planned development governing documents, the Mayor and Council, may approve uses as set forth in the equivalent zone through an amendment to an approved planned development. This is only allowed in areas of a planned development designated for nonresidential uses.

(c) *PD 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 aspects of the development project but were not restated in the Mayor and Council's or Planning Commission's development project approval. Additionally, several of the planned development projects are subject to annexation agreements or development agreements with the City that have specific terms for how development is to proceed. Collectively, these documents constitute the planned development governing documents as defined by Sec. 25.2.2.16(w).

(2) *Approved development standards.* Approved development standards set forth in the planned development governing documents apply to all portions of a planned development except as provided in Sec. 25.7.4.3(c)(3), below. This includes the:

A. Completed planned development projects;

B. Undeveloped or partially completed individual sites within a planned development;

C. The redevelopment of any portion of a planned development that does not require an amendment to the planned development governing documents.

(3) *Equivalent zone development standards*.

A. For any portion of a planned development subject to an amendment to the planned development, the development standards of the equivalent zone designation for the planned development zone listed in Table 7.4.3-1 fully supersede the development standards contained in the planned development governing documents.

B. For any portion of a planned development proposed for development without the need for a planned development amendment, the development standards contained in the planned development governing document apply, except that the

equivalent zone designation for the planned development apply in the absence of development standards related to minimum setbacks, maximum building height, lot coverage, or lot dimension in the planned development governing documents.

(4) *Waiver of equivalent zone standards.* The Approving Authority may waive the application of one 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 factors as the Approving Authority reasonably deems appropriate.

Table 7.4.3-1: Planned Development Zones Establishment

Principal Development Pattern	Zone	Approval Date	Resolution or Preliminary Development Plan, as May be Amended	Equivalent Zones[1] and Development Standards, Where Applicable
Single-Unit Residential	Meadow Hall, PD-MH	August 23, 1965	Resolution No. 62-65	RMD-10
	Fallsmead, PD-FM	January 3, 1966	Resolution No. 2-66	R-60
	Rockshire, PD-RS	March 7, 1966; May 20, 2024	Resolution No. 21-66; Resolution No. 09-24	MXNC for Commercial Uses
				R-60 for Single-Unit Detached Dwellings
				RMD-10 for Townhouse Dwellings
	New Marks Commons, PD-NMC	January 10, 1966	Resolution No. 4-66	R-60 for Single-Unit Detached Dwellings
				RMD-10 for Townhouse Dwellings

Principal Development Pattern	Zone	Approval Date	Resolution or Preliminary Development Plan, as May be Amended	Equivalent Zones[1] and Development Standards, Where Applicable
	Redgate Farm, PD-RF	March 13, 1967	Resolution No. 14-67	R-60 for Single-Unit Detached Dwellings
				RMD-10 for Townhouse Dwellings
	Carter Hill, PD-CH	August 4, 1969	Resolution No. 48-69	R-60 for Single-Unit Detached Dwellings
				RMD-10 for Townhouse Dwellings
	Barnside Acres, PD-BA	September 10, 1973	Resolution No. 42-73	R-60 for Single-Unit Detached Dwellings
				RMD-10 for Townhouse Dwellings
	Dawson Farms, PD-DF	April 21, 1980	Resolution No. 7-80	R-60 for Single-Unit Detached Dwellings
				RMD-10 for Townhouse Dwellings
	Fallsbend, PD-FB	May 12, 1980	Resolution No. 12-80	R-60
	Flint Ledge Estates, PD-FL	June 1, 1981	Resolution No. 13-81	R-60 for Single-Unit Detached Dwellings
				RMD-10 for Townhouse Dwellings
	Fallsmead 2, PD-FM2	June 29, 1981	Resolution No. 17-81	R-60
	Rose Hill Falls, PD-RHF	January 23, 1990	Resolution No. 3-90	R-60 for Single-Unit Detached Dwellings
				RMD-10 for Townhouse Dwellings
	Rose Hill, PD-RH	December 8, 1997	Resolution No. 32-97	R-60
	Buckingham Property, PD-BP	October 14, 2002	Resolution No. 19-02	R-90
	Legacy at Lincoln Park,	January 10, 2005	Resolution No. 3-05	R-60 for Single-Unit Detached Dwellings

Principal Development Pattern	Zone	Approval Date	Resolution or Preliminary Development Plan, as May be Amended	Equivalent Zones[1] and Development Standards, Where Applicable
	PD-LG			RMD-10 for Townhouse Dwellings
	Chestnut Lodge, PD-CL	February 6, 2006; June 18, 2018	Resolution No. 3-06; Resolution No. 12-18	R-90 for Single-Unit Detached Dwellings
				RMD-15 for the Historic Lodge
Mixed-Use Residential and Commercial	Tower Oaks, PD-TO	October 12, 1987; September 27, 1993; January 8, 2001; August 1, 2016; and October 30, 2023	Resolution No. 25-87; Resolution No. 21-93 (amendment); Resolution No. 1-01 (amendment); Resolution No. 20-16; and Resolution No. 15-23, respectively	RMD-10 for Townhouse Dwellings
				RMD-25 for Apartment Dwellings
				MXNC for Retail Commercial Uses
				MXE for Office and Institutional Uses
	King Farm, PD-KF	July 8, 1996	Resolution No. 10-96	R-60 for Single-Unit Detached Dwellings
				RMD-10 for Townhouse Dwellings
				RMD-25 for Apartment Dwellings
				MXNC for Retail Commercial Uses
				MXE for Office and Institutional Uses
	Fallsgrove, PD-FG	February 22, 2000;	Resolution 1-00;	R-60 for Single-Unit Detached Dwellings

Principal Development Pattern	Zone	Approval Date	Resolution or Preliminary Development Plan, as May be Amended	Equivalent Zones[1] and Development Standards, Where Applicable
		August 1, 2005; and December 20, 2021	Resolution No. 21-05 (amendment); and Resolution No. 18-21, respectively	RMD-10 for Townhouse Dwellings
				RMD-25 for Apartment Dwellings
				MXNC for Retail Commercial Uses
				MXE for Office and Institutional Uses
	Town Square, PD-TS	August 6, 2003	Preliminary development plan	MXTD-200 in the Core Character Area and MXTD-235 in the MD-355 Character Area, pursuant to the Town Center Master Plan.
	KSI Apartments, PD-KSI	July 14, 2004	Preliminary development plan	MXTD-200
	Twinbrook Commons, PD-TC	April 4, 2005; October 3, 2022	Resolution No. 9-05; Resolution No. 14-22	MXTD-235
	Rockville Center, Inc., PD-RCI	May 2, 2005; December 8, 2014	Resolution No. 10-05; Resolution No. 21-14	MXTD-200 in the Core Character Area and MXTD-235 in the MD-355 Character Area, pursuant to the Town Center Master Plan
	Upper Rock, PD-UR	May 23, 2005	Resolution No. 14-05	MXE
				PD-UR development standards at Sec. 25.7.4.3(c)(4)YY.ZZ
Commercial	Shady Grove, PD-SG	February 9, 1998	Resolution No. 4-98	MXE
	Metro Center, PD-MC	March 7, 2005; January 7, 2019	Resolution No. 5-05; Resolution No. 3-19	MXTD-235
	Champion Billiards, PD-CB	October 23, 2006;	Resolution No. 14-06;	MXCD

Principal Development Pattern	Zone	Approval Date	Resolution or Preliminary Development Plan, as May be Amended	Equivalent Zones[1] and Development Standards, Where Applicable
		September 30, 2024	Resolution No. 17-24	

(d) *Fences in Planned Development zones.*

(1) In a Planned Development zone approved prior to January 1, 1975, fences up to six feet tall will be allowed:

A. To replace an existing fence; or

B. If the location of the fence within such planned development is approved by the homeowner's association.

(e) *Signs in Planned Development zones.*

(1) Except as otherwise provided in Article 10, signs in any of the Planned Development zones are regulated based on the applicable designated equivalent zones described in each Planned Development.

(2) Notwithstanding the provisions of Article 10, freestanding signs in the PD-TS zone are specifically allowed, as follows:

A. One off-premises sign per lot limited to 35 square feet of sign area and 25 feet in height; and

B. Up to 18 off-premises signs limited to four square feet of sign area each and 10 feet in height installed on existing light posts located on lots covered by and subject to a preliminary development plan.

(3) Notwithstanding the provisions of Article 10, the following standards apply in the PD-CB (Champion Billiards), PD-FG (Fallsgrove), PD-KF (King Farm), PD-KSI (KSI Apartments), PD-MC (Metro Center), PD-RCI (Rockville Center, Inc.), PD-RS (Rockshire), PD-SG (Shady Grove), PD-TC (Twinbrook Commons), PD-TO (Tower Oaks), PD-TS (Town Square), and PD-UR (Upper Rock) zones:

A. Freestanding signs are allowed in accordance with the following:

1. One freestanding sign facing each public road bordering the project and designated as a major arterial roadway or limited access highway;

2. Such sign is limited to 100 square feet of sign area and 20 feet in height;

3. Such signs must be located within the boundaries of the approved Planned Development;

4. Such signs must be located on property owned by the homeowner's association, civic association, or similar entity;

5. Such signs must not use internal illumination; and

6. Except in the PD-TS zone, a landscaped area at least two square feet per square foot of sign area in size must be provided at the base of the sign.

B. Directional signs are allowed in accordance with the following:

1. Signs must not exceed three feet in square area; and

2. If freestanding, signs must not exceed six feet in height.

(4) *PD-UR (Upper Rock) development standards.*

A. Development standards are those approved by the Mayor and Council as set forth in the resolution and as shown on the preliminary development plan, notwithstanding any contrary development standard for the I-3 optional method of development in effect at the time of the adoption of the resolution.

B. Minimum building setbacks for streets internal to the preliminary development plan area are as set forth in exhibit 4 to the preliminary development plan resolution, as may be amended.

C. No setbacks are required from lot lines or property lines that are not external boundaries of the preliminary development plan area.

D. There are no standards for minimum lot size and minimum lot width for record lots, provided that they conform to the blocks shown in the approved preliminary development plan.

E. Any lot platted as an ownership lot may be re-platted as a record lot.

Division 7.5. Overlay Zones

Sec. 25.7.5.1. Compliance with development standards.

(a) All development must comply with the development standards of the overlay zone in which the development is located, except as provided elsewhere in this Chapter.

Sec. 25.7.5.2. Historic District overlay zones.

(a) Development in the Historic District Overlay zone must comply with the regulations of Article 11.

Sec. 25.7.5.3. Lincoln Park Neighborhood Conservation District Overlay Zone.

(a) *Subdivision standards.*

(1) *Lots*. Lots within the Lincoln Park Neighborhood Conservation district are subject to the following standards:

A. The assemblage of separate lots for new development is prohibited;

B. The re-subdivision of existing original lots is prohibited; and

C. The creation of new pipestem lots are prohibited.

(2) *Streets.*

A. New streets and private driveways that serve more than one lot are prohibited.

B. Culs-de-sac accessing structures set back from the main roads are prohibited.

(b) *Development standards.* Development within the Lincoln Park Neighborhood Conservation District Overlay zone is subject to the following development standards:

Table 7.5.3-1: Lincoln Park Neighborhood Conservation District Overlay Zone Development Standards

Standard		Requirement
Lot size (Max.)		6,000 sq. ft.
Building Footprint (Max.) [1]	Existing One-Story Dwellings and Additions (Max.) [2]	2,100 sq. ft. or the max. lot coverage of the base zone, whichever is less
	All Other Principal Dwellings (Max.)	1,800 sq. ft. or the max. lot coverage of the base zone, whichever is less
Front Setback (Min.)		25 ft.
Building Height (Max.)		30 ft.[3]

[1] The maximum building footprint does not include an unenclosed porch attached to the principal dwelling and facing a street frontage.
[2] The existing one-story dwelling must be retained after construction of the addition to the principal dwelling. Additionally, the total square footage of the addition must not exceed the present total square footage of the house, unless a new single-unit dwelling permit, subject to all single-unit dwelling permit requirements, is applied for and obtained.
[3] Measured from existing grade to the peak of the roof.

(c) *Alternative compliance*. The Chief of Zoning may approve a design for a principal dwelling that deviates from one or more of the standards in Sec. 25.7.3.(b), above, upon finding that the design:

(1) Meets or exceeds the purpose and intent of the standard for which alternative compliance is requested;

(2) Provides an equal or better design solution in terms of livability for residents and impacts on neighboring property; and

(3) Accomplishes one or more of the following goals:

A. Conserves and strengthens the unique identity and sense of place that exists among residents in the neighborhood;

B. Promotes complementary and context-sensitive development between new and existing structures, while also allowing for creative design; and

C. Maintains and enhances a walkable and pedestrian-friendly environment.

(4) This subsection does not authorize the Chief of Zoning to approve a deviation from any standard of a property's base zone or any other provisions of this Chapter.

(5) Institutional uses are exempt from all conservation district development standards.

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Article 8. General Development Requirements

Division 8.1. Accessory Buildings and Structures

Sec. 25.8.1.1. Fences and retaining walls.

(a) *Generally.*

(1) Fences must be constructed of standard or typical fence materials.

(2) Fences and retaining walls are not subject to accessory structure setback requirements.

(3) Additional regulations for fences in Planned Development zones are located in Sec. 25.7.4.3(d).

(b) Fences and retaining walls are subject to the restrictions outlined in Table 8.1.1-1, as applicable.

Table 8.1.1-1: Fence and Retaining Wall Restrictions

Structure	Permitted Height
Fences in the R-400, R-200, R-150, R-90, R-75, R-60, R-40, and RMD-Infill, RMD-10, RMD-15, RMD-25	Fences must not exceed four feet tall in the front yard, except that: • Where the abutting street is classified as an arterial highway or greater, fences may be up to six feet tall in the front yard. • Where the abutting street is an unimproved right-of-way, fences may be up to six feet tall. If the right-of-way is subsequently improved, any fence exceeding four feet in height is deemed nonconforming and may be maintained and repaired. If replaced, the fence must comply with the provisions of this section. Fences must not exceed eight feet tall in the side or rear yard, except that: • On a corner lot, fences must not exceed four feet above the curb level for a distance of 25 feet from the intersection of the street lines. Retaining walls made necessary by changes in street grade, width, or alignment are not subject to the limitations set forth in the preceding sentence.
Fences in the RHD and all MX zones	Fences no greater than eight feet tall in the side or rear yard.
	Fences no greater than four feet tall are permitted in the front yard.
	Fences no greater than eight feet tall in the side or rear yard.

Fences in the I-L and I-H zones	Fences no greater than four feet tall are permitted in the front yard, except that the Approving Authority may allow a fence up to eight feet tall in the front yard as part of a site plan review.
Fences on public school property	Fences no greater than six feet tall are permitted in the front yard of any public school property.
Retaining walls	Where a retaining wall intended to hold back a mass of earth or other material is located along a lot line, it may be of any necessary height measured from the lower ground level. If the retaining wall is also intended to act as a fence for the property at the upper grade level, the fence height requirements of the zone apply.

Sec. 25.8.1.2. Air conditioners, heat pumps, and emergency generators.

(a) In the R-400, R-200, R-150, R-90, R-75, R-60, R-40, and RMD-Infill zones, air conditioners, heat pumps, and emergency generators are subject to principal structure setbacks.

(b) *Emergency generators*.

(1) Emergency generators may only be located in a rear yard or side yard, except that:

A. On a corner lot, an emergency generator may encroach into the front yard as allowed by Table 2.3.3-1 in Sec. 25.2.3.3.

(2) Emergency generators are subject to the noise regulations of Sec. 25.8.8.1(d).

Sec. 25.8.1.3. Other accessory buildings and structures.

(a) *Applicability*. This Section applies to all accessory buildings and structures on properties developed with single-unit detached dwellings, townhouses, and multiplexes except the following:

(1) Air conditioners;

(2) Emergency generators;

(3) Fences and retaining walls;

(4) Flagpoles;

(5) Heat pumps;

(6) Signs; and

(7) Wireless communication facilities.

Accessory buildings and structures on properties developed with any land use not listed in Sec. 25.8.1.3(a) are subject to all requirements of the underlying zone.

(b) *Requirements.* Accessory buildings and structures must be customarily associated with, and clearly incidental and subordinate to, a legally established principal structure. Such

structures cannot be attached to the main building by any part of a common wall or common roof except as follows:

(1) No more than one accessory building on a lot may be connected to a main building by an open, unenclosed breezeway with a length not exceeding 20 feet.

(c) *Residential accessory buildings and structures.*

(1) Existing accessory buildings and structures. Accessory buildings and structures that were constructed in conformance with the standards in effect at the time they were erected are considered conforming and may be modified, repaired, or replaced so long as they conform to the standards under which they were built except that they must maintain a minimum setback of three feet from any property line.

(2) Residential accessory buildings and structures are subject to the development standards in Table 8.1.3-1.

Figure 8.1.3-1: Residential Accessory Buildings and Structures

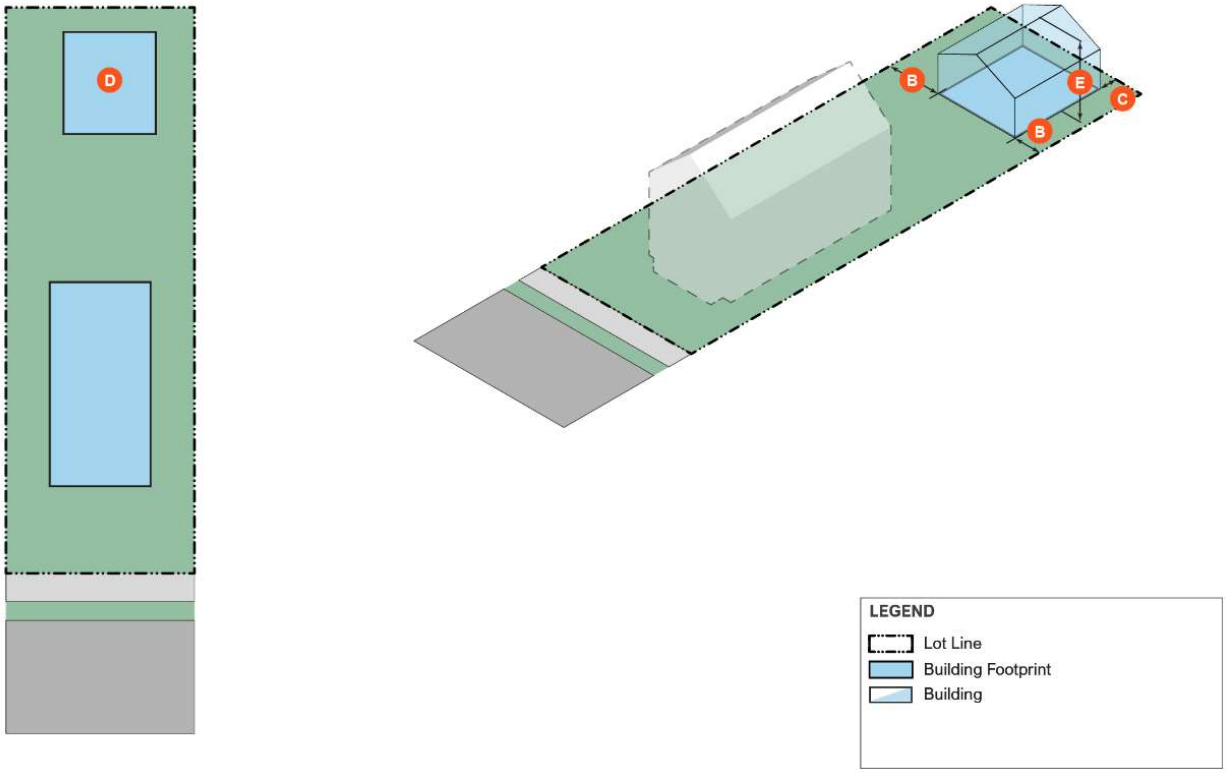


Table 8.1.3-1: Residential Accessory Buildings and Structures Development Standards

Standard			R-400	R-200	R-150	R-90	R-75	R-60	R-40	RMD-Infill
A	Side Setback (Min.)	Street abutting [1]	30 ft.	25 ft.	30 ft.	20 ft.				
B		Land abutting	• Buildings up to 12 feet tall: 3 feet • Buildings 13 feet tall: 6 feet • Buildings 14 feet tall: 9 feet • Buildings 15 to 20 feet tall: 12 feet							
C	Rear Setback (Min.)		• Buildings up to 12 feet tall: 3 feet • Buildings 13 feet tall: 6 feet • Buildings 14 feet tall: 9 feet • Buildings 15 to 20 feet tall: 12 feet							
D	Footprint (Max.)		For accessory dwelling units, the maximum footprint is determined by Sec. 25.6.2.7. For all other accessory structures, maximum footprint is as follows: • The maximum footprint of any one accessory building or structure is 750 square feet or the footprint of the main building, whichever is less. • The maximum total footprint of all accessory buildings on a single lot is 1,000 square feet or the area of the footprint of the main building, whichever is less.							
E	Height (Max.) [2]		20 feet or the height of the peak of the main building, whichever is less							

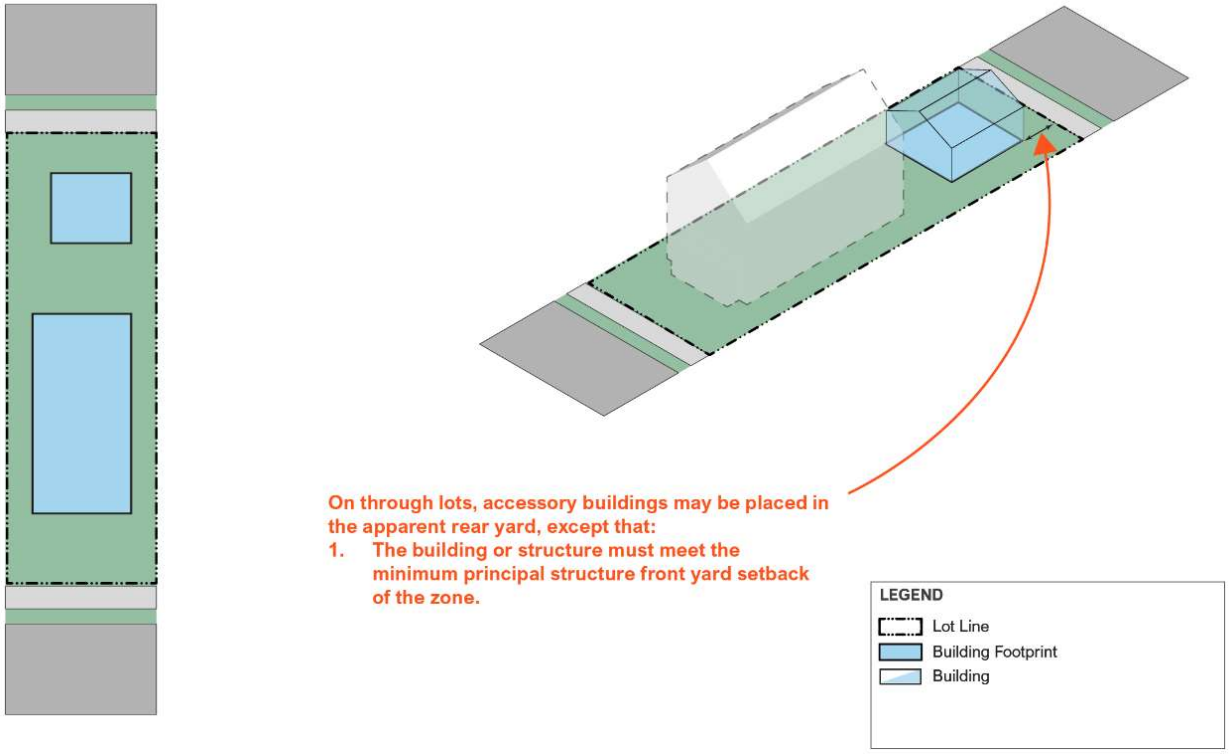
[1] The listed setbacks apply for accessory buildings and structures up to 12 feet tall. Those that exceed 12 feet in height must be set back an additional three feet for each additional foot (or any portion thereof) of building height up to 15 feet. Accessory buildings may exceed 15 feet in height, up to a maximum of 20 feet, with no additional setback required.

[2] The height of an accessory building or structure is measured from the lowest point of the finished grade at the front of the building to the highest point of the roof, as defined in Sec. 25.2.3.5(f)(1). Additional height may be allowed in conformance with this Table.

(3) Residential accessory buildings and structures must be located in the rear yard, except as follows:

A. *Accessory buildings on through lots*. On through lots, accessory buildings may be placed in the apparent rear yard, subject to the requirements of Table 8.1.3-1, except that the building or structure must meet the minimum principal structure front yard setback of the zone.

Figure 8.1.3-2: Residential Accessory Buildings and Structures on Through Lots



B. *Small open structures*. Small open structures, such as gazebos, pavilions, and pergolas, are permitted with a 10-foot setback in a yard abutting a street, so long as they do not exceed a footprint of 100 square feet.

Division 8.2. Parking and Loading

Sec. 25.8.2.1. Purpose.

(a) *Purpose*. The purpose of parking and loading requirements is to regulate and ensure the safe and adequate provision of parking spaces and loading facilities for all uses, while encouraging the use of public transit and other alternatives to the automobile.

Sec. 25.8.2.2. Applicability.

(a) This Division applies to all development, except for the following:

(1) Construction of a shed, fence, or sign.

(2) The following activities when they are not associated with any other development activities:

A. Grading.

B. Clearing.

C. Underground utility work.

Sec. 25.8.2.3. General parking and loading requirements.

(a) *Prohibited use of parking areas and loading spaces*.

(1) Required off-street parking and loading spaces cannot be used for the storage, sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies.

(2) Required off-street parking and loading spaces cannot be reduced in area or encroached upon by buildings, trash receptacles, or any other purpose other than those intended by this Division.

(b) *Limitations on vehicular access*.

(1) In the MXE, I-L, and I-H zones, vehicular access to any residential street is not permitted.

(c) *Residential zones*.

(1) In the R-400, R-200, R-150, R-90, R-75, R-60, and R-40 zones, the off-street parking of motor vehicles is limited to:

A. Passenger vehicles; and

B. One of either of the following per dwelling unit:

1. One delivery-type commercial vehicle not exceeding three-quarter-ton capacity, or

2. One truck that has been issued a special permit pursuant to section 23-27 of the City Code.

C. One trailer, provided that:

1. The trailer is not used for dwelling purposes or any accessory use.

2. The trailer is parked behind the front building line whenever possible.

D. A semi-trailer for transport by a truck tractor under the Maryland Vehicle Law is not allowed except as a Temporary Use in accordance with Sec. 25.6.8.4.

(2) In the RMD-Infill, RMD-10, RMD-15, and RMD-25 zones:

A. Generally. The off-street parking of motor vehicles is limited to:

1. Passenger vehicles; and

2. One of either of the following per dwelling unit:

i. One delivery-type commercial vehicle not exceeding three-quarter-ton capacity, or

ii. One truck that has been issued a special permit pursuant to section 23-27 of the City Code.

B. The off-street parking of trailers is prohibited except when located on a lot whose principal use is a single unit detached dwelling.

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Sec. 25.8.2.4. Calculation of required parking.

(a) The minimum number of automobile parking spaces required in all zones is the sum of the number of spaces required for each applicable land use in the table in Table 8.2.5-1, unless otherwise provided in this Division.

(b) *In general*.

(1) *Area Measurements*. Unless otherwise expressly stated, all requirements based on area (square footage) must be computed based on the sum of the gross floor area of a building devoted to a use requiring off-street parking. The following areas are not included:

A. Floor space devoted primarily to the housing of mechanical or electrical equipment.

B. Elevator shafts and stairwells.

(2) *Accessible spaces*. The minimum number of accessible parking spaces required under Maryland Accessibility Code and City Code Chapter 5 must be provided.

(3) *Electric Vehicle (EV) spaces*. The minimum number of electric vehicle parking spaces required under City Code Chapter 5, Article 8, must be provided.

(4) *Compact spaces*. Compact parking spaces may constitute up to 20% of the total parking spaces.

(5) *Parking in the right-of-way*. Any on-street parking space in a right-of-way counts toward the minimum number of required parking spaces if the space is:

A. Abutting the subject property.

B. Any such space removed by a public agency at a later date is not required to be replaced on-site.

(c) *Exemptions*.

(1) *Uses near transit*.

A. Uses are exempt from the parking minimums shown in Table 8.2.5-1 if they are located within the following distance from transit:

1. ½ mile of a Metro station.

2. ¼ mile of an existing Bus Rapid Transit station or a Bus Rapid Transit station that has been funded for construction in the Montgomery County, Maryland, 6-year Capital Improvements Program at the time of application.

This subsection does not affect any requirements for the provision of loading areas or pick-up/drop-off (PUDO) spaces under this Division or applicable law.

B. *Place of worship uses*. No parking spaces are required for a building used by a congregation, whose religious beliefs prohibit the use of motor vehicles in

traveling to and from religious services on the Sabbath and principal religious holidays and which the building may only be used for religious services on the Sabbath and principal religious holidays and as a residence for the clergy and their family. Such a building must, however, provide two off-street parking spaces on its property. Other uses that may be located on the property that involve activities on days other than the Sabbath must provide off-street parking in accordance with this Division, or as may be required by the Board of Appeals in approving a Special Exception on the site.

(d) *Adjustments*.

(1) *In General*. Adjusted parking rates under this Section are not mandatory.

A. *Electric vehicle parking spaces*. One electric vehicle parking space is equal to two required parking spaces, for up to 10% of the required parking spaces. The provision of electric vehicle parking spaces will not count against maximum parking space limits, where such limits apply.

B. *Pick-up/drop-off (PUDO) spaces*. One on-site PUDO space located near an entrance is equal to two required parking spaces.

C. *Moderately priced dwelling unit (MPDU) apartments*. For moderately priced apartment dwelling units, the required parking shown in Table 8.2.5-1 may be reduced by 50%.

D. *Bicycle commuters*. The required parking shown in Table 8.2.5-1 may be reduced by 10% for developments that provide:

1. Additional enclosed (indoor and locker) and secure bicycle parking spaces equal to at least five percent of the number of vehicle parking spaces provided; and

2. Shower and dressing areas for employees.

E. *Shared parking*. An applicant proposing development with more than one use may submit a shared parking analysis using the Urban Land Institute Shared Parking Model (Third Edition, 2020) instead of using Table 8.2.5-1.

Sec. 25.8.2.5. Minimum and maximum parking space requirements.

(a) *Minimum parking requirements*.

(1) The number of motor vehicle parking spaces required for each land use included in Article 6 is shown in Table 8.2.5-1.

(2) New development. New development must comply with the minimum parking requirements of this Section as calculated under Table 8.2.5-1 and Sec. 25.8.2.4.

(3) *Amendments to existing approvals*. An amendment to an existing approval that includes a change in floor area, use, or parking design requires recalculation of the

parking requirements for the approval. The parking ratios of Table 8.2.5-1 apply as follows:

A. *Increases in gross floor area*.

1. When the gross floor area on the site is proposed to increase by up to 25%, additional required parking must be provided only for the additional floor area.

2. When the gross floor area on the site increases by greater than 25%, the development must comply with the minimum parking requirements of this Division as calculated under Table 8.2.5-1 and Sec. 25.8.2.4.

B. *Changes in use*.

1. When a change in use results in a parking requirement less than or equal to 125% of the parking requirement for the existing use, no additional parking is required.

2. When a change in use results in a parking requirement greater than 125% of the parking requirement for the existing use, the use must comply with the minimum parking requirements of this Division as calculated under Table 8.2.5-1 and Sec. 25.8.2.4.

Table 8.2.5-1: Minimum Parking Requirements

Category	Use		Parking Minimum
Residential Uses	Apartment	Studio Unit or 1 Bedroom Unit	1 per dwelling unit
		2+ Bedroom Unit	1.5 per dwelling unit
	Child Care Home		N/A
	Cottage Court		1 per dwelling
	Dwelling, Single-Unit Detached		2 per dwelling
	Dwelling Unit, Accessory		N/A
	Housing for Senior Adults and Persons with Disabilities		1 per 3 independent living dwelling units
	Life Care Facility	Independent living dwelling units	1 per 3 dwelling units
		Assisted living or nursing care	1 per 4 beds
	Multiplex		2 per building
	Personal Living Quarters		1 per resident room

Category	Use		Parking Minimum
	Townhouse	Studio unit	1 per dwelling unit; 1 visitor parking space per 2 units. Visitor parking may be provided onsite or within the right-of-way.
		1 Bedroom Unit	1 per dwelling unit; 1 visitor parking space per 2 units. Visitor parking may be provided onsite or within the right-of-way.
		2+ Bedroom Unit	1.5 per dwelling unit; 1 visitor parking space per 2 units. Visitor parking may be provided onsite or within the right-of-way.
Retail and Service Uses	**All Retail and Service Uses Unless Otherwise Listed**		1 per 300 sq. ft. GFA
	Bed and Breakfast		0.33 per guest unit and 1 per 400 sq. ft. GFA of assembly/restaurant area
	Event Space, Club, or Lodge		1 per 225 sq. ft. GFA
	Funeral Home		1 per 225 sq. ft. GFA
	Home Maintenance Service		N/A
	Hospital		1 per 3 patient beds
	Hotel		0.33 per guest unit and 1 per 400 sq. ft. GFA of assembly/restaurant area
	Office[1]		1 per 500 sq. ft. GFA
	Professional Services		1 per 500 sq. ft. GFA
	Recreational Facility; Indoor, Commercial		1 per 600 sq. ft. GFA
	Recreational Facility; Outdoor, Commercial		To address the variability inherent in this use, a parking plan to demonstrate that parking needs will be met on site is required, to be approved by the Approving Authority.
	Wholesale Establishment		1 per 1,000 sq. ft. GFA
Automotive Uses	**All Automotive Uses**		4 spaces per service bay, or 1 space per 200 square feet of indoor space open/used for customer processing if bays do not exist, whichever is less.

Category	Use	Parking Minimum
		Electrical vehicle charging stations and parking facilities excluded.
Industrial Uses	**All Industrial Uses**	1 space per 2,000 sq. ft. GFA
Institutional/ Public Uses	Adult Day Care	1 per 400 sq. ft. GFA
	Child Care Center	1 per 400 sq. ft. GFA
	Charitable or Philanthropic Institution	1 per 500 sq. ft. GFA
	Crematorium	N/A
	Cultural Institution	1 per 500 sq. ft. GFA
	Educational Institution, Private	6 per classroom
	Park	N/A
	Place of worship	1 per 300 sq. ft. GFA
	Public Utility Structure	N/A
	Publicly-Owned or -Operated Building or Structure	N/A
	Wireless Communication Facility	N/A
Miscellaneous Uses	**All Miscellaneous Uses**	N/A

[1] In a mixed-use building in the MXTD-235, MXTD-200, and MXTD-85 where the predominant use is office, the number of required parking spaces may be determined by applying an office use to the entire floor area of the building and not on the requirements for the individual uses, so long as the building meets the following standards:

1. Office uses occupy more than 75% of the gross floor area;
2. The building fronts a block which is directly served by a Metro pedestrian bridge; and
3. The building is not part of a previously approved project plan.
4. If the mix of uses contains one or more restaurants that, in the aggregate, exceed 4,500 square feet of gross floor area, the parking requirement for the restaurant or restaurants must be calculated according to the restaurant parking standard.

(b) *Reduction of minimum parking requirements*. The Approving Authority may permit a reduction in the number of required parking spaces, as follows:

(1) A *de minimus* reduction up to 10% may be approved without a parking demand analysis.

(2) A reduction of greater than 10% may be approved if the applicant provides a parking demand analysis demonstrating that the minimum required parking for the proposed development exceeds the practical demand of the proposed uses.

Sec. 25.8.2.6. Maximum parking requirements.

(a) In the MXTD-235, MXTD-200, MXTD-85, MXCD, MXCT, MXNC, MXT, MXC, MXE, MXB, RMD-10, RMD-15, RMD-25, and RHD, the number of motor vehicle parking spaces is limited to 125% of the minimum required parking spaces established in this Section.

(b) Existing parking facilities providing parking spaces over the maximum parking requirements of this Division are not required to remove excess parking.

(c) Increase of maximum parking requirements. New parking above the maximum may be approved by the Approving Authority only if the applicant submits a parking demand study demonstrating how the maximum number of parking spaces allowed by this Division is insufficient for the proposed development.

Sec. 25.8.2.7. Off-site parking facilities.

(a) The parking requirements set forth in Table 8.2.5-1 may be met off-site with the execution of an agreement or other instrument that ensures parking availability that is in a form satisfactory to the Chief of Zoning and the City Attorney. Any off-site facility used to meet requirements must be within a 1,000-foot walking distance of the entrance to the use being served to satisfy the parking requirements.

Sec. 25.8.2.8. Minimum loading spaces required.

(a) *Minimum loading space requirements*. Any new development involving the routine vehicular delivery or shipping of goods, supplies, or equipment must provide safe and adequate on site loading space, taking into consideration the size of the building and the uses allowed in such zone. Loading spaces must be provided as follows:

Table 8.2.8-1: Minimum Loading Spaces Required

Use Category	Unit Measure	Minimum Number of Loading Spaces
Residential Uses (Apartment Dwellings and Life Care Facilities only)	At least 100 dwelling units and but less than 300 dwelling units	1
	Each additional 200 dwelling units or major fraction thereof	Add 1
Retail Sales and Service Uses	At least 5,000sf GFA but less than 10,000sf GFA	1
	At least 10,000sf GFA but less than 100,000sf GFA	2
	Each additional 100,000 sq. ft. GFA or major fraction thereof	Add 1
Medical, Office, Professional Services, and Hotel Uses	At least 10,000 sq. ft. GFA but less than 100,000 sq. ft. GFA	1
	Each additional 100,000 sq. ft. GFA or major fraction thereof	Add 1

Use Category	Unit Measure	Minimum Number of Loading Spaces
Industrial Uses except General Warehousing	At least 5,000 sq. ft. GFA but less than 25,000 sq. ft. GFA	1
	At least 25,000 sq. ft. GFA but less than 50,000 sq. ft. GFA	2
	Each additional 50,000 sq. ft. GFA or major fraction thereof	Add 1
General Warehousing	At least 2,000sf GFA and up to 10,000 sq. ft. GFA	1
	Each additional 40,000 sq. ft. GFA or major fraction thereof	Add 1

(b) *Reduction of minimum loading requirements*. The Approving Authority may permit a reduction in the number of required loading spaces if it finds that the applicant's alternate design ensures adequate loading is provided in a safe and efficient manner.

(c) To support a request for a request, the applicant must submit to the Approving Authority a statement of reasons for such request and such information as may reasonably be required by the Approving Authority.

Sec. 25.8.2.9. Minimum pick-up/drop-off (PUDO) spaces required.

(a) *Minimum PUDO space requirements*. Developments with 20 or more Apartment units must provide dedicated spaces for pick-up and drop-off, as follows:

(1) Where no parking minimums and the development proposes no parking spaces, or where the applicant proposes a reduction of greater than 50% of the required parking, the development must provide:

A. One PUDO space per 75 Apartment units or fraction thereof, up to a maximum of six required PUDO spaces.

(2) In all other instances, the development must provide:

A. One PUDO space per 100 units (or fraction thereof), up to a maximum of five required PUDO spaces.

(b) *Location*. PUDO spaces must be provided in one of the following locations, in order of priority:

(1) On site;

(2) Within 200 feet of the site, outside of the public right-of-way; or

(3) If neither on-site nor off-site locations are feasible, or if no minimum on-site parking is required, PUDO spaces may be located in the adjacent right-of-way.

(4) Any PUDO space in the public right-of-way must comply with Chapter 21 of City Code.

(c) *Design*.

(1) On-site PUDO spaces may consist of, but not be limited to, parking spaces visible from the entrance to the building.

(2) PUDO spaces must not be within a gated, controlled-access parking area, unless there is clearly marked free parking for a minimum of 15 minutes.

(3) PUDO spaces must be signed and marked for 15-minute parking.

(d) *Reduction of minimum PUDO requirements*. The Approving Authority may permit a reduction in the number of required PUDO spaces, up to the full amount required, if it finds that the applicant's alternate design ensures adequate pick-up and drop-off is provided in a safe and efficient manner.

(1) To support a request for a request, the applicant must submit to the Approving Authority a statement of reasons for such request and such information as may reasonably be required by the Approving Authority.

Sec. 25.8.2.10. Minimum stacking spaces required.

(a) *Minimum stacking space requirements*. New development with a mechanical car wash or drive-through must provide a minimum number of drive-through stacking spaces, as established in Table 8.2.10-1. The space immediately adjacent to the drive-through window is included in the stacking space requirements.

(b) *Stacking space design and dimensions*. Stacking spaces must be provided in drive-through lanes and may not impede other traffic in the parking facility. Stacking spaces must be a rectangle not less than nine feet wide and 18 feet long.

Table 8.2.10-1: Minimum Stacking Spaces Required

Category		Minimum Number of Stacking Spaces
Mechanical car wash		5 times the simultaneous capacity of the mechanical car wash
Drive-through	Bank	2 per drive-through window or ATM
	Restaurant	5 per pick-up window
	Pharmacy	2 per drive-through window
	Cannabis Dispensary	2 per drive-through window

(c) *Reduction of minimum stacking requirements.* The Approving Authority may permit a reduction in the number of required stacking spaces if it finds that the applicant's alternate design ensures adequate stacking is provided in a safe and efficient manner.

(1) To support a request for a request, the applicant must submit to the Approving Authority a statement of reasons for such request and such information as may reasonably be required by the Approving Authority.

Sec. 25.8.2.11. Parking and loading design standards.

(a) *Parking spaces*.

(1) *Parking space dimensions*.

A. Automobile parking spaces, including electric vehicle parking spaces and PUDO spaces, must be a rectangle not less than nine feet wide and 18 feet long, except as follows:

1. Accessible spaces and EV parking spaces designed for accessibility must be designed in accordance with Maryland Accessibility Code and City Code Chapter 5.

2. Parallel parking spaces must be a rectangle not less than seven feet wide and 21 feet long.

3. Compact parking spaces must be a rectangle not less than eight feet wide by 16 feet long.

4. If a column or other obstruction would interfere with opening a car door, then the minimum stall width of the affected space must be increased by one foot.

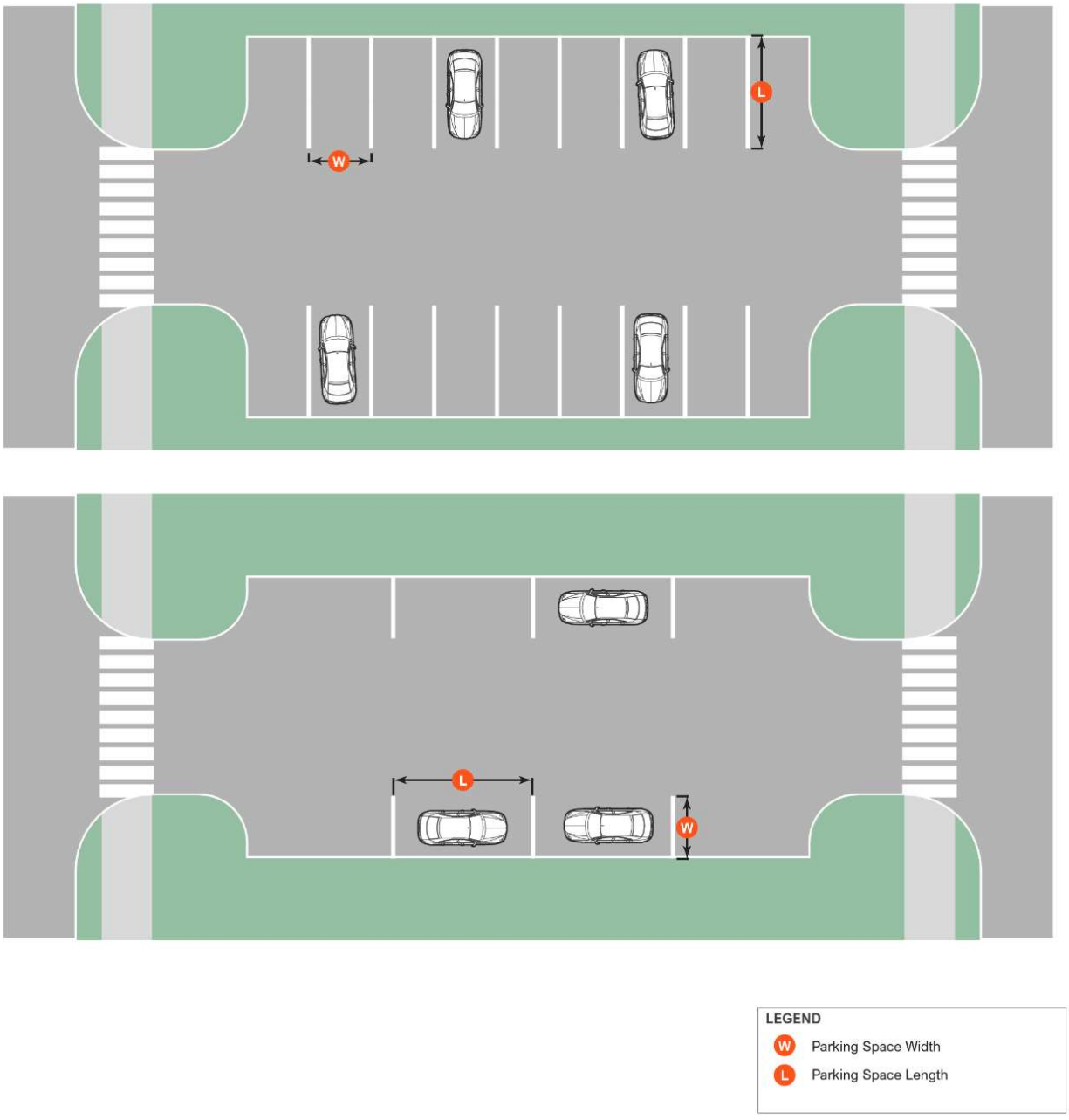
B. For purposes of computing the area of any parking space, a parking space may extend beyond a wheel bumper or curb provided that:

1. The computed area of such parking space does not extend beyond a wheel bumper or curb more than two feet as measured along the side of the space which extends the greatest distance beyond the wheel bumper or curb; and

2. The computed area of such parking space does not extend beyond a wheel bumper or curb which is more than six inches high, and the area of overhang is free of all obstructions above curb height.

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Figure 8.2.11-1: Parking Space Dimensions



(2) *Parking space design*. Automobile parking space must be designed and situated such that:

A. Parking spaces are not installed on a grade greater than five percent.

B. All parking spaces are separated from walkways, sidewalks, roads, streets, or alleys by curbing and all sidewalks, walkways, and lot lines are protected from vehicular overhangs by wheel bumpers or curbs.

C. Wheel bumpers and curbs are installed at least five feet from a street right-of-way line.

D. Each parking space must be clearly marked, and adequate pavement directional arrows or signs must be provided.

E. No off-street surface parking facility can contain more than 150 spaces. If a greater number of spaces is required by this Division, separate parking areas of not more than 150 spaces must be provided and must be separated by a landscaped area at least 10 feet in width.

(3) *Compact parking spaces*.

A. Compact parking spaces must be grouped rather than intermixed with standard-sized parking spaces.

B. Compact parking spaces must be clearly delineated and demarcated with signage indicating "Compact Cars Only".

(4) *Electric vehicle (EV) parking spaces and Electrical Vehicle Supply Equipment (EVSE).* Electric vehicle parking spaces and EVSE must comply with the below requirements.

A. *Exceptions*. Where EV parking spaces are used exclusively for the charging of vehicles for commercial or industrial uses and are not available for use by the public, EV parking spaces and EVSE are not required to meet the design and signage standards of this Sec. 25.8.2.11(a)(4).

B. *Location of EVSE*. The placement of EVSE must meet the following requirements:

1. EVSE may not impede pedestrian, bicycle, or automobile travel and must be located outside of sidewalk, bike lane, and drive aisle widths.

2. EVSE may encroach into required parking space dimensions a maximum of one square foot at the top of the space. No EVSE may be placed within the dimensions of a space on the sides or entrance to a space.

C. *Design*.

1. When EVSE cords and connectors are not in use, retraction devices or locations for storage must be located at a height sufficient to avoid conflict with pedestrians and vehicle maneuvering. Cords, cables, and connector equipment must not extend across the path of travel in any sidewalk.

D. *Signage for EV parking and EVSE*.

1. Signage associated with EV parking spaces or EVSE must comply with the Annotated Code of Maryland, the Maryland Accessibility Code, and Chapter 5 of City Code, as applicable, and meet the following requirements:

i. Signage may not impede pedestrian, bicycle, or automobile travel and must be located outside of sidewalk, bike lane, and drive aisle widths.

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ii. Location of signage must not reduce the length of the electric vehicle parking space below the dimensional requirements of Sec. 25.8.2.11(a)(1).
iii. Signage for individual EV parking spaces must state that vehicles may only occupy EV parking spaces if actively charging.
iv. Signage for individual EV parking spaces must state any time restrictions, if applicable.

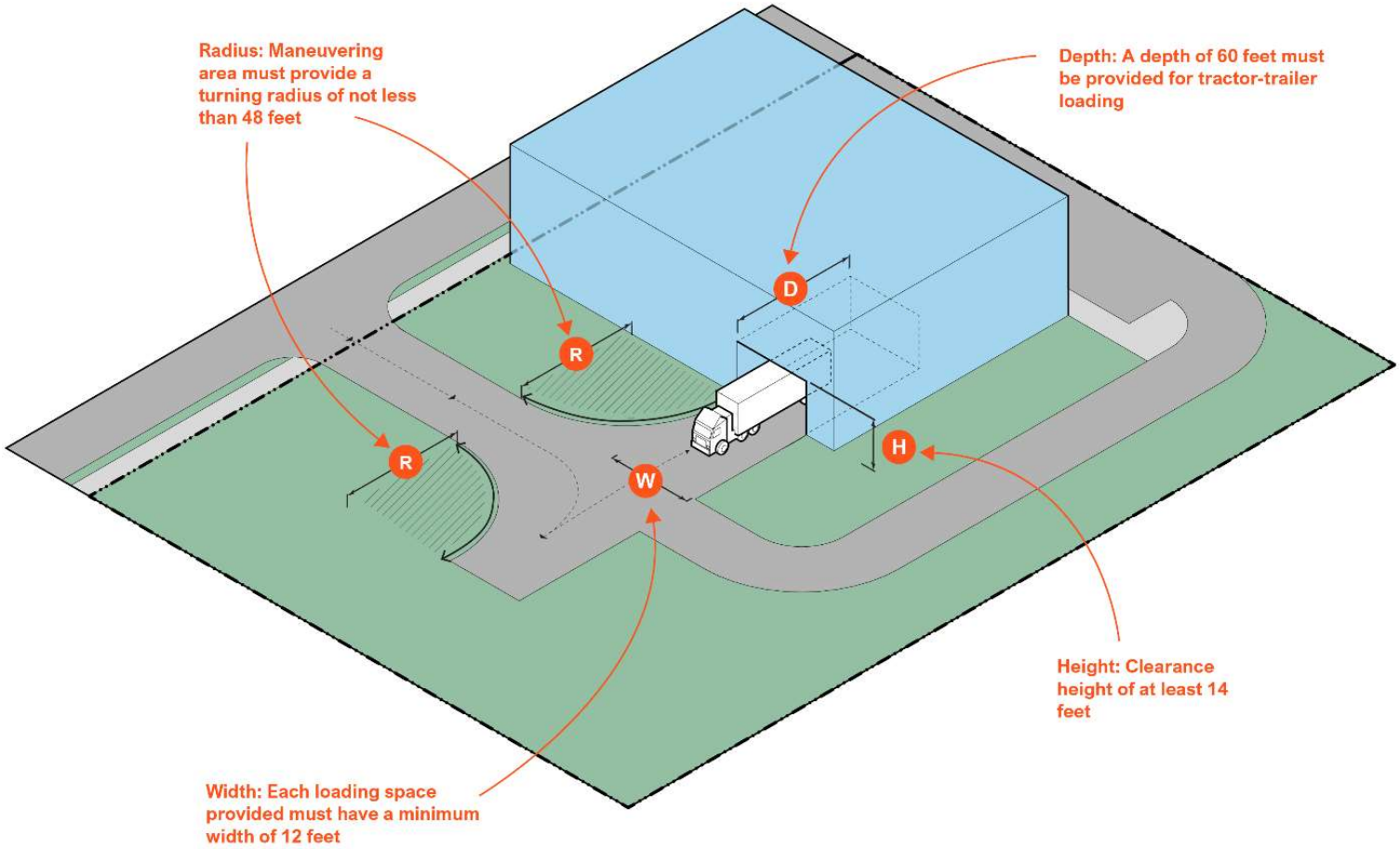
2. Signage no larger than six square feet that is located within five feet of an EV parking space or EVSE may be installed without a permit.

(b) *Loading spaces*.

(1) *Loading space dimensions*. Each loading space provided must have a minimum width of 12 feet, clearance height of at least 14 feet, and depth sufficient to accommodate the maximum length of delivery trucks reasonably likely to serve the building. If intermediate tractor-trailer (WB-50) loading or unloading is reasonably likely, a depth of 60 feet must be provided. Loading space must be located so that trucks will not obstruct pedestrian, bicycle, or motor vehicle traffic movement or project into any public or private right-of-way. Maneuvering area must provide a turning radius of not less than 48 feet.

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Figure 8.2.11-2: Loading Spaces



(c) *Driveways and drive aisles*.

(1) *Markings and signage*. Pavement markings and signs must be provided in sufficient quantities and locations to ensure safe and efficient on-site traffic circulation.

(2) *Maximum grades*.

A. Driveways and drive aisles may not be installed on a grade in excess of:

B. 5% in any area where parking is provided along the side of the drive aisle.

C. 10% for commercial and industrial areas.

D. 14% for all other areas.

This requirement may be waived for ramps within parking structures.

(3) *Driveways*.

A. *Generally*. Driveway aprons and entrances within the public right-of-way are subject to the standards and specifications of City Code Chapter 21.

B. *Driveway width*.

1. *Residential uses.*

i. Driveways serving single-unit detached, townhouse, multiplex dwellings, or a single dwelling unit within a cottage court, must be at least 10 feet wide.

2. *Other uses*.

i. All other uses must be served by:

a. Two one-direction driveways at least 15 feet wide; or
b. One two-direction driveway at least 25 feet wide.

3. Driveway widths may be required to be modified to accommodate turning movements and loading requirements as approved by the Director of Public Works.

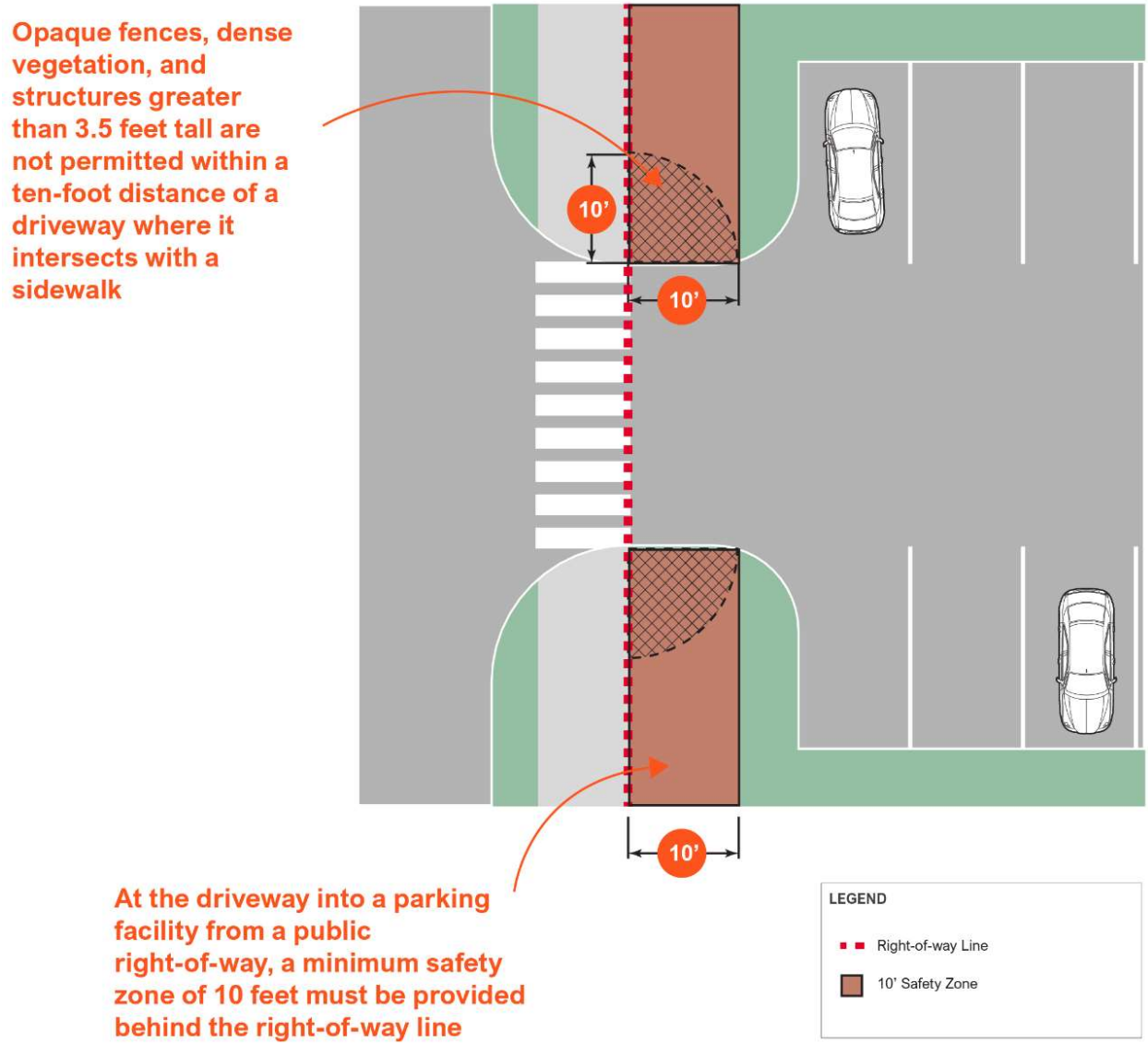
C. *Safety zones*.

1. At the driveway into a parking facility from a public right-of-way, a minimum safety zone of 10 feet must be provided behind the right-of-way line to allow for maneuvering of motor vehicles within the parking facility.

2. To ensure pedestrian safety where sidewalks cross driveways, opaque fences, dense vegetation, and structures greater than 3.5 feet tall are not permitted within a ten-foot distance of a driveway where it intersects with a sidewalk.

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Figure 8.2.11-3: Safety Zones



(4) *Drive aisle dimensions*. The width of drive aisles must not be less than:

A. 22 feet where parking spaces are at a 70° to 90° angle to the drive aisle, except that:

1. 20-foot-wide drive aisles may be used when such spaces are provided in a parking structure; or

2. When such spaces are not provided in a parking structure, the Approving Authority may grant a reduction in drive aisle width from 22 feet to 20 feet, based on a demonstrated constraint, including but not limited to:

i. Narrow lot dimensions;

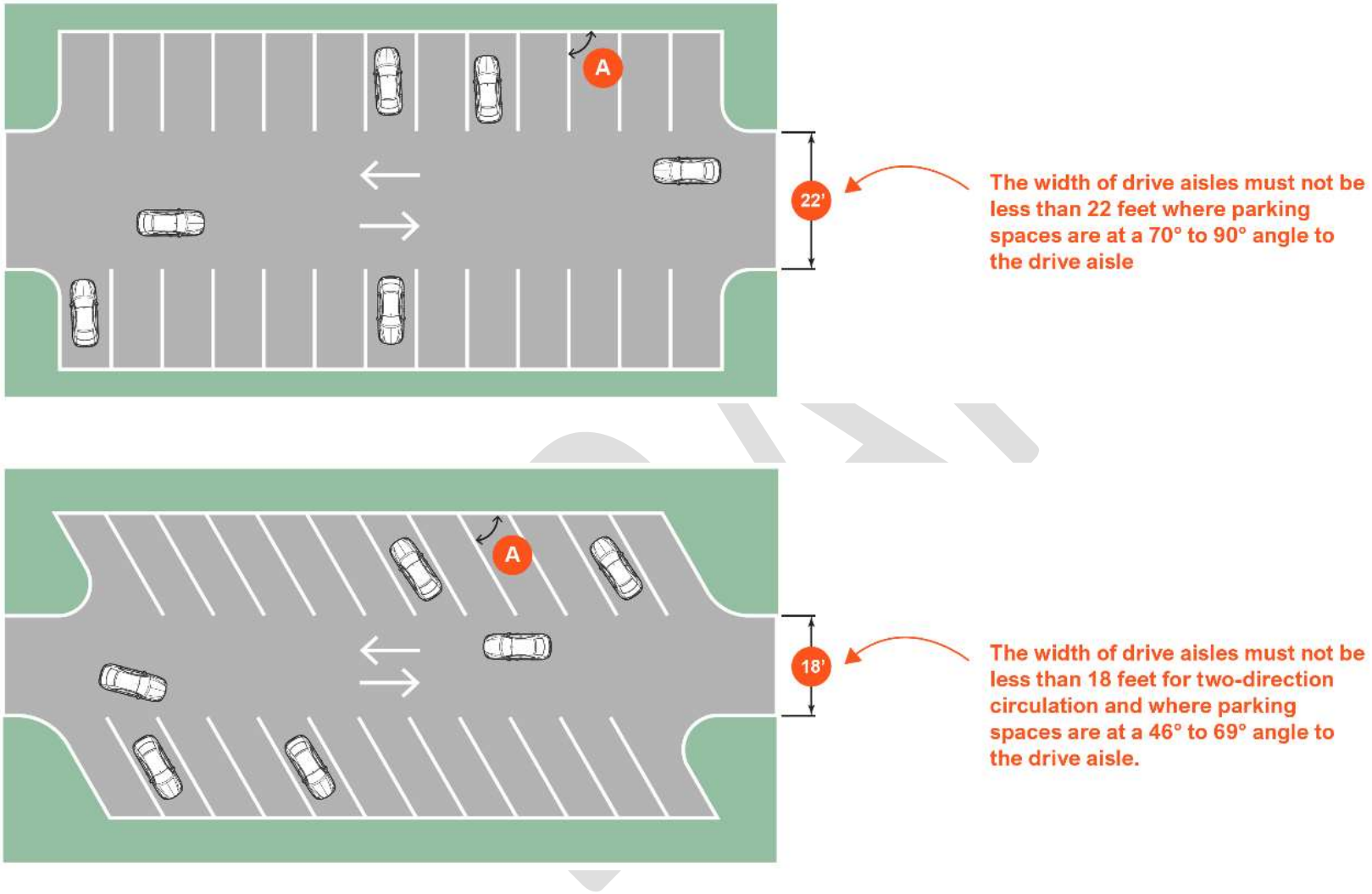
ii. Areas impacted by necessary dedications for rights-of-way or easements; or
iii. Existing non-conformities where full compliance with minimum drive aisle widths are not feasible.

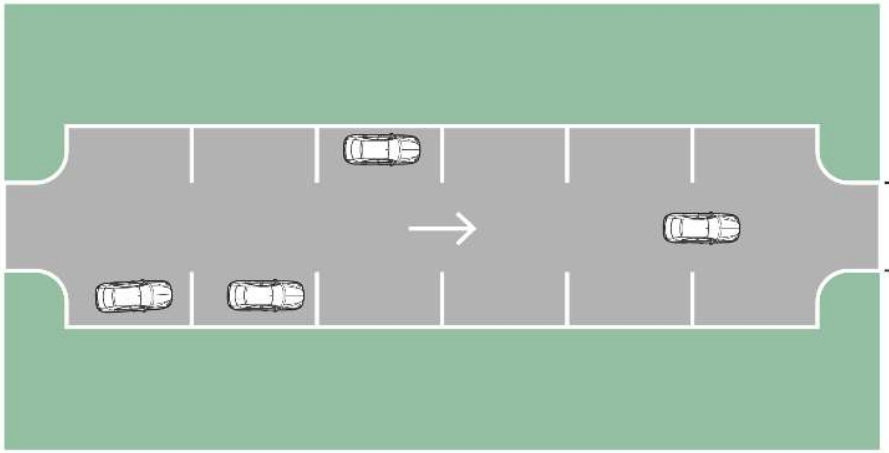
B. 18 feet for two-direction circulation and where parking spaces are at a 46° to 69° angle to the drive aisle.

C. 14 feet for one-direction circulation and where parking spaces are at a less than 46° angle or parallel to the one-direction drive aisle.

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Figure 8.2.11-4: Drive Aisle Dimensions





The width of drive aisles must not be less than 14 feet for one-direction circulation and where parking spaces are at a less than 46° angle or parallel to the one-direction drive aisle.

LEGEND

A Parking Space Angle

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(d) *Paving specifications*. All off-street parking and loading areas must be so drained as to prevent damage to abutting properties or public streets and must be paved with a minimum of:

(1) A pervious paving material as approved by the Director of the Department of Public Works;

(2) Six inches of concrete;

(3) Six inches of bituminous asphalt;

(4) Six inches of compacted gravel and two inches of bituminous asphalt; or

(5) Other paving as approved by the Director of the Department of Public Works.

(e) *Signage*.

(1) Access to a parking facility must be clearly marked with signage to facilitate vehicle access and reduce pedestrian and bicycle conflicts.

(2) Where an automated directional sign system is installed, there must be a readily legible indication from the street of the status of available parking within the structure.

(f) *Solar canopies over parking facilities*.

(1) *Purpose*. This section regulates solar canopies erected over parking lots to promote renewable energy and ensure compatibility with adjacent land uses.

(2) *Location*. Solar canopies are permitted to be constructed or installed over parking spaces, drive aisles, and walkways located within parking facilities with seven or more parking spaces.

(3) *Design*. Solar canopies constructed or installed over parking lots must comply with the following:

A. Solar canopies must not produce glare onto adjacent buildings or roads.

B. A solar canopy must not be located less than 10 feet from any adjacent property.

(4) Ground-mount electrical equipment associated with solar canopies must be screened.

(5) Supports and structural elements may encroach into required parking space dimensions a maximum of one square foot at the top of the space. No supports or structural elements may be placed within the dimensions of a space on the sides or entrance to a space.

Division 8.3. Pedestrian and Bicycle Facilities

Sec. 25.8.3.1. Purpose.

(a) The purpose of bicycle and pedestrian facilities requirements is to provide safe and convenient facilities for multimodal transportation.

Sec. 25.8.3.2. General requirements.

(a) *Applicability.* The requirements of this Section apply to pedestrian and bicycle facilities constructed on private property. Sidewalks provided within the public right-of-way are subject to the requirements of City Code Chapter 21.

(b) Sidewalks and pedestrian walkways must:

(1) Conform to the requirements of the Maryland Accessibility Code.

(2) Meet the minimum requirements of the Standards and Details for Construction Manual issued by the Department of Public Works and any other provisions of Chapter 21 of the City Code, as applicable.

(c) All signing and marking materials for pedestrian and bicycle facilities must comply with the latest edition of the Maryland Manual on Uniform Traffic Control Devices.

Sec. 25.8.3.3. Pedestrian and bicycle circulation.

(a) *Generally.*

(1) All sidewalks and pedestrian walkways must be a minimum of five feet wide.

(2) Sites must be served by an internal pedestrian and bicycle circulation system that provides safe, convenient, efficient, and accessible movement of pedestrians and bicycles to and through the site.

A. Continuous internal pedestrian walkways must be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site.

B. Sidewalks and bicycle facilities must connect the main entrance(s) of retail and multifamily residential uses to transit stops (on-site or on an adjacent street).

C. Pedestrian and bicycle facilities must provide direct connection from the site to adjacent existing trails, as well as any adjacent park, school, or community center property.

(b) *Pedestrian and bicycle circulation in parking facilities.*

(1) Parking facilities must include pedestrian and bicycle facilities, as follows:

A. Pedestrian walkways and bicycle facilities must connect parking areas to building entrances, sidewalks, and adjacent public rights-of-way.

1. Pedestrian walkways connecting parking areas to main building entrances must be along direct, logical routes, and must minimizing pedestrian-vehicle conflicts.

B. Sidewalks must be provided along the full length of any building where the building adjoins a parking lot.

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C. All parking facilities with three or more double-loaded rows must provide pedestrian pathways, as follows:

1. One walkway is required for every three double loaded aisles.
2. The walkway must be a minimum of eight feet in width if it is not grade-separated. Walkways may be reduced to five feet in width if designed as a grade separated walkway.
3. The walkway must be located within the parking area to serve the maximum number of parking stalls.

D. Where pedestrian walkways or sidewalks cross a drive aisle or driveway, the walkway or sidewalk must be marked with high-visibility materials.

E. Pedestrian walkways must be paved with durable, slip resistant surfaces like concrete or pavers and marked with high-visibility materials. Stamped concrete, brick, or other surfaces detrimental to the comfort or safety of wheelchair users, strollers, pedestrians using white tipped canes, or other pedestrians must not be used.

Sec. 25.8.3.4. Bicycle parking.

(a) *Calculation of required bicycle parking.*

(1) The number of bicycle parking spaces required for each land use included in Article 6 is shown in Table 8.3.4-1.

(2) The bicycle parking requirement is the sum of the required bicycle parking for all uses served.

(b) *Required short- and long-term bicycle parking by use.*

Table 8.3.4-1: Minimum Bicycle Parking Requirements

Category	Use	Short-Term Parking (Min.)	Long-Term Parking (Min.)
Residential	Apartment	1 space per 10 dwelling units, with a minimum of 4 spaces.	1 space per 3 dwelling units, with a minimum of 4 spaces.
	Child Care Home (Up to 8 Children)	N/A	N/A
	Cottage Court	N/A	N/A
	Dwelling Unit, Accessory	N/A	N/A
	Dwelling, Single-Unit Detached	N/A	N/A

Category	Use	Short-Term Parking (Min.)	Long-Term Parking (Min.)
	Group Home, Large	1 space per 20 dwelling units, with a minimum of 2 spaces.	1 space per 10 dwelling units, with a minimum of 2 spaces.
	Group Home, Small	N/A	N/A
	Housing for Senior Adults and Persons with Disabilities	1 space per 20 dwelling units, with a minimum of 2 spaces.	1 space per 10 dwelling units, with a minimum of 2 spaces.
	Life Care Facility	1 space per 20 dwelling units, with a minimum of 2 spaces.	1 space per 10 dwelling units, with a minimum of 2 spaces.
	Live/Work Unit	1 space per 5 dwelling units.	1 space per 3 dwelling units.
	Multiplex	1 space per 10 dwelling units, with a minimum of 4 spaces.	1 space per 3 dwelling units, with a minimum of 4 spaces.
	Personal Living Quarters	N/A	N/A
	Townhouse	N/A	N/A
Retail and Service	Adult-Oriented Establishment	1 space per 3,000 sq. ft.	1 space per 6,000 sq. ft.
	Alcoholic Beverage Production, Limited	1 space per 5,000 sq. ft.	1 space per 7,500 sq. ft.
	Alcoholic Beverage Retail Establishment	1 space per 3,000 sq. ft.	1 space per 6,000 sq. ft.
	Ambulance Service	1 space per 30,000 sf.	2 spaces per 15,000 sf.
	Animal Boarding Establishment	N/A	N/A
	Animal Grooming Establishment	1 space per 3,000 sq. ft.	1 space per 6,000 sq. ft.
	Auctioneer or Commercial Gallery	1 space per 3,000 sq. ft.	1 space per 6,000 sq. ft.
	Bank or Financial Institution	1 space per 3,000 sq. ft.	1 space per 6,000 sq. ft.
	Bed and Breakfast	N/A	1 space per 2 guest rooms.
	Cannabis Dispensary	1 space per 3,000 sq. ft.	1 space per 6,000 sq. ft.
	Eating and Drinking Establishment	1 space per 3,500 sq. ft.	1 space per 10,000 sq. ft.

Category	Use	Short-Term Parking (Min.)	Long-Term Parking (Min.)
	Event Space, Club, or Lodge	1 space per 5,000 sq. ft. with a minimum of 4 spaces.	1 space per 10,000 sq. ft. with a minimum of 2 spaces.
	Food Preparation Establishment	1 space per 2,500 sq. ft. with a minimum of 2 spaces.	1 space per 6,000 sq. ft. with a minimum of 2 spaces.
	Funeral Home	1 space per 10,000 sq. ft. with a minimum of 2 spaces.	1 space per 20,000 sq. ft. with a minimum of 2 spaces.
	Health and Fitness Establishment	1 space per 2,000 sq. ft. GFA, with a minimum of 4 spaces.	1 space per 5,000 sq. ft. GFA, with a minimum of 2 spaces.
	Home Maintenance Service	1 space per 16,000 sq. ft.	1 space per 4,000 sq. ft.
	Hospital	1 space per 20,000 sq. ft. with a minimum of 4 spaces.	1 space per 15,000 sq. ft. with a minimum of 4 spaces.
	Hotel	1 space per 20 rentable rooms.	1 space per 10 rentable rooms.
	Instructional Facility	1 space per 5,000 sq. ft.	1 space per 10,000 sq. ft.
	Medical or Dental Laboratory	1 space per 10,000 sq. ft.	1 space per 10,000 sq. ft.
	Mobile Use	N/A	N/A
	Office	1 space per 16,000 sq. ft.	1 space per 4,000 sq. ft.
	Outdoor Sales and Storage	N/A	N/A
	Pawnbroker	1 space per 3,000 sq. ft.	1 space per 6,000 sq. ft.
	Personal Care Facility	1 space per 3,000 sq. ft.	1 space per 6,000 sq. ft.
	Professional Services	1 space per 16,000 sq. ft.	1 space per 4,000 sq. ft.
	Recreational Facility; Indoor, Commercial	1 space per 5,000 sq. ft.	1 space per 10,000 sq. ft.
	Recreational Facility; Outdoor, Commercial	1 space per 10 auto spaces.	1 space per 20 auto spaces.
	Retail Establishment	1 space per 3,000 sq. ft.	1 space per 6,000 sq. ft.
	Shooting Gallery	1 space per 5,000 sq. ft.	1 space per 10,000 sq. ft.
	Shopping Center	1 space per 3,000 sq. ft.	1 space per 6,000 sq. ft.
	Studio	1 space per 20,000 sq. ft.	1 space per 10,000 sq. ft.

Category	Use	Short-Term Parking (Min.)	Long-Term Parking (Min.)
	Swimming Pool	2 spaces per 2,000 sf.	1 space per 4,000 sf.
	Theater	1 space per 50 seats.	1 space per 100 seats.
	Tobacco and Vape Shop	1 space per 3,000 sq. ft.	1 space per 6,000 sq. ft.
	Veterinary Service	1 space per 10,000 sq. ft.	1 space per 10,000 sq. ft.
	Wholesale Establishment	1 space per 20,000 sq. ft.	1 space per 20,000 sq. ft.
Institutional and Public	Adult Day Care	1 space per 10,000 sq. ft.	1 space per 5,000 sq. ft.
	Charitable or Philanthropic Institution	1 space per 5,000 sq. ft.	1 space per 10,000 sq. ft.
	Child Care Center	1 space per 10,000 sq. ft.	1 space per 5,000 sq. ft.
	Crematorium	N/A	N/A
	Cultural Institution	1 space per 5,000 sq. ft. with a minimum of 4 spaces.	1 space per 10,000 sq. ft. with a minimum of 2 spaces.
	Educational Institution, Private. (College)	1 space per 5,000 sq. ft.	1 space per 10,000 sq. ft.
	Educational Institution, Private. (Grade Pre-K-12)	3 spaces per classroom.	1 space per classroom.
	Park	1 space per each 10,000 sq. ft., with a minimum of 6 spaces.	N/A
	Place of Worship	1 space per 1,000 sq. ft.	1 space per 4,000 sq. ft.
	Public Utility Structure	N/A	N/A
	Publicly-Owned or -Operated Facility	N/A	N/A
	Wireless Communication Facilities	N/A	N/A
Industrial	Alcoholic Beverage Production	1 space per 20,000 sq. ft.	1 space per 10,000 sq. ft.
	Artisanal Craft Production	1 space per 20,000 sq. ft.	1 space per 10,000 sq. ft.

Category	Use	Short-Term Parking (Min.)	Long-Term Parking (Min.)
	Data Center or Data/Cryptocurrency Mining	N/A	N/A
	General Warehousing	1 space per 30,000 sq. ft.	1 space per 20,000 sq. ft.
	Industrial, Light	1 space per 20,000 sq. ft.	1 space per 10,000 sq. ft.
	Industrial, Heavy	1 space per 20,000 sq. ft.	1 space per 10,000 sq. ft.
	Junk Yard	N/A	N/A
	Research and Development	1 space per 20,000 sq. ft.	1 space per 5,000 sq. ft.
	Self-Storage Facility	1 space per 40,000 sq. ft.	1 space per 20,000 sq. ft.
Automotive	Automobile and Recreational Vehicle Sales or Rental Establishment	1 space per 20,000 sq. ft.	1 space per 5,000 sq. ft.
	Automobile Repair Establishment	1 space per 20,000 sq. ft.	1 space per 5,000 sq. ft.
	Automobile Service Establishment	1 space per 20,000 sq. ft.	1 space per 5,000 sq. ft.
	Automobile Towing Establishment	N/A	N/A
	Car Wash	N/A	N/A
	Drive-Through Window	N/A	N/A
	Electric Vehicle Charging	N/A	N/A
	Gas Station	1 space per 25,000 sq. ft.	1 space per 12,500 sq. ft.
Miscellaneous	Backyard Chicken Coop	N/A	N/A
	Home-Based Business	N/A	N/A
	Renewable Energy System	N/A	N/A
	Temporary Uses	N/A	N/A

(c) *Design of required bicycle parking.*

(1) *Generally.*

A. Each bicycle parking space must be at least two feet wide by six feet long. Bicycle parking spaces must not encroach into adjacent sidewalks.

B. Two feet of clearance around the rack on all sides must be provided for users to access and securely lock bicycles.

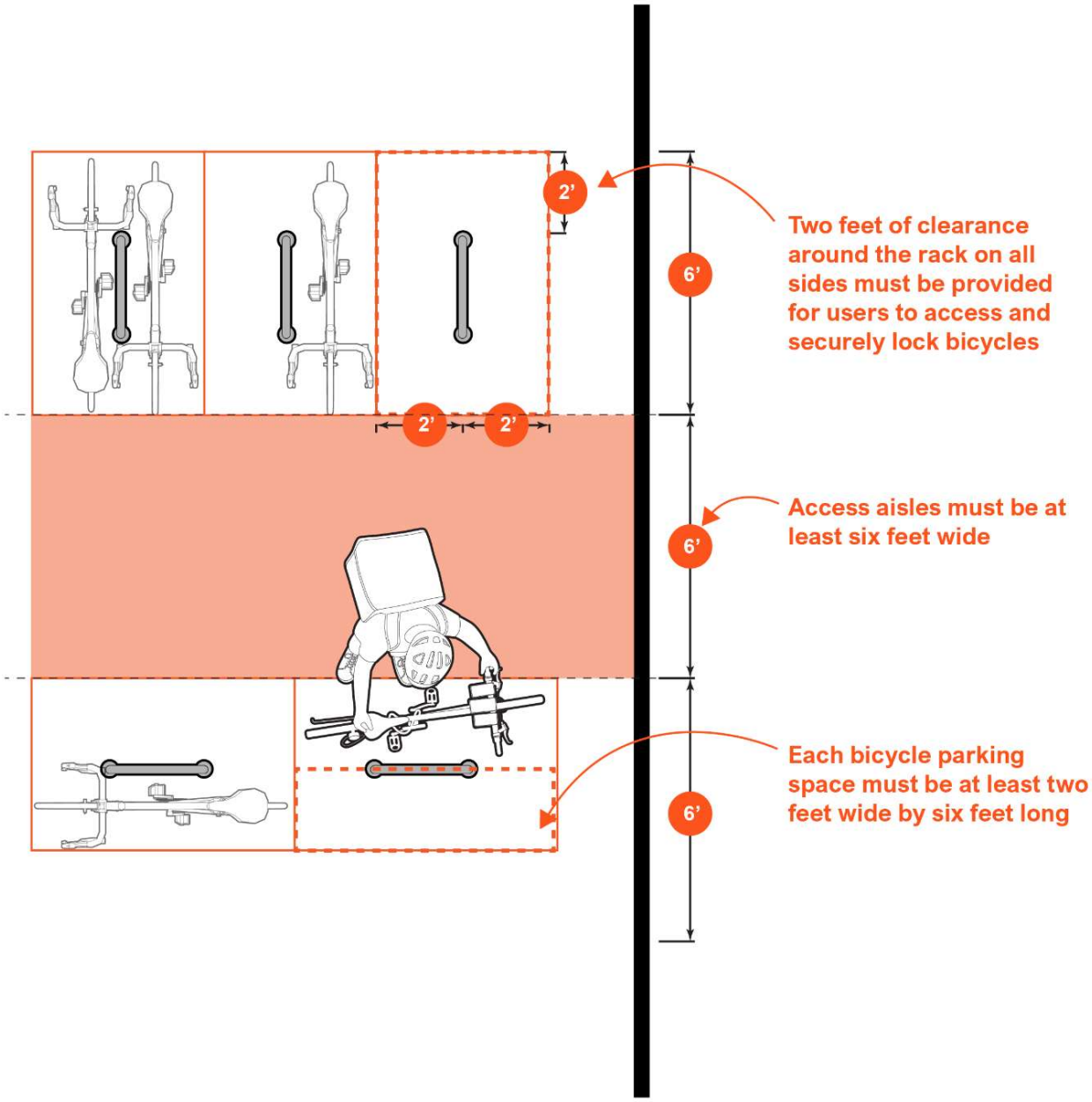
C. Access aisles must be at least six feet wide to allow convenient entry and exit flow, simultaneous users, and accommodate lifting of bicycles where two-tiered racks are used.

D. The area designated for bicycle parking and maneuvering must be hard surfaced and well-lit.

E. If the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the sidewalk.

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Figure 8.3.4-1: Design of Required Bicycle Parking



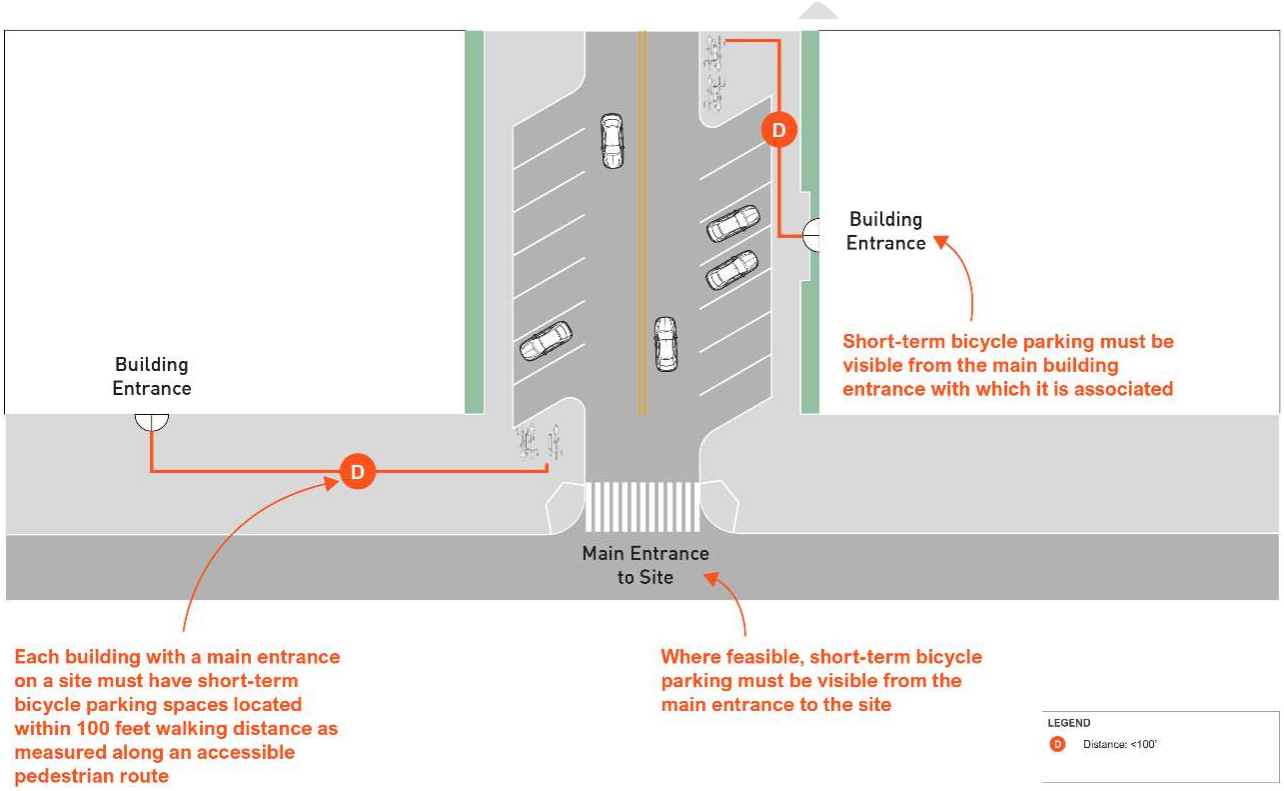
(d) *Short-term bicycle parking.* The following standards must be met for required short-term bicycle parking spaces:

(1) *Location.*

A. Each building with a main entrance on a site must have short-term bicycle parking spaces located within 100 feet walking distance as measured along an accessible pedestrian route.

1. Short-term bicycle parking must be visible from the main building entrance with which it is associated.
2. Where feasible, short-term bicycle parking must be visible from the main entrance to the site. If short-term bicycle parking is not visible from the main entrance to the site, effective wayfinding must be provided between the entrance to the site and the short-term bicycle parking.

Figure 8.3.4-2: Short-Term Bicycle Parking - Location



(2) *Design*. Short-term bicycle parking spaces must consist of racks or lockers.

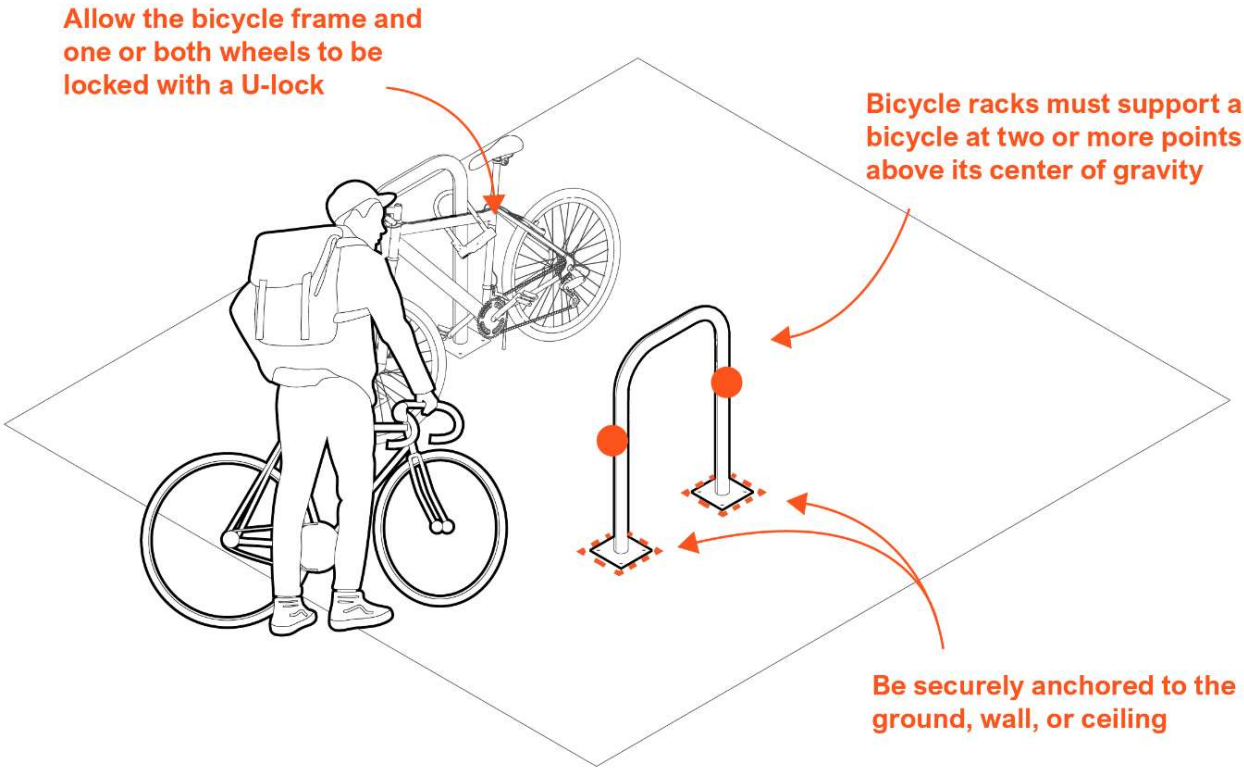
A. *Bicycle racks.* Bicycle racks must:

1. Support a bicycle at two or more points above its center of gravity.
2. Allow the bicycle frame and one or both wheels to be locked with a U-lock.
3. Be securely anchored to the ground, wall, or ceiling.
4. Be constructed of hot-dip galvanized or stainless steel with a powder coat or plastic or rubber dipped coating.
5. For bike racks with elements that project outward, in which the bottom of the element is higher than 27 inches:

i. The element must project no more than 4 inches; or

ii. The rack must be installed on a detectable footing/base that is at least 2.5 inches high so that it is detectable to people with vision impairments.

Figure 8.3.4-3: Short-Term Bicycle Parking Design



B. *Bicycle lockers.* Bicycle lockers must be provided in accordance with city standards and must be securely anchored.

(e) *Long-term bicycle parking.* The following standards must be met for required long-term bicycle parking spaces:

(1) *Location.*

A. Long-term bicycle parking spaces must be within 300 feet walking distance of at least one main entrance to a site or building as measured along an accessible pedestrian route.

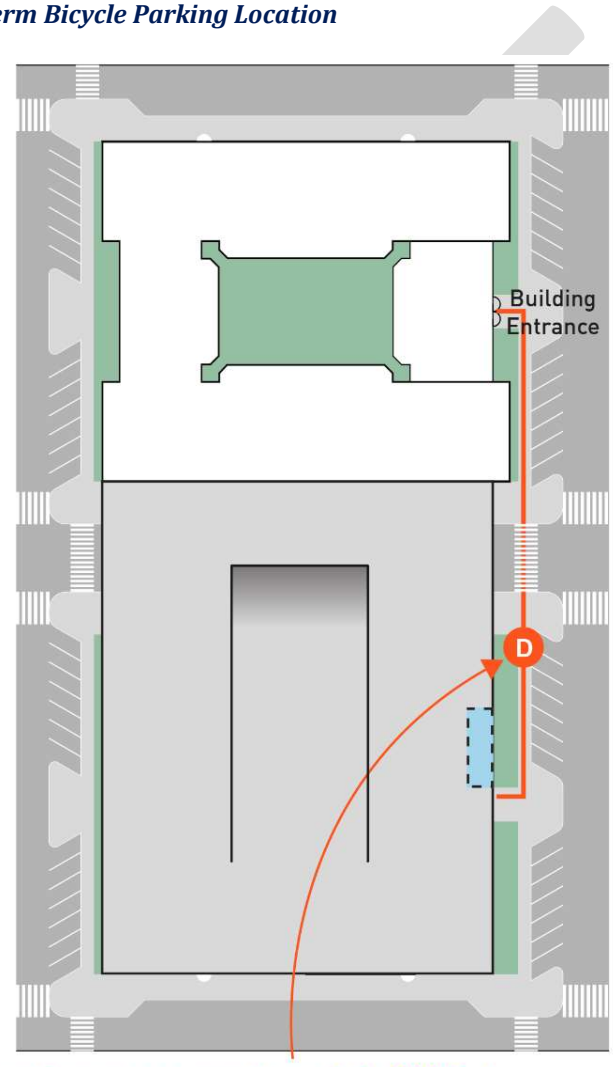
B. Where feasible, bicycle parking must be visible from the main entrance to the site. If bicycle parking is not visible from the main entrance to the site, effective wayfinding must be provided between the entrance to the site and the bicycle parking.

C. To heighten security, long-term bicycle parking must be in at least one of the following locations:

1. A locked room.

2. An area enclosed by a floor-to-ceiling fence and secured with a locked gate.
3. An area visible by an attendant or security guard, or within 100 feet of an attendant or security guard.
4. An area monitored by a security camera.
5. An area contained within a dwelling unit. If long-term bicycle parking spaces are provided in a dwelling unit, neither racks nor lockers are required.

Figure 8.3.4-4: Long-Term Bicycle Parking Location



Long-term bicycle parking spaces must be within 300 feet walking distance of at least one main entrance to a building as measured along an accessible pedestrian route



(2) *Design.*

A. Long-term bicycle parking must meet the design requirements for short-term bicycle parking pursuant to Sec. 25.8.3.4(d)(2) and must also be covered. Covered

parking may be provided by locating the bicycle parking inside buildings, in bicycle lockers, under roof overhangs, awnings, canopies, or within or under other structures.

B. Where required covered bicycle parking is not within a building or locker, the cover must:

1. Be permanent;

2. Protect the bicycle from rain and snow; and

3. Be at least seven feet above the floor or ground.

(3) *Associated facilities.*

A. *Office uses*.

1. Where long-term bicycle parking spaces are provided for office use categories, the following requirements apply:

i. Two showers must be installed for every 50,000 square feet of gross floor area, up to a maximum of six showers. Showers must be accessible to all tenants of the building.

ii. Where long-term bicycle parking spaces are required for office use categories, two clothes storage lockers must be installed. The lockers must be installed adjacent to the showers in a safe and secured area and be accessible to all tenants.

B. Residential uses.

1. New residential development that provides long-term bicycle parking indoors must also provide charging infrastructure for electric bicycles.

Sec. 25.8.3.5. Waiver.

(a) *Applicability.* An applicant may seek a waiver to the following sections of Article 8, Division 3:

(1) Sec. 25.8.3.3.

(2) Sec. 25.8.3.4.

(b) *Application.* Where an applicant desires a waiver of such requirements, an application must be submitted to the Approving Authority with a statement of reasons for such request and such information as may reasonably be required by the Approving Authority.

(c) *Findings*. The Approving Authority may grant a waiver of such requirement if it finds that the alternative design ensures adequate bicycle and pedestrian facilities are provided in a safe and efficient manner.

(d) *Conditions*. In granting waivers to the requirements of Sec. 25.8.3.3. or Sec. 25.8.3.4, the Approving Authority may impose any conditions the Approving Authority finds necessary to make the findings in Sec. 25.8.3.5(c).

Division 8.4. Amenity Space

Sec. 25.8.4.1. Purpose.

(a) Amenity space ensures that City residents, employees, and patrons enjoy adequate access to open areas, recreation opportunities, and community connections. Amenity space also provides an opportunity to preserve natural or historic resources, reduce the heat island effect, provide civic and meeting spaces, enhance stormwater management, and secure other public benefits anticipated by the Comprehensive Plan or the Recreation and Parks Strategic Plan.

Sec. 25.8.4.2. Applicability.

(a) *Amenity space required*. Applications in all MXTD zones, as well as the MXCD, MXCT, MXNC, MXT, MXC, MXE, MXB, RMD-10, RMD-15, RMD-25, and RHD must provide amenity space in accordance with this Division, except as provided in Sec. 25.8.4.2(b). Any building expansion or cumulative addition that exceeds 100 percent of the existing gross floor area must also provide open space as set forth in this Division.

(b) *Exceptions.* The following applications are excepted from this Division:

(1) An application for up to five dwellings;

(2) An application for an Industrial use or Automotive use;

(3) An application for a non-residential use with a gross floor area of up to 20,000 square feet;

(4) An application for a residential development which is 100 percent affordable at an average Area Median Income of 60 percent or less and located within one-quarter mile (1320 feet) of a public park or publicly accessible amenity space; and

(5) An application covering a site area as follows:

(6) In the MXTD zone, 1 acre (43,560 square feet) or less; or

(7) In all other zones, 20,000 square feet or less.

Sec. 25.8.4.3. Amenity space, defined.

(a) Amenity space is an area within a development site designed to meet the active or passive recreational needs of residents, patrons, employees, and the general public. Amenity space includes but is not limited to:

(1) Active and passive recreation areas, such as children's playgrounds and tot lots, sport courts or fields, informal green spaces and picnic areas, fountains, and swimming pools and associated improvements;

(2) Urban plazas or other gathering areas improved with seating and shade;

(3) Linear parks and trails;

(4) Publicly accessible interior gathering spaces;

(5) Natural and forested areas and watercourses;

(6) Historical resources;

(7) Those portions of a stormwater facility including walkways and landscaping designed for human enjoyment; and

(8) Landscaping which is contiguous to or integral to the other features listed here.

(b) Amenity space does not include the following:

(1) Private yards;

(2) Street rights-of-way including sidewalks located within those rights-of-way or easements;

(3) Vehicular parking lots and required landscaped and circulation areas;

(4) Walkways when not otherwise associated with amenity space;

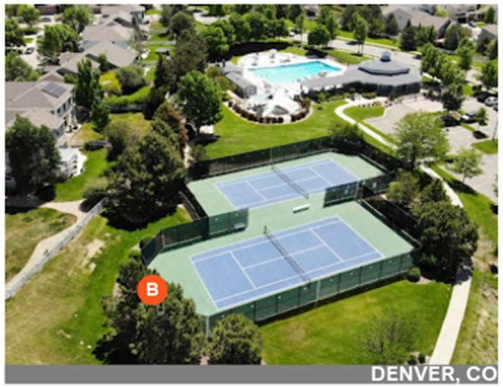
(5) Driveways and drive aisles; and

(6) Land covered by structures not designated for recreation or gathering.

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Figure 8.4.3-1: Amenity Spaces





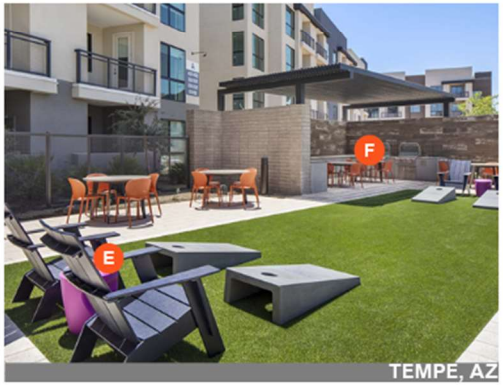


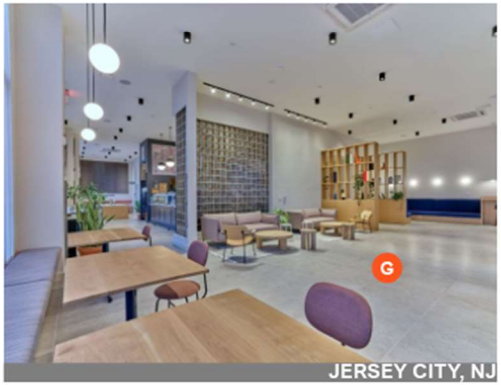
A Active and passive recreation areas, such as children's playgrounds and tot lots

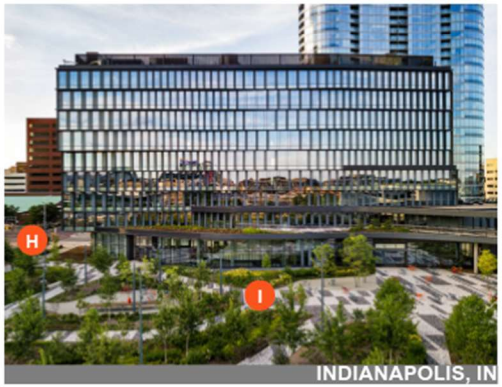
B Sport courts or fields

C Informal green spaces and picnic areas

D Linear parks and trails







E Active and passive recreation areas

F Urban plazas or other gathering areas improved with seating and shade

G Publicly accessible interior gathering spaces

H Natural and forested areas and watercourses

I Those portions of a stormwater facility including walkways and landscaping designed for human enjoyment

Sec. 25.8.4.4. Amount of amenity space required.

(a) *Size of amenity space required.* Applications subject to this Division must provide a minimum of 10 percent of the development site area in amenity space.

(b) Amenity space provided in fulfillment of these requirements may be dedicated to the City as determined by the Mayor and Council. Amenity space may be appropriate for dedication in circumstances including the following:

(1) When dedication is recommended by the Comprehensive Plan;

(2) When the site is five acres or greater or the amenity space is one-half acre or greater; and

(3) When dedication would further the recommendations of the Comprehensive Plan and Recreation and Parks Strategic Plan.

Sec. 25.8.4.5. Design standards for amenity space.

(a) Amenity space must meet the following design standards:

(1) *Public access.*

A. Amenity space must be readily accessible and useable by occupants and users of the development as well as the general public, except as provided in Sec. 25.8.4.5(a)(1)A.1. Amenity space must be visible and accessible from the right-of-way or provided via public access easements.

1. *Exceptions.*

i. For development in the MXTD zones, up to 50 percent of required amenity space may be accessible only to the residents of the development.

ii. For development consisting of predominantly office uses, the amenity space may be accessible only to the employees of the site.

iii. Where a swimming pool is provided for the purpose of satisfying amenity space requirements, the swimming pool may be accessible only to the residents of a development.

(2) *Configuration.*

A. The following amenity spaces may be non-contiguous:

1. Publicly accessible interior gathering spaces;

2. Amenity spaces established for the preservation of natural or historical resources.

3. Any amenity space excepted from public access requirements under Sec. 25.8.4.5(a)(1)A.1.

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B. In all other cases, amenity space must be contiguous or interconnected unless a different configuration is approved by the Approving Authority.

C. If the development site is adjacent to existing or planned public trails, parks, or other public use space, the amenity space must be located to adjoin, extend, and enlarge the trail, park, or other public land.

(3) *Features.* All features, such as seating, shading, lighting, art, play structures or other furniture, fixtures, and equipment must be of commercial quality and comply with industry standards for the use of such amenities in public spaces.

(4) *Alternative compliance.*

A. Alternative compliance to these design guidelines may be approved by the Chief of Zoning or other applicable Approving Authority as defined in the Zoning Ordinance provided that the proposed alternative design:

1. Meets or exceeds the intent of the requirement(s) for which alternative compliance is being requested.

2. Provides an equal or better design solution in terms of livability for residents.

3. Accomplishes the purpose of this Division as established in Sec. 25.8.4.1.

B. An applicant for alternative compliance must demonstrate, in a written statement, how their proposed alternative meets or exceeds each of the items list above.

(5) *Fee in lieu of public use space requirements*.

A. The Approving Authority may approve the payment of a fee in lieu of some or all of the public use space requirement under any of the following circumstances:

1. The City could use the fee to provide and/or improve another more usable public space in the vicinity of the project;

2. The site cannot realistically provide the required area for public use and meet all of the other City development standard requirements; or

3. The applicable master plan makes specific recommendations on how and where public use space is to be provided on or in the vicinity of the site.

B. Any approved fee in lieu of the public use space requirement shall be paid in an amount set by resolution of Mayor and Council.

Sec. 25.8.4.6. Ownership, management, and maintenance of publicly accessible amenity space.

(a) Publicly accessible amenity space must be managed and maintained in compliance with all applicable provisions of the Code and Maryland law. To the extent not inconsistent with Maryland law, public amenity space must be managed and maintained as permanent amenity space open to members of the public free of charge or for a nominal fee, through one or more of the following options:

(1) Dedication to the City of Rockville as public parkland;

(2) Conveyance of amenity space set-aside areas to a property owners' or homeowners' association that holds the land in common ownership;

(3) Conveyance of amenity space areas to a third-party beneficiary such as an environmental, historical, or civic organization that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land; and

(4) Establishment of easements or covenants.

(b) All options involving private ownership of amenity spaces must include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes, in perpetuity, and provide for the continued and effective management, operation, and maintenance of the land and facilities.

(c) Amenity space designated for public use must be publicly accessible. However, the Approving Authority may allow reasonable limitations on access to the amenity space to meet safety, security, or ownership concerns.

(d) Responsibility for managing and maintaining amenity space rests with the owner of the amenity space. Failure to maintain amenity space in accordance with this Division and any applicable development approval or permit is a violation of this Chapter.

Division 8.5. Land Abutting Parks

Sec. 25.8.5.1. Land abutting parks.

(a) On property abutting a City-owned park, excavation and grading are not permitted within 25 feet of any forest, as defined in Chapter 10.5, located on the City-owned park.

Division 8.6. Landscaping and Screening

Sec. 25.8.6.1. Purpose of landscaping standards.

(a) The purpose of the landscaping and screening standards are to provide shade, enhance the appearance of parking facilities, and to minimize potentially disruptive impacts (including noise, dust, and other debris, motor vehicle headlight glare or other artificial light intrusion, and light industrial activities) from a use onto adjoining or nearby properties through appropriate screening and buffering.

Sec. 25.8.6.2. Applicability and administration of landscaping standards.

(a) *Applicability.* This Division applies to any development subject to the Project Plan, Site Plan, or Special Exception review provisions of Article 4, Divisions 1, 2, and 3.

(b) *Administration*. The Chief of Zoning is responsible for the administration of these standards.

(c) *Landscape plan.* A landscape plan must be submitted with any Project Plan and Level 2 Site Plan. A landscape plan may be required for a Level 1 Site Plan as determined by the Chief of Zoning.

Sec. 25.8.6.3. General landscaping standards.

(a) *Application of standards.* The following standards apply to the preservation, installation, and maintenance of all landscaping, tree cover, screening, and barriers required by this Division.

(1) The planting and maintenance of all trees must be in accordance with the provisions of the Forest and Tree Preservation Ordinance as found in Chapter 10.5 of the City Code.

(2) Existing native vegetation which is suitable for use in compliance with the requirements of this Division may and should be used as required planting material.

(3) Required landscape strips may be used for low-impact design or bioretention measures planted in accordance with the requirements of Chapter 19 if deemed appropriate by the Chief of Zoning.

(b) *Planting materials.* All plant materials must comply with the following:

(1) Plantings must be maintained to be well-branched and healthy.

(2) Plant materials must be planted in accordance with the American Association of Nurserymen's American Standard for Nursery Stock.

(3) *Tree and shrub specifications.* At time of planting:

A. Shade and ornamental trees must be a minimum 2.5” caliper.

B. Evergreen trees must be small to medium species with a minimum 7-8’ clear height.

C. Shrubs must be evergreen species with a minimum height of 36”.

(c) *References.* In addition to the regulations cited here, reference must also be made to the approved Forest and Tree Preservation Manual for the following:

(1) Approved Planting Details for Trees;

(2) City Tree Protection and Planting Notes;

(3) Species Restriction List.

Sec. 25.8.6.4. Parking facility landscaping standards.

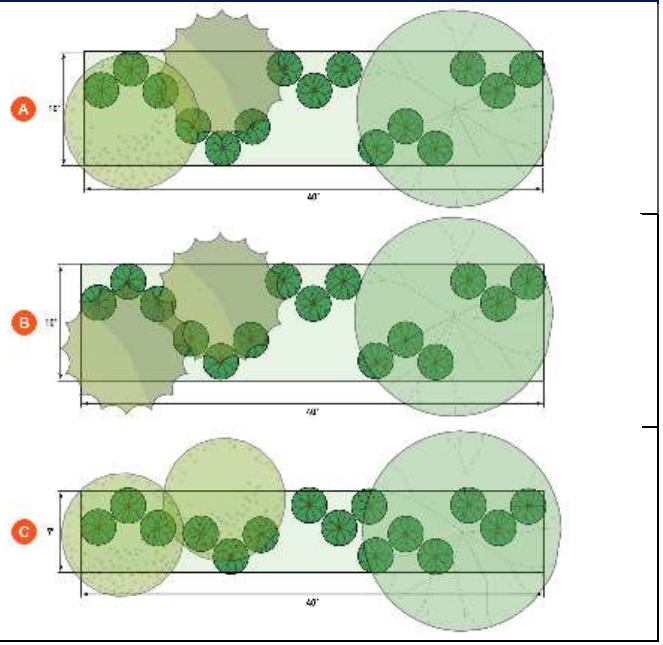
(a) *Applicability.* These requirements apply to all parking facilities with seven or more parking spaces.

(b) *Perimeter landscaping.*

(1) *Establishment of landscaping strip types.* For the purposes of this Division, the following landscaping strip types are established as found in Table 8.4.4 1: Landscaping Strip Types. Each landscape strip must include both trees and hedges in the amount and spacing listed.

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Table 8.6.4-1: Landscaping Strip Types

Type	Width	Required Plantings per 40 Linear Feet (Choose One)			Evergreen Shrubs per 40 Linear Feet	Example
		Shade Trees (min.)	Ornamental Trees (min.)	Evergreen Trees (min.)		
Type A	10 ft.	1	1	1	15	
Type B	10 ft.	1	N/A	2	15	
Type C	10 ft.	1	2	N/A	15	

(2) *Abutting or adjoining a street right-of-way.* Where a parking facility adjoins a street right-of-way, a Type A landscaping strip must be provided. This width may be reduced through alternative compliance; however, wheel bumpers and curb stops must be installed at least five feet from a street right-of-way line as required by Sec. 8.2.11(a)(2)C. The use or combination of shade, ornamental, and evergreen trees must be determined by the site conditions and to avoid conflicts with the Street Tree Master Plan.

A. Exceptions.

1. The shrub requirement may be reduced by up to 50 percent if a wall, fence, or other method such as a change in grade or berm is provided and reduces the shrub requirement by 50 percent to further reduce the visual impact of the parking facility.

2. In the MXTD and MXCD zones, the Approving Authority may reduce the minimum width of the landscaping strip by up to 25 percent if a better design can be achieved through the provision of walls or fences in conjunction with landscaping.

(3) *Abutting or adjoining property other than a street right-of-way.*

A. *Non-residential uses in residential zones*. When abutting or adjoining single-unit detached, townhouse, or multiplex dwelling uses, parking facilities in connection with any institutional or other nonresidential use in the R-400, R-200, R-150, R-90, R-75, R-60, and R-40 zone must provide a Type B landscaping strip, except that this requirement does not apply to a Child Care Home or a Home-Based Business.

1. Walls or berms, at least 3 feet high, or fencing of at least 75 percent of continuous opacity may reduce the amount of landscape plants by 50 percent.

2. In lieu of a buffer area, a setback of at least 20 feet from any adjoining residential use may be provided, but one shade tree must still be planted every 35 feet along the property line.

B. In all other cases where a parking facility adjoins a property other than a street right-of-way, a Type C landscaping strip must be provided.

(4) *Abutting or adjoining a parking facility.* Where one parking facility adjoins or abuts another parking facility under different ownership or use, a Type C landscaping strip must be provided.

(c) *Internal landscaping of parking facilities.*

(1) *Generally.*

A. A minimum of five percent of the internal area of any surface parking facility must be landscaped with shade trees.

B. The internal area of a parking facility is defined by the perimeter of the curbs or edge of paving and does not include driveways, drive aisles without parking on either side, sidewalks, areas within islands that contain utilities below, or areas covered by solar canopies. The internal area includes all other planting islands and landscaped areas within the facility.

C. The shade trees must be distributed in order to increase shade. The applicant must demonstrate a good faith effort to preserve existing trees on the site of the planned parking area.

(2) *Planting islands.* Within the interior of a surface parking facility, planting areas must be provided with shade trees serving as the primary landscaping material.

A. The planting area must be wide enough to protect the trees from a vehicle's swinging doors and bumper overhang.

1. Where planting islands are parallel to the sides of parking spaces, planting islands must be at least ten feet long and nine feet wide, as measured from curb face to curb face.

2. Where planting islands are at the heads of parking spaces, planting islands must be at least ten feet wide as measured from curb face to curb face.

(3) *Landscaping materials.* The primary landscape material for parking facilities must be deciduous shade trees with ground cover or low shrubs. The use of tall shrubs or low branching trees that restrict visibility must be avoided.

Sec. 25.8.6.5. Screening of equipment and trash areas.

(a) *Mechanical equipment.* All air conditioning equipment, transformers, emergency generators, elevator equipment, and similar mechanical equipment on any roof, ground, or building must be screened from public view so it is not visible at ground level from the edge of the property. A wood fence or similar treatment is not acceptable.

(b) *Trash, recycling, and waste oil/grease collection areas.* All trash, recycling, and waste oil/grease collection areas must be inside a building or screened on four sides by an opaque wall or fence at least as tall as the trash, recycling, or waste oil/ grease collection receptacle so it is not visible at ground level from the edge of the property.

Sec. 25.8.6.6. Transitional bufferyard landscaping standards.

(a) *General.* A transitional bufferyard is an area of land located parallel to and within the outer perimeter of a lot or parcel, which contains the required landscaping, berm, fence, or any combination thereof required by this Section. Transitional bufferyards provide landscaping or other buffering between low-intensity residential uses and incompatible uses.

(b) *Requirements.*

(1) The required transitional bufferyard is determined using the Transitional Bufferyard Requirements Table (Table 8.6.6-2) and Transitional Bufferyard Types Table (Table 8.6.6-1).

(2) Where adjacent land is vacant, no transitional bufferyard is required.

(3) Transitional bufferyards are made up of the building setback and the landscape yard; building setbacks as required by Article 7 is not in addition to the bufferyard required by this Division.

(4) With the exception of parking lot perimeter landscape strips required along a street right-of-way, where a bufferyard and any other landscape strip are required in the same location, the requirement with the greater width applies.

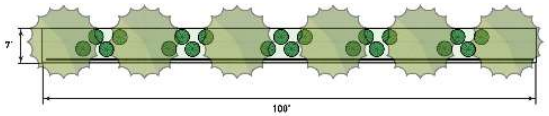
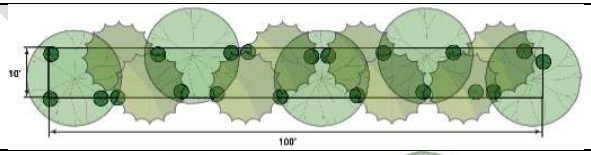
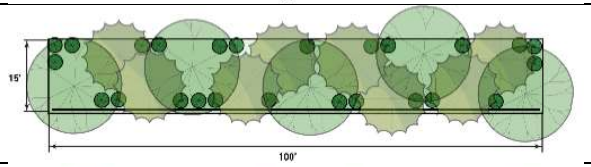
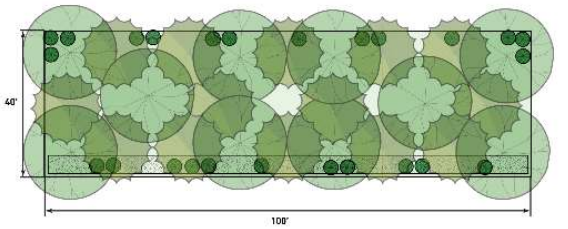
(5) Bufferyard standards should not be construed as prohibiting additional plant materials, screening, or buffer area in excess of the required regulations.

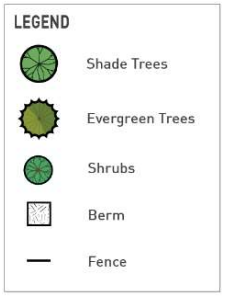
(6) If all or part of the landscape bufferyard required by this Section has been provided on the adjacent property and is shown on a landscape plan approved in accordance with this Division, the proposed use must only provide that amount of the buffer that has not been provided on the adjacent property.

(c) *Bufferyard types.* Table 8.6.6-1, below, provides minimum standards for each bufferyard type. The example diagrams are for illustrative purposes only.

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Table 8.6.6-1: Transitional Bufferyard Types

Type	Width	Required Plantings per 100 Linear Feet			Berm/Fence	Bufferyard Example Diagram
		Shade Trees (min.)	Evergreen Trees (min.)	Shrubs (min.)		
Type 1	7’	N/A	6	20	6’ opaque fence or wall	
Type 2	10'	5	8	20	N/A	
Type 3	15’	5	8	25	6’ opaque fence or wall	
Type 4	30'	10	15	25	3' berm	



(d) *Transitional bufferyard requirements table.* Required transitional bufferyards are shown in the Transitional Bufferyard Requirements table. Locate the use category of the proposed development and abutting property and read over to determine the required bufferyard type.

Table 8.6.6-2: Transitional Bufferyard Requirements Table

Use Category	Abutting Use	Required Transitional Bufferyard
Self-Storage Facility	Residential	Type 1 or Type 2
Gas Station		
Alcoholic Beverage Production	Residential	Type 3 or Type 4
Automotive Repair Establishment		
General Warehousing		
Light Industrial		
Heavy Industrial	All uses other than Heavy Industrial	Type 4

Sec. 25.8.6.7. Modifications.

(a) A modification of the requirements of this Division may be granted by the Board of Appeals or the Planning Commission if it is determined that such a modification effectuates the purpose of the Division and the Board of Appeals or the Planning Commission finds:

(1) That alternative means of achieving the objectives of the buffering or screening requirements meet the objectives of this Division;

(2) That compliance with the buffering or screening requirements cannot reasonably be met due to unique site conditions;

(3) That there exist unique safety or security concerns that would be unreasonably compromised by compliance with the buffering or screening requirements;

(4) The lot occupied by the requesting use is less than 7,500 square feet in size; or

(5) The owners of 70 percent of the residential property immediately contiguous to the area of the requested modification affirm, in writing, their support for a modification of the buffering and/or screening requirements of this Section. The residential property referenced in this subsection must not include property in which the institutional use seeking the waiver has any ownership or other financial interest.

(b) No modification provided pursuant to this Division will exempt the site from the requirements of the Forest and Tree Preservation Ordinance, as found in Chapter 10.5 of the City Code.

Sec. 25.8.6.8. Maintenance.

(a) The owner, or owner's agent, is responsible for the maintenance, repair, and replacement of all landscaping materials and barriers as may be required by the provisions of this Division.

(b) All plant material must be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse, debris, and invasive plants.

(c) Fences and walls must be maintained in good repair. Openings within the barriers may be required by the Chief of Zoning for accessibility to an area for necessary maintenance.

(d) As part of maintenance, the species of landscaping materials may be changed, so long as the resulting materials will meet the design and intent of the Forest and Tree Preservation Ordinance. Where such changes are proposed, a revised landscaping plan must be approved by the Chief of Planning and maintained in the file with the original project approval.

Division 8.7. Lighting

Sec. 25.8.7.1. Lighting.

(a) Lighting must be provided in accordance with the Landscaping, Screening, and Lighting Manual approved by resolution of the Mayor and Council.

Division 8.8. Noise

Sec. 25.8.8.1. Noise.

(a) All development within the city is subject to the requirements of Montgomery County Code Chapter 31B, Noise Control.

(b) *Noise mitigation plan*. A noise mitigation plan may be required at time of development application.

(c) *Delivery and loading times.* Delivery and loading operations are prohibited between 10:00 p.m. and 7:00 a.m. on any property abutting a residential use or residentially zoned property. The Approving Authority of any development application may permit deliveries or loading at times outside of the hours provided the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise to a level of 55 dBA (A-weighted decibels) or less as measured at the lot line of any abutting property.

(d) *Emergency generators*. Emergency generators must comply with all noise regulations applicable in the City. The periodic test operation of emergency generators must be conducted only on weekdays between the hours of 7:00 a.m. and 7:00 p.m.

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Division 8.9. Environmental Guidelines

Sec. 25.8.9.1. Environmental guidelines.

(a) All development is subject to the Environmental Guidelines adopted by resolution of the Mayor and Council.

Division 8.10. Utility Lines and Equipment

Sec. 25.8.10.1. Underground installation of utility lines and cables.

(a) In all zones, electric, telecommunication, television (including cable), and other utility lines and cables must be installed underground wherever an extension or relocation of a contiguous segment of said lines or cables is required. All underground lines and cables must be placed in a public utility easement, or otherwise on private property. No utilities may be placed in the public right-of-way or on City property without the express written permission of the City, and subject to such terms and conditions that the City may require.

Sec. 25.8.10.2. Utility equipment.

(a) *Exceptions.* The provisions of this subsection do not apply to the following:

(1) Wireless communication facilities, related structures, and equipment, installed in accordance with the provisions of Sec. 25.6.4.11; and

(2) Emergency generators.

(b) All electrical equipment (including transformers and equipment cabinets), telecommunications equipment, and television equipment (including cable television) must meet the following standards.

(1) *Residential and mixed-use zones.* In all residential and mixed-use zones, electrical, telecommunications, and television equipment must be placed underground or in an enclosed building.

(2) *Other zones.* In all other zones, electrical, telecommunications, and television equipment may be placed above ground and outside of an enclosed building only if the following requirements are satisfied:

A. Screening is required on four sides of the equipment at a minimum of 80 percent opacity. The screen may consist of either vegetative or building materials, as follows:

1. Where vegetative screening is used, the screen must use plant material that will result in 80 percent opacity within one growing season.

2. Screening made of building materials must be designed in a manner that is complementary to the building architecture including material and scale.

3. The side for access may be a gate.

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B. Where practical, all above ground electrical, telecommunications, and television equipment not incorporated into a building must be clustered with other utility equipment and dumpsters, trash enclosures, and generators, and must be located in an inconspicuous manner so as to blend in with the landscaping and topography of the site.

(3) The side of the screening enclosure that provides access to the equipment must be oriented and either gated or screened in a manner that provides access while minimizing the visual impacts of the equipment.

(4) The location and screening of all above ground electrical, telecommunications, and television equipment must be approved by the Approving Authority as part of the applicable site plan review.

Sec. 25.8.10.3. Modification of requirements.

(a) *Feasibility modifications.* The Planning Commission may grant a modification of any requirement of this Division upon finding that installing utility equipment underground or within an enclosed building is not feasible for any of the following reasons:

(1) A unique or peculiar site condition provides a physical impediment to installing equipment underground;

(2) It would be unsafe to locate the equipment underground; or

(3) The equipment cannot successfully operate below ground.

(b) *Reinstallation modifications.* The Planning Commission may allow equipment that has been placed underground to be reinstalled above ground if the owner of such equipment can demonstrate and fully document each of the following:

(1) Underground placement of such equipment has resulted in service degradation either:

A. In violation of state or federal laws or regulations; or

B. Contrary to the terms of any governing contractual agreements; and

C. Reasonable improvements in maintenance, equipment, or some combination thereof cannot restore or improve the quality of service.

(c) *Standards for above ground utility equipment*. All utility equipment permitted to be installed above ground by means of modification must meet the location and screening requirements of Sec. 25.8.10.2(b)(2).

Division 8.11. Adequate Public Facilities

Sec. 25.8.11.1. General provisions.

(a) *Adequate Public Facilities Ordinance.* The provisions of this Division will be known as the Adequate Public Facilities Ordinance or the "APFO."

(b) *Adequate Public Facilities Standards.* The Mayor and Council have adopted the Adequate Public Facilities Standards or "APFS" by resolution, establishing the method used by the City to ensure that the necessary public facilities will be available to serve proposed new development or redevelopment. The Mayor and Council will periodically review the APFS and modify them as deemed necessary.

Sec. 25.8.11.2. Demonstration of adequate public facilities.

(a) Where this Chapter requires an APF determination, the applicant must demonstrate that the development is served by adequate public facilities pursuant to this Division and the City's Adequate Public Facilities Standards.

(b) An application for any development approval or any amendment thereto, that is subject to the provisions of this Division, must not be approved unless the Approving Authority determines that public facilities will be adequate to support and service the area of the proposed development.

(c) The applicant for any development approval, or any amendment thereto, that is subject to the provisions of this Division must, at the request of the Approving Authority, submit sufficient information and data on the proposed development to demonstrate the expected impact on and use of public facilities and services by possible uses of said development.

(d) If the public facilities assessment outlined in the APFS shows that a proposed development will have an adverse impact on public facilities and services, the applicant must provide mitigation measures designed to alleviate such impact. The resulting development's impact on public facilities must not exceed any level of service established by the APFS.

(e) *Conditional approval.* The applicant may request conditional approval of the development application, subject to the future availability of the necessary public facilities. The Approving Authority may grant a conditional approval for a period of two years. Such conditional approval will place the application in a queue maintained by the Chief of Zoning. The order of the queue will be based on the date of the letter stating the action taken by the Approving Authority. If, at the end of the conditional approval period the necessary public facilities are not deemed available, the approval becomes void.

Sec. 25.8.11.3. Modifications.

(a) A modification of the requirements of the APFS may be granted only upon a supermajority vote of the Approving Authority.

(1) For purposes of this Division, a supermajority vote must be three votes for the Board of Appeals, five votes for the Planning Commission, and five votes for the Mayor and Council.

(2) The Chief of Planning may not grant a modification.

(b) Modifications are granted pursuant to the criteria and findings contained in the APFS.

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Sec. 25.8.11.4. Expiration of adequate public facilities determination.

(a) *Validity period.* Except as otherwise provided in this Section, a determination of adequate public facilities made in connection with the approval of any development approval or amendment thereto under this Chapter remains valid for so long as the underlying approval remains valid. If a development approval or amendment thereto approved under this Chapter expires, the determination of adequate public facilities also expires with respect to the portion of the approval that has expired.

(b) *Planned developments.* Any Planned Development is deemed to satisfy the APFS 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 on November 1, 2030 (twenty-five years from November 1, 2005, the original adoption date of the APFO and APFS).

(3) The adequate public facilities determination of a Planned Development amendment is valid for so long as the amendment is valid.

(c) *Water and sewer.* Notwithstanding this Section, the adequate public facilities determination for water and sewer service is confirmed before issuance of a building permit.

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Article 9. Nonconformities

Division 9.1. Nonconforming Uses

Sec. 25.9.1.1. Nonconforming uses, in general.

(a) *Applicability.* This Division applies to any use that was lawful when established but no longer conforms to the requirements of the zone in which it is located.

(b) *Continuing a nonconforming use.* A nonconforming use may be continued but not expanded, except as provided in Sec. 25.9.1.2. Continuing a nonconforming use includes the operation of a nonconforming use throughout those parts of a structure which were specifically designed or constructed for such use before effective date of this Chapter] and which parts were either completed or substantially completed before such date.

Sec. 25.9.1.2. Expansion of nonconforming uses.

(a) *Limitations on expansion of nonconforming uses.* A nonconforming use may be expanded by no more than 20 percent of the total square footage of the use at the time it was rendered nonconforming.

(b) *Nonconforming alteration approval.* Any expansion of a nonconforming use under this Section must comply with the requirements of Sec. 25.9.1.3.

Sec. 25.9.1.3. Nonconforming use expansion approval.

(a) *Approving authority.* The Planning Commission is the approving authority for all nonconforming use expansions.

(b) *Application*. Applications for nonconforming use expansions must be submitted to the Chief of Zoning and must contain all information and materials required by the Development Review Manual.

(c) *Procedure.*

(1) Planning Commission review. An application for a nonconforming use expansion must be submitted and processed as a Level 2 Site Plan under Sec. 25.4.1.5, except that the application is subject to the findings in Sec. 25.9.1.3(d).

(d) *Findings.* The Planning Commission may only approve a nonconforming use expansion upon finding that:

(1) There exists documentation of the existence and extent of the nonconforming zoning status of the use;

(2) The proposed nonconforming use expansion is compatible with the general character of the surrounding neighborhood or zone;

(3) The proposed nonconforming use expansion will not have negative impacts on the public health, safety, aesthetics, and welfare of the nearby properties;

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(4) The proposed nonconforming use expansion will be consistent with the purpose and intent of the zone in which the property is located and of the Plan; and

(5) For nonconforming use expansion approvals that trigger conformance with current parking requirements pursuant to Article 8, Division 8.2, the Planning Commission may modify the current parking requirement and allow the maintenance of the existing nonconforming parking status through the grant of the nonconforming use expansion approval, if the Planning Commission finds that:

A. It is not practicable to provide the required parking onsite in a manner that preserves neighborhood character; and

B. Preserving the nonconforming parking status is the best solution to provide consistency with the goals, policies, and intent of the Plan.

(e) *Approval conditions.* The Planning Commission may condition its approval of a nonconforming use expansion on any condition the Planning Commission finds necessary to make the findings in Sec. 25.9.1.3(d).

Sec. 25.9.1.4. Site improvements allowed.

(a) The following site improvements are not considered to be nonconforming use expansions:

(1) Alterations that have the effect of bringing the use into greater conformity with this Chapter;

(2) Alterations necessary for general maintenance, safety, or compliance with the Maryland Accessibility Code or the American with Disabilities Act; or

(3) Alterations consisting only of improvements to the façade of the structure, stormwater management facilities, or pedestrian and bicycle facilities.

(b) *Replacement in kind*. A structure housing a nonconforming use that is destroyed in whole or in part by flood, fire, explosion, or other accidental damage may be repaired or replaced in kind.

(c) *Approvals required*. Before altering, repairing, or replacing any structure housing a nonconforming use pursuant to this Section, a person must receive approval of any permits or development approvals required by the City Code.

Sec. 25.9.1.5. Termination of nonconforming uses.

(a) The right to continue a nonconforming use terminates if:

(1) The nonconforming use is replaced by a permitted, conditional, or Special Exception use; or

(2) The use ceases for at least three calendar months. A nonconforming use is not considered to have ceased if:

A. Approval and execution of alterations or renovations are pursued to continue the use, subject to a validly issued building permit, occupancy permit, or nonconforming use expansion approval; or

B. The site is being actively marketed for tenants to continue the use. A sign on the site advertising its availability is not, by itself, evidence of active marketing.

(3) Notwithstanding the foregoing, if the site remains vacant for a period of 12 months, the nonconforming use is terminated. The property owner may request a six-month extension of the termination date from the Planning Commission for good cause shown. Such request must be submitted before the termination date. No more than two such extensions may be granted.

Division 9.2. Development Standards Nonconformities

Sec. 25.9.2.1. Development standards nonconformities, generally.

(a) *Applicability.* This Division applies to a structure or site that was lawful when established but no longer conforms to the development standards of the Chapter.

(b) *Continuing a development standards nonconformity.* A development standards nonconformity may continue, but a person may not alter or enlarge any structure or site in a manner that expands a development standards nonconformity, except as provided in Sec. 25.9.2.2.

Sec. 25.9.2.2. Alteration or expansion of development standards nonconformity.

(a) *Alteration or expansion of development standards nonconformity*. A person may only alter or expand a site or structure constituting a development standards nonconformity if:

(1) The alteration or expansion does not increase the development standards nonconformity;

(2) The alteration or expansion is necessary for general maintenance, safety, or compliance with the Maryland Accessibility Code or the American with Disabilities Act;

(3) The alteration or expansion consists only of improvements to the façade of the structure, stormwater management facilities, or pedestrian and bicycle facilities; or

(4) The alteration or expansion consists of the conversion of a carport to a garage.

(b) *Replacement in kind.* A site or structure constituting a development standards nonconformity that is destroyed in whole or in part by flood, fire, explosion, or other accidental damage may be repaired or replaced in kind.

(c) *Historic District Overlay zone.* Within a designated historic district zone, any contributing building, structure, or site may be repaired or replaced in kind in its original location, subject to approval of the Historic District Commission, notwithstanding its failure to comply with any development standard contained in this Chapter. Any renovations or

additions beyond the scope of the original structure as defined by the period of significance is subject to the provisions of this Chapter.

(d) *Approvals required*. Before altering, repairing, or replacing any site or structure housing a development standards nonconformity pursuant to this Section, a person must receive approval of any permits or development approvals required by the City Code.

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Article 10. Signs

Division 10.1. General Standards

Sec. 25.10.1.1. Purpose.

(a) The purpose of this Article is to:

(1) Enable the public to locate goods, services, facilities, and geographic areas without difficulty, danger, or confusion;

(2) Reduce traffic and pedestrian hazards and prevent interference with the effectiveness of traffic regulation;

(3) Promote the compatibility of signs with the surrounding land uses;

(4) Promote and preserve the economic well-being and vitality of the community;

(5) Enhance and improve the environment and aesthetics of the City by preventing visual clutter; and

(6) Provide effective opportunities for expression and communication while protecting the public against the adverse effects of the unrestricted proliferation of signs.

Sec. 25.10.1.2. Applicability.

(a) No sign may be erected, installed, substantially altered, or illuminated unless in compliance with the requirements of this Article, except that:

(1) Signs erected or installed within the public right-of-way, or that project into the public right-of-way, must comply with the requirements of Chapter 21 of City Code and are not subject to this Article.

(b) *Signs in Planned Development zones.*

(1) Except as otherwise provided in this Article or in Sec. 25.7.4.3(e), signs in any of the Planned Development zones set forth in Sec. 25.7.4.3 will be regulated based on the applicable designated equivalent zones described in each Planned Development.

(c) *Prohibited signs.* The following signs are prohibited in the City:

(1) Signs that impede the operation of any window, door, fire escape, stairway, ladder, or opening required to provide light, air, ingress, or egress for any building or structure;

(2) Signs which, by reason of position, size, shape, or color, may interfere with, obstruct the view of, or be confused with any traffic sign, signal, or device, or which make use of any word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic;

(3) Off-premises signs, except as set forth in Sec. 25.7.4.3(e);

(4) Any sign placed or erected on property without the permission of the property owner;

(5) Signs which move or have any moving part, or which give the illusion of motion;

(6) Signs which use blinking, flashing, or fluttering illumination or illumination which varies in color or intensity, or which create the appearance or illusion of writing or printing, including, but not limited to, strobe, rotating beacon, chasing, or zip lights;

(7) Signs erected by any person on any public property or right-of-way, unless specifically authorized or required by this Code, or as follows:

A. Any sign required by a valid and applicable federal, state, or local law, ordinance, or regulation;

B. Signs and other visual displays erected by, or at the direction of, federal, state, or local governmental or quasi-governmental agencies;

C. Signs conforming to or required by the Manual of Uniform Traffic Control Devices, as published by the Federal Highway Administration from time to time under 23 Code of Federal Regulations, Part 655, Subpart.

(8) Signs erected in such a location as to interfere with pedestrian or vehicular circulation onto or off of the property on which it is located;

(9) Portable signs, except A-frame signs and signs displayed by hand;

(10) Signs displayed on billboard vehicles;

(11) Signs with changeable copy, except as provided in this Article;

(12) Electronic message centers that can be read from the public right-of-way;

(13) Signs extending above the roof of any building in excess of one percent of the building height;

(14) Feather flags, freestanding banner signs, continuous strands of pennants or streamers, inflatable signs, and similar devices visible from a public right-of-way, except as expressly permitted by this Article;

(15) Signs projecting more than 42 inches from a building wall;

(16) Temporary signs, except as provided in this Article;

(17) Any sign with words, scenes, or graphics of an obscene, indecent, or prurient character which offend public morals or decency;

(18) Signs greater than eight square feet affixed to or depicted on a vehicle, when the vehicle is parked such that the sign is visible from a right-of-way within 50 feet of the vehicle, except when there is no reasonable alternative location on the site to park the vehicle; and

(19) Any sign not expressly allowed or permitted by this Article.

(d) *Exempt signs.* This Article does not apply to the following signs, and no permit under Chapter 25 is required for such signs:

(1) Any sign or portion thereof required to be posted or displayed by this Chapter or other applicable federal, state, or local law or regulation;

(2) Signs and other visual displays erected by, or at the direction of, federal, State, or local governmental or quasi-governmental agencies;

(3) Any sign not readable from any right-of-way or abutting property, except as set forth in Sec. 25.10.1.4.2(c)(12) and (14) above;

(4) Any unilluminated sign smaller than two square feet in area;

(5) Signs conforming to or required by the Manual of Uniform Traffic Control Devices as published by the Federal Highway Administration from time to time under 23 Code of Federal Regulations, Part 655, Subpart F; and

(6) Numerals not exceeding 18 inches in height identifying an address on a lot.

(7) Up to three temporary freestanding signs of six square feet or less per sign on lots with single-unit detached dwellings, townhouses, or multiplexes.

(8) Directional signs that do not exceed a sign area of three square feet per sign and six feet in height, except that signs for certain Planned Development zones are regulated by Sec. 25.7.4.3(e).

Division 10.2. Sign Measurement

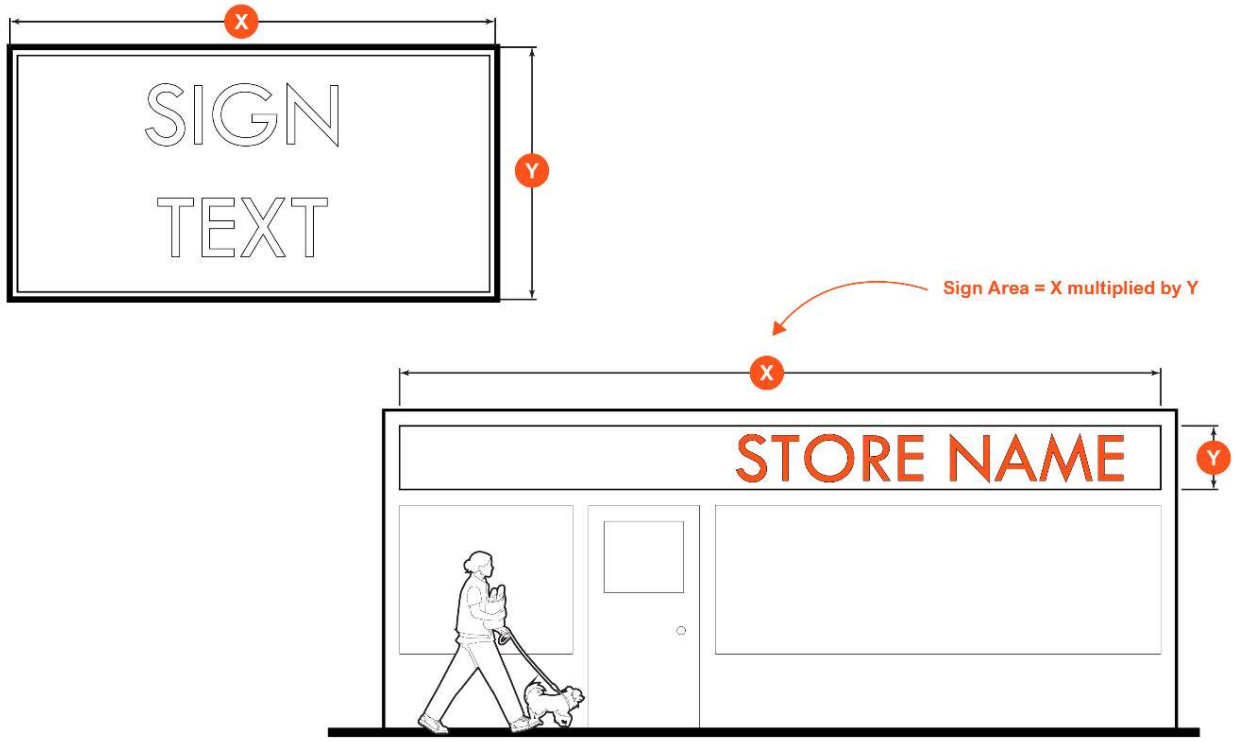
Sec. 25.10.2.1. Sign measurement.

(a) *Sign area.* Sign area is measured as follows:

(1) *Signs with backgrounds*. For sign copy mounted or painted on a background panel or area distinctively painted, textured, lighted, or constructed as background for the sign copy, sign area is measured as that area contained within the outside dimensions of the background panel or surface.

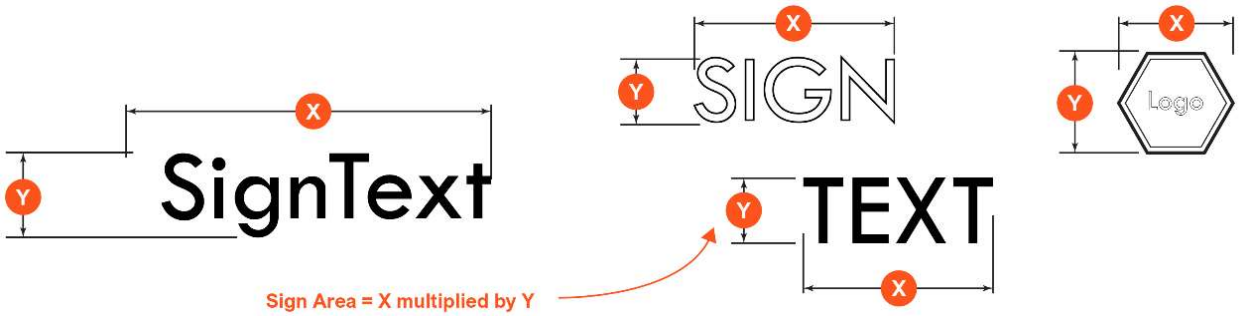
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Figure 10.2.1-1: Sign Area: Signs With Backgrounds



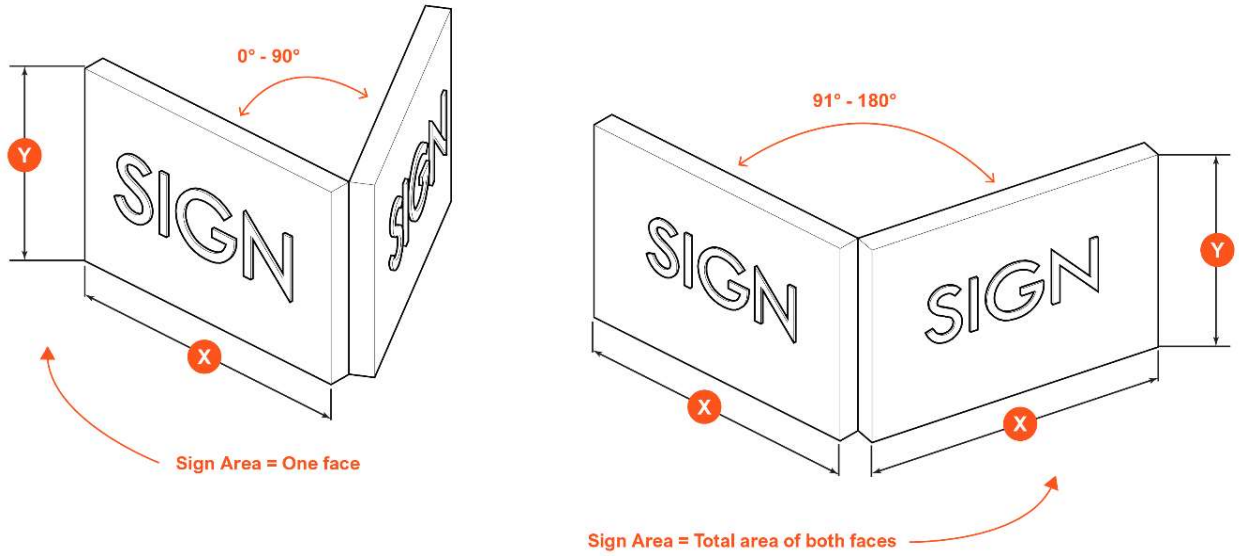
(2) *Signs with no backgrounds.* For sign copy mounted as individual letters and graphics on an area of a building that has not been painted, textured, lighted, or otherwise altered to provide a distinctive background for the sign copy, sign area is measured as the area or the sum of the areas enclosed by the smallest rectangle that will enclose each word and graphic.

Figure 10.2.1-2: Sign Area: Signs With No Backgrounds



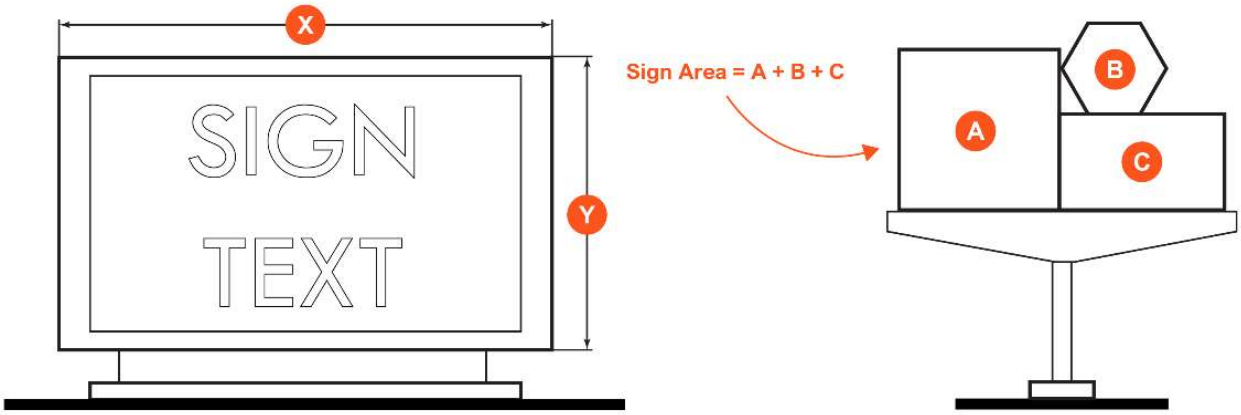
(3) *Signs with two sign faces.* Freestanding signs and projecting signs are allowed to have a maximum of two sign faces. If the interior angle between the two sign faces is 90 degrees or less, sign area is measured as the area of only one face. If the angle between the two faces is greater than 90 degrees, sign area is measured as the sum of the areas of the two faces.

Figure 10.2.1-3: Sign Area: Signs With Two Sign Faces



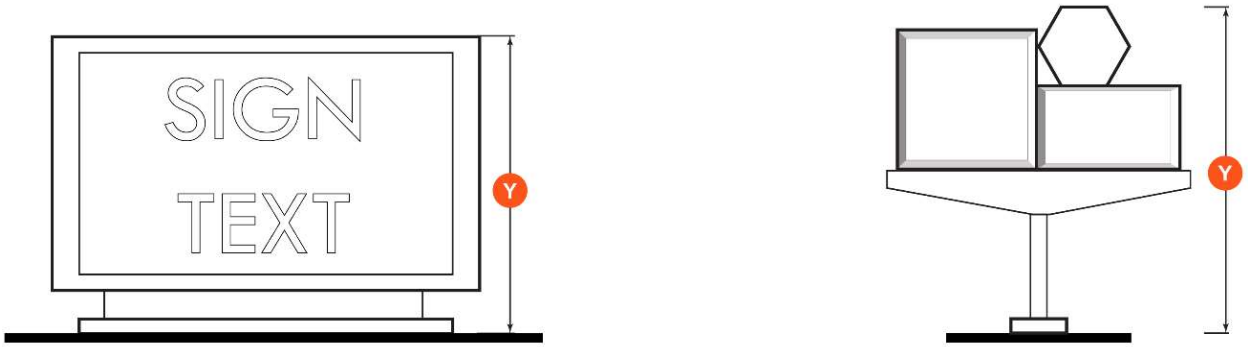
(4) *Freestanding signs*. For freestanding signs, the sign area is measured as the area encompassing all components of the sign, excluding the supporting structure that does not form part of the sign proper.

Figure 10.2.1-4: Sign Area: Freestanding Signs



(b) *Sign height calculations*. Sign height is measured from the distance at the top of the sign structure to the normal grade of the street upon which the sign faces or to the level of the lot on which the sign is erected, whichever is higher.

Figure 10.2.1-5: Sign Height

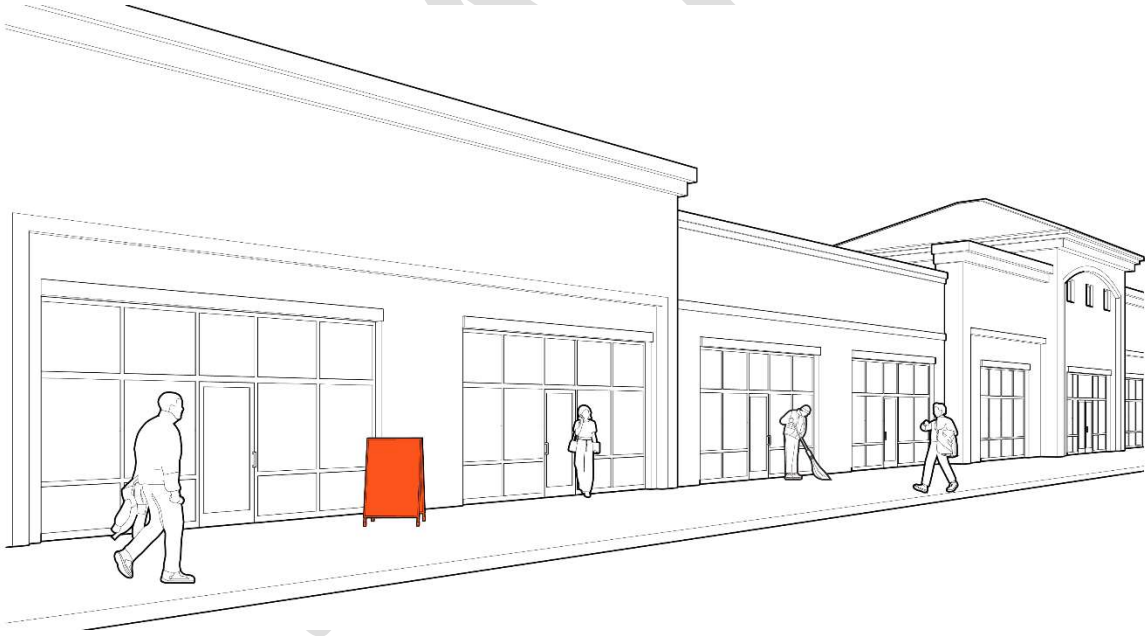


Sign Height (Y) = The distance at the top of the sign structure to the normal grade of the street upon which the sign faces or to the level of the lot on which the sign is erected, whichever is higher.

Division 10.3. Permitted Signs

Sec. 25.10.3.1. A-Frame sign.

Figure 10.3.1-1: A-Frame Sign



(a) *Definition.* A portable sign used on a sidewalk or similar location, consisting of one or two sign faces attached at the top with hinges or a similar device allowing for easy transport. Also referred to as sidewalk signs or sandwich boards.

(b) *A-frame sign standards*. A-frame signs are subject to the following requirements:

(1) A maximum of one A-frame sign is allowed per establishment.

(2) A-frame signs are limited to six square feet per sign face.

(3) A-frame signs must be constructed of a sturdy, durable, heavy-duty material.

(4) A-frame signs must be displayed within 20 feet of the public entrance of the associated establishment.

(5) A-frame signs must be displayed during business hours and must not be displayed during inclement weather.

(6) A-frame signs must not be placed within any accessible route or otherwise impede the flow of pedestrians or vehicles.

(7) A-frame signs may have changeable copy.

Sec. 25.10.3.2. Building sign.

Figure 10.3.2-1: Building Sign



(a) *Definition.* A sign permanently mounted on a wall, marquee, fascia, mansard, or parapet of a building. This definition includes blade signs and signs on awnings or canopies, except that words or images shown on fabric canopies are not considered building signs.

(b) *Building sign standards.*

(1) *Residential zones.* Building signs located in R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-10, RMD-15, and RMD-25 zones must meet the following standards:

A. Building signs are allowed only on lots smaller than 20,000 square feet with permitted nonresidential uses, except that:

B. Building signs are not permitted on lots with Child Care Homes or Child Care Centers.

C. A maximum of one building sign is allowed per street frontage, except that a building sign cannot be located on the same frontage as a freestanding sign.

D. Building signs must not exceed a sign area of 24 square feet per sign.

E. Building signs may be externally illuminated. Internally illuminated building signs are prohibited.

F. Blade signs are not permitted.

(2) *RHD, I-L, I-H, all MXTD zones, MXCD, MXCT, MXNC, MXE, and MXB zones.* Building signs located in the RHD, I-L, I-H, all MXTD zones, MXCD, MXCT, MXNC, MXE, and MXB zones must meet the following standards:

A. For single-tenant buildings and buildings where tenant spaces do not have exterior main entrances, the total area of all building signs must not exceed:

1. Two square feet of sign area per linear foot of building facade for the first 50 linear feet; plus

2. One square foot of sign area per linear foot of building façade thereafter.

B. For multi-tenant buildings where tenant spaces have exterior main entrances, the total area of all building signs must not exceed:

1. Two square feet of sign area per linear foot of building facade for the first 50 linear feet; plus

2. One square foot of sign area per linear foot of building façade thereafter.

For each individual tenant, the linear footage of building facade is the sum of the lengths of the building facades associated with the tenant's leased space.

Figure 10.3.2-2: Building Sign - Multi-Tenant Buildings



C. Building signs may be externally or internally illuminated.

D. Blade signs may project up to 72 inches from the building façade. The bottom edge of a blade sign must be at least eight feet above grade.

(3) *MXT and MXC zones.* Building signs located in the MXT and MXC zones must meet the following standards:

A. The total area of all building signs on a building must not exceed 24 square feet.

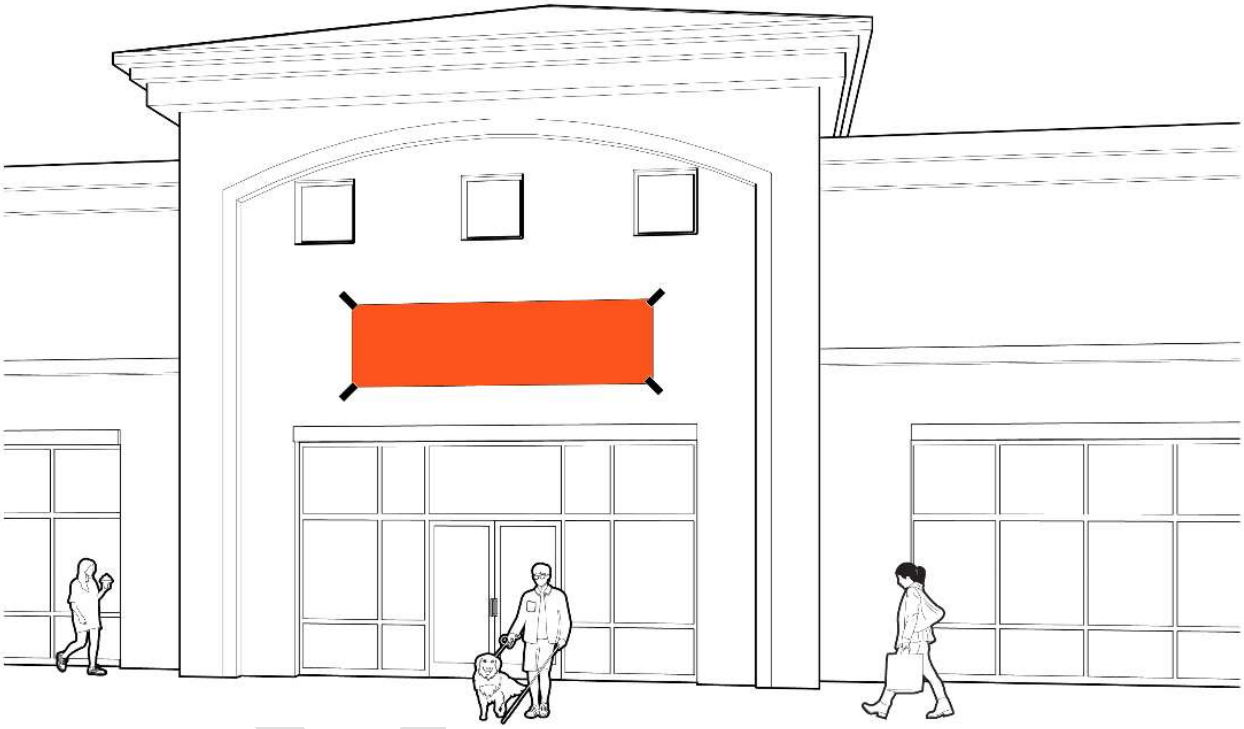
B. Building signs may be externally illuminated. Internally illuminated building signs are prohibited.

C. Blade signs may project up to 72 inches from the building façade. The bottom edge of a blade sign must be at least eight feet above grade.

D. Signs are not permitted above the first-story level of any building.

Sec. 25.10.3.3. Building-mounted banner sign (temporary).

Figure 10.3.3-1: Building-Mounted Banner Sign (Temporary)



(a) *Definition*. A banner sign that is mounted directly to the facade of a building or structure.

(b) *Temporary building-mounted banner sign standards*.

(1) *General standards.* The following standards apply to temporary building-mounted banner signs in all zones where they are permitted:

A. *Duration*. A temporary building-mounted banner sign may be erected for up to one year.

(2) *Residential zones.* Building signs located in R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-10, RMD-15, and RMD-25 zones must meet the following standards:

A. Temporary building-mounted banner signs are allowed only on lots smaller than 20,000 square feet with permitted nonresidential uses, except that:

1. Building signs are not permitted on lots with Child Care Homes or Child Care Centers.

2. A maximum of one temporary building-mounted banner sign is allowed per street frontage.

3. Temporary building-mounted banner signs must not exceed a sign area of 24 square feet per sign.

(3) *RHD, I-L, I-H, all MXTD zones, MXCD, MXCT, MXNC, MXT, MXC, MXE, and MXB zones.* Temporary building-mounted banner signs located in the RHD, I-L, I-H, all MXTD zones, MXCD, MXCT, MXNC, MXE, and MXB zones must meet the following standards:

A. A maximum of one temporary building-mounted banner sign is allowed per street frontage, except that:

1. For multi-tenant buildings where tenant spaces have exterior main entrances, one temporary building-mounted banner sign is allowed per non-residential tenant space; and

2. One additional temporary building-mounted banner sign may be provided for each nonresidential tenant space with more than one frontage.

B. Temporary building-mounted banner signs must not exceed a sign area of 48 square feet per sign.

C. Temporary building-mounted banner signs may not be illuminated.

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Sec. 25.10.3.4. Freestanding sign.

Figure 10.3.4-1: Freestanding Sign



(a) *Definition*. A sign, not including a flag, supported from the ground and not attached to any building.

(b) *Freestanding sign standards*.

(1) *General standards*. The following standards apply to freestanding signs in all zones where they are permitted:

(2) *Sight distance approval*. The final location of a freestanding sign must be approved by the Director of the Department of Public Works or designee to ensure that the sign does not obstruct the sight distance triangle.

(3) *Changeable copy*. Freestanding signs may have changeable copy.

(4) *Illumination*. A freestanding sign may be externally illuminated. Internally illuminated freestanding signs are prohibited.

(5) *Residential zones*. Freestanding signs located in R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, RMD-15, and RMD-25 zones must meet the following standards:

A. *Residential developments*. One freestanding sign is allowed in a residential development containing ten or more dwelling units. Such a sign must be located at or near the entrance to the subdivision; where the dwelling units are separately

owned, the sign must be within an easement or on land owned or maintained by a homeowner's association, civic association, or similar entity.

B. *Nonresidential uses*. For any nonresidential use except for Child Care Homes and Child Care Centers located on lots under 20,000 square feet, one freestanding sign is allowed per street frontage. A freestanding sign cannot be located on the same frontage as a building sign. A freestanding sign must be located at least 10 feet from any lot line and within a landscaped area that is at least two square feet in size for each square foot of sign area.

C. A freestanding sign may not exceed a sign area of 24 square feet and a height of five feet and must be set back at least 10 feet from the public right-of-way.

(6) *RHD zone, all MXTD zones, the MXCD, MXCT, MXNC, MXE, and MXB zones*. Freestanding signs located in the RHD zone, all MXTD zones, the MXCD, MXCT, MXB, MXNC, MXE, and MXB zones must meet the following standards:

A. On a lot that is five acres or less, one freestanding sign is allowed.

B. On a lot larger than five acres, one freestanding sign per street frontage is allowed. Signs must be located at least 100 feet apart.

C. Freestanding signs must not exceed a sign area of 100 square feet per sign.

D. Freestanding signs must not exceed 10 feet in height, or the height of the associated building on the lot, whichever is less.

E. Freestanding signs must be located within a landscaped area that is at least two square feet in size for each square foot of sign area.

F. Freestanding signs must be set back from the public right-of-way at least 10 feet or the height of the sign, whichever is greater.

(7) *Industrial zones*. Freestanding signs located in the I-L and I-H zones must meet the following standards:

A. One freestanding sign is allowed per lot.

B. Freestanding signs must not exceed a sign area of 100 square feet per sign.

C. Freestanding signs must not exceed 20 feet in height, or the height of the associated building on the lot, whichever is less.

D. Freestanding signs must be located within a landscaped area that is at least two square feet in size for each square foot of sign area.

E. Freestanding signs must be set back from the public right-of-way at least 10 feet or the height of the sign, whichever is greater.

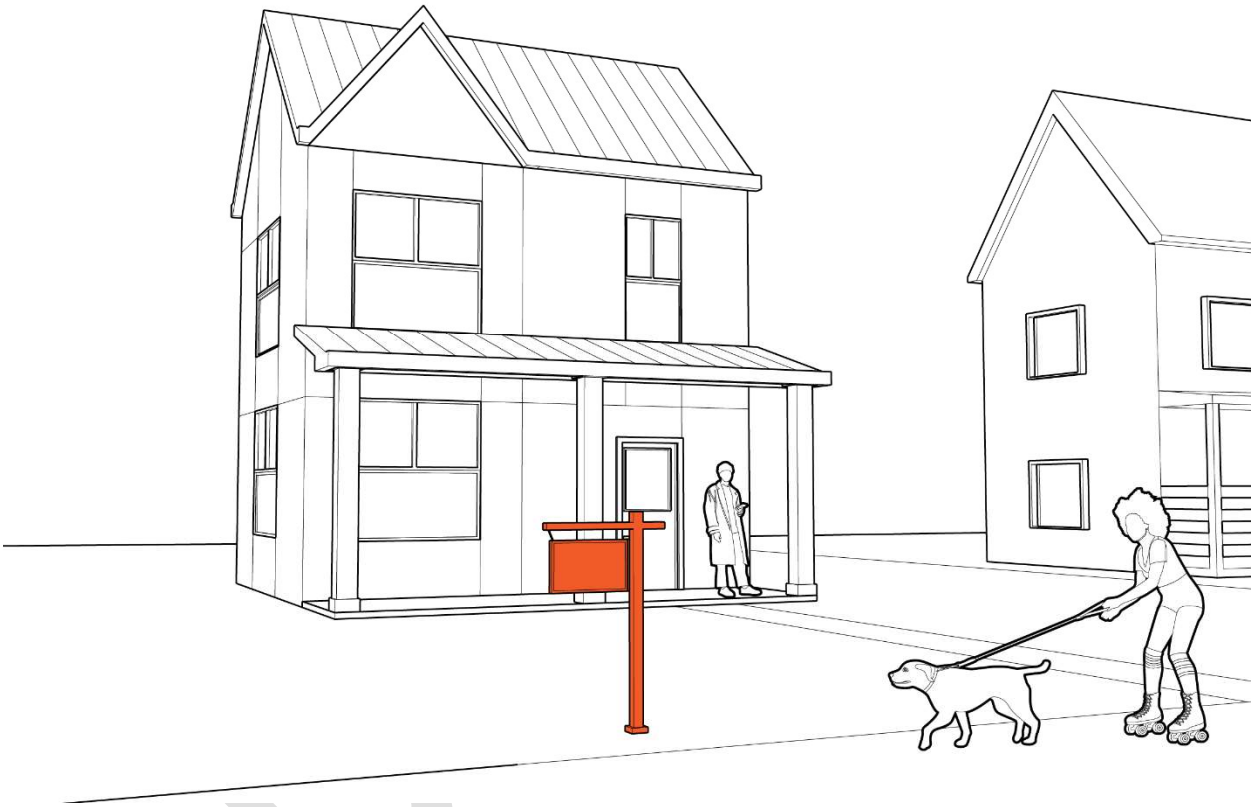
(8) *MXT and MXC zones*. Freestanding signs located in the MXT and MXC zones must meet the following standards:

A. A maximum of one freestanding sign of up to eight square feet in area and five feet in height is allowed per lot.

B. A freestanding sign must be set back at least 10 feet from the public right-of-way.

Sec. 25.10.3.5. Freestanding sign (temporary).

Figure 10.3.5-1: Freestanding Sign (Temporary)



(a) *Definition*. A non-permanent freestanding sign not intended to be displayed for an indefinite period.

(b) *Temporary freestanding sign standards*.

(1) *General standards*. The following standards apply to temporary freestanding signs in all zones where they are permitted:

A. *Duration*. A temporary freestanding sign may be erected for up to two years.

(2) *Residential zones*. Temporary freestanding signs located in R-400, R-200, R-150, R-90, R-75, R-60, R-40, RMD-Infill, RMD-10, RMD-15, and RMD-25 zones must meet the following standards:

A. *Individual residential lots*. On an individual residential lot, the following standards apply:

1. Three temporary freestanding signs per street frontage are allowed.
2. Temporary freestanding signs must not exceed a sign area of six square feet per sign.
3. Temporary freestanding signs must not exceed five feet in height, except that:
    i. Any sign installed within 10 feet of a lot line must not exceed 42 inches in height.

B. *Commonly owned parcels*. On a parcel owned by a homeowner's association, civic association, or similar entity within a residential subdivision containing 10 or more lots, the following standards apply:

1. One temporary freestanding sign is allowed per parcel.
2. Temporary freestanding signs must not exceed a sign area of 48 square feet per sign.
3. Temporary freestanding signs must not exceed 12 feet in height.

C. *Multiplexes and small apartments*. On a lot containing a multiplex or apartment development with up to 10 dwelling units, the following standards apply:

1. One temporary freestanding sign is allowed per street frontage.
2. Temporary freestanding signs must not exceed a sign area of 12 square feet per sign.
3. Temporary freestanding signs must not exceed 8 feet in height.

D. *Apartments*. On a lot containing an apartment development with more than 10 dwelling units, the following standards apply:

1. One temporary freestanding sign is allowed per street frontage.
2. Temporary freestanding signs must not exceed a sign area of 48 square feet per sign.
3. Temporary freestanding signs must not exceed 12 feet in height.

(3) *RHD zone, all MXTD zones, MXCD, MXCT, MXNC, MXT, MXC, MXE, and MXB zones*. Temporary freestanding signs in all MXTD zones, MXCD, MXCT, MXNC, MXT, MXC, MXE, and MXB zones must meet the following standards:

A. Temporary freestanding signs for residential uses must meet the standards for temporary freestanding signs in residential zones, as described in Sec. 25.10.3.5(b)(2).

B. Temporary freestanding signs for nonresidential uses must meet the following standards:

1. One temporary freestanding sign is allowed per street frontage.
2. Temporary freestanding signs must not exceed 48 square feet in area per sign, except that:
    i. During construction. On a lot with ongoing construction, as determined by active building permits, temporary freestanding signs may have a sign area of up to 200 square feet per sign.
3. Temporary freestanding signs must not exceed 12 feet in height.

(4) *Industrial zones*. Temporary freestanding signs in the I-L and I-H zones must meet the following standards:

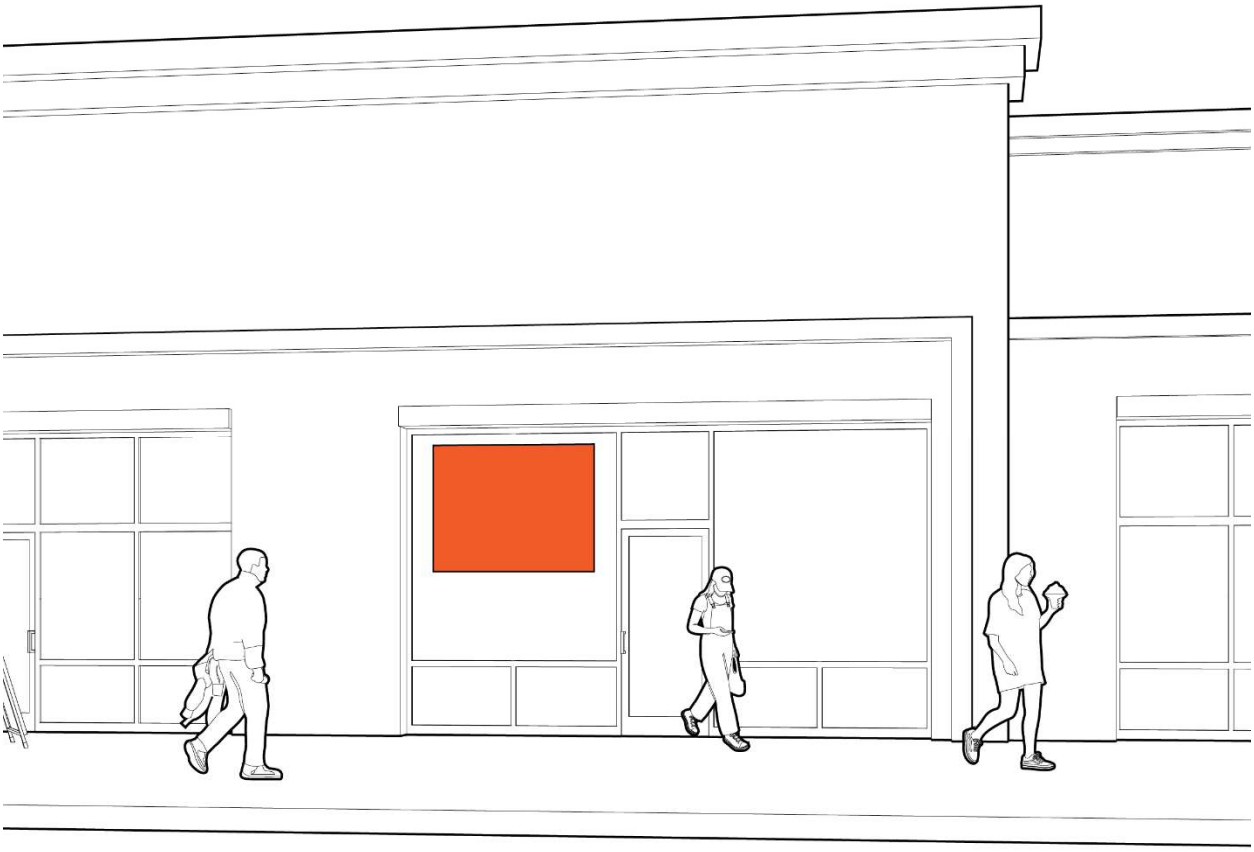
A. Temporary freestanding signs for nonresidential uses must meet the following standards:

1. One temporary freestanding sign is allowed per street frontage.
2. Temporary freestanding signs must not exceed 48 square feet in area per sign, except that:
    i. *During construction*. On a lot with ongoing construction, as determined by active building permits, temporary freestanding signs may have a sign area of up to 200 square feet per sign.
3. Temporary freestanding signs must not exceed 12 feet in height.

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Sec. 25.10.3.6. Window sign.

Figure 10.3.6-1: Window Sign



(a) *Definition.* A sign that is attached to the glass area of a window or placed behind the glass of a window in a manner intended to allow for the sign to be read from outside the building.

(1) *Permanent window sign*. A window sign that is intended to be displayed for an indefinite period of time. This definition includes vinyl window clings and neon signs affixed to or adjacent to a window and visible from the exterior of the building.

(2) *Temporary window sign*. A window sign that is intended to be displayed for a limited period of time.

(b) *Window sign standards.*

(1) *Permanent window sign.* Permanent window signs are subject to the following standards:

A. Permanent window signs are not permitted on single-unit detached dwellings, townhouses, or multiplexes.

B. Permanent window signs must not cover more than 25 percent of the total window surface.

C. Permanent window signs must not be placed within four inches of a window frame.

D. Permanent window signs that are attached to a window must only be attached to the interior side of the window and must not be attached to the exterior side of the window.

E. Permanent window signs may be placed only in windows that are part of a façade that is allowed to have signage.

F. Permanent window signs may be illuminated.

(2) *Temporary window sign*. Window temporary signs are subject to the following standards:

A. Temporary window signs may be erected for up to one year.

B. Temporary window signs are not permitted on single-unit detached dwellings, townhouses, or multiplexes.

C. Temporary window signs must not cover more than 25 percent of the total window surface, except as follows:

1. Temporary window signs on vacant non-residential tenant spaces may occupy up to 95 percent of the total window surface for no longer than nine months in any calendar year.

D. Temporary window signs must not be placed within four inches of a window frame.

E. Temporary window signs may be attached to the interior or exterior sides of the window but must be removed when no longer in use.

F. Temporary window signs may be placed only in windows that are part of a façade that is allowed to have signage.

G. Temporary window signs must not be displayed for more than three months in any calendar year, unless otherwise provided for in this Article.

Division 10.4. Sign Design, Construction, and Illumination

Sec. 25.10.4.1. Sign design, construction, and illumination.

(a) *Building sign and freestanding sign design, construction, and illumination.* The following standards apply to building signs and freestanding signs.

(1) *Design.* Building signs and freestanding signs must be designed and constructed to withstand wind pressure as provided for in Chapter 5 of the City Code.

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(2) *Construction.* Signs must be permanently attached to a building, structure, or footing by direct attachment to a rigid wall or structure.

A. Signs attached to masonry, concrete, or steel must be safely and securely fastened by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to safely support the loads applied.

B. Where wood anchors or supports are embedded in the soil, the wood must be pressure-treated with an approved preservative.

(3) *Illumination.* When the illumination of a sign is proposed, it must satisfy the following requirements:

A. A sign must be illuminated only with electric lighting installed in accordance with the requirements of Chapter 5 of City Code;

B. Sign illumination must use an enclosed lamp design or indirect lighting from a shielded source in a manner that prevents glare from beyond the property line; and

C. Sign illumination must not cause traffic interference.

(b) *Temporary sign and window sign design, construction, and illumination.* The following standards apply to A-frame signs, temporary building-mounted banner signs, temporary freestanding signs, and window signs.

(1) *Construction*.

A. Signs must not be constructed in a manner that requires a building or electrical permit; and

B. Signs must be securely anchored to the structure or land in which it is located.

(2) *Illumination.* Signs other than permanent window signs must not be illuminated in any manner.

Division 10.5. Sign Maintenance

Sec. 25.10.5.1. Sign maintenance.

(a) All signs and sign support structures, together with their supports, braces, guys, and anchors, must be maintained in good structural condition, in compliance with all applicable building and electrical codes, and in conformance with this Article at all times.

(b) The display surfaces of all signs must be kept neatly painted or posted at all times.

Division 10.6. Nonconforming Signs and Abandoned Signs

Sec. 25.10.6.1. Nonconforming signs.

(a) Any nonconforming sign may remain erected, installed, or in use subject to the requirements of this section.

(b) Whenever an existing nonconforming sign is structurally altered, abandoned, destroyed, replaced, or substantially damaged, it must be modified to bring it into conformance with this Article.

(1) Repairs and maintenance of nonconforming signs, such as repainting, refacing, and electrical repairs, will be permitted, provided that repainting does not include a change of copy.

(c) Any sign lawfully existing immediately prior to the effective date of this Chapter, or any application amendment thereof, but which does not conform to the requirements as now constituted, must be removed within eight years from the date that the sign became nonconforming.

(d) In all other respects, nonconforming signs must comply with the applicable requirements of Article 9.

Sec. 25.10.6.2. Abandoned signs.

(a) Any sign which identifies a business, lessor, service, owner, product, or activity that is no longer located on the premises, or a sign for which no legal owner can be found is deemed to be abandoned and must be removed within 30 days from the time the activity on the premises ceases or the business owner vacates the premises, whichever occurs first. This regulation also applies to any permanent sign not properly maintained or operated for a period of six months or longer, any temporary sign that has deteriorated, and any sign structure that no longer supports the sign for which it was designed. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property, building, or space remains vacant for a period of six months or more.

(b) An abandoned sign must be removed within 30 days from the time the activity on the premises ceases or the business owner vacates the premises, whichever occurs first.

(c) Removal consists of the disassembly of the sign face and installation of temporary replacement face where applicable.

(1) Nonconforming signs are subject to the provisions of Sec. 25.10.6.1.

Division 10.7. Permits, Plans, and Variances

Sec. 25.10.7.1. Permit required.

(a) Except as expressly exempted or otherwise provided in this Article, a sign permit in conformance with the requirements of Sec. 25.4.4.4 must be obtained prior to the installation, erection, illumination, or modification of any sign allowed under this Article, including changing the face of a sign.

Sec. 25.10.7.2. Comprehensive sign plan.

(a) *Applicability.* All developments, including any amendments thereof, requiring Site Plan approval that propose two or more signs will be required to submit a comprehensive sign

plan demonstrating conformance to the requirements of this Article as part of the Site Plan application prior to issuance of the first sign permit.

(1) If a Site Plan is associated with a Project Plan, the comprehensive sign plan may address either the entire site subject to the Project Plan or the portion of the site subject to the Site Plan.

Sec. 25.10.7.3. Sign variances.

(a) *Intent.* The intent of this section is to allow relief, in certain situations, from the strict application of the regulations identified within this Article.

(b) *Findings for sign variances.* The Chief of Zoning may approve a sign variance, with or without conditions, only after making all of the following findings:

(1) Strict application of this Article would preclude effective signage on the site.

(2) The variance application proposes a sign or signs that are compatible with the major structures on the site.

(c) *Implementation period.* Any sign or signs approved by a sign variance must be installed within six months of the date of the approval of such sign variance. If a sign approved by a sign variance is not installed within such time period, the variance approval will expire.

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Article 11. Historic Preservation

Division 11.1. Historic Zoning

Sec. 25.11.1.1. Historic District Overlay zone.

(a) *Purpose.* The purpose of the Historic District Overlay Zone is to:

(1) Safeguard the heritage of the City by preserving sites and structures that reflect elements of cultural, social, economic, political, archaeological, or architectural history;

(2) Stabilize and improve the property values of historic sites and structures and the adjacent neighborhood;

(3) Foster civic beauty;

(4) Strengthen the local economy; and

(5) Promote the preservation and appreciation of historic sites and structures for the education and welfare of the residents of the City.

(b) *Underlying zoning.* The regulations of the Historic District Overlay Zone are in addition to the regulations of a site's base zoning. Where the regulations of the Historic District Overlay Zone and a site's base zoning conflict, the regulations of the Historic District Overlay Zone govern.

Sec. 25.11.1.2. Historic Designation of sites and structures.

(a) *Criteria for historic designation.* A site may be appropriate for inclusion in the Historic District Overlay Zone if the site or a structure on the site meets one or more of the criteria in Secs. 25.11.1.2(a)(1) and (2), and displays integrity, as defined in Sec. 25.11.1.2(a)(3).

(1) *Historic significance*. The site or structure:

A. Represents the development, heritage, or cultural characteristics of the City;

B. Is the site of an important event in the history of the City;

C. Is identified with a person or group of persons who influenced the City's history; or

D. Exemplifies the cultural, economic, industrial, social, political, archaeological, or historical heritage of the City.

(2) *Architectural, design and landscape significance.* The site or structure:

A. Embodies distinctive characteristics of a type, period, or method of construction;

B. Represents the work of a master architect, craftsman, or builder;

C. Possesses a style or elements distinctive to the region or the City;

D. Represents a significant architectural, design, or landscape entity in the City; or

E. Represents an established visual feature of the neighborhood or the City because of its physical characteristics or landscape components.

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(3) *Integrity*. A site or structure has integrity if:

A. The location, design, setting, workmanship, materials, or historic association of the site or structure displays integrity as described in the standards and guidelines of the U.S. Department of the Interior; and

B. If the historic resource is a structure, a majority of the structural system and materials and the structure's character-defining features remain intact.

(b) *Initiation of historic designation process.* Evaluation of a site or a structure for historic designation begins upon the occurrence of any of the following:

(1) The filing of an application nominating the site or structure for historic designation by the owner of the site or structure, the Historic District Commission, or the Mayor and Council;

(2) The filing of a natural resources inventory identifying a potentially significant historic resource on a site; or

(3) The filing of a demolition permit for a structure that:

A. Is within the Historic District Overlay Zone;

B. Is identified in the City of Rockville's Historic Buildings Catalog, as may be amended; or

C. Meets one or more of the criteria in Secs. 25.11.1.2(a)(1) and (2), above, in the opinion of the Chief of Zoning.

(c) *Notice of proposed historic designation.* At least 14 days before acting to nominate a site or structure for historic designation under Sec. 25.11.1.2(b)(1), the Mayor and Council or Historic District Commission must provide written notice of the proposed nomination by certified mail to the owner of such site or structure.

(d) *Notice of proposed demolition.* For a demolition permit that meets the criteria of Sec. 25.11.1.2(b)(3), notice must be provided pursuant to Article 3, Division 3.3.

(e) *Chief of Zoning review.* Upon the occurrence of any event in Sec. 25.11.1.2(b), above, the Chief of Zoning must evaluate the site or structure under the criteria in Sec. 25.11.1.2(a), above, and recommend to the Historic District Commission whether the site or structure should be designated as historic.

(f) *Historic District Commission review*. Upon receipt of the recommendation of the Chief of Zoning, the Historic District Commission must evaluate the site or structure proposed for historic designation under the criteria in Sec. 25.11.1.2(a), above.

(g) *Filing of sectional map amendment application.* If the Historic District Commission finds that the site or structure meets the criteria to be eligible for historic designation, it may initiate the filing of a sectional map amendment application to place the historic site or the site of the historic structure in the Historic District Overlay Zone by majority vote, unless the owner of the site or structure has opposed the designation in writing, in which case the

vote must be unanimous. The sectional map amendment application must include a written recommendation explaining the findings of the Historic District Commission as to why the Mayor and Council should rezone the property to the Historic District Overlay Zone.

(h) *Completion of historic designation process.* The historic designation process is complete upon the occurrence of either of the following:

(1) The determination of the Historic District Commission that the site or structure does not meet the criteria for historic designation; or

(2) The determination of the Mayor and Council to take final action to grant or deny a sectional map amendment to place the site at issue in the Historic District Overlay Zone.

(i) *Restrictions on property during interim historic review period.* If a site or structure is the subject of any event listed in Sec. 25.11.1.2(b), above, no exterior change may be made to the site or structure until the historic designation process is complete, unless the property owner first obtains a certificate of approval from the Historic District Commission. The restrictions of this subsection apply for 210 days from the date of the event that initiated the historic designation review period.

(j) *Previously reviewed site or structure.* A site or structure may not be reviewed for historic designation if it was evaluated for historic designation by the Historic District Commission within the preceding five years and was not placed in the Historic District Overlay Zone, unless the owner nominates the site or structure for historic designation pursuant to Sec. 25.11.1.2(b)(1), above.

Sec. 25.11.1.3. Removal of historic designation.

(a) *Criteria for removal.* A site may be removed from the Historic District Overlay Zone for one or more of the following reasons:

(1) The site or structure on the site has lost the physical characteristics that justified placement of the site in the Historic District Overlay Zone; or

(2) Other good cause.

(b) *Authority to file application.* An application to remove a site's historic designation may be made by the property owner or the Mayor and Council.

(c) *Chief of Zoning review.* Upon receipt of an application to remove a site's historic designation, the Chief of Zoning must evaluate the application under the criteria in Sec. 25.11.1.3(a), above, and make a recommendation to the Historic District Commission.

(d) *Historic District Commission review.* Upon receipt of the recommendation of the Chief of Zoning, the Historic District Commission must evaluate the application under the criteria in Sec. 25.11.1.3(a).

(e) *Filing of sectional map amendment application.* If the Historic District Commission finds that the site meets the criteria to be eligible for removal from the Historic District Overlay

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Zone, it may initiate the filing of a sectional map amendment application to remove the site from the historic district overlay zone. The sectional map amendment application must include a written recommendation explaining the findings of the Historic District Commission as to why the Mayor and Council should remove the site from the Historic District Overlay Zone.

(f) *Mayor and Council decision.* Upon receipt of a sectional map amendment application to remove a site from the historic district zone from the Historic District Commission, the Mayor and Council must take a final action to grant or deny the application based on the criteria in Sec. 25.11.1.3(a).

Division 11.2. Certificates of Approval & Demolition by Neglect

Sec. 25.11.2.1. Certificate of approval.

(a) *Requirement*. A person must receive approval of a certificate of approval before taking any actions affecting a site or the exterior of a structure on a site in the Historic District Overlay Zone. Such actions include, but are not limited to:

(1) Construction;

(2) Alteration;

(3) Relocation;

(4) Demolition;

(5) Reconstruction; and

(6) Demolition by neglect.

(b) *Exceptions*. A certificate of approval is not required for the painting of the exterior of a structure, the repair or replacement of site or structural features and improvements using the same design and materials, normal gardening and landscaping, hazardous tree removal, or driveway repairs.

(c) *Administrative approval.* The Chief of Zoning may approve a certificate of approval for the following work within the Historic District Overlay Zone, upon finding that such work is consistent with the City of Rockville: Technical Guides for Exterior Alterations – A Practical Series for the Preservation and Maintenance of Rockville's Historic Resources, Adopted 2004-2006, as may be amended:

(1) The construction of an accessory structure that does not exceed 150 square feet;

(2) A minor revision to plans associated with a certificate of approval issued by the Historic District Commission;

(3) Replacement of an existing driveway with different materials;

(4) Erection of a new fence or wall or continuation of an existing fence or wall in the same style as the existing fence or wall;

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(5) Minor exterior alterations to a structure, including, but not limited to, the installation of a mailbox or house numbers;

(6) Installation or replacement of minor landscape features, including plantings and planters;

(7) The replacement of exterior light fixtures or the installation of new light fixtures, including fixtures to illuminate signage;

(8) Minor paving, including the construction or replacement of brick, stone, concrete, or gravel walkways, sidewalks, small parking areas, and patios;

(9) Installation of a new sign;

(10) Installation of storm windows and storm doors;

(11) Removal of the following types of trees and shrubs:

A. Trees immediately adjacent to buildings or walls that undermine structural foundations or threaten roofs, as certified by the administrator of Chapter 10.5;

B. Diseased trees, as certified by the administrator of Chapter 10.5; and

C. Any tree or shrub with a main trunk or stem of less than 12 inches diameter at breast height, as certified by the administrator of Chapter 10.5.

(12) Installation of utility meters, vents, cable or telephone boxes, exterior wiring, antennas, satellite dishes, HVAC system components, electric vehicle charging stations and exterior security devices.

(d) *Historic District approval.* Where administrative approval is not authorized, the Historic District Commission must review and act upon an application for a certificate of approval, subject to the following requirements:

(1) *Notice.* Notice must be provided pursuant to Article 3, Division 3.3.

(2) *Public hearing.* The Historic District Commission must hold a public hearing on a certificate of approval application before approving or denying the application. At the public hearing, interested parties must have the opportunity to offer testimony on the application.

(3) *Findings.* The Historic District Commission may only approve a certificate of approval application if it finds that:

A. The proposed changes do not diminish the character or integrity of the historic site or structure;

B. The proposed changes are compatible with any historically significant structures or elements on the site; and

C. The proposed changes are consistent with the following sources of design review:

1. Secretary of the Interior's Standards for the Treatment of Historic Properties, as amended; and

2. City of Rockville: Technical Guides for Exterior Alterations – A Practical Series for the Preservation and Maintenance of Rockville's Historic Resources, Adopted 2004-2006, as may be amended.

(4) *Approval conditions.* The Historic District Commission may condition its approval of a certificate of approval on any conditions it finds necessary to make the above findings.

(5) *Decision by resolution*. After the public hearing, the Historic District Commission must approve or deny a certificate of approval by resolution.

(e) *Expiration.* An applicant must receive all necessary permits and approvals and commence any construction or demolition necessary to implement a certificate of approval within five years of the date of approval of the certificate of approval, or the certificate of approval expires. For good cause shown, the Approving Authority may approve a longer implementation period at the time of approval of the certificate of approval.

(f) *Building permit.* No building permit may be issued for any activity subject to this Section until an approved certificate of approval for such activity has been approved.

(g) *Resubmittal of denied applications prohibited.* An applicant may not resubmit an application for a certificate of approval that is identical to a denied application for three years after the denial.

(h) *Nonconforming historic sites and structures*. Subject to Historic District Commission approval of a certificate of approval, within a designated historic district zone, any historically designated building, structure, or site may be repaired or replaced in kind in its original location, notwithstanding its failure to comply with any development standard contained in this Chapter. Any renovations or additions beyond the scope of the original structure, as defined by the period of significance, are subject to the development standards of this Chapter.

Sec. 25.11.2.2. Demolition by neglect.

(a) *Demolition by neglect prohibited.* A person may not cause the demolition by neglect of any structure within the Historic District Overlay Zone.

(b) *Notice of demolition by neglect.* Upon determining that a structure within the Historic District Overlay Zone is at danger of demolition by neglect, the Chief of Zoning must notify, in writing, the property owner of record, any person having a right, title, or interest therein, and the occupant or other person responsible for the maintenance of the property, of the demolition by neglect. The notice shall specify the minimum items of repair or maintenance necessary to correct the demolition by neglect or prevent further demolition by neglect.

(c) *Corrective actions.* Notice of demolition by neglect shall provide that corrective action must commence within 30 days of the date of said notice and be completed within a reasonable

time thereafter. The notice shall state that the owner of record of the property, or any person of record with any right, title, or interest therein, may, within 10 days after the date of the notice, request a hearing on the necessity of the items and conditions contained in the notice.

(d) *Municipal infraction.* Failure to comply with a notice of demolition by neglect, including all corrective actions ordered, shall constitute a violation of this Chapter.

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Article 12. Plats & Subdivisions

Division 12.1. General Provisions

Sec. 25.12.1.1. Applicability.

(a) *Subdivision approval required.* Subdivision of land within the City is not permitted without approval of a major or minor subdivision and recordation of a record plat pursuant to this Article.

(b) *Ownership plat approval required.* Division of land into separate ownership lots within the City is not permitted without approval of an ownership plat pursuant to this Article.

(c) *Exceptions.* This Article does not apply to the division or sale of land by judicial decree.

Sec. 25.12.1.2. Record lot required.

(a) *Structures.* A structure may not be constructed in the City unless it is on a record lot.

(b) *Residential dwelling.* Excluding cottage courts permitted by this Chapter, no more than one single unit detached dwelling may be located on a record lot.

Sec. 25.12.1.3. Record plat requirements.

(a) *Requirements.* Any record plat submitted pursuant to Divisions 12.2 or 12.3 of this Article or ownership plat submitted pursuant to Division 12.4 must include the following information:

(1) *Record plat requirements.* A record plat must include the following information:

A. The title of the plat, the name of the subdivision, the name of the subdivision's owner, and the appropriate data, scale, and north arrow of the plat;

B. The tract boundary lines, right-of-way lines of streets, existing and proposed public easements, and other rights-of-way and property lines of residential lots and other sites with accurate dimensions, bearings, and distances; a curve table indicating central angle, radius, tangent, arc, chord, and chord bearings for all curves; name and right-of-way width of each street or other right-of-way;

1. All bearings must be generated in the Maryland Coordinate System (MCS); Where no MSC monument exists, the Department of Public Works may determine the acceptable meridian;

C. The land area of each proposed lot and parcel, provided in square feet and acres;

D. The location, dimensions, and purposes of any easements;

E. The lot and block numbering system for new lots within an existing subdivision, which must continue the previously established lot and block numbering system;

F. The purpose for which parcels, other than residential lots, are dedicated;

G. A note describing any waiver granted at time of plat approval pursuant to Division 12.7 of this Article.

H. The location and description of monuments;

I. The names of record owners of adjacent unplatted land;

J. The lot, block, and subdivision name of adjacent platted land;

K. Certification and seal by a land surveyor registered in the State, certifying the accuracy of survey and plat;

L. Certification by the Planning Commission or Chief of Zoning, as applicable, and the City Manager approving the plat;

M. A statement of dedication by the owner of dedicated streets, rights-of-way, and any sites to public use;

N. A statement by the owner granting easements established by the plat;

O. A statement of consent and signature of all lienholders or trustees of the property subject to the plat; and

P. A certification that the subdivider is the owner of the land.

(2) *Additional information.* The record plat must be accompanied by other detailed plans and data including such other certificates, affidavits, or endorsements as may reasonably be required by the Planning Commission, Chief of Zoning, or the Department of Public Works in the enforcement of this Chapter.

Division 12.2. Minor Subdivisions

Sec. 25.12.2.1. Minor subdivisions.

(a) *Applicability.* Except as provided in Sec. 25.12.2.1(b), the following subdivisions are considered minor subdivisions and are subject to the requirements of this Section:

(1) Subdivision of land involving four or fewer lots fronting on an existing road;

(2) Adjustment of a common property line between two or more existing record lots;

(3) Consolidation of two or more lots into one lot;

(4) A plat of correction;

(5) Replatting a parcel to incorporate land dedicated to public use that has been abandoned or otherwise disposed of, including, but not limited to, public right-of-way;

(6) Replatting a parcel to reflect the dedication of land to public use, including, but not limited to, right-of-way, public easements, and donations and gifts of land to the public;

(7) Conversion of a part of a lot into a record lot; and

(8) Platting of a qualifying undersize lot pursuant to Sec. 25.12.5.2(e).

(b) *Exceptions*. A subdivision is considered a major subdivision subject to Division 25.12.3 of this Article if it requires the extension of public roads, water, or sewer facilities; requires

relief from the requirements of this Chapter; or includes more than four lots fronting on an existing road.

(c) *Approval required*. Minor subdivision requires approval of a record plat. A preliminary plan of subdivision is not required for a minor subdivision.

(d) *Approving Authority*. The Chief of Zoning is the Approving Authority for minor subdivisions.

(e) *Application process*.

(1) *Application*. The applicant must file a record plat application in accordance with Sec. 25.3.2.2.

(2) *Notice*. The applicant must provide notice of the application as required by Article 3, Division 3.3. The notice must include the date for action on the plat by the Approving Authority and state that all interested parties have 15 days from the date of the letter to provide comments.

(3) *County and State approval.* The Approving Authority may not approve a record plat without prior approval of any County or State government agencies which have jurisdiction. Such agencies must approve, with or without modification, or disapprove the record plat to the extent that each has jurisdiction. Such agencies must submit their approval or disapproval to the Approving Authority in writing within 15 days of the receipt of the record plat application. If they fail to act, such failure is deemed to be approval.

(f) *Findings*. The Chief of Zoning may only approve a minor subdivision upon finding that the record plat conforms to all requirements of this Chapter, except as follows:

(1) *Qualifying undersized lots*. Qualifying undersized lots pursuant to Sec. 25.12.5.2(e) must only conform to the standards of Sec. 25.7.1.2.

(g) *Approval conditions*. The Chief of Zoning may condition approval of a minor subdivision on any conditions the Chief of Zoning finds necessary to make the finding in Sec. 25.12.2.1(f).

(h) *Decision by letter.* The Chief of Zoning must approve or deny a minor subdivision by dated letter within 30 days of acceptance of a complete application.

(1) *Timing*. If the Chief of Zoning does not act within the required timeframe, the application is deemed approved, and the Chief of Zoning must issue a statement in writing to that effect on demand. However, the applicant may waive this requirement and consent to an extension of such period.

(2) *Denial*. Should the Chief of Zoning deny the minor subdivision, the letter must state the grounds for denial.

(3) *Transmittal to Planning Commission*. The Chief of Zoning must transmit a copy of the letter approving or denying a minor subdivision to the Planning Commission as well as all parties entitled to notification of the decision under Sec. 25.3.3.5.

(i) *Aggrieved parties*. The Chief of Zoning's decision letter must state that any aggrieved person may, within 15 days of the date of the letter, request a public hearing on the decision. A hearing request must be in writing, transmitted to the Chief of Zoning, and specify the reasons for the request and the nature of the objections or relief desired. If a request for a hearing is received within 15 days of the date of decision letter, the decision of the Chief of Zoning will become void and the minor subdivision application will be referred to the Planning Commission to conduct a public hearing and render a decision based on the findings in Sec. 25.12.2.1(f).

(j) *Signature and recordation*. After all conditions associated with minor subdivision approval are satisfied, the Chief of Zoning and the City Manager must sign the record plat associated with the minor subdivision, record the plat in the Land Records of Montgomery County, Maryland, and notify the applicant of the date of recording and the plat book and plat number.

(k) *Revocation*. If the record plat is not recorded pursuant to Sec. 25.12.2.1(j) within two years after record plat approval due to the failure of the applicant to comply with any conditions, the application is considered withdrawn and any previous approval is revoked. For good cause shown, not more than two extensions not exceeding one year each may be granted by the Chief of Zoning; except that the Chief of Zoning may extend the time for recording the record plat to the expiration date of any existing site plan or project plan approval.

(l) *Establishing addresses.* Following recordation of the plat, the Chief of Zoning will assign addresses to any new lots.

Sec. 25.12.2.2. Consolidation of two or more residential lots into one lot.

(a) *When required.* An applicant must receive approval of a minor subdivision for the consolidation of two to four residential lots into one lot before receiving a permit to:

(1) Demolish a single-unit detached dwelling that crosses an existing lot line; or

(2) Construct an addition to a single-unit detached dwelling that does not cross an existing lot line, where the addition would cross an existing lot line.

(b) *When optional.* An applicant is not required to receive approval of a minor subdivision for the consolidation of two or more lots into one lot before receiving a permit to construct an addition to a single-unit detached dwelling that crosses an existing lot line at the time of permit application, regardless of whether the addition would also cross the lot line.

Division 12.3. Major Subdivisions

Sec. 25.12.3.1. Major subdivisions.

(a) *Applicability.* Any subdivision that is not eligible for minor subdivision approval under Division 12.2 of this Article is a major subdivision.

(b) *Approvals required.* A major subdivision requires approval of a preliminary plan of subdivision followed by approval of a record plat. A Project Plan or site plan approved in

accordance with Article 4, Division 4.1 may serve as a preliminary plan of subdivision, so long as it meets all applicable subdivision standards of Division 12.5 of this Article.

(c) *Approving Authority.* The Planning Commission is the Approving Authority for preliminary plans of subdivision and record plats associated with major subdivisions.

(1) *Exception.* A Project Plan or site plan serving as a preliminary plan of subdivision is approved by the applicable Approving Authority, pursuant to Article 4, Division 4.1.

(d) *Preliminary plan of subdivision approval process.*

(1) *Application process.*

A. *Application.* The applicant must file a preliminary plan of subdivision application in accordance with Sec. 25.3.2.2. Before filing a preliminary plan application, the applicant must have received approval of a natural resources inventory pursuant to Chapter 10.5.

B. *Notice*. The applicant must provide notice of the application as required by Article 3, Division 3.3. The notice must state that all interested parties have 30 days from the date of the letter to provide comments.

C. *Development Review Committee meeting.* After submitting the application, the applicant must hold a meeting with the Development Review Committee.

D. *County and State recommendation.* The Planning Commission must not approve a preliminary plan of subdivision application unless there is on file with the Commission the recommendation of any County or State government agencies that have jurisdiction. Each agency to which a plan is referred must return one copy of the plan to the Commission within 30 days of referral, with its recommendation noted thereon. If such recommendation is not made within the 30-day period, the preliminary plan is deemed to be approved by the agency, unless the period has been extended by the Commission.

(2) *Planning Commission action.* Within 60 days of the date the preliminary plan application was filed and deemed complete by the Chief of Zoning, the Planning Commission must hold a public hearing on a preliminary plan application and approve or disapprove the application by resolution. Failure to act within 60 days constitutes approval of the preliminary plan. However, the applicant may consent to an extension or waiver of such period.

(3) *Findings.* The Planning Commission may only approve a preliminary plan of subdivision application if it finds that the application:

A. Is consistent with the Plan;

B. Is supported by adequate existing and programmed public facilities as set forth in Article 8, Division 8.11 and as provided in the adopted Adequate Public Facilities Standards; and

C. Conforms to the requirements of this Chapter and other applicable law.

(4) *Approval conditions.* The Planning Commission may condition its approval of a preliminary plan of subdivision on any conditions the Planning Commission finds necessary to make the findings in Sec. 25.12.3.1(d)(3).

(5) *Preliminary plan not a record plat.* Approval of a preliminary plan does not constitute approval of a record plat.

(6) *Expiration.* A preliminary plan of subdivision approved under this Section expires if an applicant does not file a record plat application within two years of preliminary plan approval.

(e) *Record plat approval process*.

(1) *Portion of plan.* The record plat may represent only a portion of any applicable preliminary plan of subdivision, provided that the public improvements to be constructed in the area covered by the plat are sufficient by and of themselves to accomplish a proper development and to provide adequately for the public health, aesthetics, safety, and welfare, including adequate access to contiguous areas.

(2) *Application process.*

A. *Application.* After receiving approval of a preliminary plan of subdivision, an applicant for a major subdivision must file a record plat application in accordance with Sec. 25.3.2.2.

B. *Notice.* The applicant must provide notice of the application as required by Article 3, Division 3.3. The notice must state that all interested parties have 30 days from the date of the letter to provide comments.

C. *County and State recommendation.* The Planning Commission must not approve a preliminary plan of subdivision application unless there is on file with the Commission the recommendation of any County or State government agencies that have jurisdiction. Each agency to which a plan is referred must return one copy of the plan to the Commission within 30 days of referral, with its recommendation noted thereon. If such recommendation is not made within the 30-day period, the preliminary plan is deemed to be approved by the agency, unless the period has been extended by the Commission.

(3) *Planning Commission action.* Within 30 days of the date the record plat application was filed and deemed complete by the Chief of Zoning, the Planning Commission must hold a public hearing on the application and approve or disapprove the application. Failure to act within 30 days constitutes approval of the record plat. However, the applicant may consent to an extension or waiver of such period. The grounds for disapproval of any record plat must be stated in the records of the Planning Commission and a copy furnished to the applicant.

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(4) *Findings.* The Planning Commission may only approve a record plat application upon finding that the application:

A. Substantially conforms to any applicable preliminary plan of subdivision; and

B. Conforms to all requirements of this Chapter.

(5) *Approval conditions.* The Planning Commission may condition approval of a major subdivision application on any conditions the Planning Commission finds necessary to make the findings in Sec. 25.12.3.1(e)(4).

(6) *Signature and recordation*. After all conditions associated with major subdivision approval are satisfied, the Chair of the Planning Commission and the City Manager must sign the record plat and the Chief of Zoning must record the plat in the Land Records of Montgomery County, Maryland and notify the applicant of the date of recording and the plat book and plat number.

(7) *Revocation.* If the record plat is not recorded pursuant to Sec. 25.12.3.1(e)(6) within two years after record plat approval, due to the failure of the applicant to comply with any conditions, the application is considered withdrawn, and any previous approval is revoked. For good cause shown, not more than two extensions not exceeding one year each may be granted by the Planning Commission; except that the Commission may extend the time for recording the record plat to the expiration date of any existing site plan or project plan approval.

(8) *Establishing addresses.* Following recordation of the plat, the Chief of Zoning will assign addresses to any new lots.

Division 12.4. Ownership Plats

Sec. 25.12.4.1. Ownership plats.

(a) *Applicability.* A site must meet the following criteria to be eligible for an ownership plat:

(1) More than one building or building component exists, or is proposed to be located, on the site;

(2) The site is located in a zone other than the R-400, R-200, R-150, R-90, R-75, R-60, and R-40 zones, except that an ownership plat is permitted in the previously mentioned zones if the site contains a use other than single-unit detached residential or such use is shown on an approved site plan or equivalent approval;

(3) The site does not include and is not proposed to include single-unit detached dwellings or townhouses; and

(4) The site is a single record lot and is the subject of an approved Project Plan or site plan or equivalent approval that covers the entire site.

(b) *Approving Authority.* The Planning Commission is the Approving Authority for ownership plats.

(c) *Application process*.

(1) *Application*. An applicant for an ownership plat must file the application in accordance with Sec. 25.3.2.2.

(2) *Notice*. The applicant must provide notice of the application as required by Article 3, Division 3.3.

(d) *Planning Commission action.* The Planning Commission must hold a public hearing on the application and approve or disapprove the application. The grounds for disapproval of any ownership plat must be stated in the records of the Planning Commission and a copy furnished to the applicant.

(e) *Findings*. The Planning Commission may approve an ownership plat where the following conditions exist:

(1) The site of the application meets the criteria in Sec. 25.12.4.1(a);

(2) The ownership plat is reasonably necessary to accommodate the financing, phasing, or separate ownership of a building or group of buildings or building components on a recorded lot; and

(3) It is not feasible to subdivide each building or building component on the site into individual record lots because:

A. Setback, open space, or lot size requirements or other development standards of the zone reasonably preclude such subdivision;

B. Amenity features required in the zone or pursuant to an approved site plan or equivalent approval for the site are designed to serve the various buildings or building components, or other design features of the development are integrated among the buildings or components;

C. Density calculations or bonus densities allowed in the zone and approved in a site plan or equivalent approval are based on the area of the entire site; or

D. The creation of ownership lines or financing lines is intended principally to accommodate the separate ownership or financing of the site, rather than its formal subdivision.

(f) *Approval conditions*. The Planning Commission may condition approval of an ownership plat on any conditions the Planning Commission finds necessary to make the findings in Sec. 25.12.4.1(e).

(g) *Signature and recordation*. After all conditions associated with ownership plat approval are satisfied, the Chair of the Planning Commission and City Manager must sign the ownership plat and the Chief of Zoning must record the plat in the Land Records of Montgomery County, Maryland, and notify the applicant of the date of recording and the plat book and plat number.

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(h) *Approval required for recordation or sale*. No person can record an ownership plat among the Land Records of Montgomery County, Maryland, or sell any property with reference to an ownership plat, until such ownership plat has first been approved by the Planning Commission.

(i) *Expiration*. In the event that the ownership plat is not recorded within two years after receiving approval, due to the failure of the applicant to comply with any conditions, the application is considered withdrawn, and any previous approval is revoked.

(j) *Establishing addresses.* Following recordation of the ownership plat, the Chief of Zoning will assign addresses to any new lots.

Division 12.5. Subdivision Standards

Sec. 25.12.5.1. Applicability.

(a) Plats of correction are exempt from this Division.

(b) The following minor subdivisions must only comply with Secs. 25.12.5.2 and 25.12.5.10 of this Division:

(1) Adjustment of a common property line between two or more existing record lots;

(2) Replatting a parcel to incorporate land dedicated to public use that has been abandoned or otherwise disposed of, including, but not limited to, public right-of-way; and

(3) Platting of a qualifying undersize lot pursuant to Sec. 25.7.1.2.

Sec. 25.12.5.2. Lot standards.

(a) *Generally.* Lot size, width, depth, shape, orientation, and minimum building setback line must be in accordance with the provisions of this Chapter and all other applicable laws.

(b) *Townhouses.* Each record lot for a townhouse, if provided, must front on a public street, private street, or a common open space.

(c) *Multiplexes.* Lots for individual dwelling units in a multiplex may be created if at least one of the dwellings fronts a public street. Frontage provided must be adequate to provide access and an ingress/egress and utility easement ensuring that every lot has access to the street.

(d) *Pipe stem lots.* The following provisions apply only to platting of pipe stem lots:

(1) It must be noted on the record plat that for pipe stem lots, municipal refuse collection, snow removal, and road maintenance are provided to the junction of the pipe stem lot driveway and public street.

(2) Front setback distance must be measured from the point where the lot and pipe stem join.

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(e) *Qualifying undersized lots.* In the R-400, R-200, R-150, R-90, R-75, R-60, and R-40 zones, a lot that does not meet the area or dimensional standards of the underlying zone may be recorded as a record lot when the following conditions are met:

(1) The lot was created by plat or deed before October 1, 1957, and has existed in the same configuration since that time;

(2) Is a minimum of 4,000 square feet in area; and

(3) Has frontage as required in the zone or access to a public street.

(f) A lot created by plat or deed before October 1, 1957, in a single dwelling unit residential zone that does not meet the conditions of Sec. 25.12.5.2(e) considered to be unbuildable.

(g) *Nonconformity through public acquisition.* A lot that no longer conforms to the standards of this Section as a result of acquisition through eminent domain or other government action in lieu of eminent domain and that conformed to this Section before the government acquisition may be recorded as a record lot, notwithstanding the nonconformity.

Sec. 25.12.5.3. Streets and public infrastructure.

(a) *Conformance with the transportation element of the Plan.* Whenever a site to be subdivided includes any part of a street, road, or highway indicated on the Plan, such parts must be suitably incorporated by the applicant in the preliminary plan of subdivision and record plat.

(b) *Compliance with Chapter 21.* All streets and public improvements must be constructed in accordance with the specifications and requirements of Chapter 21. In addition, the applicant must comply with the following criteria for such improvements in connection with the subdivision.

(1) If adjoining property is not subdivided, provision must be made for the projection of proposed roads by continuing the full widths of rights-of-way laid out for the roads to the boundaries of the subdivision. This provision does not prevent the establishment of culs-de-sac within the subdivision.

(2) Where the preliminary plan and record plat submitted include only part of the site owned by the applicant, the Approving Authority may require a sketch of the tentative road system for all or any part of the unsubdivided contiguous land, supported by such other data as the Approving Authority may reasonably determine to be necessary.

(3) No street names can be used which will duplicate or be confused with the names of existing streets in the County. Street names will be established by the Planning Commission.

(4) Property lines at street intersections must be the long chord length of a curve with a radius of 25 feet or greater where the Approving Authority may reasonably deem it necessary. The Approving Authority may permit rounded corners with a comparable radius in place of chords.

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(c) *Public utility and street improvements.* An applicant must provide the following public utility and street improvements in connection with a subdivision, except those improvements provided by the City and paid for on an assessment basis. All such improvements must be constructed in accordance with the specifications and requirements of the applicable codes, ordinances or regulations of the City.

(1) Roads, including such related improvements as are required by Chapter 21.

(2) Stormwater drainage as required by Chapters 19 and 21.

(3) Every portion of a subdivision must be supplied with public water and sanitary sewerage facilities in accordance with Chapter 24 or WSSC standards, as applicable.

(4) Direct pedestrian and bicycle connections, when required by the Planning Commission as provided in this Division.

(5) Streetlights, in accordance with plans and specifications approved by the appropriate public utility and the Director of Public Works.

Sec. 25.12.5.4. Direct pedestrian and bicycle connections.

(a) Where sufficient connectivity is not provided within the public right-of-way as determined by the Director of Public Works, the applicant must provide off-street pedestrian and bicycle facilities connecting the subdivision to existing pedestrian and bicycle facilities, and other public facilities along the most direct route, as well as provide for potential connections to adjacent properties as appropriate. The proposed pedestrian and bicycle facilities must meet City standards and be provided within a public use easement.

Sec. 25.12.5.5. Public utility easements.

(a) *Width*. When crossing lots, public utility easements or public utility rights-of-way for dry utilities must not be less than ten feet in width, or as may reasonably be required and approved by the applicable dry utility company and the Director of Public Works.

(b) *Gas transmission main*. Where a residential subdivision includes or adjoins an easement or right-of-way for an underground high volume and pressure gas transmission main, the applicant must provide lots of sufficient size to allow a 50-foot minimum distance between the easement or right-of-way and any proposed dwelling units on the lots.

(c) *Construction requirements.* The public utility improvements (water, sewer, and storm drains) must comply with the Department of Public Works Design Standards and Specifications for Construction or other applicable Washington Suburban Sanitary Commission (WSSC) and Montgomery County standards.

Sec. 25.12.5.6. Public sites and open spaces.

(a) Where a proposed park, playground, or other public use shown in the Plan is located in whole or in part within a subdivision, the applicant must dedicate or reserve, at the option of the Mayor and Council, adequate space for such purpose in such area within the

subdivision when the Mayor and Council finds the requirements to be reasonably necessary to the public health, aesthetics, safety, or welfare.

Sec. 25.12.5.7. Floodplains, dam inundation, and sediment control.

(a) *Floodplains.* No lot may be platted within the limits of the 100-year floodplain of any stream or other drainageway, the limits of which are defined as set forth in Chapter 10 using generally accepted engineering methods approved by the Floodplain Administrator as defined in Chapter 10 and conducted by or at the expense of the applicant.

(b) *Dam inundation.* No lot may be platted within the limits of the inundation area of any upstream dam.

(c) *Sediment control.* The approval of major and minor subdivisions must include provisions for stormwater management and erosion and sediment control in compliance with the provisions of Chapter 19.

Sec. 25.12.5.8. Tree planting.

(a) *Street trees*. An applicant must plant at least one street tree per 40 feet of lot frontage within the public right-of-way or, if approved by the Approving Authority, adjacent to the public right-of-way. The species, location, and method of planting shall be approved by the administrator of Chapter 10.5 or designee of the Director of Community Planning and Development Services.

(b) *Lot trees.* An applicant must provide at least one tree on each residential lot per 2,000 square feet or fraction thereof of lot area. Notwithstanding the foregoing, an applicant shall not be required to plant more than three trees under this Section. Existing trees on a lot, if properly preserved, shall count towards this requirement. The Approving Authority may approve a lot with fewer than the minimum required number of trees if it finds that:

(1) The lot does not contain sufficient unencumbered area to provide a planting area consistent with best industry practices established by the International Society of Arboriculture for each required tree;

(2) For each required tree that is not provided on the lot, two replacement trees are provided on a common area or other lot within the proposed subdivision; and

(3) Reduction of the required trees on the lot and provision of the replacement trees will provide equal or greater aesthetic value to the subdivision and are compatible with the character of the surrounding neighborhood.

(c) *Planting requirements.* The species, location, and method of planting of trees required by Sec. 25.12.5.8(b) must be consistent with a landscaping detail submitted by the applicant and approved by the designated staff member. The landscaping detail must demonstrate the following:

(1) Each lot shall provide a minimum planting area for each required tree consistent with best industry practices established by the International Society of Arboriculture;

(2) The planting area shall not be encumbered by utilities or easements;

(3) Trees shall be planted in locations and configurations following proper planting practices. When feasible, trees should be located within the public viewshed;

(4) Each lot shall be supplemented with shrub plantings, to be approved by the designated staff;

(5) All new plantings shall be native species; and

(6) For lots within an existing residential neighborhood, or lots that are adjacent to or confronting properties with existing dwellings, trees should be planted in locations and configurations compatible with the location and configuration of existing trees within the residential neighborhood or adjacent or confronting properties, as applicable.

(d) *Additional tree planting.* Tree planting must be done in accordance with the provisions of Chapter 10.5. Trees planted pursuant to this Section are in addition to trees planted in fulfillment of the requirements in Chapter 10.5 or as otherwise required by this Chapter.

Sec. 25.12.5.9. Monuments.

(a) Two stone or concrete reference monuments of a size and type approved by the City Manager must be set within each block or portion thereof and the location of each must be established on the record plat.

(b) Metal monuments of a size and type approved by the City Manager must be located in the ground at all intersections of streets and alleys with plat boundary lines where there is a change in direction or curvature.

(c) All monuments must be clearly visible upon the completion of all improvements and must be flush with the ground.

Sec. 25.12.5.10. Burial sites.

(a) Subdivision of any site that includes a burial site must provide for an easement, approved by the City Attorney, that ensures entry to and exit from the burial site by an individual related by blood or marriage or a person in interest, as defined in Sec. 14-121 of the Real Property Article of the Maryland Annotated Code.

Division 12.6. Performance Guarantees

Sec. 25.12.6.1. Performance bond.

(a) Before recordation of a record plat, an applicant must deliver to the City a performance bond issued by a surety company authorized to do business in Maryland and satisfactory to the City Manager and the City Attorney in such amount as is estimated by the City Manager to be the total cost of the construction and installation of the public facilities required by the subdivision. The bond must run to the City and be conditioned as follows:

(1) That the applicant and the applicant's agents and assigns will faithfully complete the construction and installation of the required public facilities within three months after

substantial completion of any building or structure which the facilities are designed to serve, or within two years of the date of approval of the record plat;

(2) That the applicant and the applicant's agents and assigns will comply with all applicable ordinances and requirements of the City; and

(3) That the applicant and the applicant's agents and assigns will save harmless the City from any expense incurred through the failure of the applicant and the applicant's agents and assigns to complete the required public facilities, or from any damages growing out of the negligence of the applicant and the applicant's agents or assigns.

(4) That the applicant and the applicant's agents and assigns will forfeit any and all portions of its bond or other securities to satisfy unpaid fines or penalties owed for violations of this Chapter and to reimburse costs incurred by the City to correct violations if reasonable efforts to correct the violation or to remit the fine have not been undertaken.

Sec. 25.12.6.2. Alternative to bond.

(a) In lieu of a performance bond, the applicant may deliver to the City cash, a certified check, or other security satisfactory to the City Manager and the City Attorney, in such amount as is estimated by the City Manager to be the total cost of the construction and installation of the required public facilities. The cash, certified check, or other security will be accepted at the sole discretion of the City Manager or the City Manager's designee and under the terms and conditions set forth in Sec. 25.12.6.1.

Sec. 25.12.6.3. Release of bond.

(a) All applicants and their agents and assigns must comply with all applicable ordinances and regulations of the City and remain liable for all public facilities until they are accepted for maintenance by the City. After completion and final inspection of the public facilities, the City Manager must either accept the facilities upon finding that the construction of the facilities has complied with all applicable ordinances and regulations, and release the bond or other security, or reject the facilities or any unsatisfactory part by written notification to the applicant. The written notification must specify the reasons for such rejection by reference to the particular ordinance or regulation which has been violated and allow a reasonable time, to be specified therein, for the applicant to comply. If the applicant does not, within the time specified, complete the construction according to the provisions of the applicable ordinance or regulation then the City Manager may proceed to do whatever is necessary to cause the construction to comply with the ordinance or regulation and the applicant is liable for any expenses incurred by the City. Any acceptance of the facilities by the City Manager must be on behalf of the City by written order, fully identifying the facilities.

Sec. 25.12.6.4. Effect of bond.

(a) No bond or other security delivered under the provisions of this Division is deemed to relieve the applicant or the applicant's agents or assigns from full compliance with all other

applicable ordinances of the City, including but not limited to the security requirements of Chapter 21. Delivery of security under the provisions of Chapter 21, does, however, to the extent of the facilities guaranteed thereby, entitle an applicant to an exemption from the requirements of this Division.

Division 12.7. Waivers

Sec. 25.12.7.1. Waivers.

(a) *Application.* Where an applicant desires a waiver from any provision of Division 12.5 of this Article, an application must be submitted to the Planning Commission with a statement of reasons for such request and such information as may reasonably be required by the Planning Commission or Division 12.5 of this Article.

(b) *Exceptions.* Waivers are not permitted to the following sections:

(1) Sec. 25.12.5.3;

(2) Sec. 25.12.5.5;

(3) Sec. 25.12.5.7;

(4) Sec. 25.12.5.9; and

(5) Sec. 25.12.5.10.

(c) *Findings.* The Planning Commission may grant a waiver from such requirement if it finds that the waiver will not be contrary to the intent and purpose of the Plan or this Chapter and undue hardship will result from strict compliance with the requirement.

(d) *Conditions.* In granting waivers to the requirements of this Article, the Planning Commission may impose any conditions the Planning Commission finds necessary to make the findings in Sec. 25.12.7.1(c).

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Article 13. Enforcement

Division 13.1. Violations

Sec. 25.13.1.1. Responsible persons.

(a) The owner, developer, tenant, and occupant of a property are jointly and severally responsible for ensuring compliance with all applicable provisions of this Chapter.

Sec. 25.13.1.2. Enforcement authority.

(a) The City Manager is responsible for the enforcement of the provisions of this Chapter.

(b) The City Manager is authorized to make such inspections as are reasonable and necessary to determine satisfactory compliance with this Chapter.

Sec. 25.13.1.3. Violations.

(a) *Violations generally*. A violation of this Chapter will occur upon the failure to comply with:

(1) Any provision of this Chapter; or

(2) The terms or conditions of any permit, plan, or other approval granted pursuant to this Chapter.

(b) *Municipal infraction*. A violation of this Chapter constitutes a municipal infraction for which a citation may be issued.

(c) *Separate violations*. Each day a violation continues constitutes a separate and distinct violation for which separate enforcement action may be taken.

(d) *Enforcement actions*. When there is reason to believe that a violation of this chapter has occurred, the City Manager may pursue one or more of the remedies set forth in this Article, subject to the notice provisions set forth in Sec. 25.13.1.4.

Sec. 25.13.1.4. Notice of violation.

(a) The City Manager must issue a notice of violation in accordance with this Section before pursuing any remedies for violations of this Chapter in Division 2 of this Article, except where the City Manager determines that the violation warrants an immediate enforcement remedy.

(b) If the City Manager has reason to believe that a violation of this Chapter has occurred, the City Manager must give notice to the owner of, and other persons responsible for, the property to which the suspected violation pertains. Notice must be provided in writing by first class mail as well as either personal delivery or posting of the property in a manner reasonably calculated to inform the responsible person of the alleged violations.

(c) A notice of violation must contain the following information:

(1) The nature of the violation;

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(2) The location of the property where the violation is occurring or to which the violation pertains;

(3) The specific relief sought;

(4) The name and telephone number of the City employee to contact for additional information;

(5) An order that the violation be abated within a specified time frame; and

(6) The manner in which the responsible person may dispute the existence of a violation.

(d) Upon a showing of good cause, the City Manager may grant additional time in which to abate a violation. The City Manager must establish procedures for the requesting and granting of additional time.

(e) If a violation is not abated within the time provided in the notice, the City Manager or designee may pursue any of those remedies authorized by Division 13.2 of this Article or elsewhere in the City Code.

Division 13.2. Enforcement Remedies

Sec. 25.13.2.1. Municipal infraction citation.

(a) The City Manager or designee may issue a municipal infraction citation for each violation of this Chapter and impose applicable fines pursuant to Section 1-9 of Chapter 1 of the Code.

Sec. 25.13.2.2. Stop work order.

(a) When the condition or activity on a property is believed to be in violation of this Chapter, the City Manager may issue a written order requiring some or all development activity on the property to stop until specified corrective measures are taken to bring the property into compliance with the requirements of this Chapter.

(b) Upon issuance of a stop work order, the City must provide the following information:

(1) The nature of the violation;

(2) The actions necessary to correct or abate the violation, or the conditions under which work may be resumed;

(3) The name and telephone number of the City employee to contact for additional information; and

(4) The manner in which the existence of a violation may be disputed.

(c) The stop work order must be served upon:

(1) The site supervisor of the property on which work is being performed by:

A. Personal delivery; or

B. Posting the property in a manner reasonably calculated to give notice to the person responsible for the property and persons working on the property; and

(2) The responsible person for the property in the same manner as a notice of violation is served pursuant to Sec. 25.13.1.4(b) and (c).

(d) Upon service of a stop work order, the activity cited must cease immediately.

(e) Any person who performs, or allows the performance of, an activity on a property in violation of a stop work order is guilty of a separate and distinct violation of this Chapter for which the City Manager may issue a municipal infraction citation.

Sec. 25.13.2.3. Suspension and revocation of development approvals.

(a) Upon a determination that a responsible person for a property has failed to abate a violation or has violated a stop work order, written notice may be sent directing the responsible person to appear before the applicable Approving Authority and show cause as to why the development approvals for the property to which the violation pertains should not be suspended or revoked.

(b) The show cause order and notice of the show cause hearing must be served upon the responsible persons in the same manner as a notice of violation is served pursuant to Sec. 25.13.1.4(b) and (c). Notice of the show cause hearing must also be given in accordance with the provisions of Sec. 25.3.3.3.

(c) A decision on the suspension or revocation of a development approval under this Section must be rendered by the Approving Authority in the same manner that it renders other decisions.

(d) If a development approval is revoked pursuant to this Section, any structure, improvement, or use of the property constructed or implemented pursuant to the revoked development approval is not entitled to the benefit of any provision of Article 9.

Sec. 25.13.2.4. Withholding other development approvals.

(a) When a court of law has found a property to be in violation of any provision of this Chapter or a fine imposed by a municipal infraction citation has not been paid, an Approving Authority may defer action on any pending application for a development approval related to the same property or development project until the violation is abated or corrected.

Sec. 25.13.2.5. Additional remedies.

(a) In addition to any other enforcement actions, the City at any time has the right to seek injunctive relief or any other appropriate legal or equitable remedy to prevent, enjoin, abate, or remove a violation of this Chapter.

Sec. 25.13.2.6. Remedies cumulative, not alternative.

(a) The remedies available to the City under this Division are cumulative and not alternative. The decision to pursue one remedy does not preclude the pursuit of any other remedy.

(b) The remedies available to the City under this Division are not exclusive. The City may pursue additional remedies as needed.

(c) The imposition of any remedy pursuant to this Division does not preclude any aggrieved person from exercising any legal remedy otherwise available to such person.

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Zoning Ordinance Rewrite and Comprehensive Map Amendment: Community Engagement Summary

November 2025

City of Rockville
Community Planning & Development Services

Introduction

The City of Rockville is undertaking a comprehensive rewrite of the city's Zoning Ordinance to modernize this chapter of the city code so that it better accommodates the changing living, working, and recreation trends of the 21st century. Zoning is a system of laws and regulations that local governments use to control how land is used in different areas of the city.

Zoning divides land into different "zones" or "districts," each with specific rules about what can be built and how the property can be used. For example:

- **Residential zones** allow for individual houses, apartments, and related uses.
- **Industrial zones** allow for warehouses, automobile repair, self-storage, etc.
- **Mixed-use zones** allow a combination of residential and commercial uses (businesses like shops, offices, or restaurants).

Zoning rules also control things like building height, parking requirements, how close buildings can be to the street or to one another, and the processes by which development can be approved. The goal is to organize growth, reduce conflicts between different land uses, and support public health, safety, and community planning.

This Zoning Ordinance Rewrite follows the adoption of the Rockville 2040 Comprehensive Plan (Comprehensive Plan) in 2021. One of the primary goals of the Zoning Ordinance Rewrite is to implement the Comprehensive Plan's land use and zoning goals and policies, and those of supporting plans. Additional goals are listed in the Project Objectives portion of this report.

At the same time as the text of the Zoning Ordinance is being updated, the city's zoning map will be comprehensively amended through a Comprehensive Map Amendment (CMA). The majority of the rezonings proposed through the CMA were identified and recommended in the Comprehensive Plan and are already adopted policy, but have yet to be incorporated into the city's zoning map. Some additional rezonings have been proposed in the CMA near the Twinbrook and Shady Grove Metro stations in alignment with policy direction from the Mayor and Council to steer densest development to transit-oriented areas.

The process of updating the Zoning Ordinance and the zoning map, though separate, are running concurrently to one another and are joined as two parts of the same project. As such, this report includes community outreach and engagement for both portions of this project (the Zoning Ordinance Rewrite and the Comprehensive Map Amendment).

Project Phases

The project consists of the following phases and anticipated timelines:

- **Project Kickoff**: Fall 2023
- **Diagnose Phase**: Winter 2023/2024

  During this phase, the project team reviewed and identified the issues and strengths of the current Zoning Ordinance and analyzed whether and how the Zoning Ordinance is aligned with goals and policies of the Comprehensive Plan.

- **Calibrate Phase**: Summer 2024 – Winter 2025

  Using guidance provided by the Comprehensive Plan along with community input, this phase identified and proposed effective base standards of the updated Zoning Ordinance and solved for issues identified in in the Diagnose phase.

- **Drafting Phase**: Winter – Fall 2025

  Following on the proposed new standards, this phase developed a user-friendly, concise, and well-written Zoning Ordinance, as well as an updated zoning map.

- **Adoption Phase**: Winter – Spring 2026

  The adoption phase will consist of facilitated review by the Planning Commission and Mayor and Council, public hearings, public comment, and ultimately adoption of the updated Zoning Ordinance and map amendment.

Project Objectives

The following objectives have been identified for the ZOR/CMA project:

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

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

Methodology and Process for Getting Feedback

The initial community engagement that forms the basis for the ZOR and CMA took place several years ago, during the Rockville 2040 Comprehensive Plan process. Throughout the Comprehensive Plan process, dozens of community meetings, workshops and charettes were held to identify the community's vision for Rockville's future. Extensive community engagement efforts for the Comprehensive Plan started in 2015 and continued over the course of six years. The outcome of these meetings are the policies in the Comprehensive Plan, adopted by the Mayor and Council in August 2021, which formalize Rockville's dedication to bringing the community's vision to life. Many of the changes to the text of the Zoning Ordinance through the ZOR project are based on this shared community vision, along with other policy guidance adopted by the Mayor and Council, including the Climate Action Plan, Pedestrian and Bikeways Master Plans, and the Mayor and Council's Social Justice Resolution. Other changes to the Zoning Ordinance through the ZOR are a result of national best practices, clarifying language, fixing identified issues, or reorganizing the code for ease of use.

In addition to changes to the text of the Ordinance, the project will also change the city's zoning map through a Comprehensive Map Amendment. The proposed zoning changes (or "rezonings") result directly from the specific land use and zoning recommendations called for within the Comprehensive Plan and the Town Center Master Plan, or from the policy direction to steer dense developments to transit-oriented areas.

Building on initial community engagement exercises from the Comprehensive Plan, Community Planning and Development Services staff developed a targeted engagement plan to ensure the community is aware of the ZOR and CMA project, what changes the project may present, and opportunities for community members to learn more and provide feedback. A summary of the methodology used during the five project phases are detailed in this section.

Engage Rockville Website

A project page on the Engage Rockville website has been the main tool for spreading information on this project. The Engage Rockville page was published in September 2024 and consists of several key features and widgets:

- **Project Timeline**: A visual representation of project process and timeline.
- **Key Dates**: Information about upcoming meetings and project deadlines.

- **Project Documents**: Links to key documents involved in or produced throughout the project.
- **Project Resources**: Links to background information on zoning and related city initiatives.
- **Frequently Asked Questions**: A series of common questions about zoning and the project as a whole.
- **News Feed**: A series of short articles providing project updates and opportunities for feedback.
- **Survey**: A short survey was posted in fall 2024 to gauge the public's background knowledge on this project, and as an opportunity to express interest in participating in a focus group or other event to stay engaged with the project. This survey was advertised through Rockville Reports and social media, as well as during all public meetings.

Engage Rockville also has the ability for users to "subscribe" to receive periodic updates via email. As of the end of November 3, 2025, the ZOR and CMA project had a total of 160 subscribers on Engage Rockville. Subscribers have received up to four emails with updates on the project delivered directly to their inbox, depending on when they subscribed.

Additionally, Engage Rockville provides metrics to inform staff on activity on each project's site. As of November 3, 2024, the Zoning Ordinance Rewrite and Comprehensive Map Amendment project page has received 2,900 total visits. Engage Rockville estimates that 2,108 participates are aware of the project, meaning they have visited at least one page on the site; 458 participants are informed of the project, meaning they have interacted with the page; and 117 participants are engaged, meaning they have interacted and utilized the various tools, widgets, and features of the site. Public Workshops

Two public workshops were held in October 2024 to kick off the public-facing portion of the project and educate the community on what to expect as the project progresses. At these workshops, the project team introduced the project and provided background information, laid out the project timeline, shared project milestones and progress to date, introduced the Engage Rockville page and hosted a question-and-answer session for meeting attendees. The workshop held on October 17 was held virtually via Webex. The workshop on October 22 was held in person, at Rockville City Hall. Approximately 20 people attended these meetings.

In summer and early fall 2025 during the drafting phase of the project, additional public workshops were held, focusing on different components of the ZOR/CMA project. These workshops have typically occurred in the weeks following Mayor and Council and Planning Commission work sessions on the same topics. These meetings

have all taken place virtually via Webex. Table 1 lists the various public workshops along with their meeting dates and number of attendees.

Table 1: Public Workshop Meetings and Attendees

Workshop Topic(s)	Meeting Date	Number of Attendees
Zones and Zone Standards	June 4, 2025	3
Parking and Uses	July 31, 2025	8
Amenity Space, Subdivision, Historic Preservation and Nonconformities	September 25, 2025	2

Focus Groups

To identify any issues with the current Zoning Ordinance, it was important to hear firsthand from users to understand their experience. To do this, city staff hosted a total of 12 focus groups over six months with different stakeholder groups. These focus groups were intentionally curated to remain small to facilitate discussion amongst participants. Many of the participants in the focus groups opted in to additional engagement with the project via the survey tool on Engage Rockville referenced above in the Engage Rockville Website portion of this report. Most of the focus group participants represented themselves, their interests and their lived experiences, while some focus groups were primarily attended by individuals representing an organization they work for. Table 2 lists the focus groups hosted in this phase of the project.

Table 2: Focus Group Meetings and Attendees

Focus Group	Meeting Date	Number of Attendees
Twinbrook Library Conversation Club	October 21, 2025	8
Rockville Urbanists Group	November 8, 2024	7
Commercial Property Owners and Brokers	November 18, 2024	5
Disability Community	November 18, 2024	4
Homeowners	November 19, 2024	5
Renters	December 2, 2024	2
Open Invitation*	December 3, 2024 December 10, 2024 December 12, 2024	7 4 7
Design Professionals/Developers	March 3, 2025	9
Land Use Attorneys	March 5, 2025	10
Affordable Housing Organizations	April 4, 2025	4
Infill Housing Builders	April 4-8, 2025	3

** Three "open invitation" focus groups were hosted in December 2024. Offers to attend an open invitation focus group were extended to all those who expressed interest (through the public survey or otherwise) in attending a focus group, but who had not attended an earlier*

focus groups. All open invitation focus group attendees were individuals who rented or owned homes within the City of Rockville.

Comprehensive Map Amendment Meetings

Approximately 729 properties are recommended for rezoning in the Comprehensive Plan and proposed to be implemented through the Comprehensive Map Amendment. Because the vast majority of the recommended rezonings have been the city's adopted policy since 2021, many property owners are aware of the Comprehensive Plan's recommendations to change their property's zoning district to meet the Plan's vision. Other property owners either were not living in the city during the Comprehensive Plan process from 2015 – 2021, may not have participated in that effort, or have properties that have been proposed for rezoning based on more recent policy direction from the Mayor and Council, so may not be aware of the proposed rezonings. As a result, extra effort was given to ensure the owners of these properties are aware of the ZOR and CMA project, its timeline, and the potential implications for their properties.

In October 2024, a mailing was sent to owners of all properties recommended for rezoning in the Comprehensive Plan, as well as all properties within 100 feet of a property recommended for rezoning. The August 2024 memo updating Mayor and Council on the project committed staff to informing property owners and adjacent property owners, but staff ultimately decided to exceed this. This resulted in approximately 1,100 letters being mailed to Rockville residents and businesses. The letter informed property owners of the project and invited them to attend one of three meetings targeted to those whose properties are proposed to be rezoned. The property owner meetings took place on November 12, November 13, and November 14, 2024, and were scheduled at different times of the day to accommodate different schedules. A total of 69 people attended these meetings. At the meetings, an overview of the project was shared, then zoning recommendations from the Comprehensive Plan for each planning area were presented. The meeting concluded with an opportunity for attendees to ask questions and provide feedback to staff. Following these meetings, the Mayor and Council expressed a desire that staff notify a wider audience of the proposed rezonings in the future.

In response to feedback from the Mayor and Council, CPDS staff hosted two additional Comprehensive Map Amendment meetings in June 2025, with additional outreach (described below). These meetings were held virtually via Webex on June 24 and June 26. More than 100 people attended these meetings. The content of these meetings was very similar to the Comprehensive Map Amendment meetings held in October 2024; staff provided a high-level overview of the ZOR/CMA project, then presented recommendations for rezonings in each planning area.

Extensive outreach advertising the June CMA meetings was conducted. Letters were sent to all premises addresses and all owner addresses (if the property was not owner occupied) for each of the parcels identified for rezoning. Additionally, letters were sent

to property owners of all land within 500 feet of a proposed rezoning, which represented a significant increase from the first mailings in the fall. In total, nearly 6,000 letters were mailed. In addition, these meetings were advertised in Rockville Reports and in CPDS's Development Watch newsletter, promoted on the city's calendar and advertised via the Engage Rockville page.

Neighborhood Association and Multifamily Residential Communities

In addition to outreach to individual property owners, the city also ensured that neighborhood associations such as homeowner's associations, condominium boards, and civic associations were aware of the project and proposed rezonings either within or adjacent to their neighborhoods.

In October 2024, Community Planning and Development Services staff sent an email to leadership of all Rockville neighborhood associations that have rezonings proposed within or adjacent to their association boundaries, as well many rental communities recommended for rezoning or adjacent to land proposed for rezoning. This email introduced the project, offered an opportunity to meet with city staff to discuss the project in more depth, and encouraged communities to follow along by subscribing to the Engage Rockville page. Some neighborhood associations and residential communities took staff up on this offer, while others declined the opportunity.

Table 3 provides a complete list of the neighborhood associations and residential communities contacted in Fall 2024. Table 4 lists the neighborhood association that expressed interest in meeting with staff, along with the date of their meeting(s) with staff. Table 4 has been updated to reflect additional meetings since this Community Engagement Summary was first prepared in April 2025.

Table 3: Neighborhood Associations and Residential Communities Contacted in October 2024

Neighborhood Association / Residential Community
Beall's Grant Apartments
Bethany House Apartments
Burgundy Knolls Neighborhood Alliance
Cambridge Walk I Homeowners Association
Cambridge Walk II Homeowners Association
Congressional Towers
David Scull Courts / Rockville Housing Enterprises
East Rockville Civic Association
Heritage House Apartments
Heritage Park Co-Op
Hungerford Civic Association
Residences at Congressional Village
King Farm Citizens Assembly
Lincoln Park Civic Association
Montrose Civic Association

New Mark Commons Homeowners Association
Preserve/Protect West End
Rockcrest Courts Community Association
Rollins Park Apartments
The Forest Apartments
Twinbrook Citizens Association
West End Citizens Association
Woodley Gardens Civic Association
Wootton Oaks Homeowners Association

Table 4: Neighborhood Association Meetings

Neighborhood Association/Group	Meeting Date
East Rockville Civic Association	June 11, 2024
Lincoln Park Civic Association	October 12, 2024 April 12, 2025 June 14, 2025 October 11, 2025
Twinbrook Community Association	October 15, 2024 June 17, 2025
West End Civic Association	November 14, 2024
Montrose Civic Association	December 10, 2024 April 30, 2025
Jerusalem Mt. Pleasant Methodist Church	March 6, 2025
Hungerford Civic Association	April 26, 2025
New Mark Commons Homes Association	September 4, 2025

In February 2025, a follow up email was sent to all neighborhood associations listed in Table 2 to ensure they are tracking the project and aware of proposed rezonings in or adjacent to their neighborhood association boundaries. As a courtesy, primary contacts for these neighborhood associations were sent confirmation emails to subscribe to project updates through Engage Rockville. Neighborhood associations who had not yet responded to staff emails were contacted via phone to ensure they were aware of the effort.

The February 2025 distribution list was also widened, incorporating rental communities identified by Mayor and Council at a January 27, 2025, work session (some of which also received emails in October 2024, as listed in Table 4). In addition to emails, these residential communities were also contacted by staff via phone to explain the project, and fliers were provided to these communities to be placed in mail areas, community rooms, on bulletin boards or other places where residents tend to gather. Table 5 lists the additional residential communities who were engaged by city staff about the project.

Table 5: Residential Communities for Targeted Additional Outreach

Residential Community
Bethany House
Congressional Towers
David Scull Courts
Rollins Park
The Flats at Shady Grove
The Stories

As the project continues, staff will continue coordinating with interested neighborhood associations and other residential communities to provide them with updates and recommendations of the project.

Boards, Commissions and Task Forces

As the quasi-judicial body in Rockville tasked with formulating the city's master plan and making recommendations to the Mayor and Council on map amendments, the Planning Commission is heavily involved in this project. As a result, there have been several briefings/work sessions with the Planning Commission to solicit guidance from the body and to review staff's proposed recommendations. During the drafting phase, Planning Commission work sessions have followed the Mayor and Council work sessions on the same topics. Table 6 lists the dates of Planning Commission briefings or work sessions tied to the ZOR/CMA project. All Planning Commission meetings are open to the public and recordings of meetings can be viewed online.

Table 6: Planning Commission Meetings

Meeting Date	Topics of Discussion
October 25, 2023	Project Overview
October 9, 2024	Project Update
December 11, 2024	Project Update / Comprehensive Map Amendment
April 23, 2025	Work Session: Development Review Process
May 28, 2025	Work Session: New Zones, Revisions to Existing Zones, Height Transitions, Comprehensive Map Amendment
June 11, 2025	Work Session: FAST 2 / Site Plans
August 13, 2025	Work Session: Parking and Uses
October 8, 2025	Work Session: Historic Preservation, Amenity Space, Subdivision, and Nonconformities.

Once the Mayor and Council provide authorization to file a text amendment to update the zoning ordinance and a comprehensive map amendment to update the zoning map, the formal adoption process will begin. Adoption has two phases: The first before the Planning Commission and the second before Mayor and Council. During their

portion of the adoption process, the Planning Commission will hold additional work sessions on the ZOR/CMA to ultimately develop recommendations to the Mayor and Council on how to move forward. It is anticipated that most of these meetings will take place between January – March 2026.

Beyond the Planning Commission, staff have also provided a general briefing to the Environment Commission on November 7, 2024, and a briefing to the Transportation and Mobility Commission on May 27, 2025. The Historic District Commission reviewed proposed modifications to the historic preservation sections of the zoning ordinance at their meeting on July 17, 2025. Briefings and facilitation of feedback from city boards and commissions will continue as the Zoning Ordinance is developed and released for review.

Summary of Feedback

Throughout this process, staff have gathered insights and feedback from the Rockville community. The list below presents the most frequent feedback heard by staff; it is not a comprehensive list of every comment received. General themes of the feedback to date include:

- General support for rezonings to support housing goals, transit, and walkability.
- Concerns about specific rezonings, particularly those that are perceived to change "neighborhood character."
- Some concern broadly about rezoning, and how that may impact traffic, taxes, the number of residents and building heights.
- Concern about equity in rezoning across the city.
- General favorability towards the look of missing middle housing types.
- Renters desire to continue living in Rockville but are concerned about affordability; see missing middle housing options as a possible pathway to homeownership.
- Mixed feelings on densifying, parking, and who Rockville should be planning for (e.g., those already living in Rockville or future residents).
- Residents value proximity to amenities, walkability, transit and the business community.
- Perception that zoning can be overly restrictive.
- Need for flexibility within the ordinance to achieve housing and economic development goals.

The feedback provided above is based on the community engagement efforts thus far in the process and has helped guide the development of the draft zoning ordinance and draft zoning map. Additional engagement will continue to occur through the adoption process

Zoning Ordinance Rewrite
Digest of Public Commentary
November 10, 2025

Comments Regarding the Zoning Ordinance Rewrite

ID #	Name / Organization	Date of Comment	Page Number
ZOR-1	Bunny Miu	04/21/2025	1
ZOR-2	Ryan Murphy	05/02/2025	3
ZOR-3	Mike Stein	06/23/2025	5
ZOR-4	Sean Cullinane	07/02/2025	6
ZOR-5	Ryan Murphy	08/06/2025	7
ZOR-6	Max van Balgooy	09/27/2025	9
ZOR-7	Seth Denbo	10/04/2025	12
ZOR-8	William Kominers & Steven VanGrack	10/06/2025	15
ZOR-9	William Kominers	10/27/2025	22

Holly Simmons

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 occpants 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

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

From: Ryan P. Murphy [redacted]
Sent: Friday, May 2, 2025 9:34 AM
To: mayorcouncil <mayorcouncil@rockvillemd.gov>
Cc: Jim Wasilak <jwasilak@rockvillemd.gov>; CMO <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 x 2,500 x 6 = 150,000 sqft
- The next 17 stories would have to be set back by 20 ft, for a lost potential space of 20 x 2,500 x 17 = 850,000 sqft
- The total lost potential from this block alone is 150,000 + 850,000 = 1,000,000 sqft.

Holly Simmons

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

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. Furthemore, 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://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

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

*****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

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.

--

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

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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www.lerchearly.com

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.

Steven VanGrack/wk

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

LERCH, EARLY & BREWER, CHTD.

William Kominers

William Kominers
7600 Wisconsin Avenue
Suite 700
Bethesda, MD 20814

Enclosure

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

10184875.2 99039.001

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.[6] 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

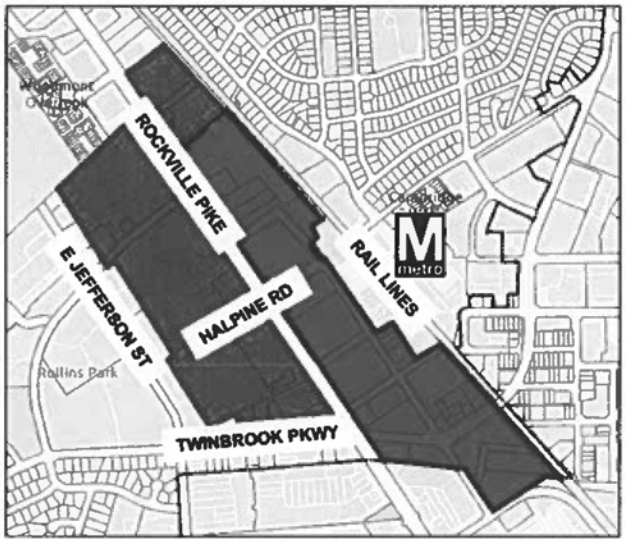
[6] Purpose and procedures related to neighborhood conservation districts and neighborhood conservation plans are outlined in Sec. 25.14.02.

ATTACHMENT 1

consider rezoning properties within ¾ 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 ¾ mile of the metro station to the north and west, staff recommends rezoning the properties currently zoned MXCD that are generally within ½ 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

LerchEarlyBrewer 7600 Wisconsin Avenue, Suite 700 • Bethesda, MD 20814 • lerchearly.com

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[1] (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.

[1] 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
[redacted]

Enclosures

cc: Christopher M. Ruhlen, Esquire

EXHIBIT 1.

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(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.

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.

(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.

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

MAYOR AND COUNCIL Meeting Date: December 1, 2025
Agenda Item Type: AUTHORIZATION
Department: CPDS - ZONING REVIEW & OTHER
Responsible Staff: JIM WASILAK

Subject

Authorization to File a Comprehensive Map Amendment Application to Implement the Zoning Ordinance Rewrite (ZOR), Including Zoning Recommendations in the Rockville 2040 Comprehensive Plan and Town Center Master Plan

Department

CPDS - Zoning Review & Other

Recommendation

Staff recommends that the Mayor and Council authorize the filing of the Comprehensive Map Amendment application to implement the changes to the Zoning Map recommended in the Rockville 2040 Comprehensive Plan and Town Center Master Plan.

Change in Law or Policy

Adoption of the Comprehensive Map Amendment will change the permitted uses and permitted density of development on the properties to be rezoned, in accordance with the adopted Plan documents.

Discussion

Background

The Mayor and Council adopted the Rockville 2040 Comprehensive Plan in 2021. The Plan describes a broad vision for the city's future and contains goals, objectives, and specific recommendations for land use and zoning, among many other subject areas. The Comprehensive Plan itself does not regulate land use or establish zoning laws; instead, it anticipated that its land use and zoning recommendations would be implemented through a zoning ordinance update and adoption of a new zoning map.

Through this project, a new Zoning Ordinance (Chapter 25 of the City Code) and a new Zoning Map have been produced for public review and eventual adoption by the Mayor and Council. The implementation of a new zoning map is accomplished through a Comprehensive Map Amendment (CMA) process and covers the entire city. Most properties will not be rezoned but will have the existing zoning confirmed, while others will have a change in zoning based on recommendations in the Rockville 2040 Plan and Town Center Master Plan. The ZOR and CMA have been undertaken concurrently but will be adopted by separate actions. Through the adoption process, there will be an opportunity for changes to both the CMA and the ZOR.

Comprehensive Map Amendment
The language of the city's Zoning Ordinance and Zoning Map work together to implement the city's zoning regulations. Land within the city is divided into different zoning districts (or "zones"), each of which has its own requirements. The city's Zoning Map visually displays the zone assigned to each property in the city, which can be cross-referenced with the use and development regulations for each zone contained within the Zoning Ordinance.

The Rockville 2040 Comprehensive Plan includes recommendations to rezone certain properties that are intended to implement the goals and objectives for land use outlined in the Plan. These recommended rezonings underwent an extensive public engagement process during the Comprehensive Plan, and further targeted engagement has occurred with this project.

It should be noted that Maryland courts have affirmed that the Land Use Article requires that zoning regulations, subdivision regulations, and similar statutes must "further, and not be contrary to" provisions of the jurisdiction's comprehensive plan that implement visions set out in Land Use Article Section 1-201 as well as the elements of the plan addressing development regulations and sensitive areas. This includes the Plan's zoning recommendations. As such, a significant effort of the ongoing project is to rezone properties as recommended by the Comprehensive Plan through a Comprehensive Map Amendment (CMA).

Rezonings Included in the Comprehensive Map Amendment

The Comprehensive Plan recommends rezoning properties to reflect changing community needs and allow for planned land uses. The following rezonings are included in the CMA that has been prepared (see Attachment 1 – Proposed Rezonings).

During the development of the draft Zoning Ordinance and CMA, staff reviewed the recommendations for rezoning with the Mayor and Council at work sessions. The draft Zoning Map (see Attachment 2 – Proposed Zoning Maps) reflects these discussions.

The sections below highlight proposed rezonings that have been of particular interest to the Mayor and Council throughout this process, organized by Planning Area. This section also includes information on updates to the RMD-Infill zone, which provides flexibility for a diversity of 'middle' housing types. While much of this information has been provided in past staff reports, some information is new or updated.

Descriptions of existing and proposed zones is shown in Attachment 3.

<u>Planning Area 3 (Hungerford, New Mark Commons, Lynfield, and Fireside Park)</u>
Adjacent to the New Mark Commons neighborhood is a property that is zoned R-90 (single-unit detached dwellings permitted on 9,000 square foot lots) and is currently undeveloped. The Comprehensive Plan recommends that the property be rezoned to the RMD-25 Zone in order to permit additional residential unit types at a maximum density of 25 units per acre.

Staff conducted outreach to the New Mark Commons neighborhood, as residents expressed a number of concerns related to the potential development of the property, including that it may increase traffic, impact existing wetlands, or be out of character with the adjacent neighborhood. Some residents have suggested adopting a different zone, such as the RMD-10, RMD-15, or MXT (Mixed Use Transition) zones. Staff notes that the Plan recommendation affords maximum flexibility to achieve residential development of the property, although there are significant site constraints.

Through the associated Zoning Ordinance Rewrite, updates to modernize the RMD-25 zone are also proposed. These updates would impact not only the Planning Area 3 property proposed to be rezoned, but all properties zoned RMD-25. These changes include reducing the site area requirements to minimize existing nonconformities and revising the front, side, and rear setbacks to more modern requirements.

Planning Area 10 (Montrose and North Farm)

In a portion of Planning Area 10 (Montrose and North Farm), the Plan recommends that a new, high-density residential zone would be appropriate in a specific area currently zoned RMD-25 with one parcel zoned Residential-75 (R-75), and that contains existing apartment communities known as the Rollins Park Apartments and Congressional Towers. Following community engagement and staff consideration, a new, high-density residential zone has been developed for this location, to be known as the RHD (Residential High Density) Zone.

Through the associated Zoning Ordinance Rewrite, the RHD zone is proposed to have an allowable density of 50 dwelling units per acre (twice that of the RMD-25), and would be similar to the highest density residential-only zones in Gaithersburg and Montgomery County (54 and 43.5 dwelling units per acre, respectively; currently, the allowable density in the RMD-25 is 25 dwelling units per acre, while the R-75 requires a minimum of 7,500 square feet per lot, which is approximately 6 dwelling units per acre). The maximum height is proposed to be 75 feet, which is the same as the RMD-25 Zone, while the R-75 Zone has a maximum height of 35 feet. To respond to resident concerns and to ensure appropriate height transitions from single-unit residential, the proposed zone requires that buildings be limited to a maximum height of 45 feet within 100 feet of the property line when the property abuts or confronts a lot that is zoned for and developed with single-unit residential uses. Side and rear setback requirements, as well as design and access requirements, are proposed to be consistent with those of the mixed-use zones that currently allow for residential development.

Planning Area 1 (Town Center)

On January 27, 2025, the Mayor and Council adopted the 2025 *Rockville Town Center Master Plan* (TCMP) as an amendment to the *Rockville 2040 Comprehensive Plan*. The TCMP amends the Land Use Policy Map for Planning Area 1 and includes land use recommendations for three "character areas" within Town Center: the MD-355 Corridor, the Core, and the Edge. Specifically, the Plan recommends increased building heights and associated incentives, as well as no minimum parking requirements. The Mayor and Council also approved the use of floating zones to implement the TCMP recommendations for the three character areas earlier this year.

The proposed zoning map includes the expansion of the Mixed-Use Transit District (MXTD) Zone to become a family of zones with height restrictions corresponding to the three TCMP character areas (see below). The MXTD zones are proposed to be distinguished by the allowable base heights recommended in the TCMP, and named MXTD-235, MXTD-200, and MXTD-85 accordingly. All zones within the MXTD family will have the same uses, setbacks, design, and other such standards, tailored to be more walkable and less auto-oriented.

Proposed MXTD 'Family' of Zones

Character Area	Proposed Zone	Base Height	Bonus Height
MD-355 Corridor Character Area	MXTD-235	235 feet	100 feet
Core Character Area	MXTD-200	200 feet	100 feet
Edge Character Area	MXTD-85	85 feet	50 feet

In conjunction with the creation of these zones, the map amendment includes the expansion of the MXTD-235 Zone to properties currently zoned MXTD near the Twinbrook and Shady Grove Metro stations, and the expansion of the MXTD-200 Zone to the areas currently zoned MXCD within the South Pike area.

RMD-Infill Zone

One existing zone that is recommended for greater implementation is the RMD-Infill (Residential Medium Density – Infill) zone, which was created in 2021 through the Stonestreet Master Plan process to implement that plan's recommendation for "a new zone that allows a diverse range of housing types, including duplexes, triplexes, fourplexes, and rowhouses, in addition to single-unit detached dwellings." With the Stonestreet Master Plan, several properties in East Rockville near the Rockville Metro Station were rezoned to this district. The Comprehensive Plan recommends expanding this zone to a number of properties that are currently zoned for single-unit detached residential development only. These areas are particularly located near existing Metro stations and planned Bus Rapid Transit (BRT) stops in the East Rockville and Twinbrook neighborhoods, near the Rockville and Twinbrook Metro stations, and along Veirs Mill Road.

Recommended changes to this zone are also addressed through the associated Zoning Ordinance Rewrite. These changes include increasing the types of residential dwellings that are permitted in the zone, which will include townhouses and those noted above. Development standards for the zone are also proposed to be updated to ensure flexibility to achieve Comprehensive Plan housing goals. These housing types are referred to as 'middle' housing because their density falls between single-unit detached development and mid- to high-rise apartment development. They are also sometimes called 'missing middle' housing, as this type of development has been less common since the 1940s. Missing middle housing types are intended to be 'comparable in scale and form with single-unit detached housing, and to fit into existing residential neighborhoods. The zone has height limits that are generally in keeping with those in the city's single-unit residential zones.

Rezonings Not Included in the Comprehensive Map Amendment

The following rezonings recommended in the Comprehensive Plan are not included in the Map Amendment, based on the Mayor and Council's direction at work sessions.

- Properties in the Lincoln Park neighborhood on the west side of North Stonestreet Avenue, north of the MCPS Materials Management Facility, are currently zoned R-60 and recommended for rezoning to the RMD-Infill Zone. Staff have met with the community several times, and they have expressed their opposition to the rezoning as being in direct conflict with the recently adopted revisions to the Lincoln Park Conservation District that clearly recommended retention and support for the single-unit detached development pattern of the community.
- Properties within Planning Area 4 (West End and Woodley Gardens East-West) that are currently zoned MXT (Mixed Use Transition) are recommended to be rezoned to a new zone that would limit uses to residential and office only and exclude retail use.
- Two properties on Beall Avenue owned by the Jerusalem Mt. Pleasant United Methodist Church that are currently zoned MXT and recommended to be rezoned to the R-60 Zone.
- All properties on Piccard Drive in the MXE Zone between West Gude Drive and Redland Boulevard are currently zoned MXE (Mixed Use Employment) and recommended for rezoning to MXCD (Mixed Use Corridor District), as the Mayor and Council did not support what would be a downzoning.

Mayor and Council History

The Mayor and Council approved a project charter for the Zoning Ordinance Rewrite Project in October 2022 and awarded the consultant contract to ZoneCo in June 2023. The Mayor and Council have discussed the proposed changes to the Zoning Map at work sessions on January 27, May 5, September 16, and October 6. The proposed revised zoning map reflects the direction given at those work sessions.

Public Notification and Engagement

The public engagement associated with the Map Amendment has tracked with the Zoning Ordinance Rewrite (ZOR) public engagement, which is summarized in the Community Engagement Report to the Zoning Ordinance agenda item. Public comments are shown in Attachment 4 – Digest of Commentary on Comprehensive Map Amendment.

Boards and Commissions Review

The Planning Commission held the same work sessions on the ZOR and CMA that the Mayor and Council did. In addition, staff briefed the Board of Appeals, Historic District Commission, Transportation and Mobility Commission, and Environment Commission during the ZOR and CMA development process.

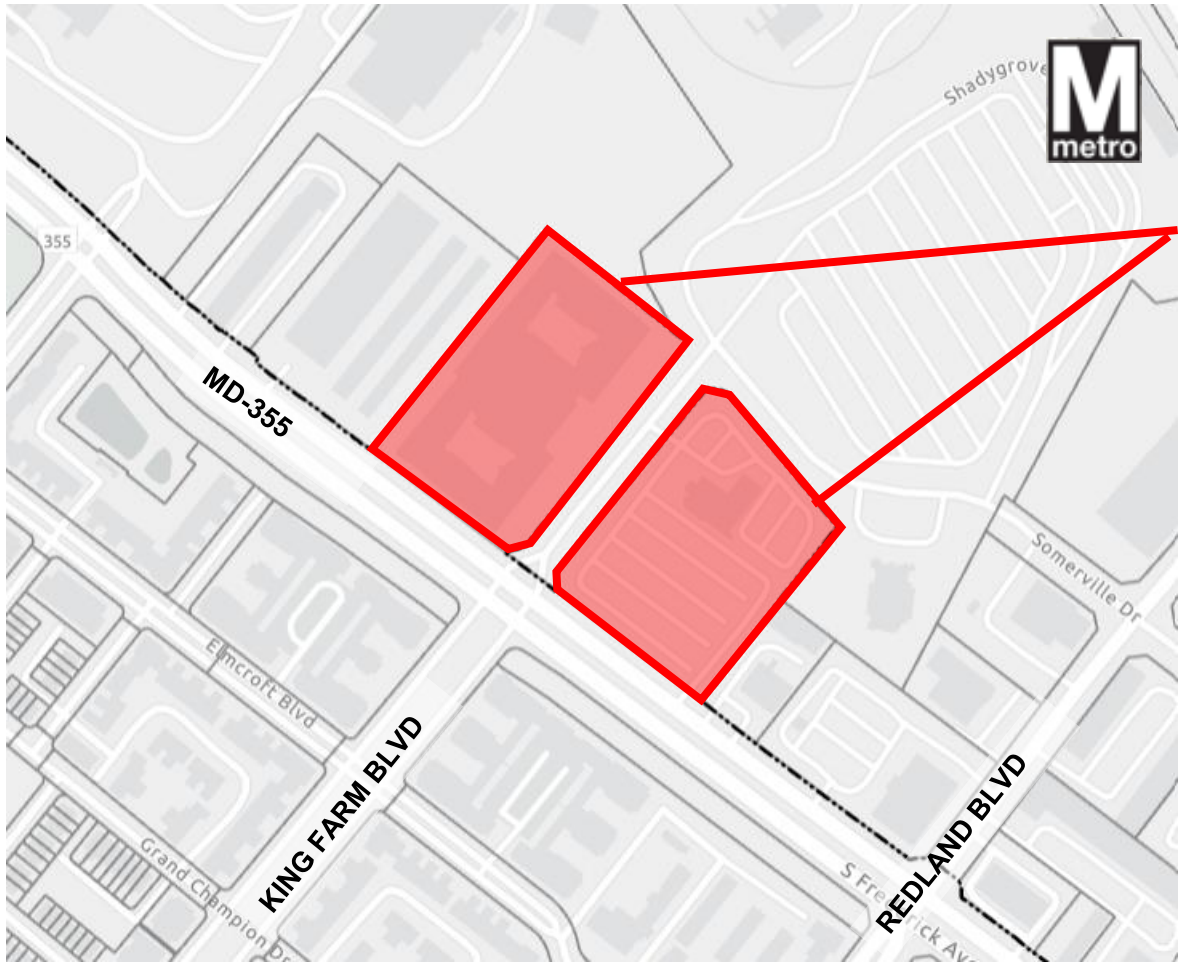
Next Steps

Once authorized for filing, the Map Amendment application will be filed with the City Clerk and forwarded to the Planning Commission for their review and recommendation, along with the associated ZOR Text Amendment. The Mayor and Council will then hold a public hearing prior to discussing both applications in a series of work sessions, prior to adopting ordinances that approve the Text and Map Amendment applications.

Attachments

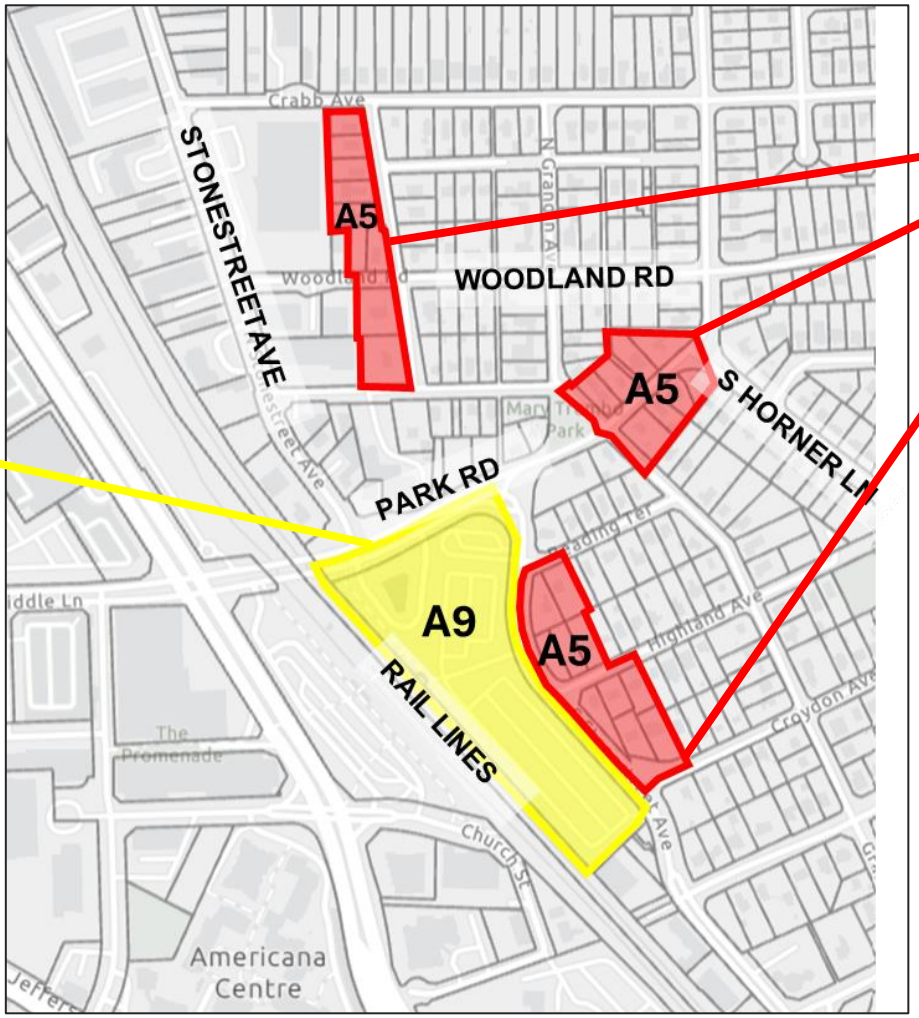
Attachment 1 - Proposed Rezonings, Attachment 2 - Proposed Zoning Maps, Attachment 3 - Descriptions of Existing and Proposed Zones, Attachment 4 - Digest of Commentary on Comprehensive Map Amendment 11-10-2025

Properties Recommended for Rezoning
Comprehensive Map Amendment



Current Zone: MXTD
Proposed Zone: MXTD-235

Current Zone: MXNC
Proposed Zone: MXCD

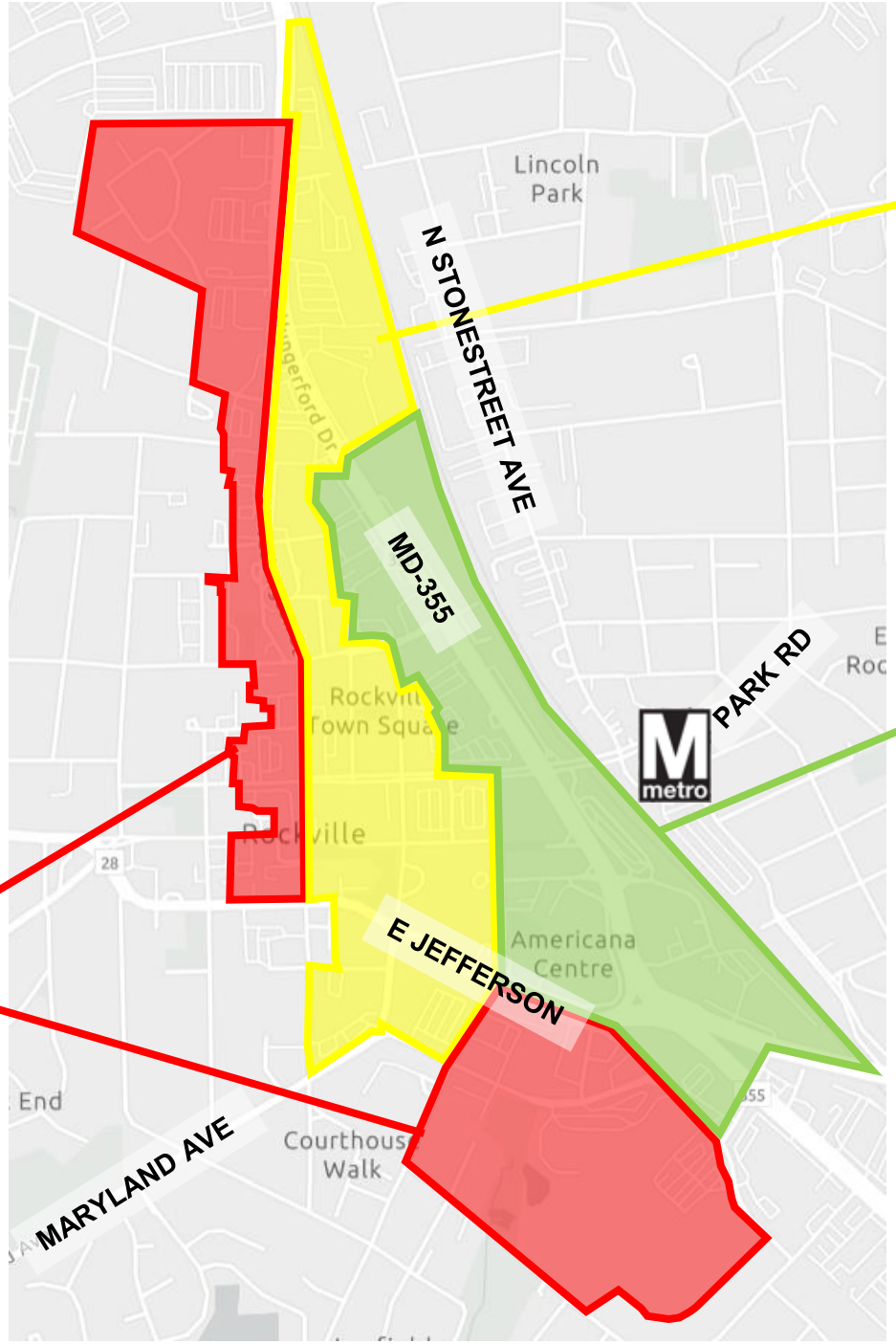


Current Zone: R-60
Proposed Zone: RMD-Infill

Current Zone: Multiple
Proposed Zone: MXTD-200*

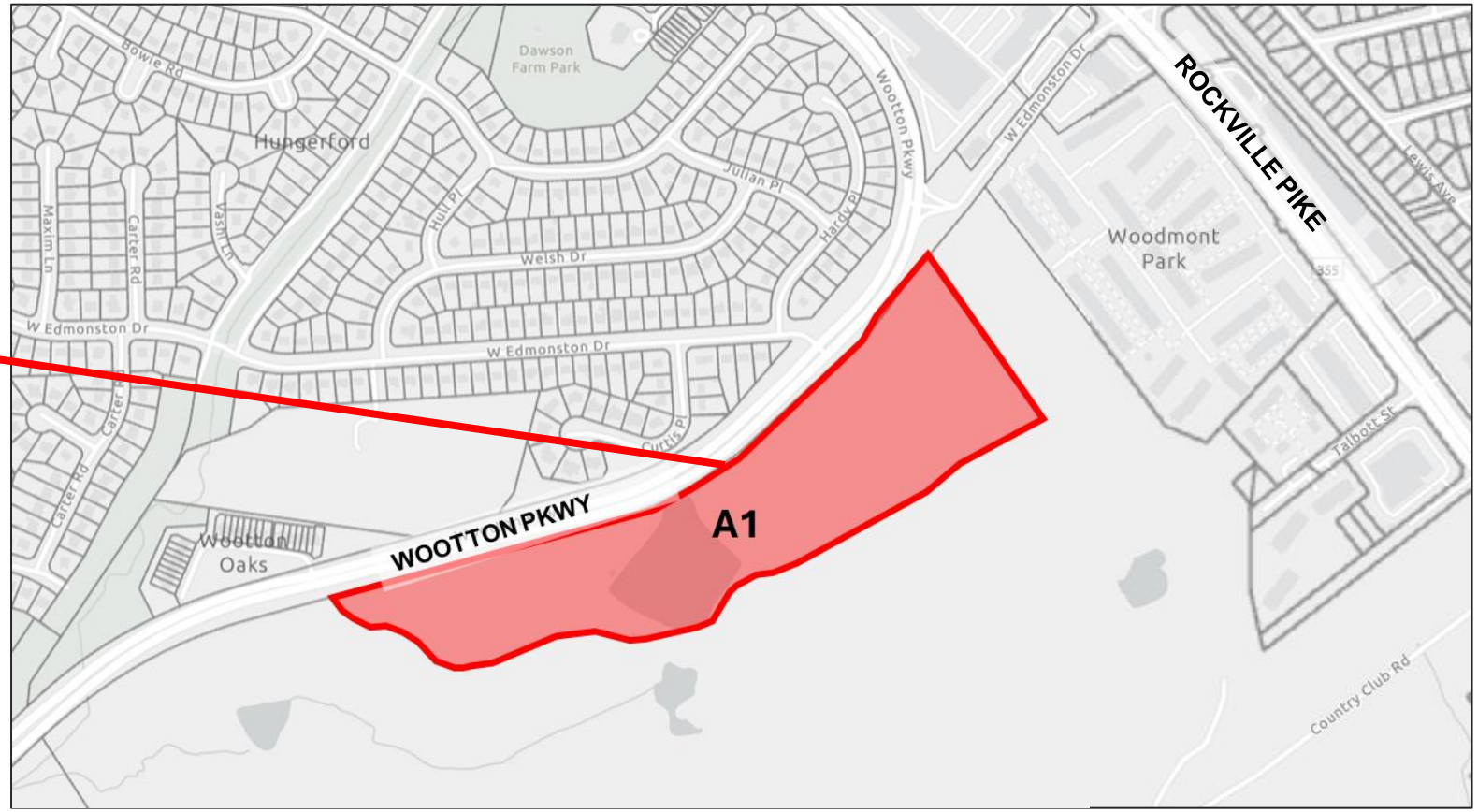
Current zone: Multiple
Proposed Zone: MXTD-235*

Current zone: Multiple
Proposed Zone: MXTD-85



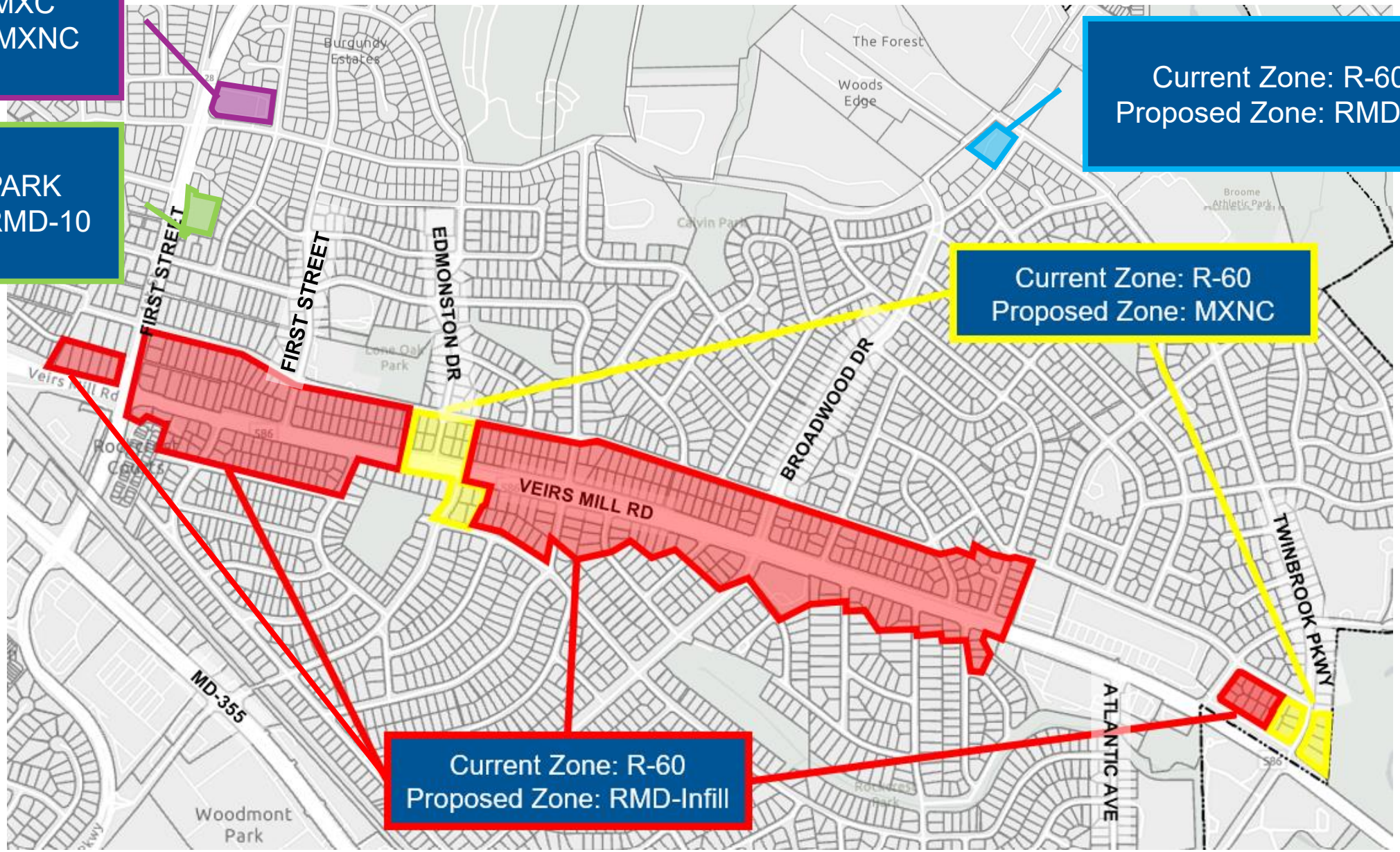
*Planned Development (PD) zones within Town Center are proposed to be retained, and their equivalent zones to be updated to the zone shown on this map.

Current Zone: R-400
Proposed Zone: RMD-25

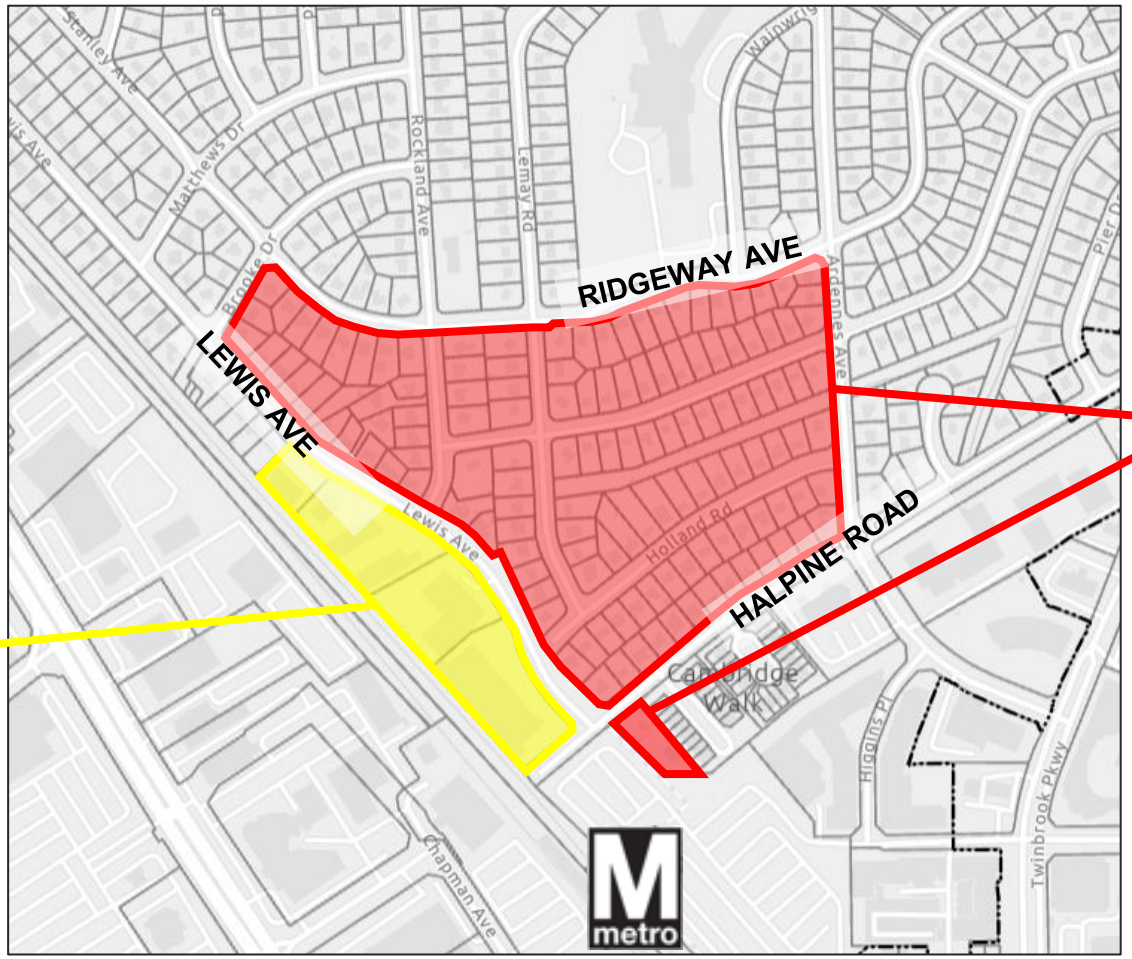


Current Zone: MXC
Proposed Zone: MXNC

Current Zone: PARK
Proposed Zone: RMD-10

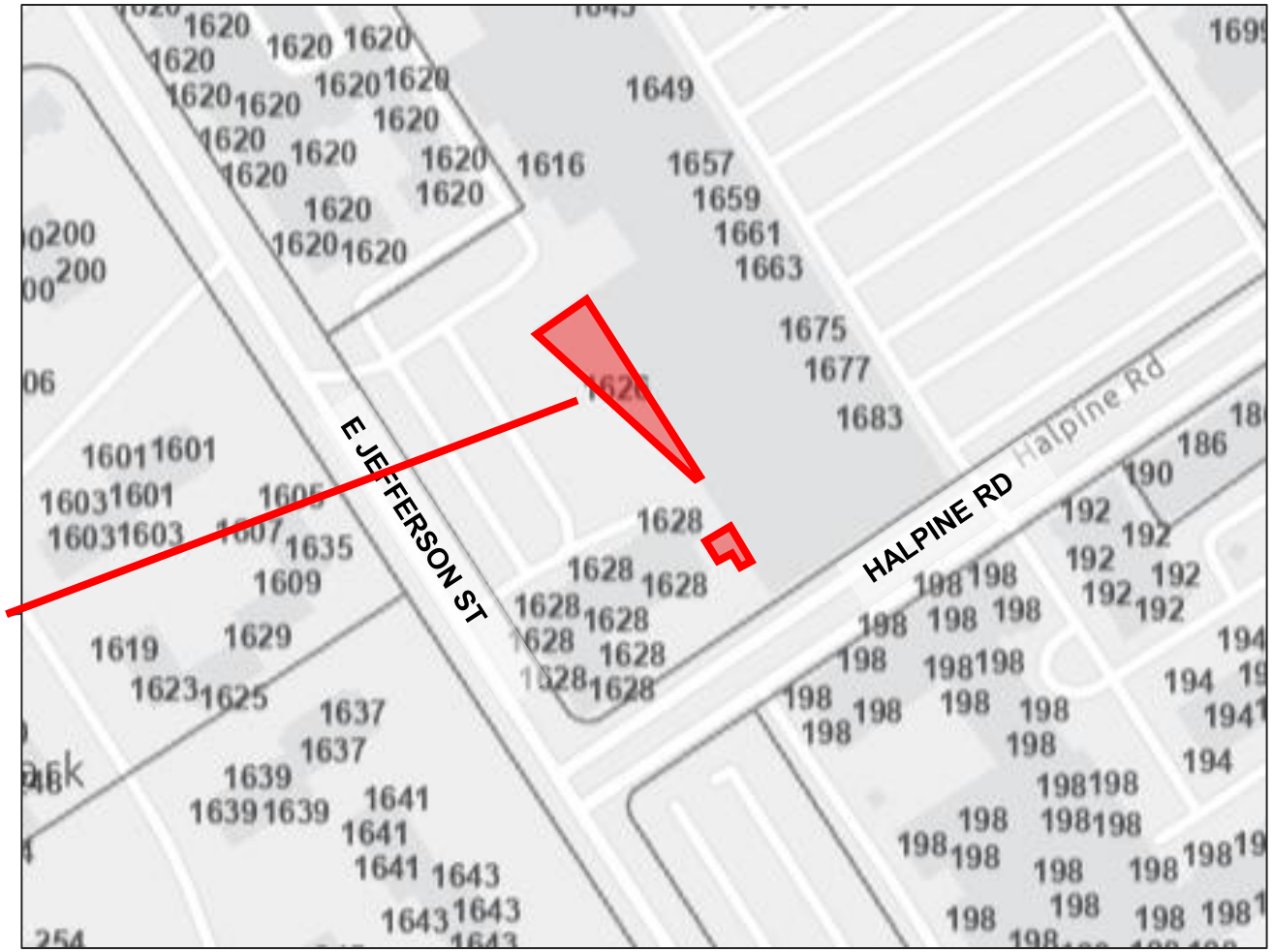


Current Zone: IL
Proposed Zone: MXB



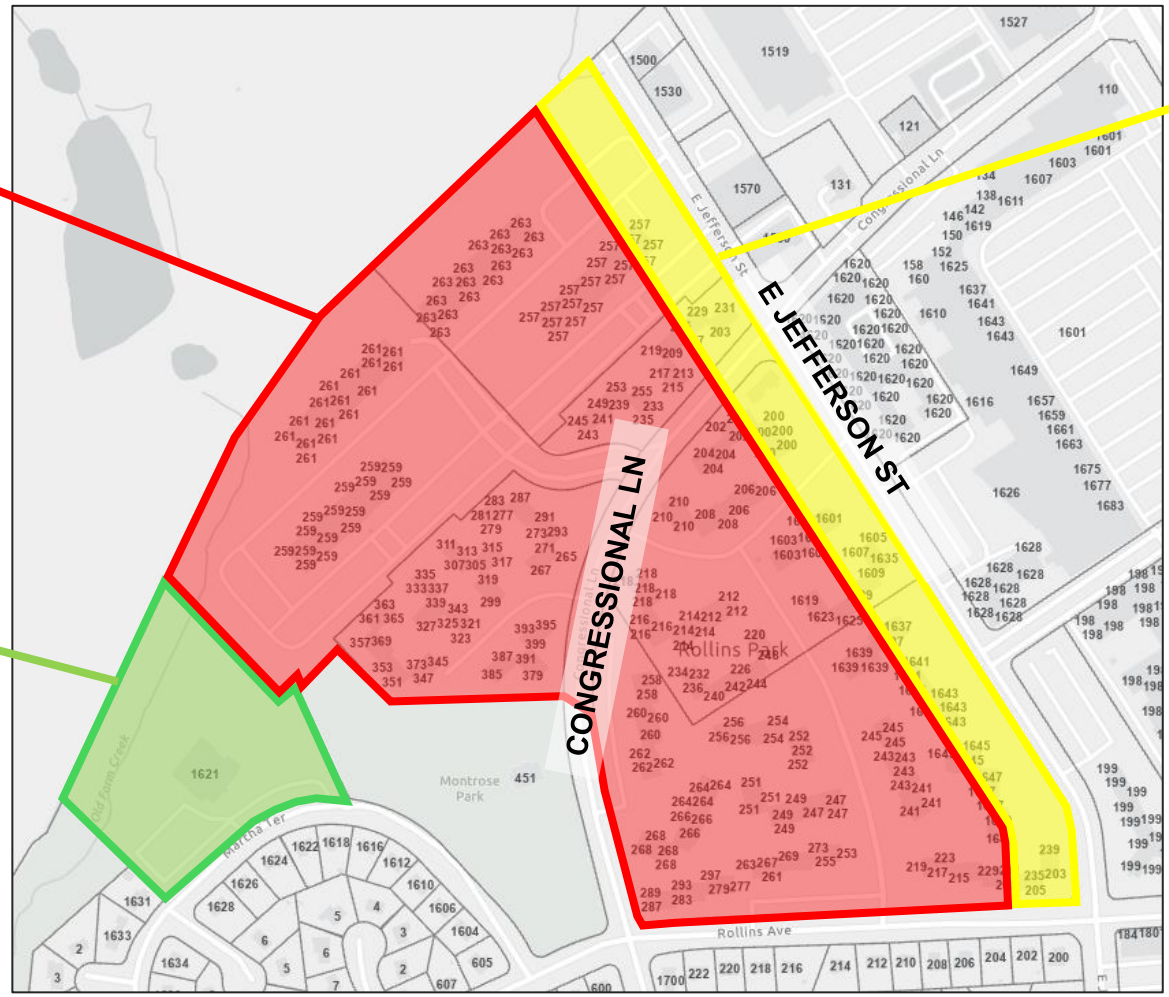
Current Zone: R-60
Proposed Zone: RMD-Infill

Current Zone: MXCT
Proposed Zone: MXCD

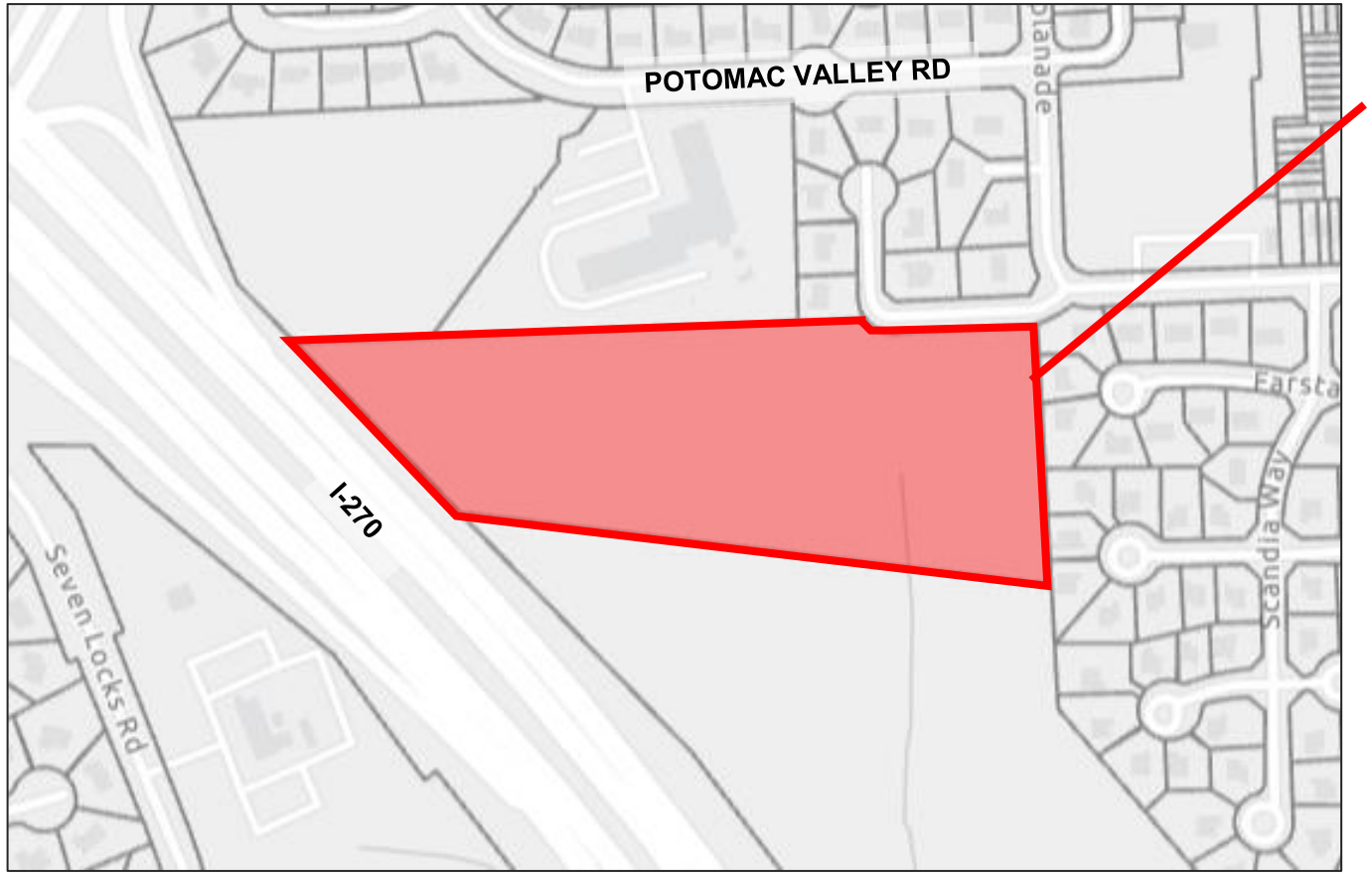


Current zone: RMD-25
Proposed Zone: RHD

Current zone: R-75
Proposed Zone: RHD

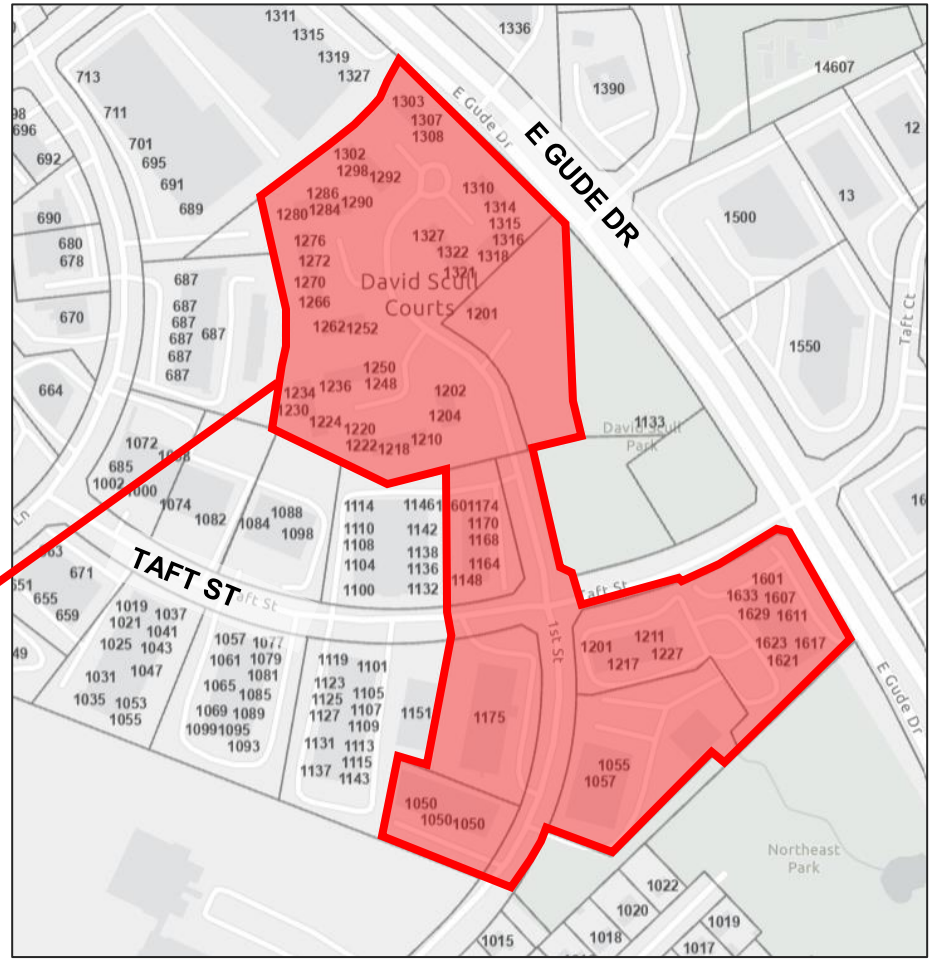


Current Zone: RMD-25
Proposed Zone: MXCT

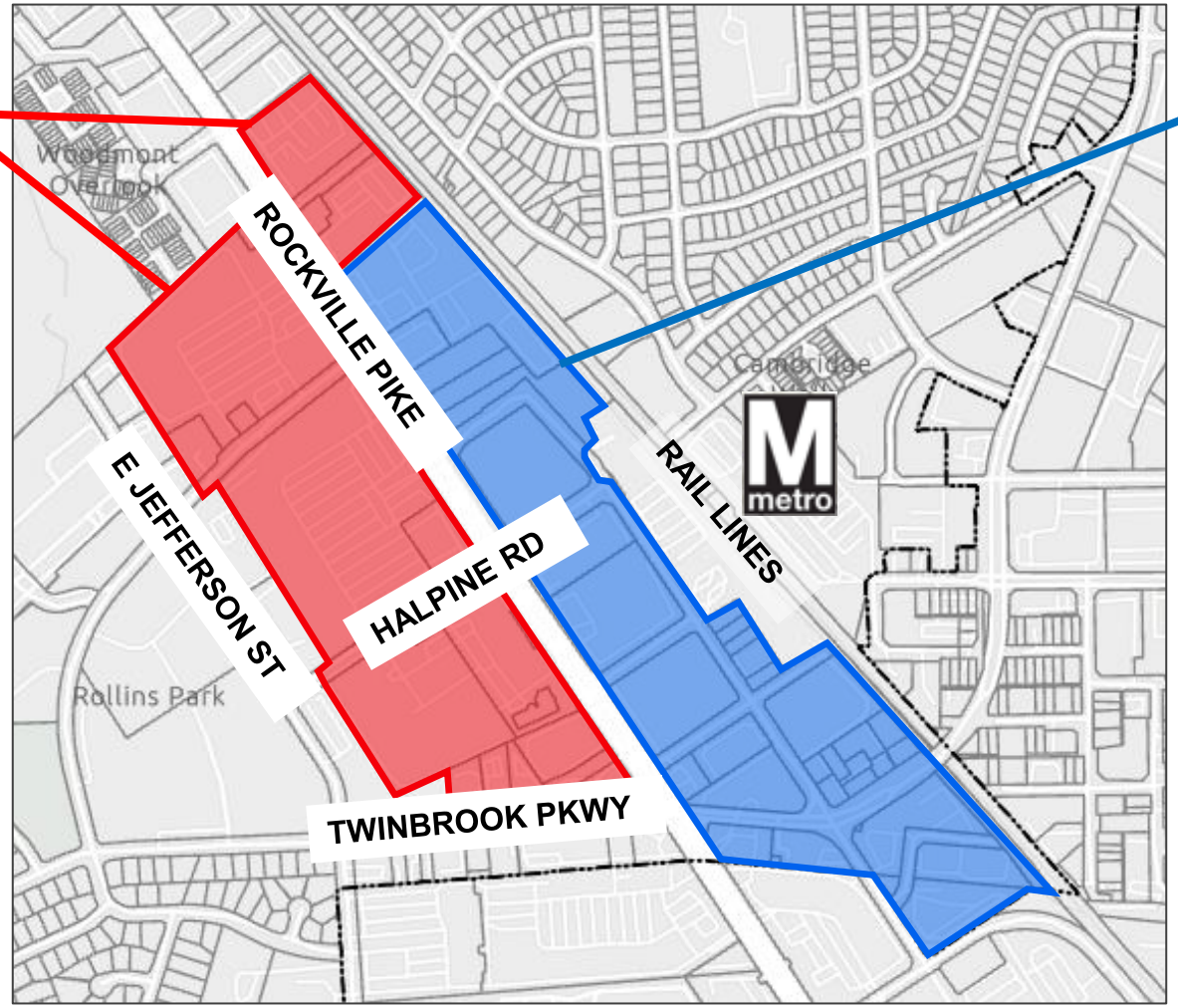


Current Zone: R-90
Proposed Zone: RMD-25

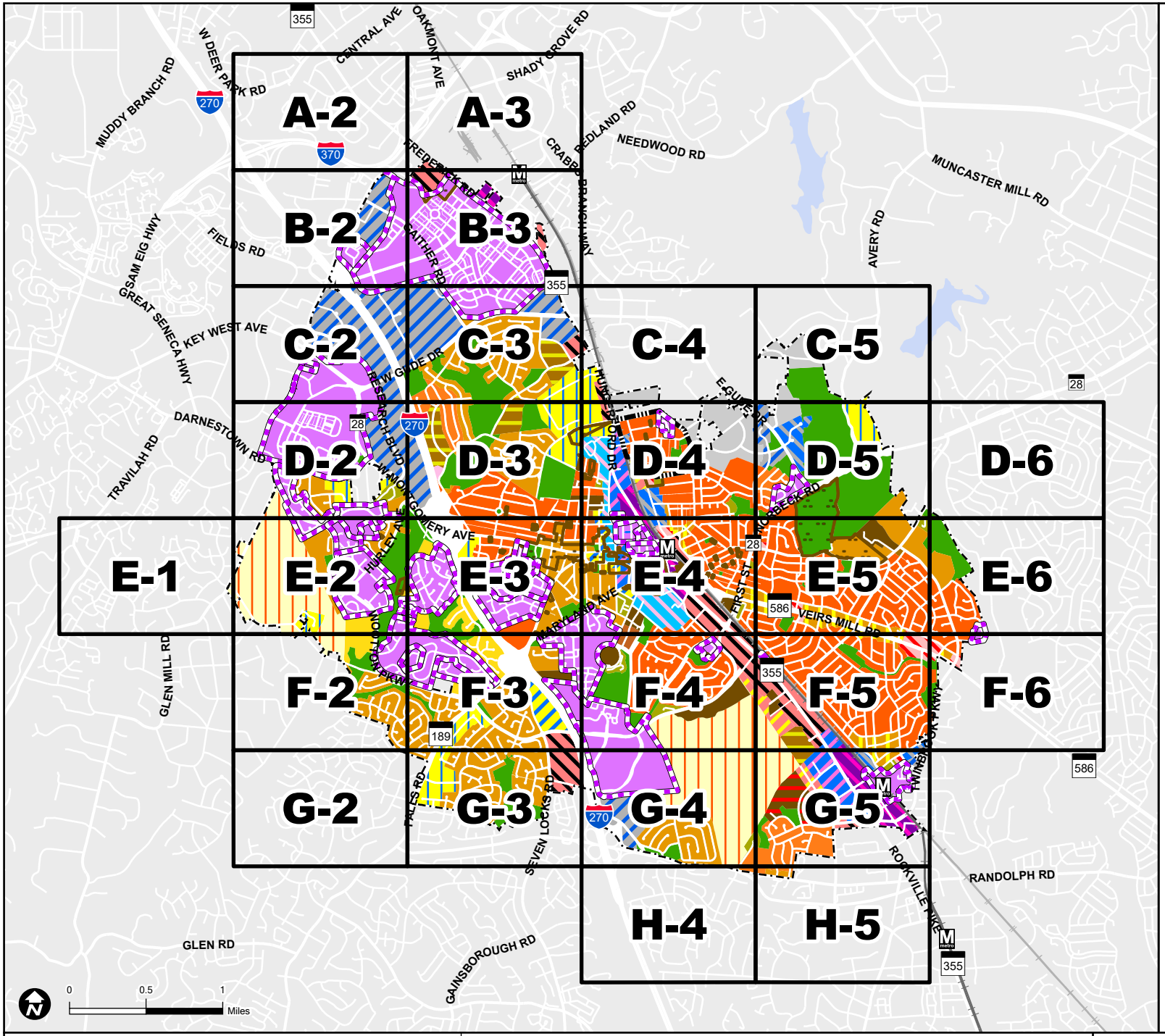
Current Zone: IL
Proposed Zone: MXE



Current Zone: MXCD
Proposed Zone: MXTD-200



Current Zone: MXTD
Proposed Zone: MXTD-235



Zones

Residential zones

- R-400
- R-200
- R-150
- R-90
- R-75
- R-60
- R-40
- RMD-Infill
- RMD-10
- RMD-15
- RMD-25
- RHD

Industrial zones

- I-L

Mixed-use zones

- MXTD-235
- MXTD-200
- MXTD-85
- MXCD
- MXCT
- MXNC
- MXT
- MXC
- MXE
- MXB

Special zones

- PARK
- Planned Development zones

Overlay Zones

- Historic District overlay zone
- Lincoln Park Neighborhood Conservation District overlay zone

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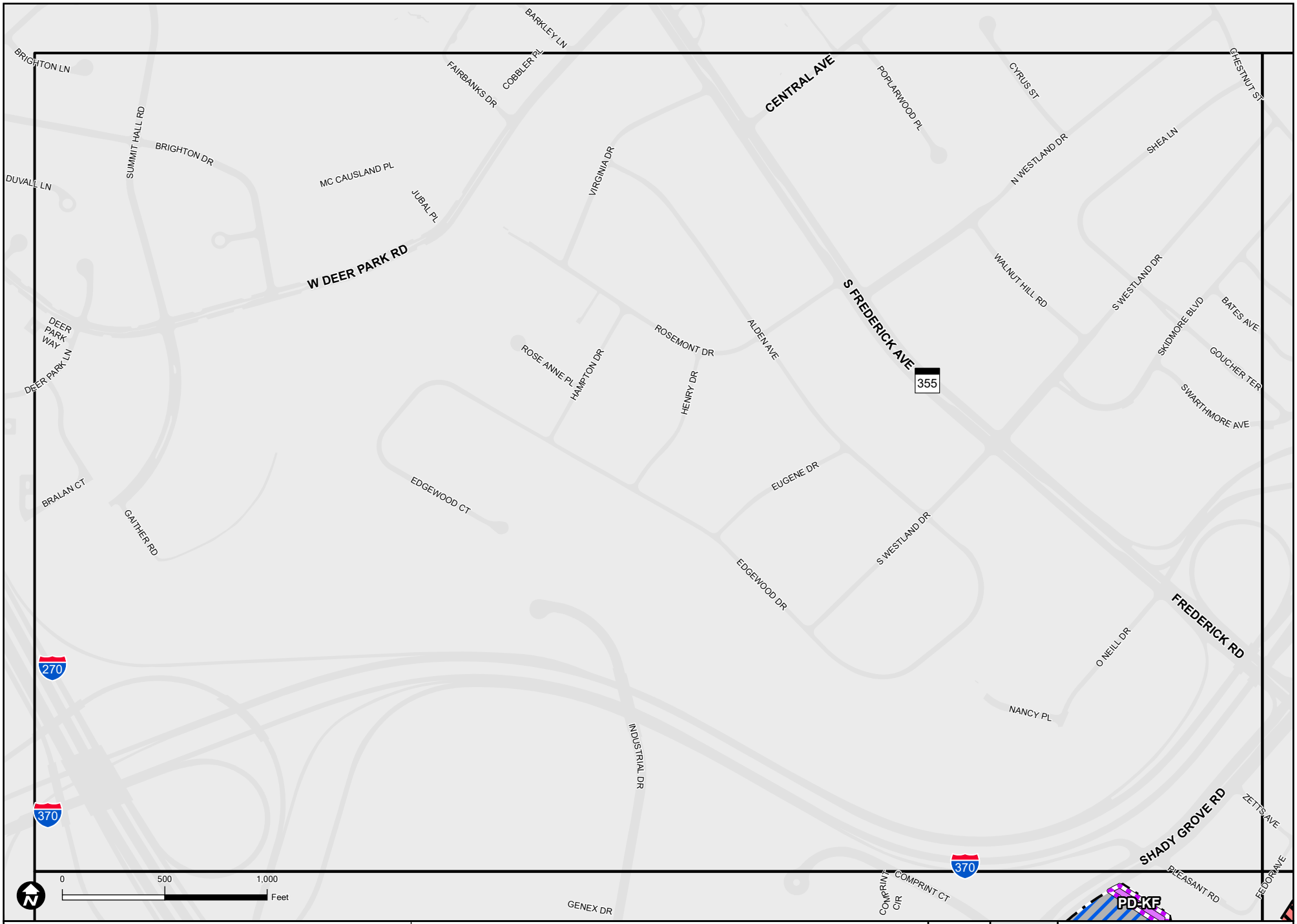
Draft Zoning Map of the City of Rockville

Comprehensive Map Amendment Application

INDEX MAP

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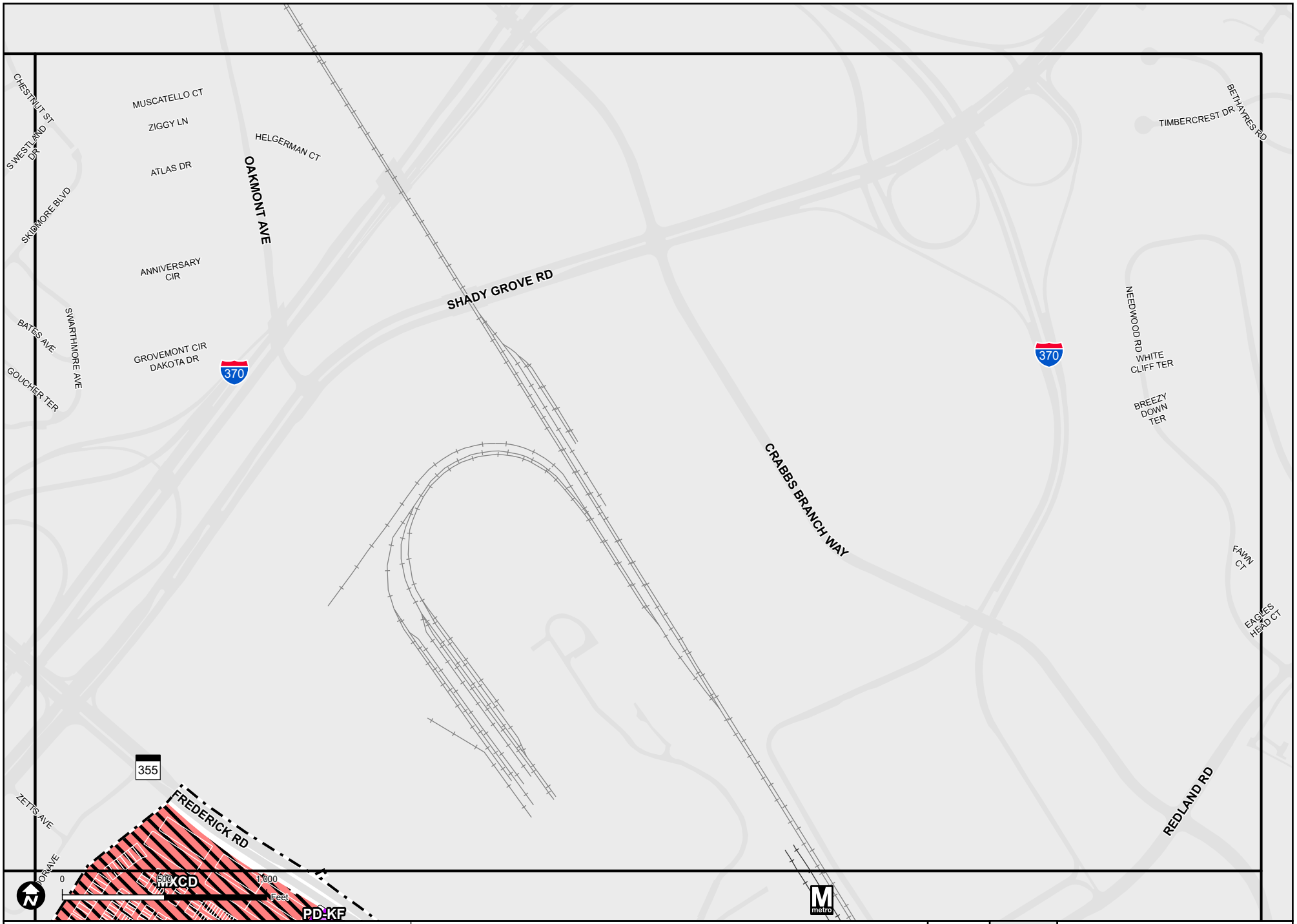
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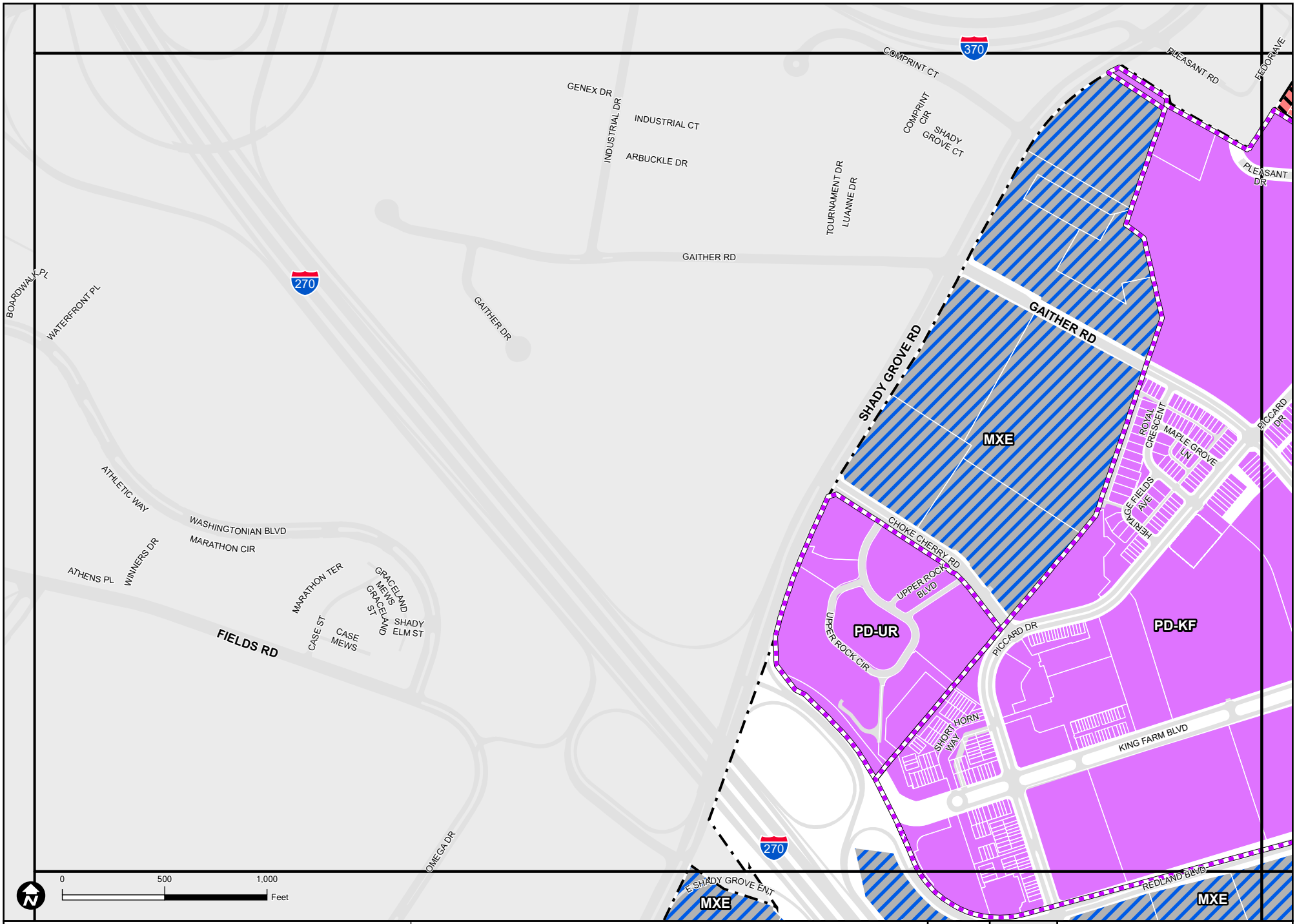
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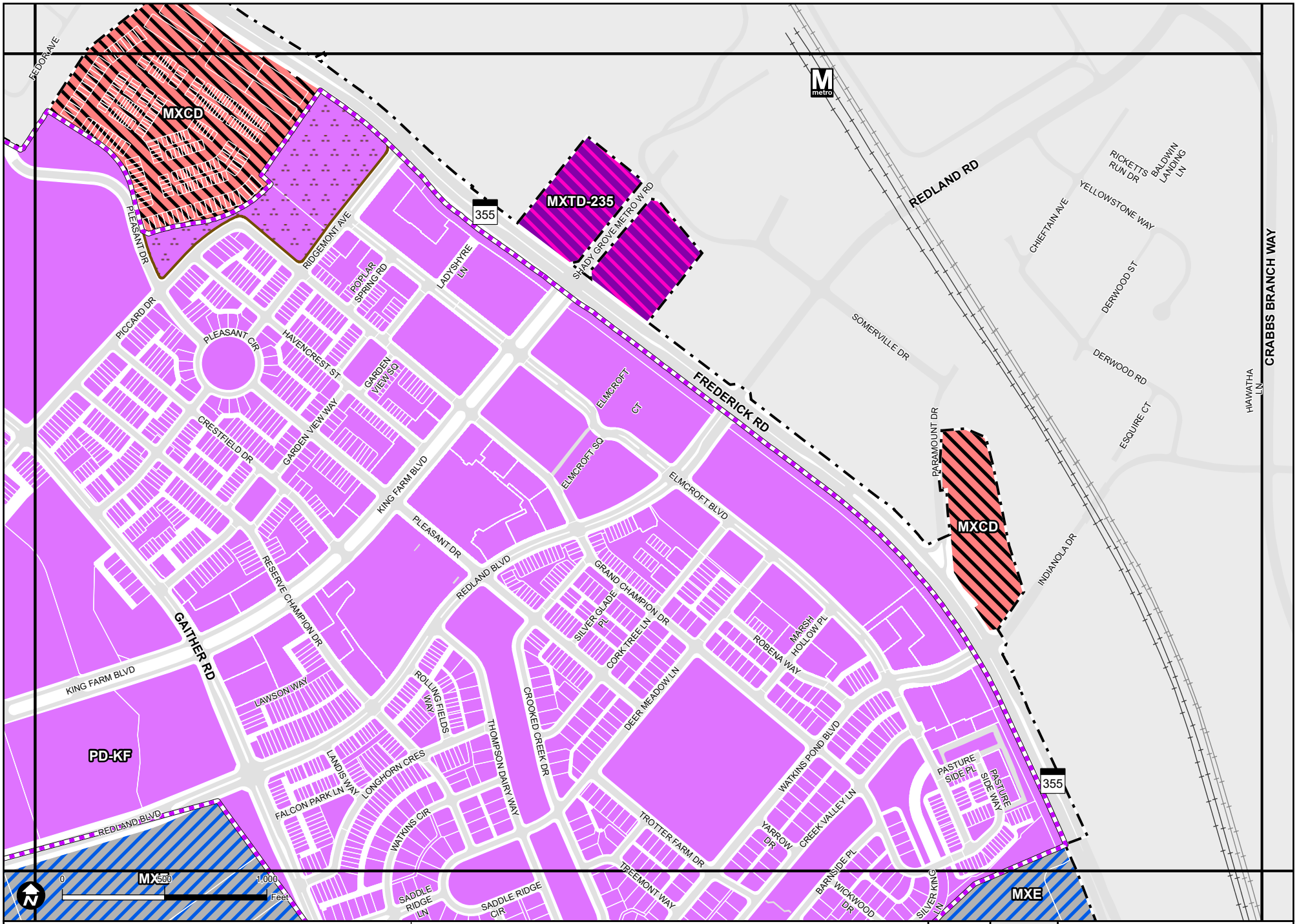
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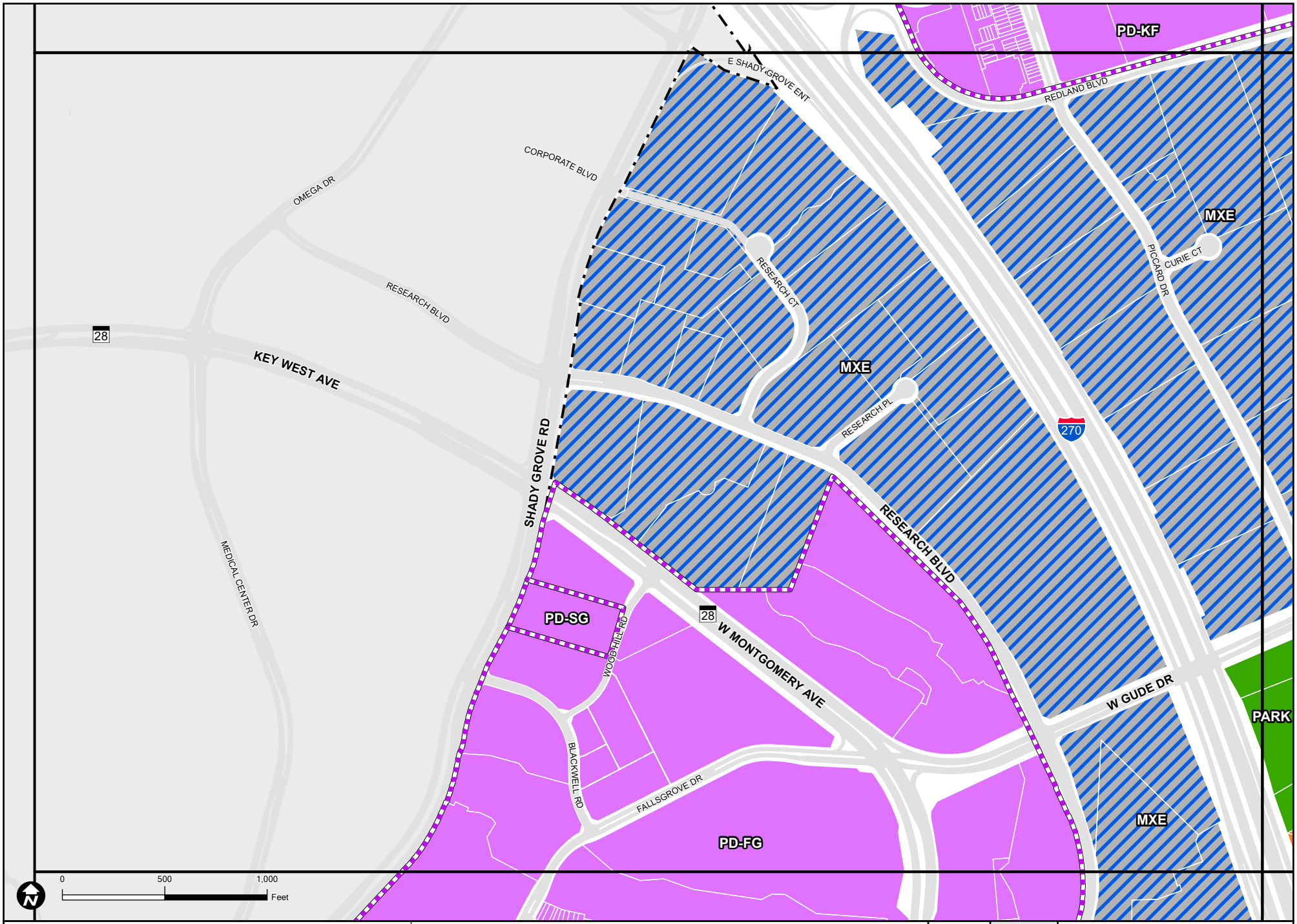
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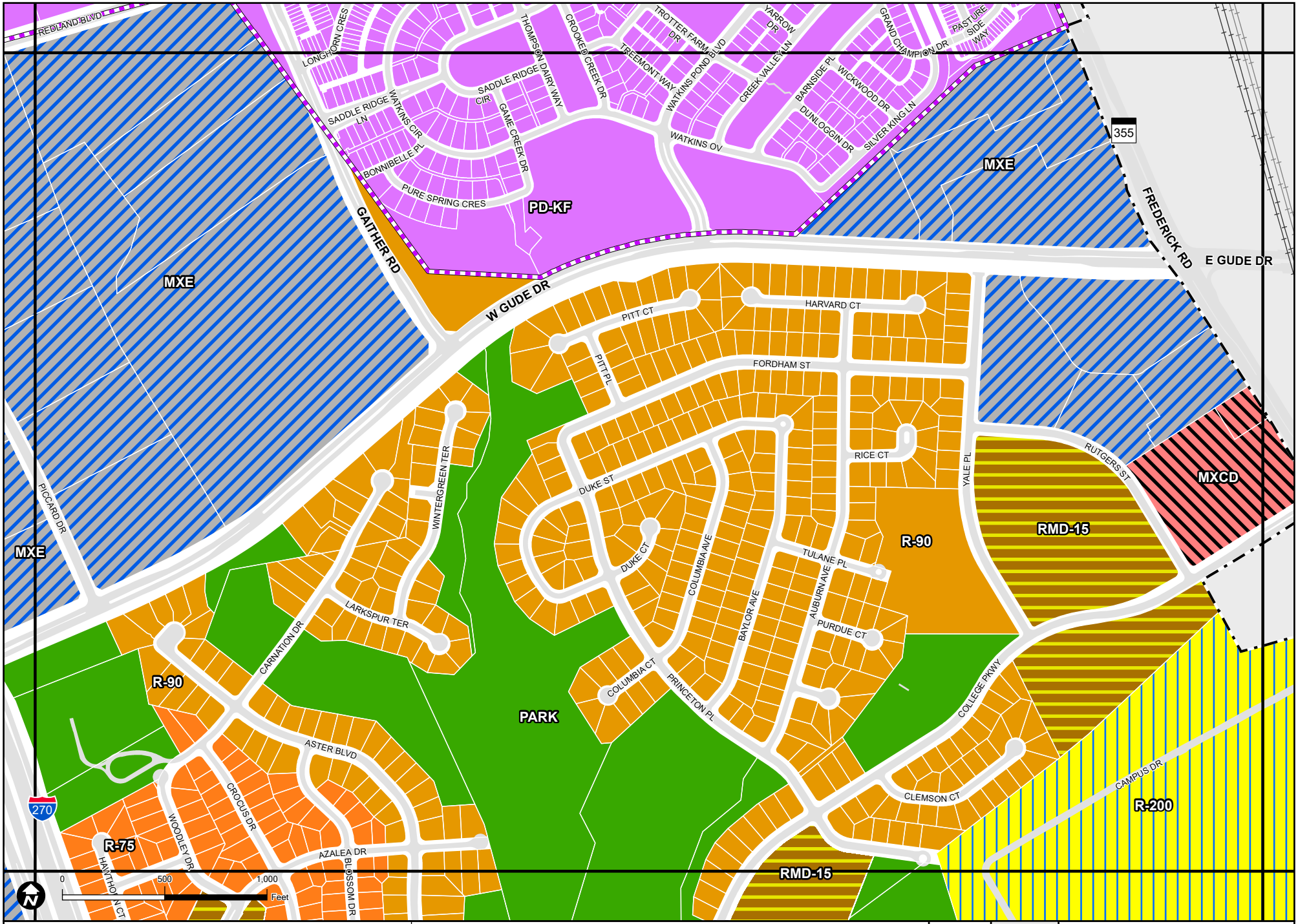
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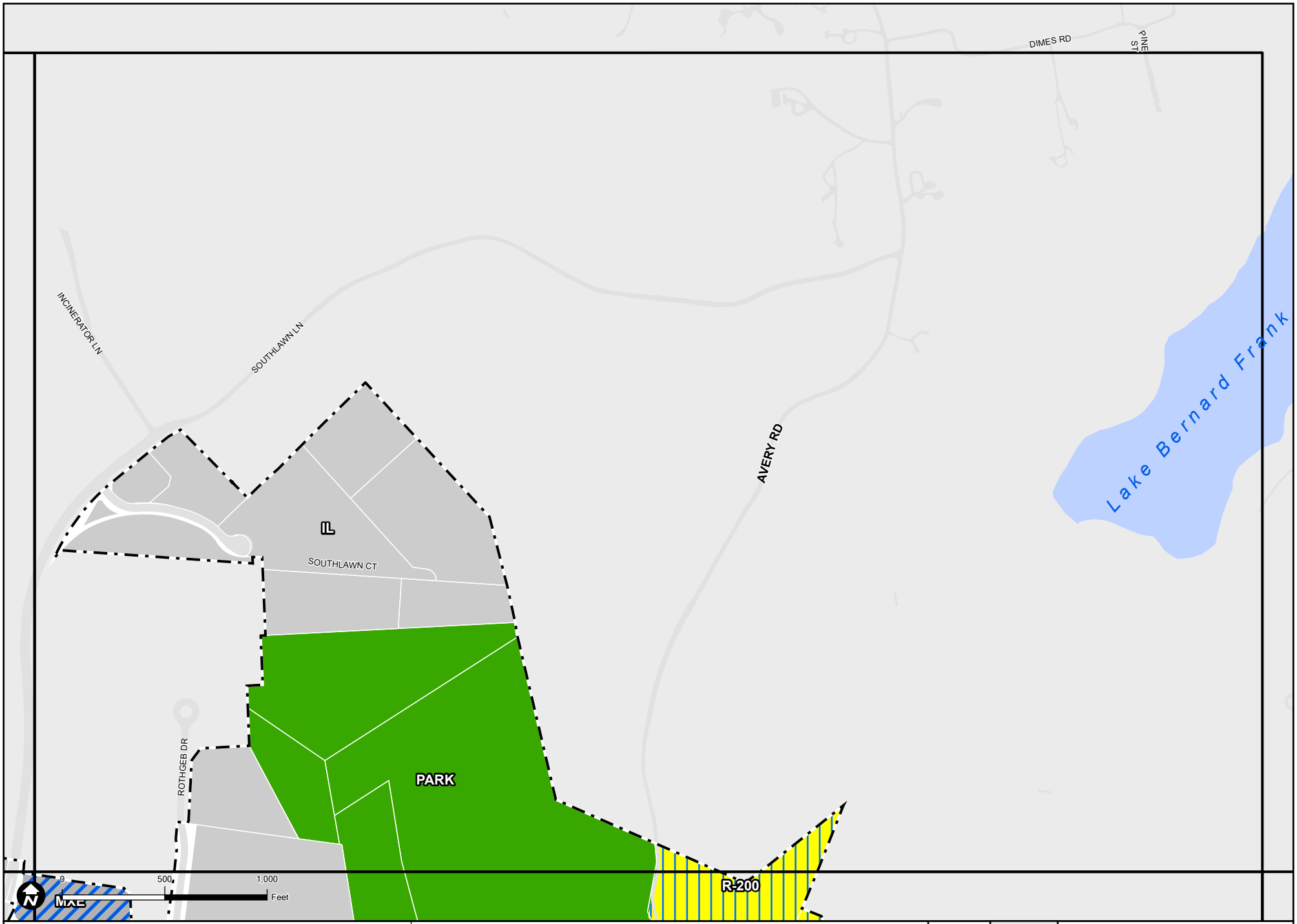
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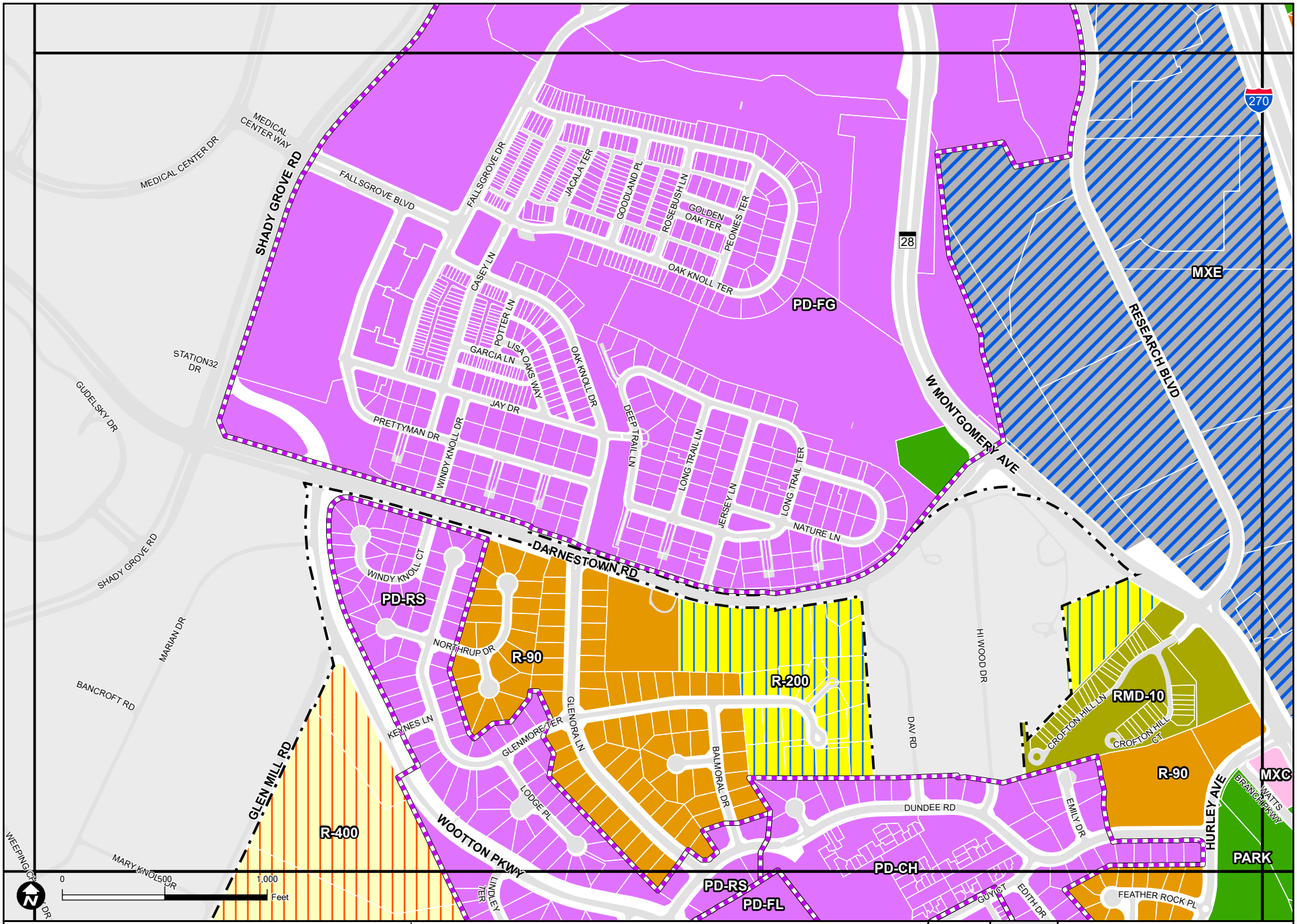
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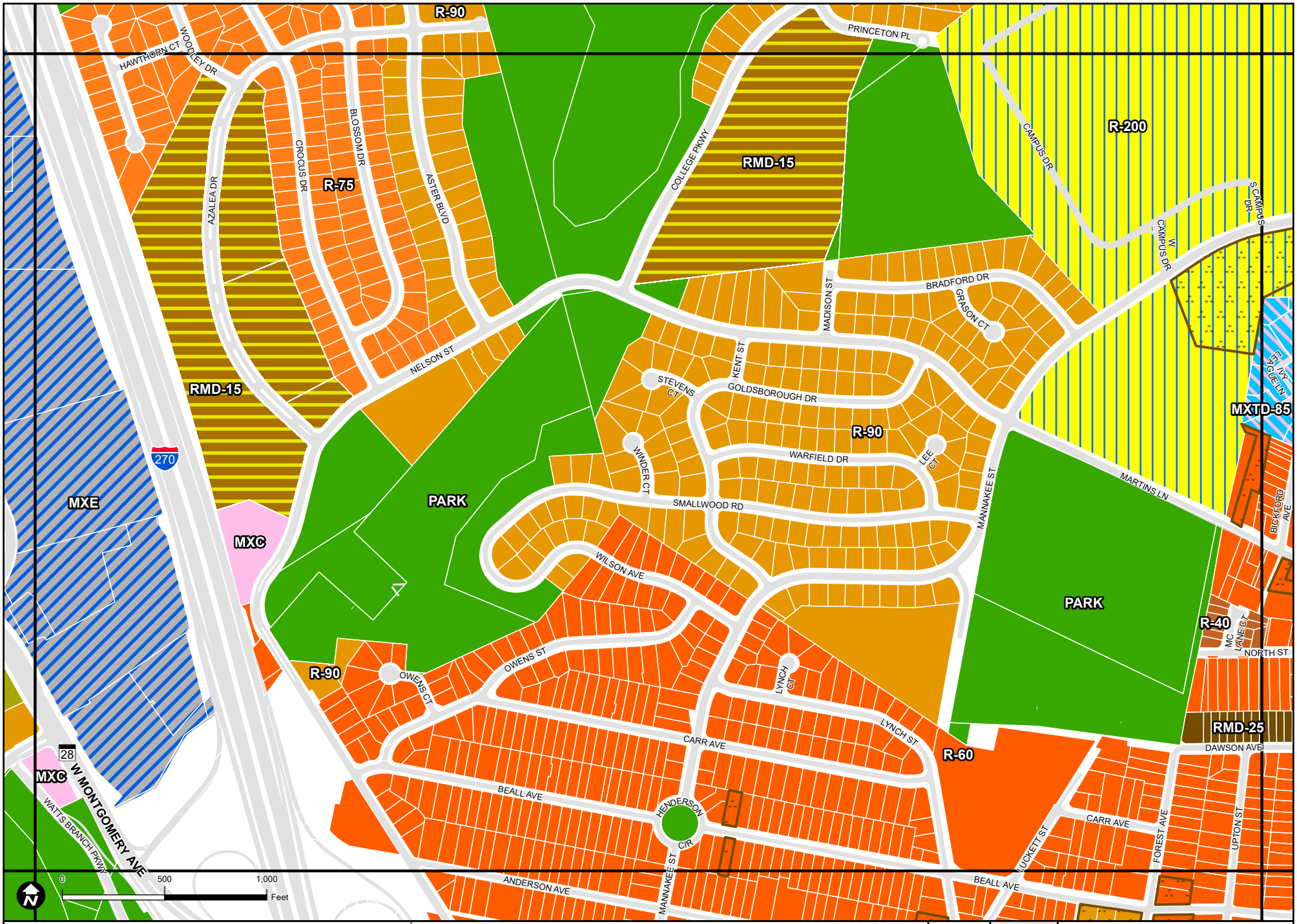
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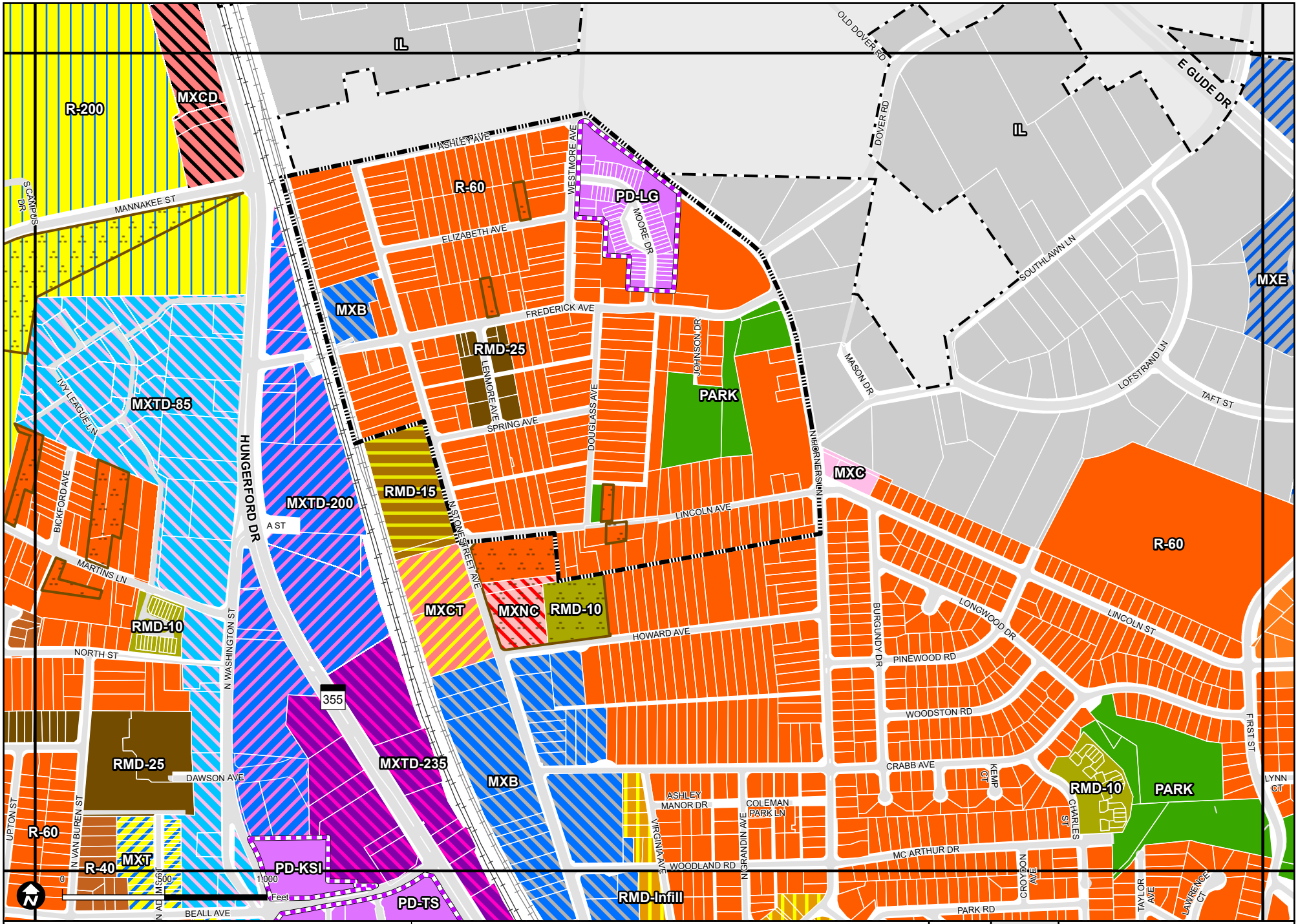
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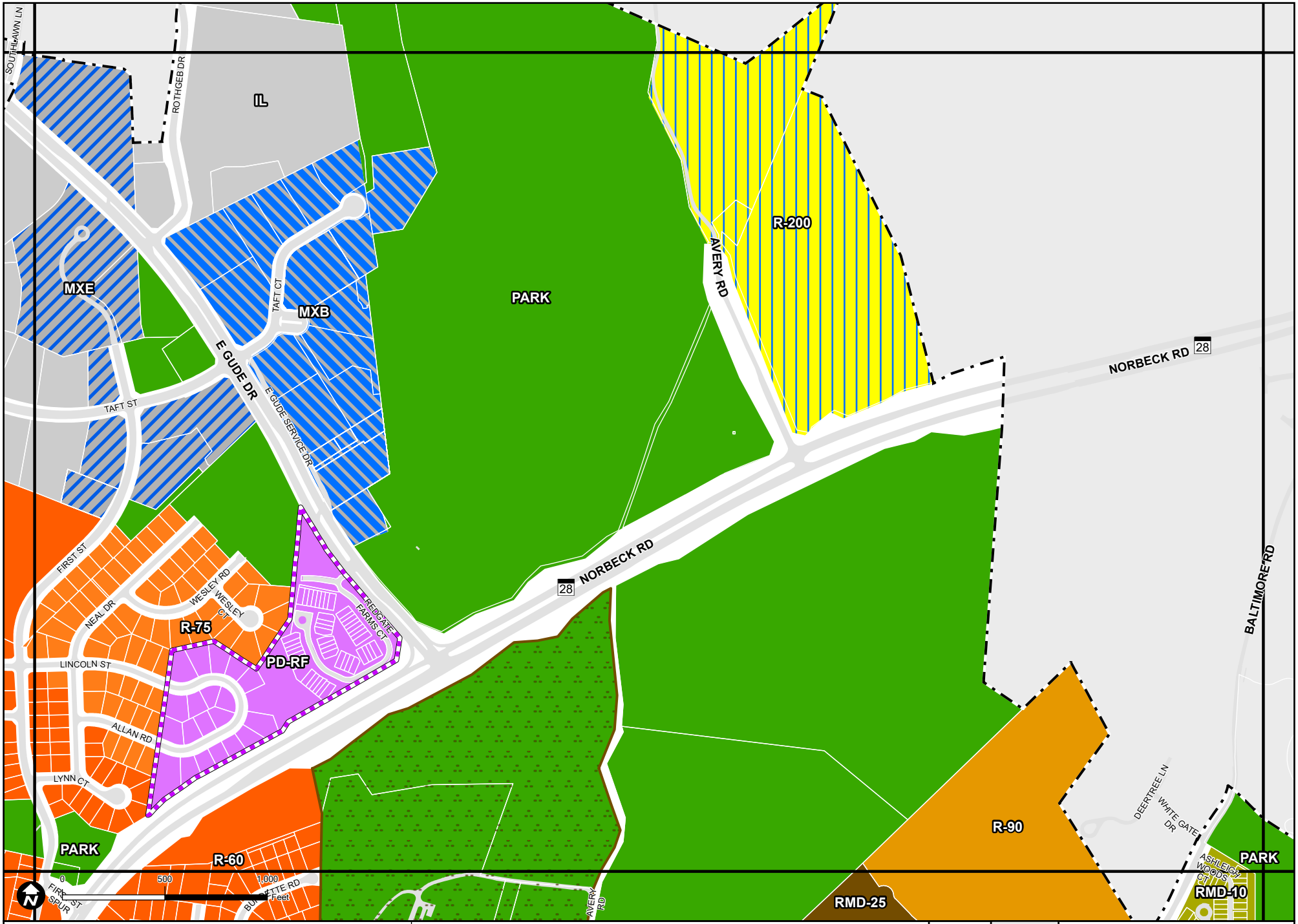
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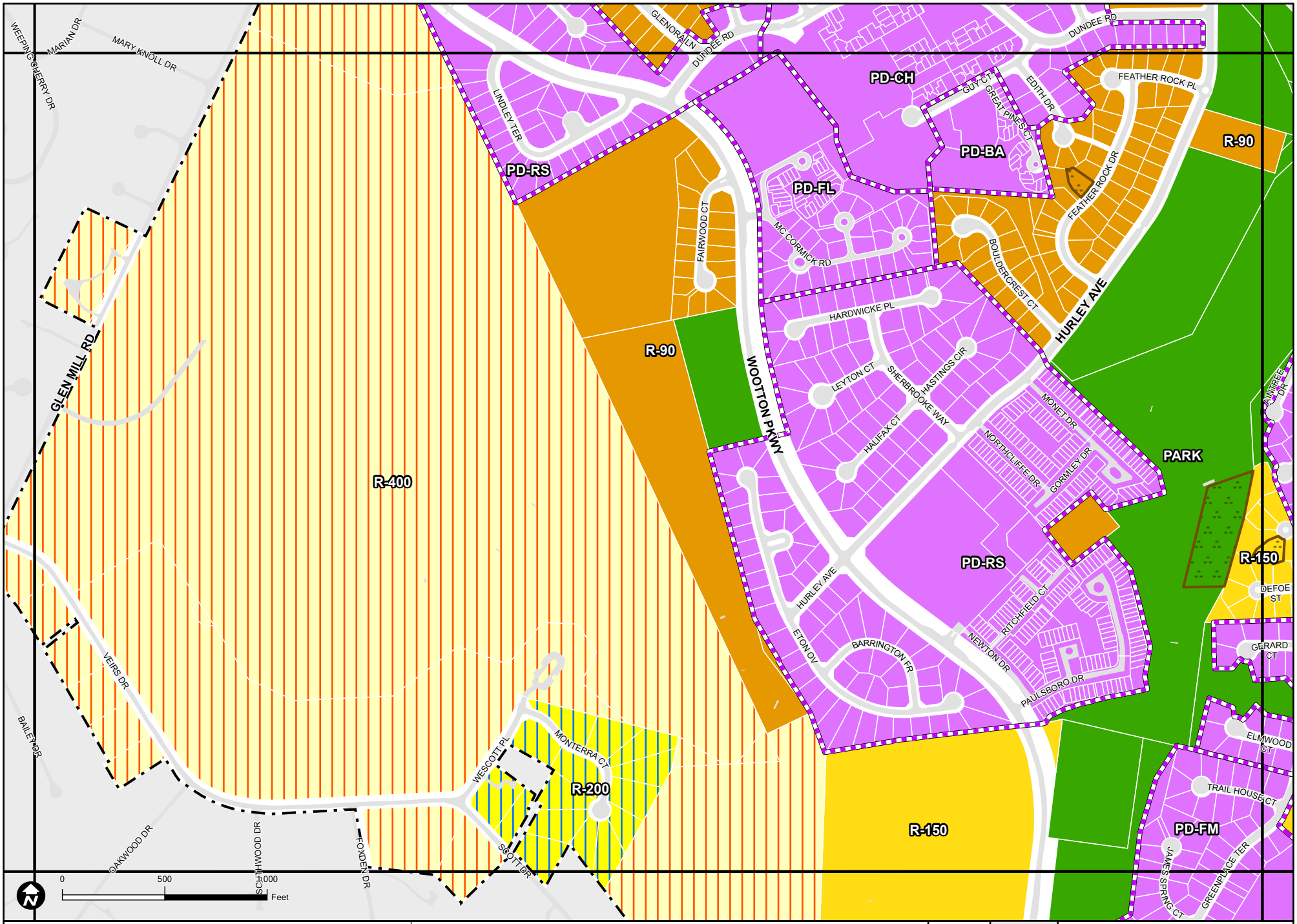
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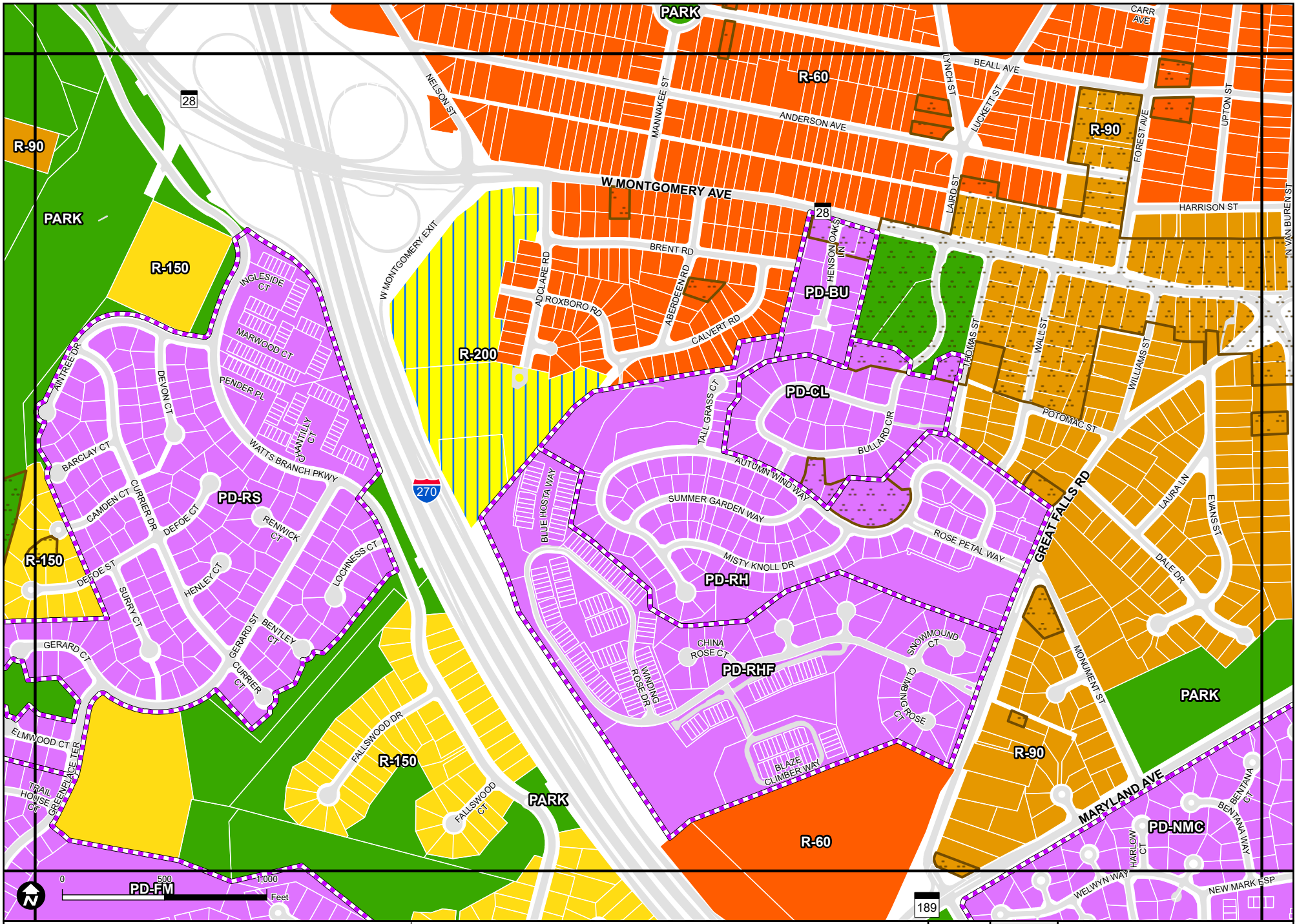
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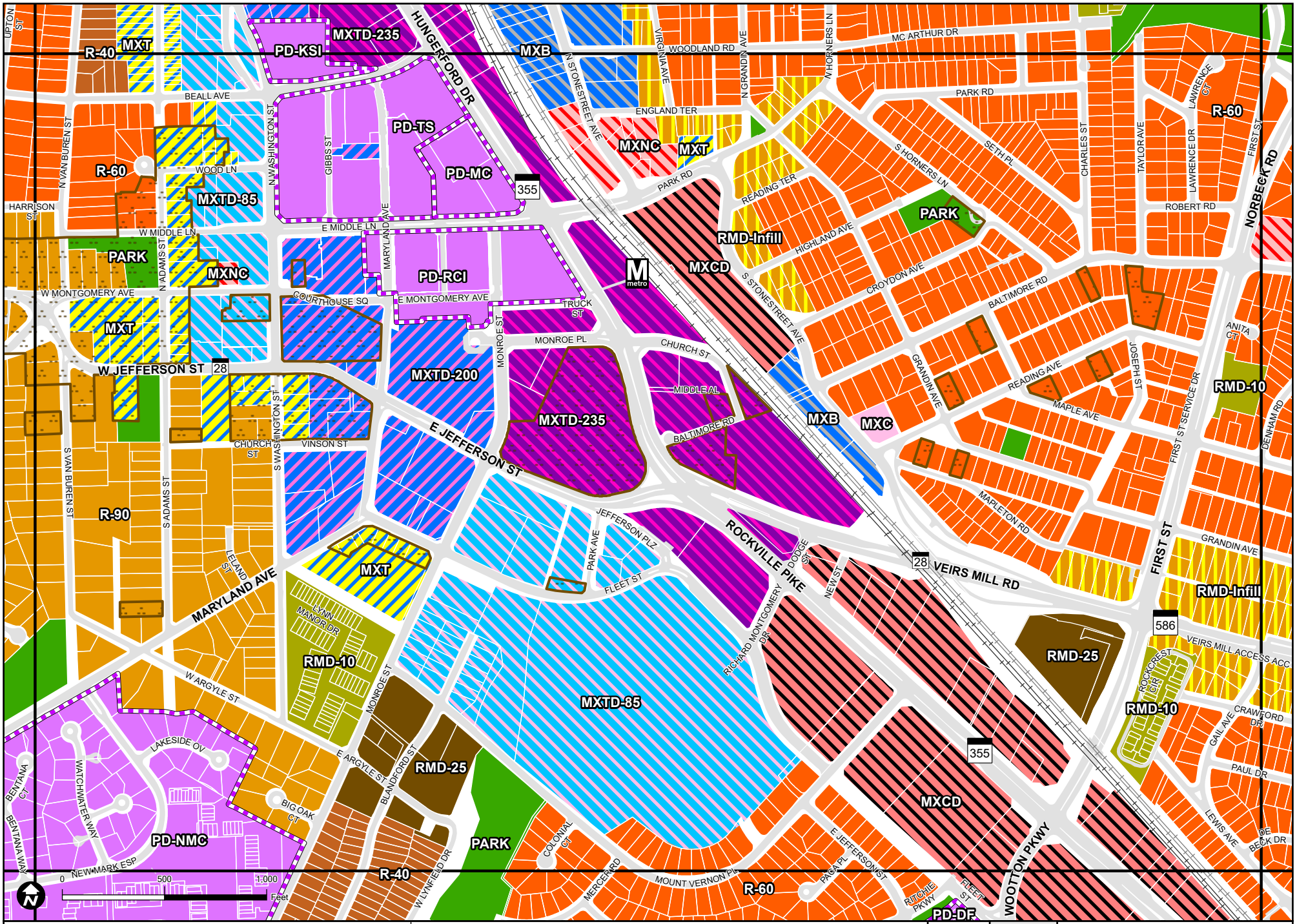
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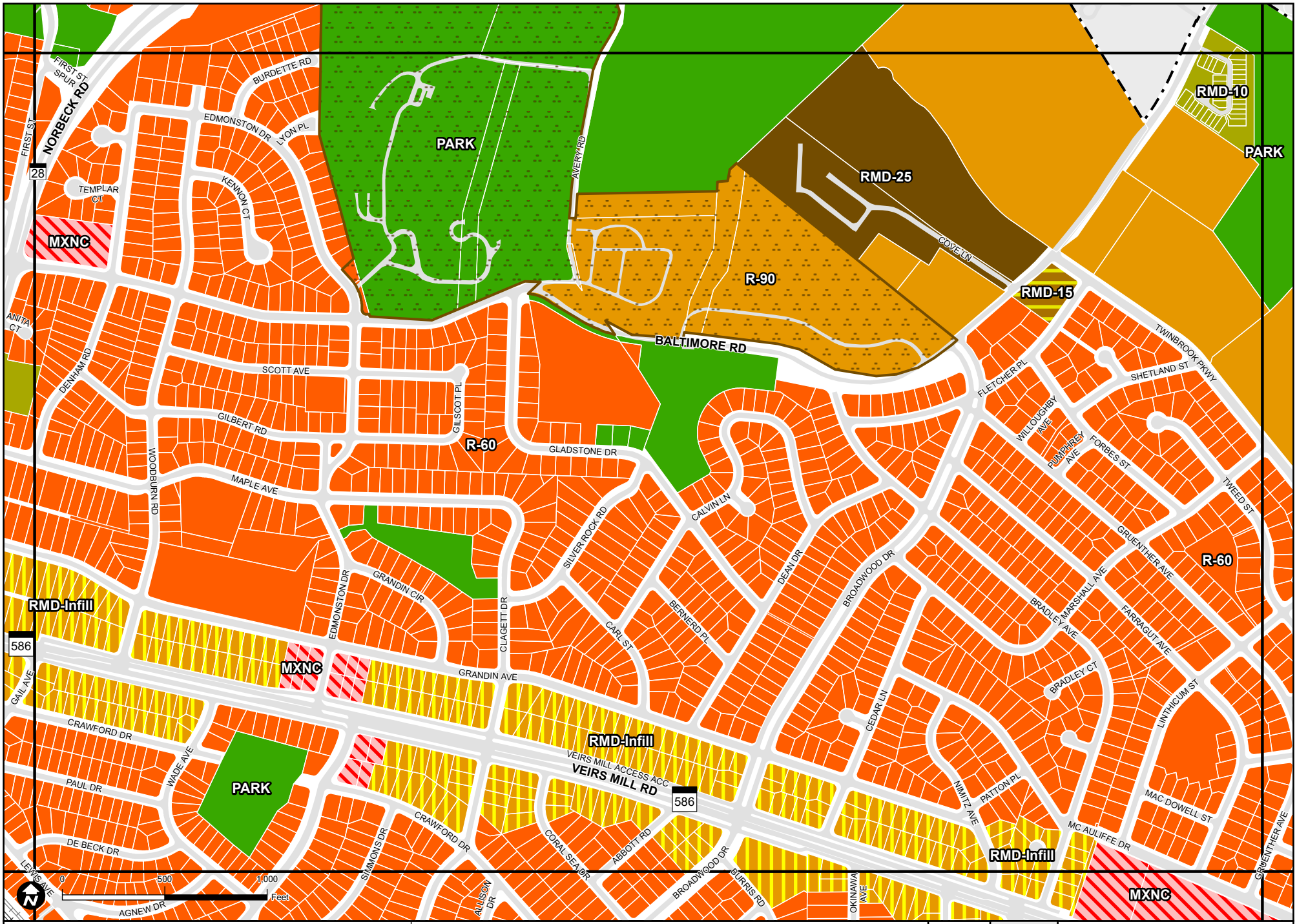
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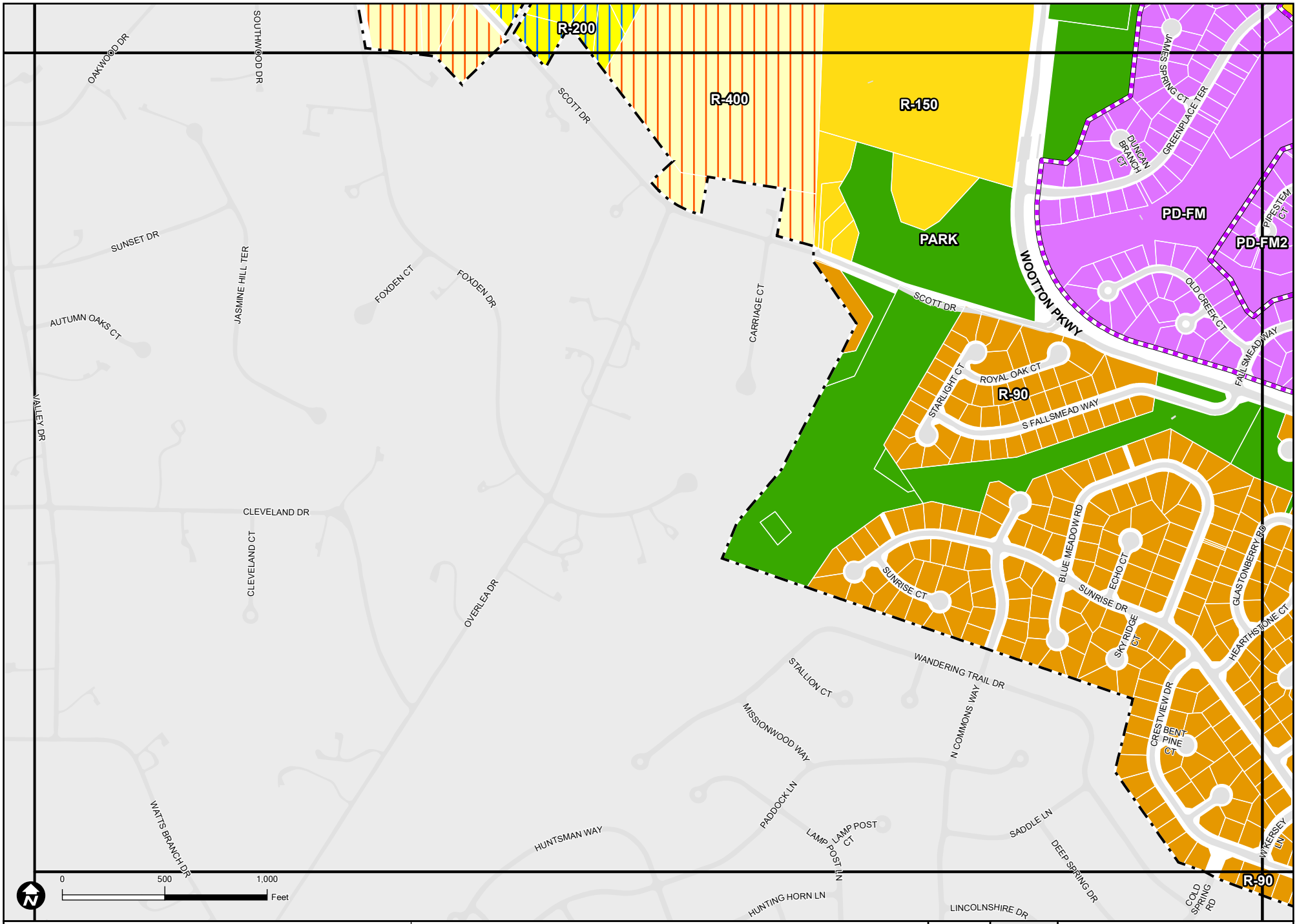
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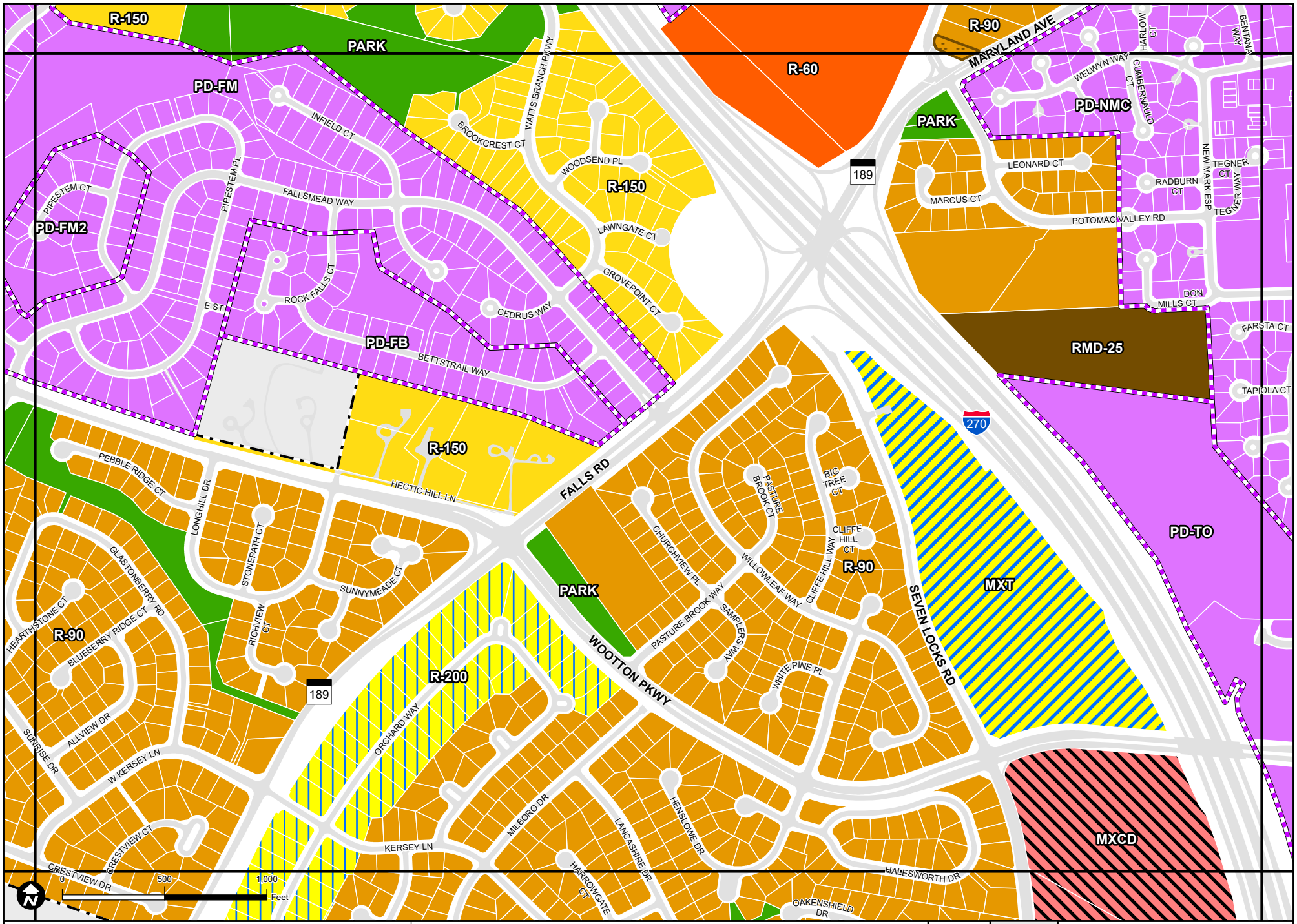
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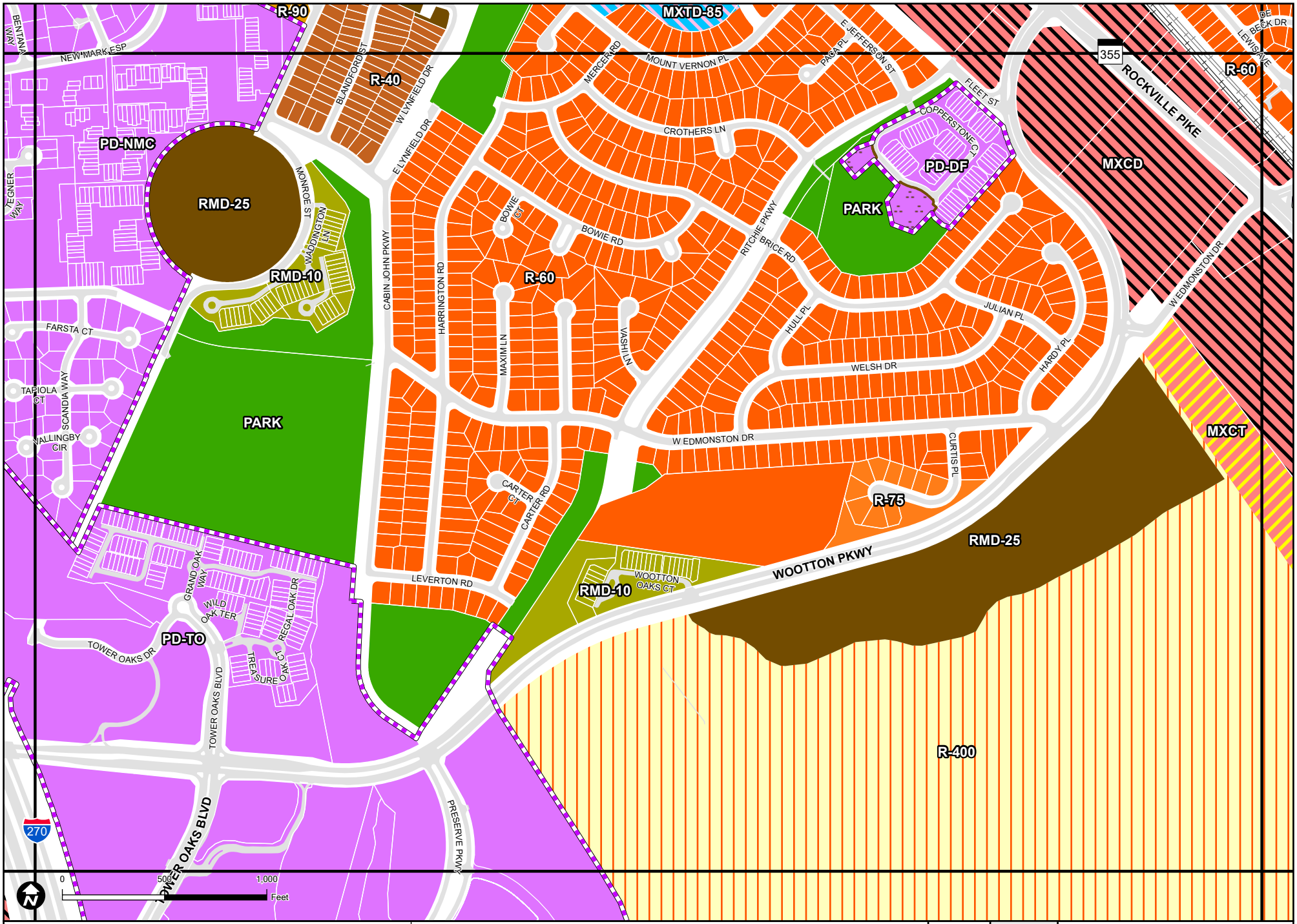
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Comprehensive Map Amendment Application

SHEET F-3

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DATE: December 1, 2025 **AUTHOR:** MRM



City of Rockville
Rise Together

Community Planning & Development Services
111 Maryland Avenue • Rockville, Maryland 20850-2364
Phone 240.314.8200 • Fax 240.314.8210 • www.rockvillemd.gov/pds

Draft Zoning Map of the City of Rockville

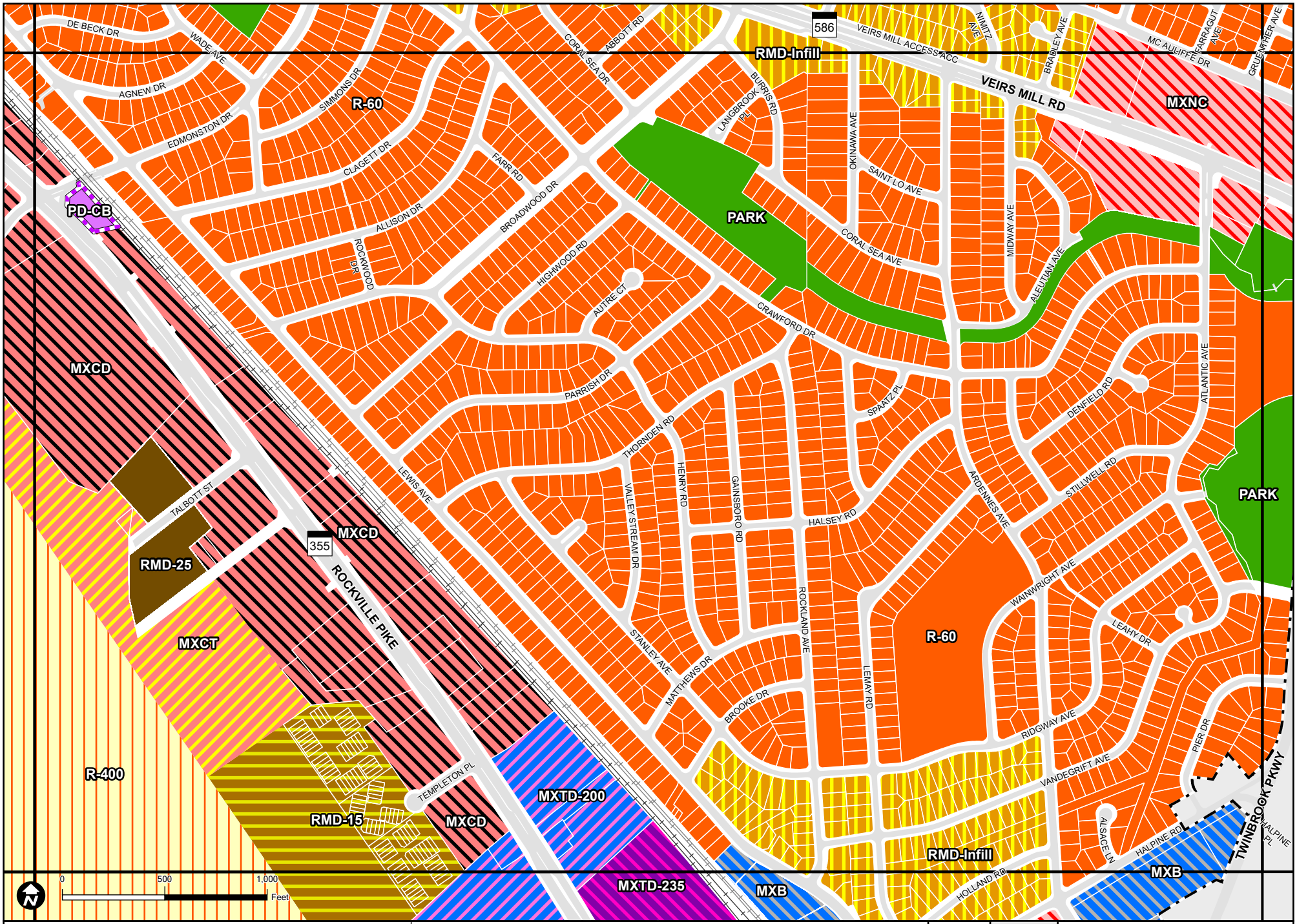
Comprehensive Map Amendment Application

SHEET F-4



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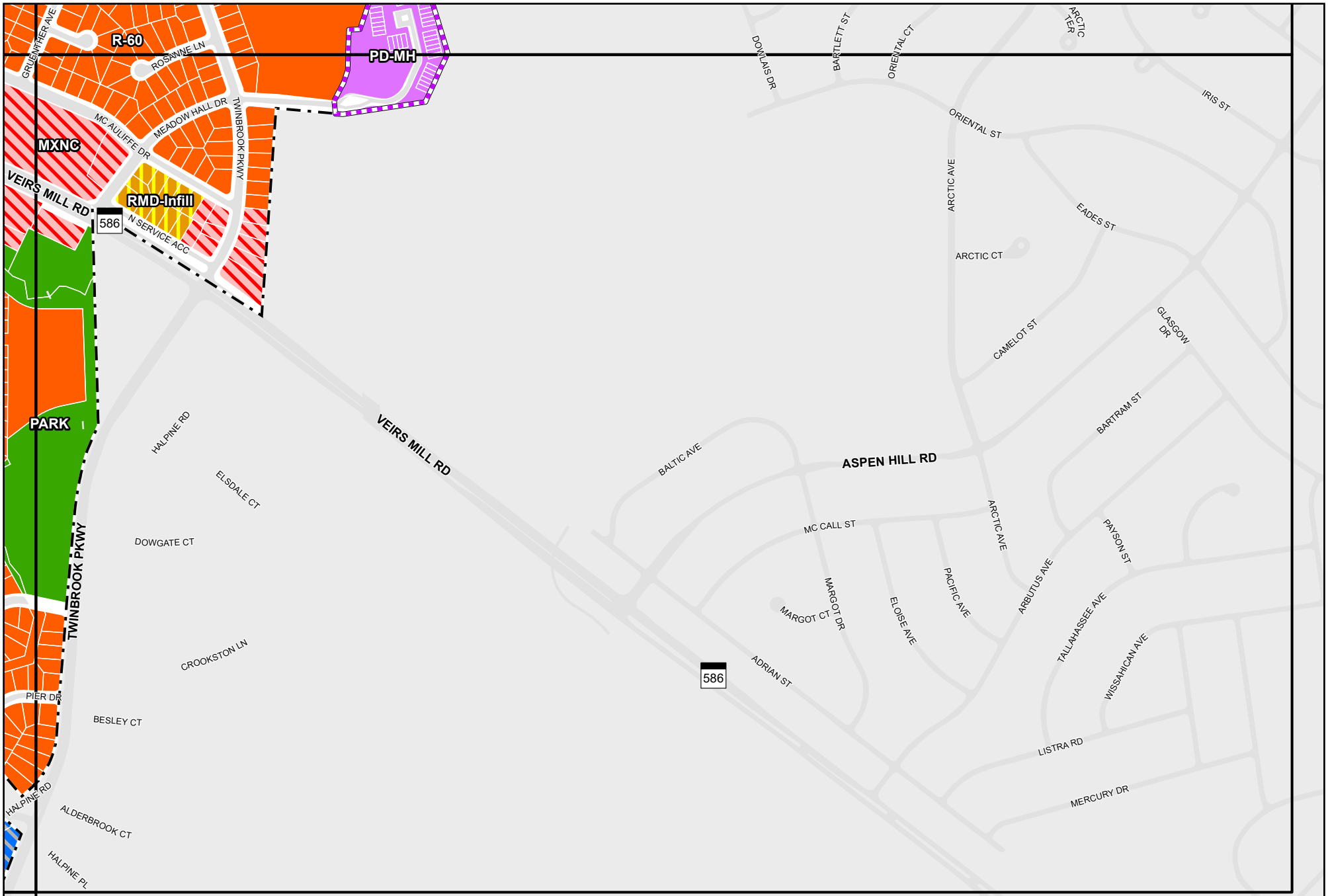
Comprehensive Map Amendment Application

SHEET F-5



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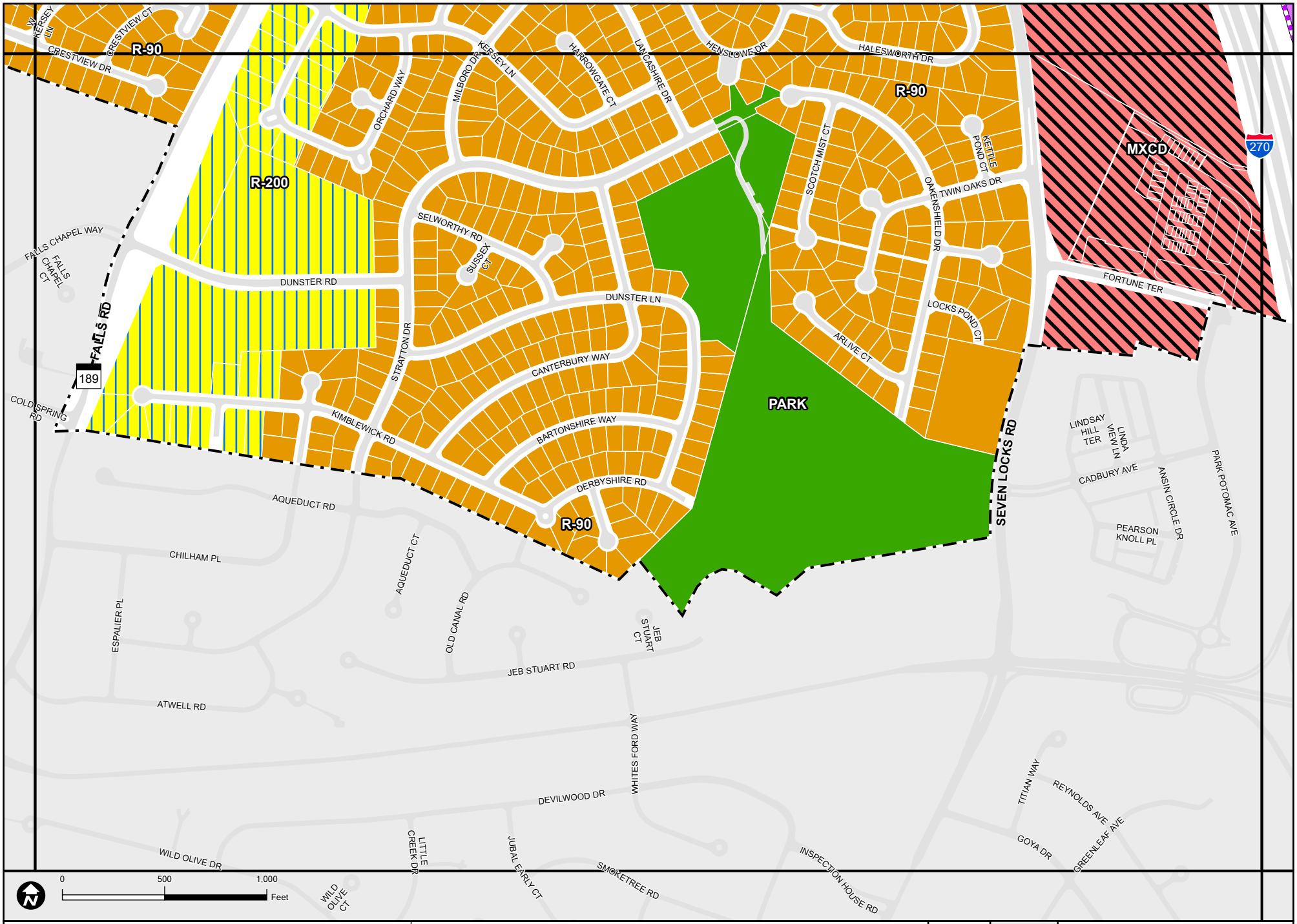
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Comprehensive Map Amendment Application

SHEET G-2

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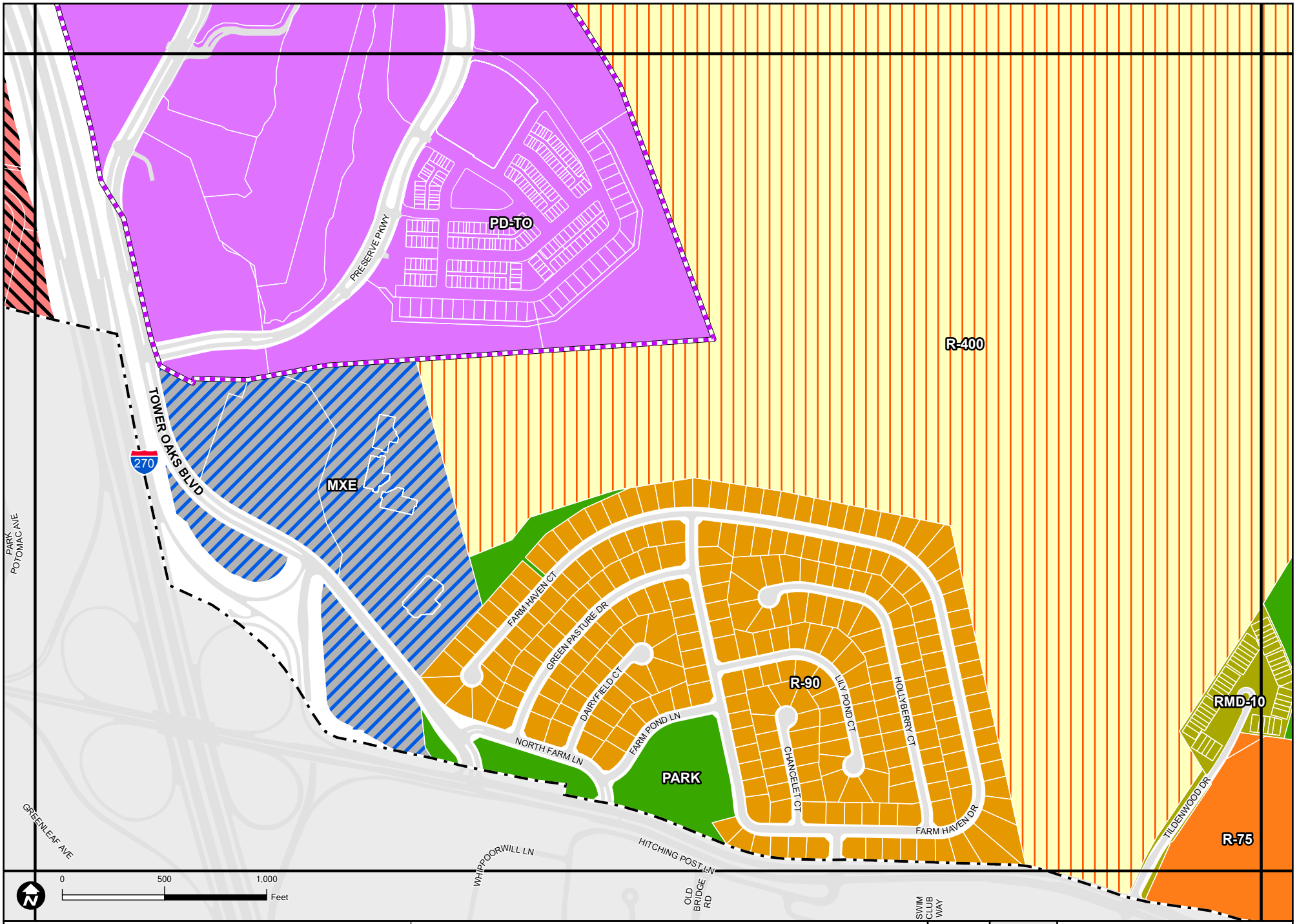
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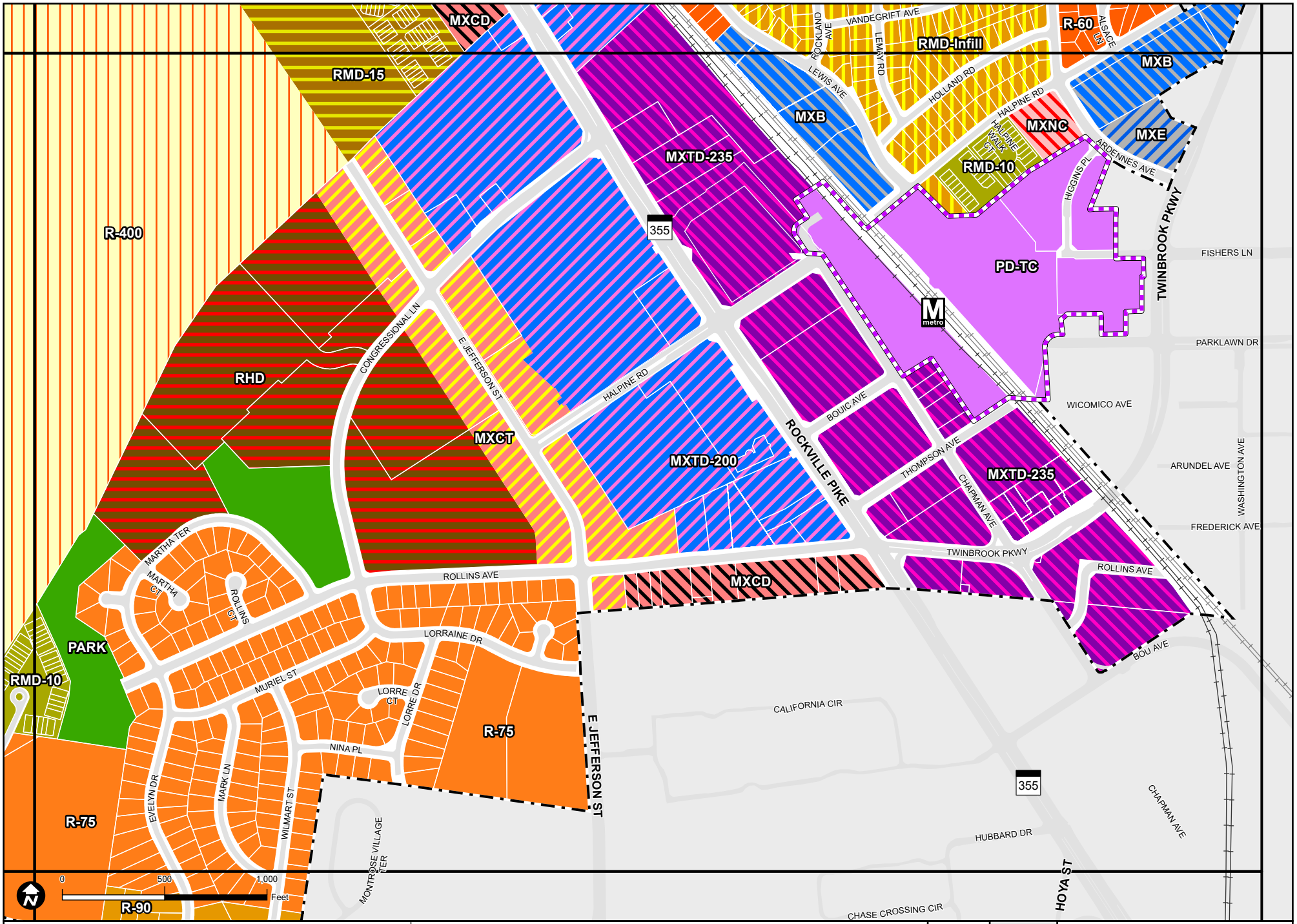
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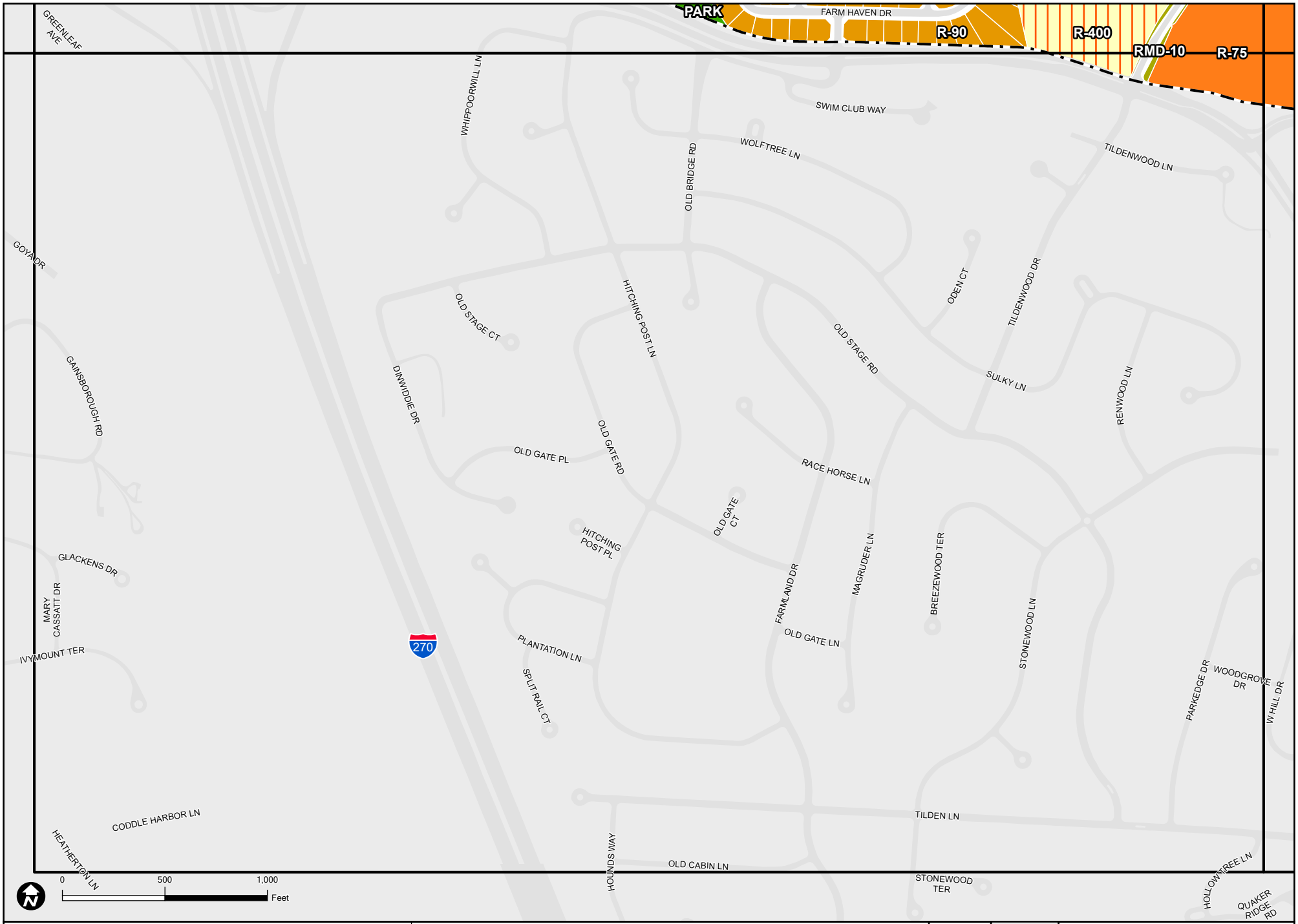
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SHEET H-4

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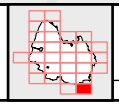
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SHEET H-5



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Descriptions of Existing and Proposed Zones

This document provides brief descriptions of Rockville's existing and proposed Euclidean zoning districts. Additional information for zones as they currently exist can be found in the city's Zoning Ordinance at library.municode.com/md/Rockville.

Existing Zones

Industrial, Heavy (IH): Higher impact industrial zone. Max. base height of 70'.

Industrial, Light (IL): Lower impact industrial zone allowing live-work units. Max. base height of 40'.

Mixed-Use Transit District (MXTD): Intended for use in areas near Metro stations, it allows for high-density development of retail, office, and residential uses consistent with the recommendations of the Plan. Max. base heights of 120'. *To be replaced by the MXTD-235, MXTD-200 and MXTD-85 zones*.

Mixed-Use Employment (MXE): Intended for areas that are either currently developed or are recommended for development primarily for office, light industrial, industrial park, and similar employment-generating uses, this zone also allows for medium to high density development of office, retail, and residential uses. A mix of office and residential uses, including live/work units, is encouraged. Max. base height of 120'.

Mixed-Use Corridor District (MXCD): Intended for areas along major highway corridors outside of the Mixed-Use Transit District Zone areas, it allows for medium density development of retail, office, and residential uses. Because of the nature of highway corridor areas, the zone provides flexibility in the siting of buildings relative to major roadways and other site requirements to accommodate service drives and required parking. Max. base height of 75'.

Mixed-Use Corridor Transition (MXCT): Intended for areas that are located between areas currently developed or recommended for development as medium to high-intensity development and areas developed or recommended for residential development or parks within residentially zoned areas. This zone allows for medium density development of residential and office uses, as well as neighborhood-serving retail and service uses. Max. base height of 75'.

Mixed-Use Business (MXB): Intended for areas that are either currently developed or recommended for development primarily for retail sales, neighborhood services, home improvement services, and compatible residential development in areas convenient to both higher-density commercial zones and single-unit detached residential uses. This zone allows for a range of densities as determined by the applicable master plan and permits retail, service, office, and residential uses. Max. base height of 55'.

Mixed-Use Neighborhood Commercial (MXNC): Intended for sites that are either currently developed or recommended for development primarily for local retail and service uses in areas either within or in close proximity to single unit detached residential uses. This zone allows for low to moderate density development of retail, service, office, and residential uses. This zone is not intended to provide for major employment, so office uses are limited. Max. base height of 45' to 65'.

Mixed-Use Transition (MXT): Intended for areas that are located between moderate or high-density development and single-unit detached residential neighborhoods. This zone allows for development of low-density multi-unit, attached and townhouse residential development, and may include other neighborhood-serving uses. Max. base height of 35'.

Mixed-Use Commercial (MXC): Intended for sites that are either currently developed or recommended for development primarily for local retail and service uses in areas either within or near single-unit detached residential uses. This zone allows for low density development of retail, service, office, and residential uses. This zone is not intended to provide for major employment, so office uses are limited. Max. base height of 30'.

Park (PARK): A zone placed on all city parks and recreation areas to provide for open space, recreational, and other compatible uses.

Residential-400 (R-400): Allows single unit detached dwellings with a 40,000 square feet minimum lot area. Max. base height of 40'.

Residential-200 (R-200): Allows single unit detached dwellings with a 20,000 square feet minimum lot area. Max. base height of 40'.

Residential-150 (R-150): Allows single unit detached dwellings with a 15,000 square feet minimum lot area. Max. base height of 40'.

Residential-90 (R-90): Allows single unit detached dwellings with a 9,000 square feet minimum lot area. Max. base height of 35'.

Residential-75 (R-75): Allows single unit detached dwellings with a 7,500 square feet minimum lot area. Max. base height of 35'.

Residential-60 (R-60): Allows single unit detached dwellings with a 6,000 (or 5,000) square feet minimum lot area. Max. base height of 35'.

Residential-40 (R-40): Allows single unit detached and duplex dwellings with a 4,000 square feet minimum lot area. Max. base height of 35'.

Residential Medium Density-Infill (RMD-Infill): Allow a diverse range of housing types, including duplexes, multiplexes (up to four units), and townhouses, in addition to single-unit detached dwellings. Proposed to allow cottage courts. Max. base height proposed to be 30' for cottage court dwellings, 35' for duplexes and triplexes, and 40' for fourplexes.

Residential Medium Density-10 (RMD-10): 20,000 square feet minimum tract area; Allows single-unit detached, semi-detached, townhouses, two-unit, and multiple-unit residential dwellings up to 10 dwelling units/acre. Max. base height of 35'.

Residential Medium Density-15 (RMD-15): 1-acre minimum tract area; Allows detached, attached, two-unit, and multiple-unit residential dwellings up to 15 dwelling units/acre. Max. base height of 40'.

Residential Medium Density-25 (RMD-25): 2-acre minimum tract area; Allows detached, attached, two-unit, and multiple-unit residential dwellings up to 25 dwelling units/acre. Max. base height of 75'.

New Zones

Residential High Density (RHD): A new, high-density residential zone, limited to residential uses, is appropriate for the remainder of the site to permit new investment and upgrades, though it should not result in resident displacement. Max. base height proposed to be 75'.

Mixed Use Transit District (MXTD-235, MXTD-200 and MXTD-85): A family of MXTD zones (see description above), to be called the MXTD-85, MXTD-200, and MXTD-235. Max. base heights proposed to be 85', 200', and 235', respectively.

Comprehensive Map Amendment
Digest of Public Commentary
November 10, 2025

Comments Regarding the Comprehensive Map Amendment

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CMA-4	William Meyer	04/26/2025	4
CMA-5	Phyllis and Samuel Blum	04/25/2025	5
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Mayor.

Routed To:
[ ] Council
[ ] City Clerk
[ ] City Manager
[ ] City Attorney
[ ] Council Support Specialist
[ ] Other RICK BARKER JIM WASILAK KATIE GEORGES

RECEIVED
APR 15 2025
CITY CLERK'S OFFICE

15100 Interlachen Drive
Apt 425
Silver Spring, MD 20906

April 11, 2025

Dear Councilmember Myles,

As a member of Jerusalem-Mt. Pleasant (JMP) United Methodist Church congregation, I am requesting that our zoning for the two Beall Avenue properties remain MXT instead of being rezoned to R-60. In addition, I am requesting that the Wood Lane properties remain MXT instead of being rezoned to RO.

It has been a long-term vision for the church to expand on our properties. The new R-60 and RO zoning would create barriers to our growth and development in the community we have resided in for 190 years.

As a member of the church's Leadership Team, I am committed to serving the Rockville community in any way that we can.

I would like to see my church grow and develop for the benefit of the community without the limitations of the R-60 and RO zoning.

Sincerely,

Lisa W. Yim

Lisa W. Yim

RECEIVED
APR 15 2025
CITY CLERK'S OFFICE

Routed To: Mayor
[ ] Council [ ] City Attorney
[ ] City Clerk [ ] Council Support Specialist
[ ] City Manager [ ] Other RICK BARKER
JIM WASILAK
KATIE GERBS

April 12, 2025

Dear Mayor Ashton,

As a member of the Jerusalem Mt-Pleasant (JMP) United Methodist Church congregation, I am requesting that our zoning for the two Beall Avenue properties remain MXT instead of being rezoned to R-60. In addition, that the Wood Lane properties remain MXT instead of being rezoned to RO.

It has been a long-term vision for the church to expand on our properties. The new R-60 and RO zoning would create barriers to our growth and development in the community we have resided in for 190 years.

I was born and raised in Rockville, and joined Jerusalem-Mt. Pleasant, formally know as Jerusalem United Methodist Church, as child, where my parents were also members. I have been at JMP for 84 yrs.

I would like to see my church grow and develop for the benefit of the community without the limitations of the R-60 and RO zoning.

Thank you in advance for your consideration.

Sincerely,

Karlton Jackson

Judy Penny

From: Jeanne paderofsky [redacted]
Sent: Friday, April 25, 2025 4:27 PM
To: mayorcouncil

WARNING - External email. Exercise caution.

Dear City Council Members & Planning Department

Our neighborhood- Markwood has just received information that the vacant land (approx. 5 acres) between 1201 Potomac Valley Rd and the Nursing /rehab vacility at 1235 Potomac Valley Road is up for Auction... https://redf.in/76vN4k

PLEASE DO NOT rezone it from R-90 as it is now.

We are a quiet neighborhood and wish to remain so.
Thank You

Jeanne Paderofsky
1194 Potomac Valley Rd, Rockville, MD 20850

Holly Simmons

From: Jim Wasilak <jwasilak@rockvillemd.gov>
Sent: Monday, April 28, 2025 4:30 PM
To: Holly Simmons
Cc: Katie Gerbes
Subject: FW: Zoning map revision

FYI

From: Bill Meyer [redacted]
Sent: Saturday, April 26, 2025 12:55 PM
To: mayorcouncil <mayorcouncil@rockvillemd.gov>
Cc: Jim Wasilak <jwasilak@rockvillemd.gov>
Subject: Zoning map revision

WARNING - External email. Exercise caution.

Mayor and Council;

Jim Wasilak gave a very informative presentation on the ZOR and Map amendment process to the Hungerford Civic Assn. this morning.
The Map amendment is proposing to rezone a 27 acre parcel of Woodmont CC property next to Wootton Parkway from R-400 to RMD-25. Jim said that the map amendment process does not address future access points to rezoned parcels.

When Wootton Parkway was approved in the late 1980's, staff recommended that future curb cuts be kept to a minimum. Existing streets Fleet and W. Edmonston were accommodated as well as future Tower Oaks and Preserve Parkway.
The city allowed the rear access to the Wintergreen shopping center and when it was forced to purchase the cut off parcel that became the Wootton Oaks townhouses, access had to be provided.
During your work sessions with staff please have them explore limiting this map amendments future access points from Wootton Parkway to the existing curb cuts. (W. Edmonston and Wootton Oaks Ct)
Can the city require Woodmont CC to build the Jefferson Street extension before allowing this potential development?

Regards,
William Meyer

Judy Penny

From: Ruby Moone [redacted]
Sent: Monday, April 28, 2025 12:25 AM
To: PHYLLIS BLUM; cpds; HCD; mayorcouncil
Subject: Re: Concern about auction of land between 1201 Potomac Valley Road & 1235 Potomac Valley Rd

WARNING - External email. Exercise caution.

Thank you.

Sent from the all new AOL app for iOS

On Friday, April 25, 2025, 2:00 PM, PHYLLIS BLUM [redacted] wrote:

1. **City of Rockville**

   111 Maryland Avenue
   Rockville, MD 20850

   Phone: 240-314-5000

Dear City Council Members & Planning Department

Our neighborhood- Markwood has just received information that the vacant land (approx. 5 acres) between 1201 Potomac Valley Rd
and the Nursing /rehab vacility at 1235 Potomac Valley Road is up for
Auction... https://redf.in/76vN4k

PLEASE DO NOT rezone it from R-90 as it is now.

Thank You

Phyllis & Samuel Blum
Markwood Citizens
1201 Potomac Valley Rd
Rockville, MD 20850

[redacted]

Judy Penny

From: Bill Meyer [redacted]
Sent: Friday, May 2, 2025 9:52 AM
To: mayorcouncil
Cc: Jim Wasilak
Subject: Re: Zoning map revision

WARNING - External email. Exercise caution.

Has the M&C received this request and will it be discussed during their work session on May 5?

On Apr 26, 2025, at 12:55, Bill Meyer [redacted] wrote:

Mayor and Council;

Jim Wasilak gave a very informative presentation on the ZOR and Map amendment process to the Hungerford Civic Assn. this morning.
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During your work sessions with staff please have them explore limiting this map amendments future access points from Wootton Parkway to the existing curb cuts. (W. Edmonston and Wootton Oaks Ct)
Can the city require Woodmont CC to build the Jefferson Street extension before allowing this potential development?

Regards,
William Meyer

Judy Penny

From: Susan Hoffmann [redacted]
Sent: Sunday, May 4, 2025 3:27 PM
To: mayorcouncil
Subject: Rezoning of Mixed-Used Commercial (MXC) and Mix-Use Transition (MXT) Properties-West End

WARNING - External email. Exercise caution.

Dear Mayor and Council,

I write to you today as a person proud to call Rockville my home, as a resident who has and continues to serve our fellow Rockvillians, and as an activist concerned with a matter before the Mayor and Council.

During the period of time I had the honor to serve as both Mayor and Councilmember, the mixed-use retail and residential Rockville Town Center was developed. The Town Center got off to a strong start and thrived. Over the ensuing years, Town Center experienced some ups and downs, including the Great Recession. The internal-facing design proved to be a challenge. The market has shown that the ratio of residential housing to retail proved to be less robust than was required for Rockville Town Center to thrive.

In recent years, attention has been paid to the declining economic health of Town Center. Community outreach conducted by the Mayor and Council, City staff, and HMOs and citizen associations throughout Rockville have shed a light on this important investment made by the City. In summary, the overwhelming consensus, underscored and highlighted during our most recent election, supports the need for additional residential housing adjacent to Town Center and along Rockville Pike/Route 355. Personally, I am delighted at the clarity with which my fellow residents understand the issue and are prepared to move forward.

However, the proposal now before the Mayor and Council does not reflect the most recent zoning decisions in support of Rockville

Town Center, nor the recommended solutions developed to strengthen the economic wellbeing of Town Center. In fact, it will result in a failure to improve its economic viability and will return Rockville to its weakened anti-business reputation.

In particular, I am very concerned about the rezoning of Mixed-Used Commercial (MXC) and Mix-Use Transition (MXT) Properties in the West End area to a new Mixed-Used Residential Office (MXRO) Zone (or ANY Zone) which could apply either height transition requirements or layback slopes to adjacent Rockville Town Center properties. This rezoning and application of either height transition requirements or layback slopes to adjacent Rockville Town Center properties will be most problematic because it will reduce the use of Rockville Town Center properties for the residential density which the Mayor and Council has already established for these Town Center areas/zones. These height transition proposals seek to weaken the great work the Council and City staff have done to plan for the future of Rockville Town Center.

I also am very concerned about any expansion of height transition requirements or layback slopes to adjacent Rockville Town Center properties where no such setbacks or layback slopes exist under the current code. We cannot take steps forward towards increasing the necessary density of Rockville Town Center but then only take steps backward through expansion of height transition requirements or layback slopes to adjacent Rockville Town Center properties. I question whether we need either height transition requirements or layback slopes at all. I do know that they certainly should not apply to Rockville Town Center properties, especially in that they are not residential properties any longer, and are not directly adjacent to the exclusively residential zone.

Finally, I wish to make clear my opposition to the downzoning of properties that are currently permitted as commercial or residential. In this current economic climate, why would Rockville want to send a message to existing property owners that we would

limit their use of their own property and deter people from investing in Rockville?
I respectfully urge you to oppose this rezoning.

--
With every good wish,
Susan R. Hoffmann

Judy Penny

From: Mark Wetterhahn [redacted]
Sent: Sunday, May 4, 2025 4:22 PM
To: cityclerk
Subject: Issues associated with the 10 acre School Board Site
Attachments: letter to Mayor and Council 5 4 2025.pdf

WARNING - External email. Exercise caution.

Mayor and Council

Please accept the attached input in lieu of an appearance at the public forum relating to the May 5, 2025 Mayor and Council Work session. Thank you.

Mark Wetterhahn
2 Don Mills Court

Mark Wetterhahn
2 Don Mills Ct
Rockville MD 20850

May 4, 2025

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

Via Electronic Distribution

Re: Written input in lieu of an appearance at the public forum relating to the May 5, 2025 Mayor and Council Work Session

Mayor and Council members;

My name is Mark Wetterhahn. I live at 2 Don Mills Court in Rockville. I have been living at this address for 52 years. The 10-acre property which lies directly south of my home is being considered for rezoning from an R-90 to an RMD-25 Zoning District. The site is colloquially known as the "School Board Site" since it once was proposed for that use. These comments are mine alone. Other neighbors of mine may have differing views. Furthermore, New Mark Commons Homes Association may develop its own views, e.g., determining whether any new homes in this property should become part of New Mark Commons.

The history of the property is extremely complicated and involves lawsuits, settlements and multiparty agreements, including one involving the Mayor and Council, There are also been changes over time which resulted in draft agreements to which the named parties have thus far adhered to, but which may have no legal effect. Complicating this situation is the fact that access to the site is extremely limited and would not support the infrastructure necessary for an RMD-25 zoning. The only realistic access is from the south from Wooten Parkway. Even if it were not prohibited by binding agreements, access from Don Mills Court, the only other alternative, is simply unrealistic. It is a cul-de-sac designed for the nine houses on it. Traffic through New Mark Commons would surely rise to unacceptable levels. On top of these issues, large portions of the School Board site have already been dedicated to other uses and not available for development. Examples are portions dedicated to wetland mitigation for previous development of Tower Oaks. The site also contains the Don Mills Court Infiltration Basin developed by the City.

My neighbors, Martin and Ann Reiss, and I have reached out to City Staff involved in the rezoning effort to schedule a meeting with interested neighbors to focus on the School Board Site to gather what are likely to be disparate views and assure that the City and its counsel have all key documents. As necessary, I would ask that the Mayor and Council set aside some time to hear interested parties on this development which will likely affect a large number of citizens of Rockville.

Thank you for the opportunity to have these issues and my views placed before you.

Sincerely,

Mark J. Wetterhahn.

Judy Penny

From: Michael Dutka [redacted]
Sent: Monday, May 5, 2025 9:58 AM
To: mayorcouncil
Subject: County level rent stabilization policy is having a profound negative impact
Attachments: Screenshot 2025-05-05 at 9.43.19 AM.png

WARNING - External email. Exercise caution.

Dear Mayor and Council,
I know if can be tough to resist the loudest voices at city council meetings, but I thought I would point out the rent stabilization policies embraced by County Executive Marc Elrich are having a real impact on real estate industry here:

"Mark Parrell, CEO of the Chicago-based real estate investment trust (NYSE: EQR), made the statement during the company's first-quarter earnings conference call Wednesday when asked by an analyst.

"We only have one property subject to those rules, but we are unlikely to invest further in that area in that state," he said of Montgomery County. "The political climate has become quite poor from a landlord perspective."

...

"This kind of capital flight is exactly what opponents of rent control have warned about, Doug Firstenberg, a principal of Bethesda-based developer Stonebridge, told me in an interview. He and others have long argued that constraining returns harms owners' and developers' ability to attract investment and lending, and thus to build and sell rent-controlled buildings. Investors don't care about geography, Firstenberg and others argue: They'll just send their money somewhere else with a similar demographic profile that doesn't constrain potential returns.

As in the present case of Equity Residential, "the money is speaking, and as a result, we're not getting the additional housing that we need," Firstenberg said. "The debate is still the debate, but the facts are the facts.""

source: https://www.bizjournals.com/washington/news/2025/05/02/montgomery-equity-residential-rent-control-housing.html

The consequences of this misguided policy are manifesting in reality, it's not theoretical. The capital flight is real. By contrast the consequences of refraining from implementing a rent control policy will not be felt by the overwhelming majority of current tenants because average market rate rent increases are well below the allowed cap (see attached figure). For multifamily investors, the existence of a cap is just an additional risk factor that they'd rather not have to deal with, it doesn't matter what the cap actually is. There are so many other places to invest money besides Montgomery County and Rockville there's

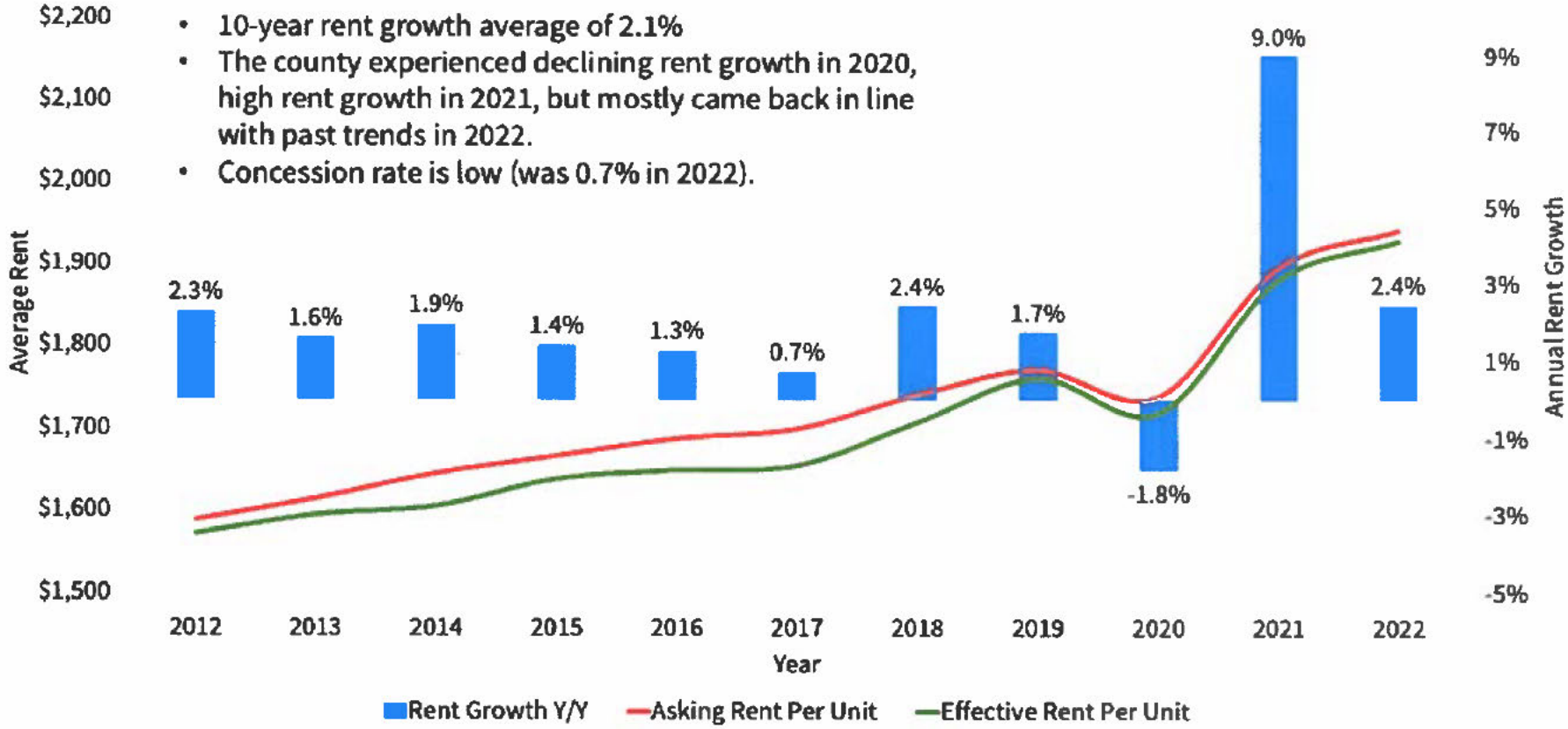
very little cost for avoiding us entirely.

This is proving to be a policy where the costs are vastly exceeding the benefits. I urge councilmembers to continue holding off on implementing any sort of rent stabilization policy. Rember without private investment we can't fix any issues that we might have with our current built environment, like segregated neighborhoods, auto dependency, scarce housing, disinvested neighborhoods the list goes on.

--
Michael S. Dutka
713 Shetland Street
Rockville Md 20851

Market Rent Per Unit & Y/Y Rent Growth

- 10-year rent growth average of 2.1%
- The county experienced declining rent growth in 2020, high rent growth in 2021, but mostly came back in line with past trends in 2022.
- Concession rate is low (was 0.7% in 2022).



Holly Simmons

From: Jacqueline Kohn [redacted]
Sent: Thursday, June 26, 2025 3:34 PM
To: zoning; Zachary K
Subject: Fwd: Zoning Concerns in New Mark Commons - Planning Zone 12

Follow Up Flag: Follow up
Flag Status: Flagged

WARNING - External email. Exercise caution.

Hello,

Forwarding a message we sent to Mayor Ashton regarding our concerns regarding Planning Zone 12. We would appreciate a response.

Jackie Kohn

---------- Forwarded message ---------
From: **Zachary K** [redacted]
Date: Tue, Jun 24, 2025 at 8:53 PM
Subject: Zoning Concerns in New Mark Commons - Planning Zone 12
To: <mashton@rockvillemd.gov>, [redacted]

Good Evening Mayor Ashton,

My wife and I are residents of New Mark Commons. We have resided here for 5 years. I am an attorney and partner at an immigration law firm in Washington, DC and my wife is a nurse practitioner at a neurosurgery group in Bethesda, MD. We are parents of two small children ages 2 and 1 years old. We both voted for you in the last election.

We and our neighbors are extremely distressed about Planning Zone 12. My wife attended this evening's zoning re-write meeting and received cryptic and minimized responses about the possibility of a 250 unit building being built behind our home.

This change would create significant environmental and noise pollution. The increased traffic is also a safety concern for my children who I hoped would grow up to be able to easily cross the street and go to the playground.

It is my understanding that this could be finalized in December of this year and construction would happen in 2026. We would appreciate it if your administration would do everything possible to promptly put this to halt and would like your assurance that you would fight for your constituents.

Thanks for your time and prompt attention to this important matter.

Sincerely,

Zachary and Jacqueline Kohn

Holly Simmons

From: Kyle Browning [redacted]
Sent: Thursday, July 3, 2025 7:59 AM
To: zoning
Subject: Support rezoning for denser housing

Follow Up Flag: Follow up
Flag Status: Flagged

WARNING - External email. Exercise caution.

I am writing to express my support for rezoning proposals that would create opportunities for more and denser housing in Rockville. I live in New Mark Commons and specifically support the proposal to rezone the parcel adjacent to our neighborhood that is currently zoned for commercial. Though a housing development in this area would likely increase traffic and noise in our neighborhood, I believe the need for more housing in Rockville is greater than any downsides to our specific community.

I support the city's (and Montgomery County Council's) efforts to create more housing in the "missing middle." We need a city and a county welcoming to residents at all income levels. The most important way to achieve this is to build more housing, and a key way to do that is to rezone land to allow for more density.

Thank you.

Kyle Browning
503 New Mark Esplanade, Rockville, MD 20850

Patricia A. Harris, Esq.
[redacted]

July 24, 2025

Via Electronic Mail

Mayor Ashton and Members of the Council
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: Rollins Park – Zoning Classification

Dear Mayor Ashton and Members of the Council:

We represent Congressional Towers and Rollins Park partnerships, the owner ("Owner") of the 51.92-acre Rollins Park community in the northwest quadrant of the Rollins Avenue and East Jefferson Street intersection. On behalf of the Owner, we closely followed the Rockville 2040 Comprehensive Plan effort as it pertained to the future development potential of the Property and are now very interested in the City's Zoning Rewrite effort as it relates to the implementation of the Comprehensive Plan recommendations. In this regard, we recently met with City Planning Staff to discuss the future zoning of the Property which will have a significant impact on the Property's future development potential. As discussed below, while we are appreciative of the establishment of a residential high density (RHD) zone for the Property, we are concerned that the proposed development standards relating to height and density for the RHD Zone do not take full advantage of the potential yield of housing units that could be provided by the Property and will fail to incentivize the stated objective of long term redevelopment of the Property. As a result, the development standards will not further the goals of the Comprehensive Plan and the housing objectives of the City. Consistent with standard urban design practices, and as discussed in more detail below, a high-density residential zone should allow up to 100 units per acre.

Given that the public hearings on the Zoning Rewrite are not scheduled until early 2026, it was important for us to bring our concerns regarding the proposed development standards to you at this time so that, assuming you agree with our conclusions, there is sufficient time for you to request Planning Staff to further analyze the RHD Zone and reevaluate the proposed height and density development standard recommendations.

I. Background

By way of brief background, the majority of the Property is currently zoned RMD-25 and developed to a density of 25 units per acre as allowed by the zone, with a variety of garden apartments, townhouses, and four seven-story multi-family buildings that are located along the

northern boundary of the Property. A 5.3-acre portion of the Property currently improved with the Rollins-Congressional clubhouse and pool is zoned R-75. The Comprehensive Plan Land Use Policy Map (Attachment A) recommends the following for the Property:

- CRM (Commercial and Residential Mix) for the East Jefferson frontage of the Property
- RM (Residential Multiple Unit) for the balance of the Property.

  In designating the majority of the Property RM, the Comprehensive Plan notes: "A new higher-density residential zone, limited to residential uses, is appropriate for the remainder of the site *to permit new investment and upgrades*, though it should not result in residential displacement." (Emphasis added).

In connection with the Zoning Rewrite, Planning Staff is recommending the new RHD Zone for the Property that would allow 50 units per acre and a maximum height of 75 feet, except that those portions of the Property within 100 feet of single unit housing are limited to a maximum height of 45 feet. As noted, we are concerned that these recommendations will not foster the desired redevelopment of the Property and as explained below, believe that an increase in allowable density and heights (in selected areas) is appropriate for the proposed RHD Zone. Critically, the Property is the *only* site in the City with an RM land use designation and a recommendation for a higher density residential zone and as a result, the Property is the *only* site in the City recommended for the proposed RHD Zone.

II. Considerations for Increased Density and Height

In addition to being the only site in the City subject to the RHD Zone, we believe that the following features associated with the Property justify consideration of an increase in the density and height:

- The Property is located less than 2,000 feet from the Twinbrook Metro Station and is within the "walkshed" of the Metro Station, as well as along RideOn Routes 5 and 26. As the City evaluates where additional needed housing should be located, it is locations such as the Property, that are served by existing infrastructure and adjacent to substantial commercial services, that are most logical.
- The northern portion of the Property where the multi-family buildings are located abut the 457-acre Woodmont County Club. The distance between the multi-family buildings on the Property and the closest single-family homes (located north of Wooton Parkway) is more than 3,800 feet. Between the buildings and these homes is the wide, undeveloped expanse of the County Club property.
- The Rollins Park community was constructed in 1962 and 1963 and is very well maintained. Nonetheless, given the age of the improvements, the Owner's anticipate that within the next ten to twenty years, decisions will need to be made as to whether to commence a phased redevelopment of the Property or instead make significant investments into the maintenance and upkeep of the existing improvements.[1] By way of

[1] Within the past five years, the Owner's invested more than $15 million to improve the HVAC Central Plants, door and lock replacements, elevator renovations, corridor and lobby renovations and apartment renovations throughout the Property.

example, because this development was built before current requirements for stormwater management, any redevelopment will entail significant costs that cannot be absorbed by a moderate replacement of density. Thus, anticipated redevelopment will only be pursued with the appropriate height and density incentives.

As it relates to the proposed heights for the RHD Zone, it is important to first emphasize that we agree with the proposed development standard that limits the height on the Property to 45 feet within 100 feet of the single-family residents. The Rollins Park community and the nearby single-family residences have co-existed in a compatible manner since the development of both communities in the early 1960's, and the 45-foot height limit ensures that any future development of the Property will continue to be compatible with the adjacent uses.

At the same time however, the Property is generously sized at 52 acres and significant portions of the Property are located more than 100 feet away from single unit housing. With these characteristics, we believe that there are areas of the Property where heights above 75 feet are appropriate and can be provided without adversely impacting the surrounding area. More specifically, it is one-third of a mile (1,620 feet) from the Property's southern boundary (which is across Rollins Avenue from the single-family homes) to the northern boundary adjacent to the Woodmont County Club. This is a significant distance, and the RHD Zone could be drafted to allow the opportunity to selectively increase allowable heights above the proposed 75 feet as one moves further away from single unit housing, with the greatest heights being allowed in the most northern portions of the Property adjacent to the Country Club. The RHD Zone could also be drafted to incorporate design requirements such as upper story setbacks, to the extent necessary to ensure that increased building heights are less perceptible from the ground plane. Importantly, allowing additional height above 75 feet provides the opportunity to increase the number of housing units and can be accomplished in a manner that does not create any additional impacts on the area surrounding the Property than would heights of 75 feet. Further, increased heights allow for smaller building footprints such that redevelopment can proceed with minimal displacement. The result is a gradual phased development wherein new units are created to supplement the existing residences.

As it relates to the proposed density, the RHD Zone proposes a maximum density of 50 units per acre. While this density represents a doubling of the density that was approved when the Property was developed more than 60 years ago, it nonetheless, based on the Owner's economic analysis, does not provide enough additional density to make the redevelopment of the Property, as recommended by the Comprehensive Plan, financially feasible. Consultation with current active developers and land planners has confirmed our view that at 50 units per acre, the highest and best use for the property would be the development of for-sale townhouses. This is not consistent with the Owners long term objectives, nor those set forth under the Rockville 2040 Comprehensive Plan. Nor does it advance that Plan's stated goal of concentrating additional density within Metro transportation nodes. Without sufficient allowable density (in the 100 unit an acre range[2]) to support the redevelopment of the Property, the existing status quo of the Property will continue for the foreseeable future. Multi-family podium, courtyard, and hybrid residential buildings range in density but typically provide well over 50 units per acre thereby

[2] By way of comparison, the six-story multi-family building at 1900 Chapman Avenue has a density of 110 units per acre.

providing flexibility and diversity of housing between the highest density Rockville Pike Corridor and the lower density missing middle housing across from the detached-house neighborhoods to the south and west. The proposed development standards represent a significant missed future opportunity, given that the Property is ideally located to support additional housing, including affordable housing, in furtherance of the City's goals.

In considering this increased density it is important to emphasize that the Property, at 52 acres, has the benefit of being able to support increased density in a flexible and varied manner. The allowable maximum density will be averaged across the entire Property, with some areas, such as the northern portions of the Property where the multi-family buildings are currently located, having a considerably higher density per acre than the southern areas of the Property near the existing single-family homes. Moreover, increasing the allowable height above 75 feet (in those areas located away from the single-family residences), will increase the yield of desperately needed housing and provide the development flexibility needed to incentivize redevelopment. In addition, while it is unknown what building materials and technologies will be available in the upcoming decades, even current strategies for urban design and architecture show that higher-density, walkable, transit-oriented neighborhoods have a reduced environmental footprint per unit. The proposed higher density and height will allow pursuit of these options through a full public entitlement process, thus ensuring that compatibility and sustainability are incorporated in the design.

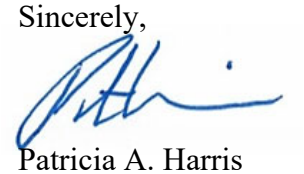
III. Conclusion

This Property's ownership is local in nature and committed to the community and market they have served since the acquisition and development of the Property in 1959, when Rockville Pike was just two lanes wide and the area was largely undeveloped. Looking ahead, all future improvements associated with the Property must remain relevant and reflective of community and market needs, just as the Rockville 2040 Comprehensive Plan envisions. the Owner demonstrated its commitment to this approach when it redeveloped the existing standard swimming pool on the Property into a complex of pools and a community center in 2007, at a cost of $7,000,000. The Owner expects that there will come a time when phased redevelopment will be the only economically feasible approach to ensure that the Property remains relevant to the evolving market and an asset to the surrounding community. Thus, the Owner continues to take the long view in terms of the Property's future enhancement. As such, the zoning, use and density will be key to that evolution, as reflected in the Comprehensive Plan. Recognizing that the Comprehensive Plan has a horizon of approximately 20 years, it is essential that the appropriate zoning development standards are in place to accommodate the phased redevelopment of the Property so that it never loses its position as an asset to the community and its residents.

We appreciate the opportunity to share with you our concerns regarding the proposed RHD Zone. It is our hope that based on our explanation you will request that Planning Staff reanalyze the proposed height and density development standards of the Zone with the intent of ensuring that they align with the recommendations of the Comprehensive Plan and the City's housing goals.

Thank you for your consideration of this matter.

Sincerely,

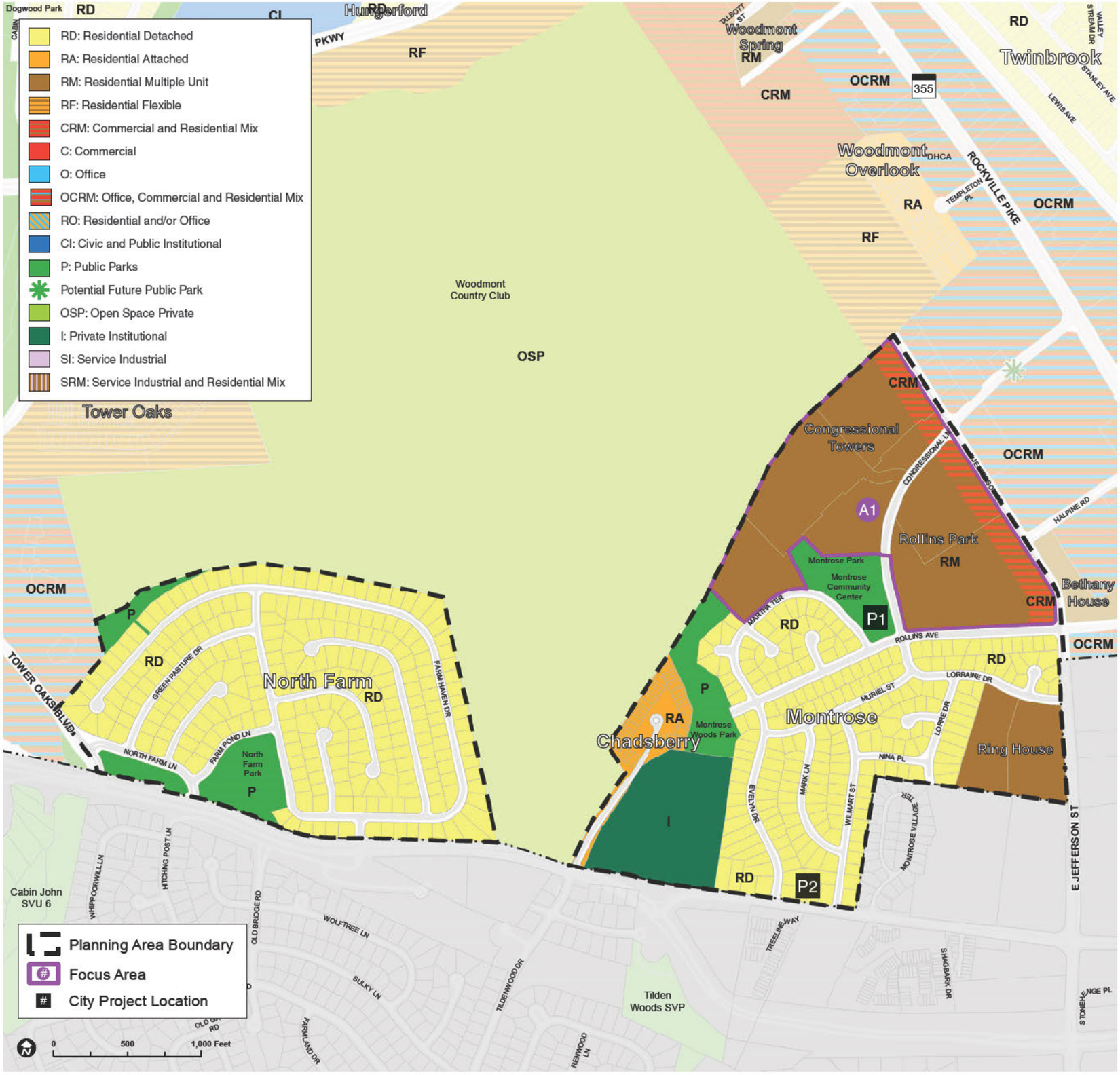


Patricia A. Harris

cc: Ms. Holly Simmons
Mr. Jim Wasilak
Mr. Kenneth Becker
Mr. Arnold Polinger
Mr. Anthony Rakusin
Mr. Josh Sloan

Encl.

Figure 67: Land Use Policy Map of Planning Area 10



Holly Simmons

From: Anne Lucas [redacted]
Sent: Sunday, July 27, 2025 7:42 PM
To: zoning
Subject: Comment for rezoning 1000 Twinbrook Pkwy

WARNING - External email. Exercise caution.

Dear Zoning people

I have been a resident of Twinbroook Forest for over 25 years. I am providing comment to a proposed rezoning of 1000 Twinbrook parkway. The data from your website indicates that there is a proposal to change the zoning for that property to increase density:

file:///C:/Users/Anne%20Lucas/Downloads/RFP%2014-23%20Appendix%202b%20Comprehensive%20Plan%20Planning%20Areas.pdf

* Twinbrook and Twinbrook Forest Focus Area A7 PROPERTIES AT BALTIMORE ROAD AND TWINBROOK PARKWAY Rezone 1000 Twinbrook Parkway from R-60 (Single Unit Detached Dwelling) to RMD-15 (Residential Medium Density). The remaining properties are not recommended to be rezoned

However, earlier in this document it is stated:
"Maintain the residential character of the planning areas" for the Twinbrook and Twinbrook Forest Areas

By rezoning that particual property at 1000 Twinbrook Pkwy to increase density, you are not maintaining the residential character of the neighborhood.

Additionally, that corner (Twinbrook and Baltimore Rd) can be extemely congested especially when school is in session. Both the elementary school and high school are very near. Increasing the density of that specific lot will increase the congestion, create further parking problems in that block, and increase the probability of pedestrian/car accidents.

I am opposed to the proposed rezoning. I am writing in the hope that the voice of the residents of the area carry at least the same weight as those of the weathy developers

Sincerely
Anne Lucas
1606 Gruenther Ave

July 31, 2025

VIA Email
Mr. James Wasilak
Chief of Zoning
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: City of Rockville Comprehensive Map Amendment (the "CMA"); Shellhorn Rockville LLC's written comments regarding 1460 and 1488 Rockville Pike

Dear Mr. Wasilak:

On behalf of Shellhorn Rockville LLC, an affiliate of Quantum Companies ("Quantum"), the owner of the shopping center (1488 Rockville Pike) and neighboring auto repair facility (1460 Rockville Pike) located approximately 1/10th of a mile to the north of the intersection of Rockville Pike and Congressional Lane (the "Property") in the South Pike area, please accept these written comments to the City of Rockville's (the "City") recommended rezoning of properties in the vicinity of Twinbrook Metro Station.

By way of background, the Property is improved with approximately 29,874 square feet of retail uses and ancillary surface parking spaces and is located approximately 0.40 miles to the northwest of the Twinbrook Metro Station entrance. An aerial image showing the Property's proximity to Twinbrook Metro Station is attached as Exhibit "A". The Property is presently zoned MXCD and located immediately to the south of the Twinbrook Quarter mixed-use redevelopment. In this respect, the Property is appropriately positioned for redevelopment with additional density, height and a mix of uses. To this end, we respectfully request that the City rezone additional properties in the South Pike area to further the approved Rockville 2040: Comprehensive Plan Update (the "Comprehensive Plan") recommendations, including to "continue to develop the Twinbrook Metro Station area and the south Rockville Pike area as a major activity and growth center." *See* page 32, land use element.

Quantum supports the City's recommendations to rezone many of the properties to the south of the Property, on the east side of Rockville Pike, to a new MXTD-235 Zone. However, Quantum respectfully requests that the City also recommend that the Property and surrounding sites to the north and west that are within ¾ mile of Twinbrook Metro Station be rezoned to the MXTD-200 Zone. These properties are transit-oriented with strong pedestrian access to both the Twinbrook Metro Station and planned BRT on Rockville Pike. Many of these properties are developed with low-rise commercial buildings and an abundance of surface parking, which do not represent their highest and best use.

The CMA designates areas to the south of the Property for MXTD-255 zoning based upon a framework developed as part of Rockville Town Center Plan (the "Town Center Plan"). The Town Center Plan designated properties as MD-355 Corridor Character Areas (MXTD-255 zoning), Core Character Areas (MXTD-200 zoning), and Edge Character Areas (MXTD-85 zoning). Significantly, properties evaluated as part of the Town Center Plan that are more than 0.80 miles from the Rockville Metro Station were designated as Core Character Areas and recommended for rezoning to MXTD-200 as part of the CMA. Map 19 from the Town Center Plan is attached as Exhibit "B" for context. In this respect, the City should use the same methodology in the South Pike area to recommend properties that are located within ¾ mile of Twinbrook Metro Station, but outside the limits of properties recommended for MXTD-255 zoning, be rezoned to MXTD-200 through the CMA.

Quantum's request that the City expand the limits of properties recommended for rezoning is consistent with the Comprehensive Plan's recognition that "thousands of people walk or bike from Twinbrook Metro Station to residences, offices and shops," and "the land use plan provides flexibility for the future, allowing a mix of high intensity office, residential, and commercial uses through the Office Commercial Residential Mix (OCRM) land use designation for the majority of land in the south Pike area." *See* page 32, land use element. As a result, we respectfully request that 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.

We thank you for the opportunity to provide these comments on the CMA and look forward to continuing to work with staff and other interested stakeholders to achieve the Comprehensive Plan's vision along this important corridor in the City.

Very truly yours,

Matthew Gordon

Matthew Gordon

cc: Ms. Holly Simmons
Mr. Alex Forbes
Mr. David Sullivan

{00826101;2 }

Exhibit "A"

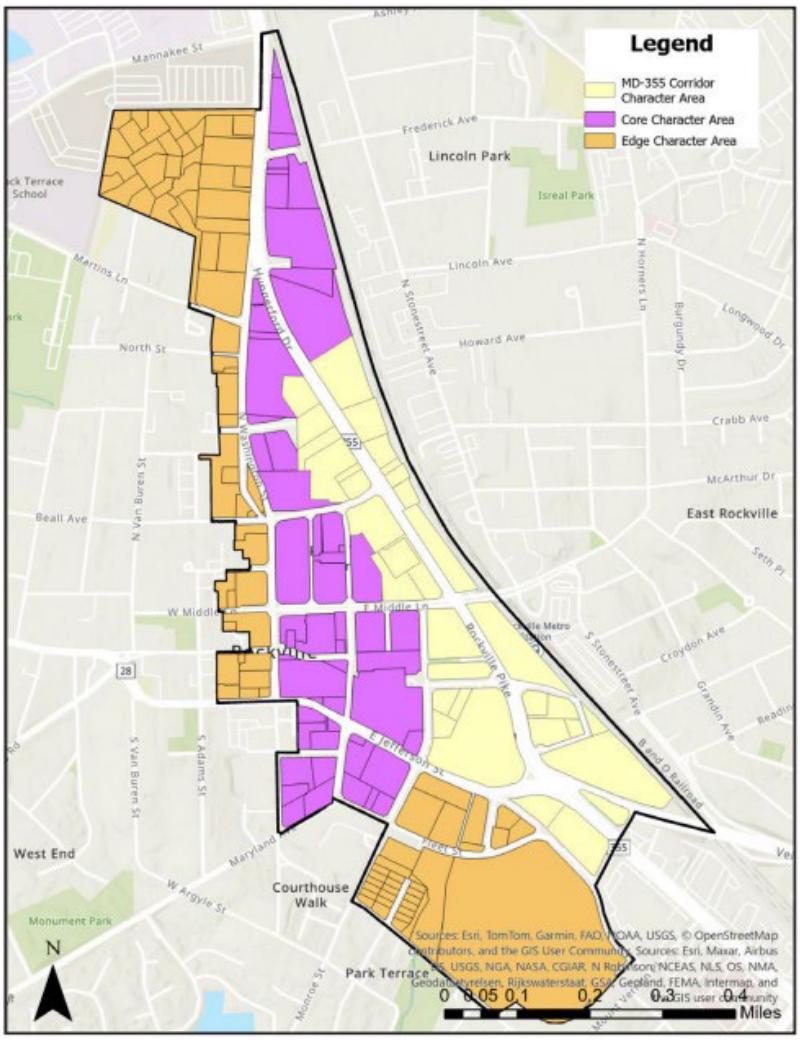
1488 Rockville Pike Aerial & Vicinity



{00826101;2 }

Exhibit "B"

Map 19: Town Center Character Areas



{00826101;2 }

Holly Simmons

From: JC [redacted]
Sent: Wednesday, August 13, 2025 3:24 PM
To: zoning
Cc: Monique Ashton; Kate Fulton; David Myles; Barry Jackson; Izola Shaw; Marissa Valeri; Adam Van Grack
Subject: Opposition to Rezoning Victoria Condominium Area to MXTD-200

Follow Up Flag: Follow up
Flag Status: Flagged

WARNING - External email. Exercise caution.

Dear Mr. Wasilak and Zoning Division Staff,

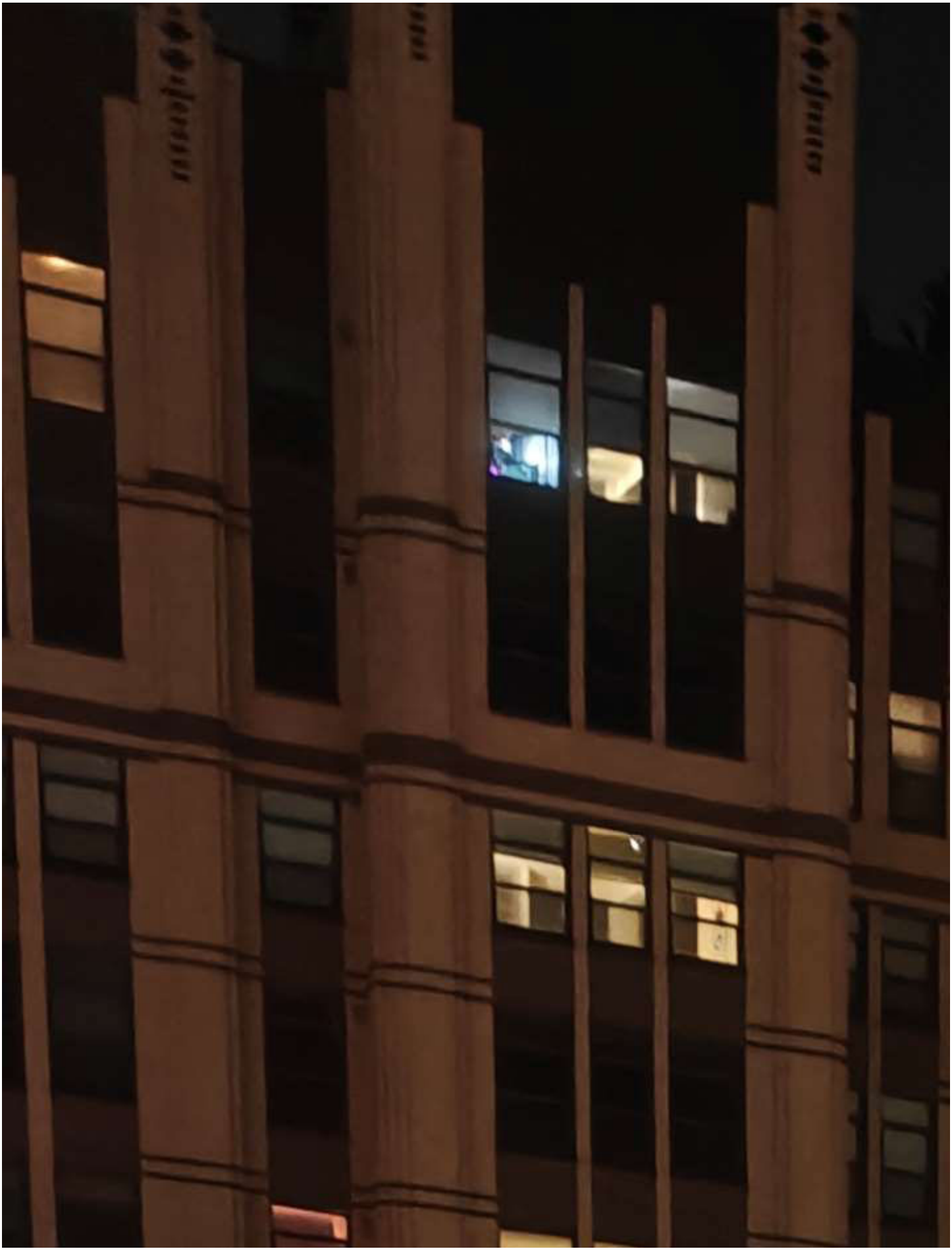
I am writing to strongly oppose the proposed rezoning of the Victoria Condominium area to MXTD-200, which would enable large-scale developments such as the 41 Maryland Avenue – Duball 3 project directly beside our building. As the Victoria Condominium since 1992, and a licensed insurance agency owner with over 35 years of experience in risk management and property & casualty insurance, my wife and I strongly support new housing development projects in our city and county. However, it must not come at the cost of safety, health, or stability of existing communities. Please keep this letter as part of the official record. I will also be sharing this with our City Council members and the Mayor.

1. Why Rezoning Is Not in the Best Interest of Victoria or Town Center?

Rockville Town Center is already a dense, high-traffic environment with heavy pedestrian activity, limited street capacity, and overburdened public infrastructure. Changing our zoning to MXTD-200 would open the door to taller, denser construction without adequate space or resources to absorb the impact. For Victoria residents, this means more crowding, less safety, and diminished quality of life.

2. Fire Safety Risk:

Fire incident at the Cambria Hotel Rockville, located across from the Victoria Condominium on April 12, 2025, which more than 10 fire trucks were required to control a nearby emergency, which serves as a warning. Duball 3 would be built only twelve feet from Victoria, with very little separation, a fire could jump between buildings in minutes. Narrow lanes would also slow firetruck access, making a dangerous situation far worse.





3. Traffic and Pedestrian Safety Risk:

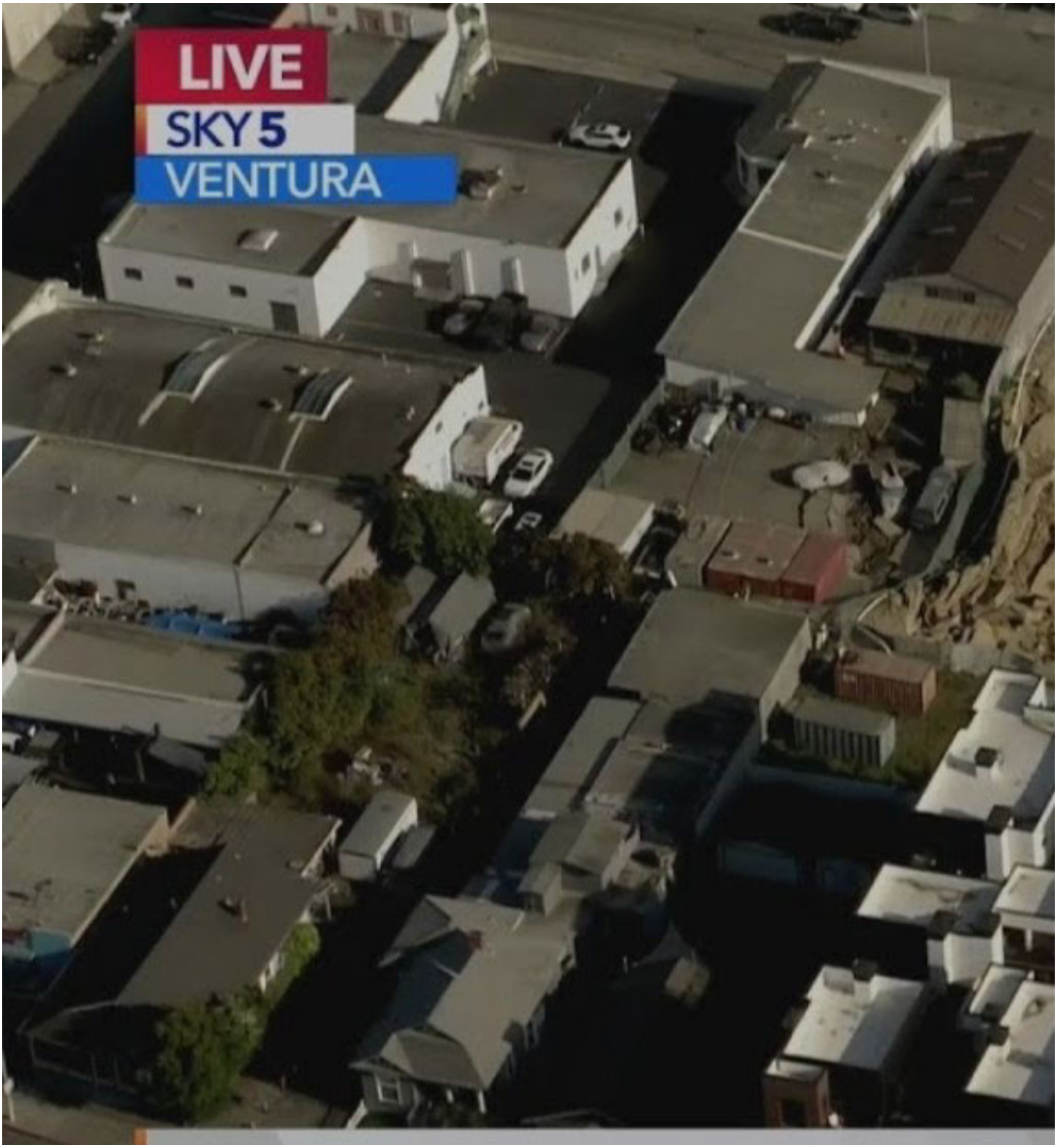
Duball 3 has requested a parking waiver, meaning no on-site parking for its 147 units. Residents will depend on nearby public garages, increasing the number of pedestrians and cyclists crossing already congested, single-lane streets. This raises the risk of accidents involving vehicles, especially for seniors, children, and people with limited mobility.

4: Sinkhole and Construction Concerns:

ABC News with David Muir, KTLA, and LA Times reported a dramatic incident occurred in Ventura, California on May 30, 2025, where a 25-feet sinkhole abruptly opened beside a construction site for a new apartment complex . Vehicles were swallowed whole, structures adjacent to the site were damaged, and at least one commercial and one residential property were officially red-tagged by city authorities . The city later confirmed the cause was a failure of temporary shoring systems, possibly aggravated by excessive groundwater pumping and soil disruption . Despite zoning approval, oversight at the construction phase was evidently inadequate—shoring and drainage safeguards were ignored or under-reviewed, resulting in catastrophic ground collapse.

Relevance to Rockville

Both Victoria Condominium and the proposed development share limited underground infrastructure (water mains, drainage, sewage) buried under decades-old soil. Our building was constructed in 1992; the subsurface soil structure and pipe integrity may now be fragile. Excavation or construction stress nearby could accelerate soil collapse or flooding, raising structural stability risk akin to human-induced sinkhole phenomena. If the developer constructs deep foundations or reroutes utilities without independent geotechnical review, we face elevated risk of soil destabilization, pipe failure, and potential structural collapse. Shared infrastructure issues further amplify legal liability for both structures.


LIVE
SKY 5
VENTURA


Wilshire

News reference: KTLA & ABC News with David Muir Report on Ventura Sinkhole

Sinkhole near Ventura construction site opens up



Sinkhole near Ventura construction site opens up



up

https://youtu.be/LfDsmZBc1K8?si=BKR-5WtJ745Ss5cp

https://www.latimes.com/california/story/2025-05-30/ventura-sinkhole-takes-down-a-shed-and-two-vehicles-sends-people-scrambling

5. Health Risks: Dust, Noise, and Psychological Stress:

The Victoria Condominium is home to a large senior population, with over 50% of residents over age 65. Many chose this location for its healthcare access, especially Kaiser Permanente, and walkability. A two-year construction project of this scale will inevitably cause significant air pollution (including dust that can cause or worsen lung cancer, asthma, and chronic bronchitis) and high-decibel noise levels that deeply affect elderly residents' mental health and sleep.

The risks from this proposed construction include:

Airborne dust known to cause lung cancer, COPD, and cardiovascular issues;

High-decibel construction noise, a source of mental stress, insomnia, and hypertension;

Long-term exposure to dust and noise can be fatal or severely reduce quality of life for medically fragile individuals.

These health hazards, over such a prolonged period, could result in legal liability to developers and the City should residents experience worsening conditions.

Approving this rezoning would bring more density and hazard to an area that is already operating at capacity. It risks both the safety of Victoria residents and the long-term livability of Rockville Town Center. I respectfully urge the City of Rockville to carefully review, and reject this rezoning to preserve our current zoning protections.

Thank you for your attention to these concerns. I look forward to speaking at the public hearing when it is scheduled.

Sincerely,

Jesse Chou

Mei Chi Fan

Resident, Victoria Condominium
24 Courthouse SQ, #809
Rockville, MD 20850

Holly Simmons

From: Jeff Mihelich <jmihelich@rockvillemd.gov>
Sent: Tuesday, August 19, 2025 8:38 AM
To: Jim Wasilak; Holly Simmons
Cc: Barack Matite; Ricky Barker; Mary Grace Sabol
Subject: FW: Letter for the Mayor and Council Regarding Proposed Zoning Changes for the Montrose Neighborhood August 2025

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

From: Montrose Civic Association

[redacted]
Sent: Tuesday, August 19, 2025 7:24 AM
To: mayorcouncil <mayorcouncil@rockvillemd.gov>
Subject: Letter for the Mayor and Council Regarding Proposed Zoning Changes for the Montrose Neighborhood August 2025

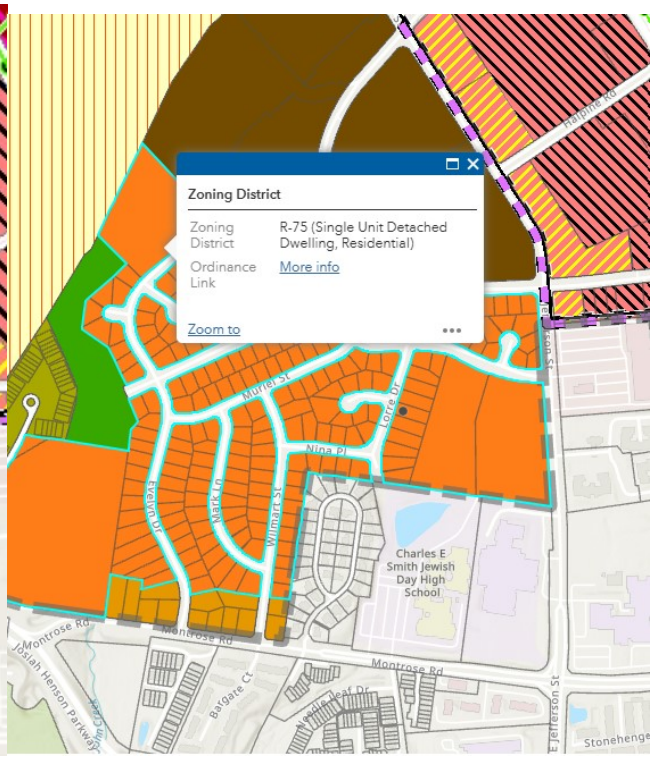
WARNING - External email. Exercise caution.

Dear Mayor and Council,

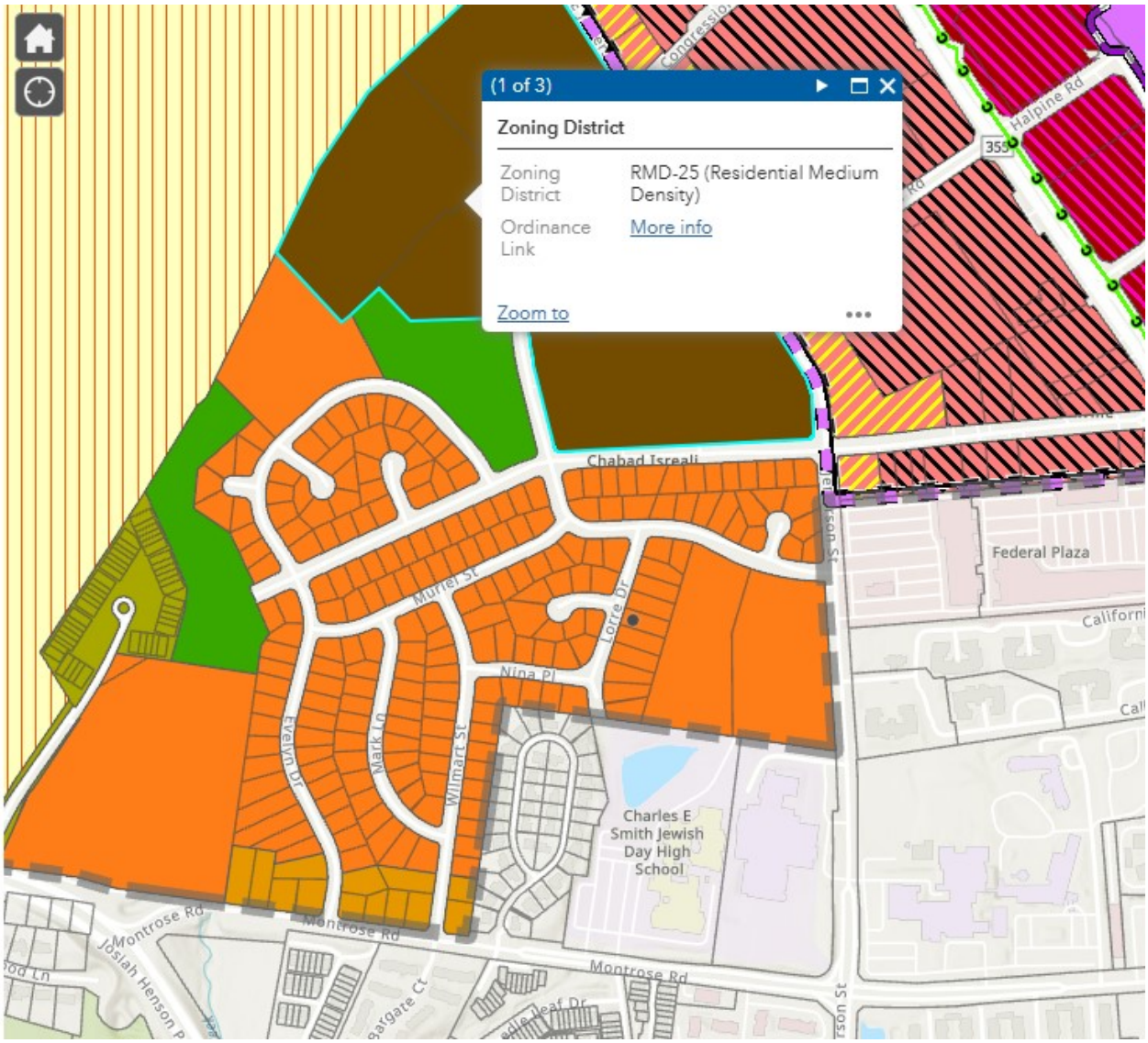
Thank you for the opportunity to share more about our opposition to proposed zoning changes in the Montrose Neighborhood in Planning Area 10 MONTROSE AND NORTH FARM in the City of Rockville 2040 Comprehensive Plan. Montrose Neighbors have given testimony at many City Council meetings regarding our concerns. We would now like to share specific feedback about the change in zoning to the parcel on Martha Terrace.

The parcel we are referring to is currently zoned as R-75 and shown in orange in the map below like the rest of the single family homes in the Montrose neighborhood.



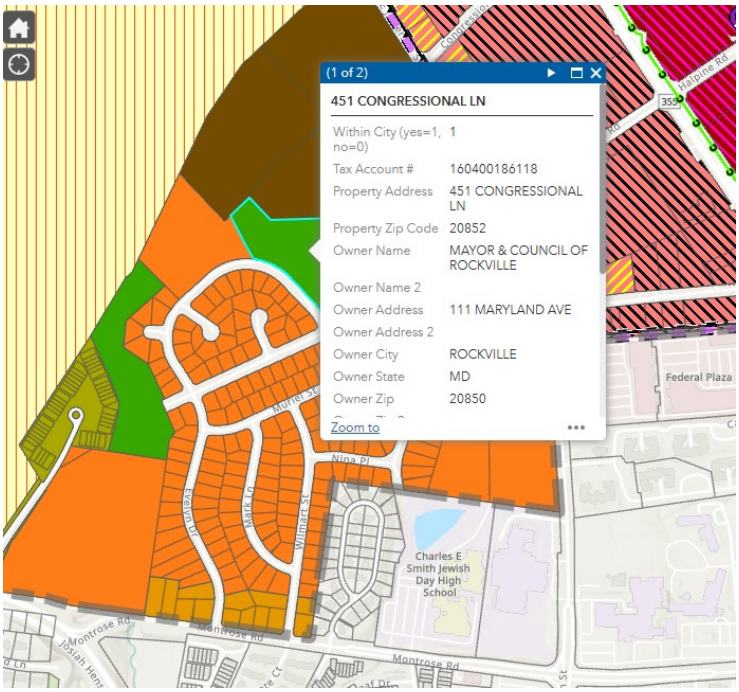


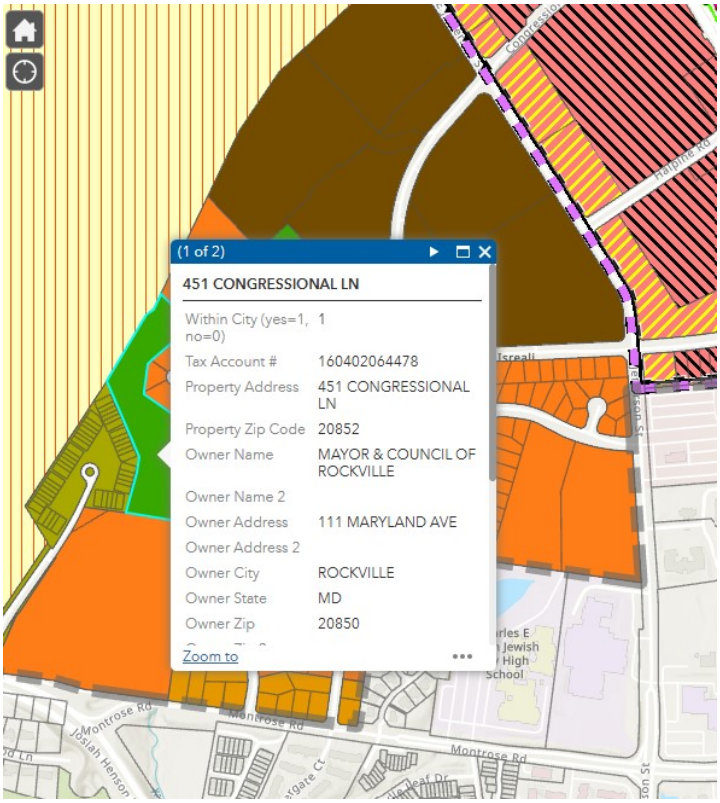
The Mayor and several City Council members have visited the Montrose neighborhood to gain a better understanding of how this parcel is part of our single family home neighborhood and distinctly different from the parcels shown in brown on this map. The area in brown is currently zoned as RMD-25. Currently, the orange parcel houses the Rollins Congressional Clubhouse with community rooms for party rentals and recreational classes, a fitness center, a community swimming pool and two parking lots of the facilities. This community facility is open to the residents of the Rollins Congressional rental community, the neighborhood and the pool is accessible to anyone for a daily fee of $10.



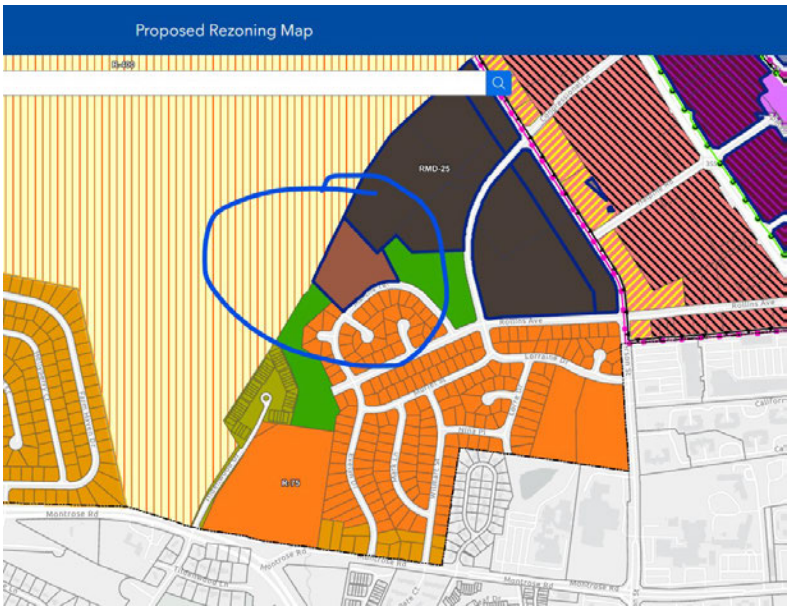
While it is challenging to understand from this map, the area is not appropriate for the increased zoning that is proposed for the brown areas. It is distinctly separate from the high-rise apartments that line the northwest edge of the brown area on the left. Those high-rise apartments are not visible from inside the Montrose neighborhood. The residents who live there use streets that empty onto East Jefferson Street and Congressional Lane. Both East Jefferson and Congressional Lane are wide streets capable of accommodating this volume of traffic. Martha Terrace is a narrow, neighborhood street that is not capable of accommodating increased traffic.

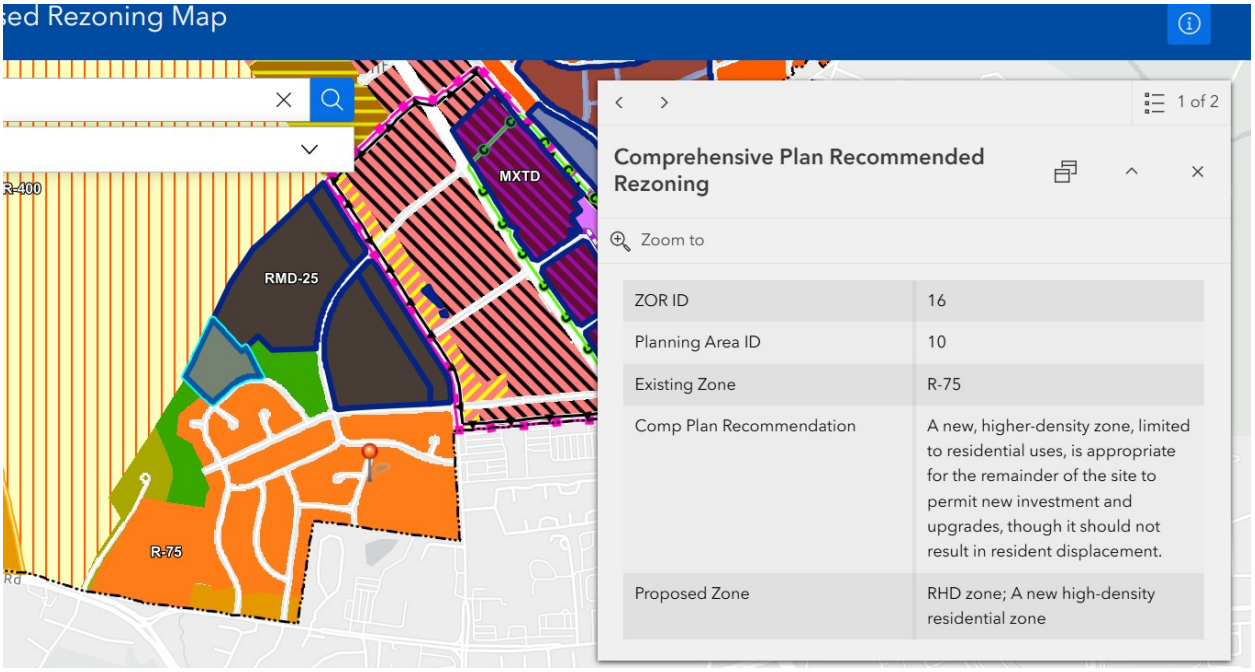
The parcel on Martha Terrace is bordered by Montrose Park and another parcel of City of Rockville land.

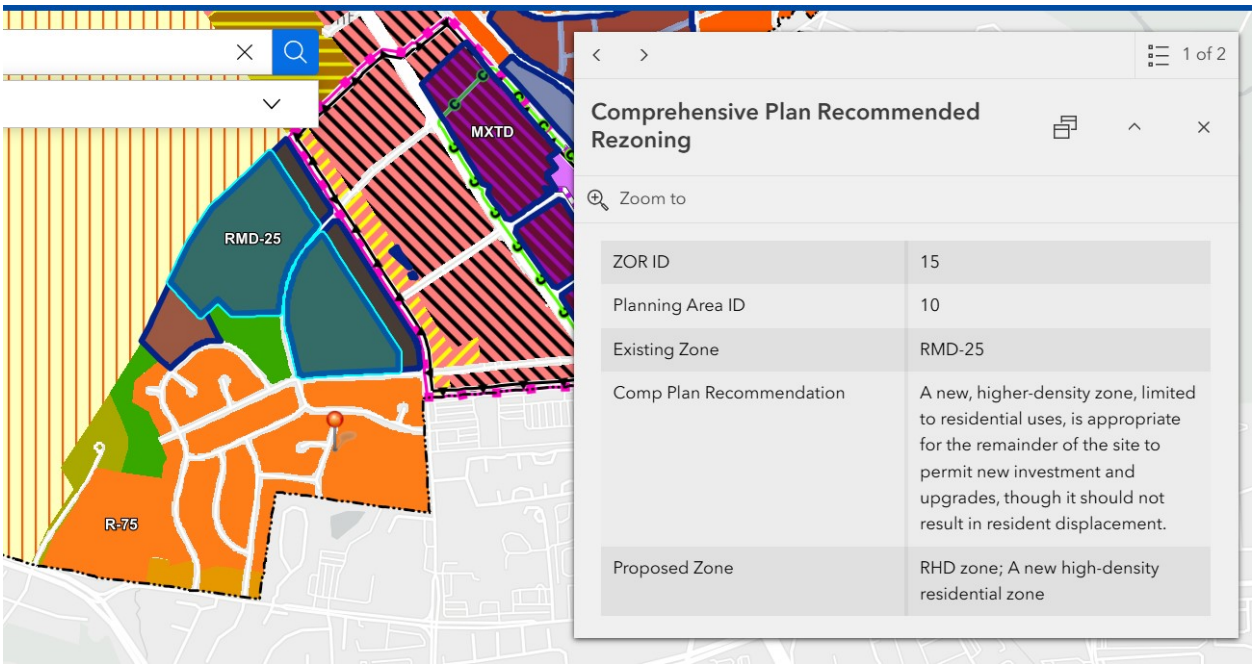




We want to convey that this parcel on Martha Terrace is distinctly different from the other parcels that are proposed for changes. The Montrose neighborhood wants the zoning on this parcel to remain unchanged at R-75. The proposed new zoning for the parcel would have it zoned RHD zone. This is the same zone proposed for the other dark brown parcels. The whole area would be one zone - RHD zone, a new high density residential zone. It is not appropriate for this parcel to be zoned RHD zone.


Proposed Rezoning Map
RMD-25


ed Rezoning Map
MXTD
RMD-25
R-75
1 of 2
Comprehensive Plan Recommended Rezoning
Zoom to
ZOR ID
16
Planning Area ID
10
Existing Zone
R-75
Comp Plan Recommendation
A new, higher-density zone, limited to residential uses, is appropriate for the remainder of the site to permit new investment and upgrades, though it should not result in resident displacement.
Proposed Zone
RHD zone; A new high-density residential zone



In summary, we have several concerns.

As mentioned, the parcel on Martha Terrace currently houses a community center that has a gym and party space in addition to an Olympic size swimming pool, lazy pool and toddler splash pool and parking space. Should this parcel be developed, the community would lose an affordable space to rent for weddings, religious gatherings, birthdays, and other events that need more space than their apartments or houses can accommodate. The rents for these are well below those that would be charged in a local hotel. The gym is also at a rate that is competitive and is walking distance from the apartments and homes. The pool is a well used facility that brings together both the home owners and apartment dwellers a unique opportunity for individuals to interact and children to be with their school mates. A loss of any one of these would be sad to lose all to development would be tragic.

The streets that are in the Montrose neighborhood are narrow and cannot support two-way traffic without one car or the other pulling to the side to accommodate the other. Development of this parcel would most likely have cars emptying onto Martha and then Evelyn which currently are burdened beyond their original design. The infrastructure will more than likely not accommodate the influx created by higher density development. The current infrastructure of Martha Terrace and the roads that Martha Terrace empties onto, Evelyn drive, cannot support increased traffic. They are residential, narrow streets designed to be mostly only neighborhood traffic.

We believe that the upper portion of zone 10 has plenty of space for high density development and would be closer to the Metro and Rockville Pike and roads leading to 270 that can accommodate traffic in two directions easily.

Thank you for considering our feedback as you make this challenging decision regarding our neighborhood.

The Montrose Civic Association
Represented by Neighborhood Leads:
Natasha Hurwitz, 1708 Lorre Drive
Susan Zemsky, 1622 Martha Terrace
Monica Saavos, 1723 Evelyn Drive

Holly Simmons

From: Alex Belida [redacted]
Sent: Wednesday, September 10, 2025 3:47 PM
To: zoning
Subject: Opposition to Zoning Change of Plot South of Don Mills Court

WARNING - External email. Exercise caution.

As a resident of New Mark Commons, I am writing to express my opposition to changing the current zoning designation of the 10-acre site south of Don Mills Court from an R-90 Zoning District to RMD-25.

The current zoning allows construction of single-unit, detached residential dwellings on 0.2-acre plots, which would be compatible with existing homes in New Mark Commons. The new classification would allow multiple-unit residential dwellings of up to 25 residences per acre. These could be tall multi-story structures incompatible with New Mark homes that would be visible.

Because of terrain features, I would expect pressure to allow access to any new multiple unit construction on the site via Don Mills Court. This would create increased traffic hazards.

Please do not change the current zoning designation.

Alex Belida
705 New Mark Esplanade
Rockville

Holly Simmons

From: Susan B Klein [redacted]
Sent: Wednesday, September 10, 2025 10:39 AM
To: zoning
Subject: NO TO REZONING NEW MARK COMMONS!

WARNING - External email. Exercise caution.

Hello,

I'm completely against the rezoning of land / neighborhood of New Mark Commons. The housing is already too dense.

Thanks,

Susan Klein

💔S

Susan AB Klein
9 Watchwater Way
Rockville, MD 20850
[redacted]

Holly Simmons

From: Daniel Solomon [redacted]
Sent: Thursday, September 11, 2025 2:49 PM
To: zoning
Subject: Support for new Scandia Way/Don Mills Court development

WARNING - External email. Exercise caution.

Dear colleagues,

I write to express my support for the proposed new zone in the lot proximate to the New Mark Commons neighborhood. My family has rented a home in New Mark Commons for the last three and a half years, and we have adored raising our son in the neighborhood. We have been interested in potentially settling into the area as homeowners, but we've not been able to find a home to our liking because of the scarcity of new properties.

Although I understand other neighbors' concerns about the implications of new development for livability, environmental issues, and the relationship between New Mark Commons and the I-270 corridor, I would welcome any effort to expand the number of people who are able to live in this beautiful area and take advantage of all that Rockville has to offer.

All the best,
Daniel

--
Daniel Solomon
Pronouns: he / him / his
[redacted]

Holly Simmons

From: Zari Karimian [redacted]
Sent: Monday, September 15, 2025 12:28 PM
To: zoning
Subject: 10 acre wooded property behind my house

Follow Up Flag: Follow up
Flag Status: Flagged

WARNING - External email. Exercise caution.

Hello:

My name is Zari Karimian, and I have lived in New Mark Commons at 6 Farsta Ct in Rockville for more than thirty years. Our house backs directly onto the 10-acre parcel that the city is considering for development. I understand the need for affordable housing in our community, and I recognize that this land will likely see some building in the future. However, I strongly oppose rezoning it for a mixed-use zone with multi-story buildings up to 75 feet high. The area already experiences significant traffic congestion, and this change would only make it worse while disrupting the quiet character of our neighborhood and the wildlife that we've enjoyed for so long. Please, do not alter the current zoning—let's protect our community as it is.

Thank you

Zari Karimian

[redacted]

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Holly Simmons

From: Amanda Innes [redacted]
Sent: Tuesday, September 16, 2025 11:06 AM
To: zoning
Subject: Concerns about Rezoning in NMC area

WARNING - External email. Exercise caution.

Good morning,

I am writing to express concerns about the draft zoning change that would increase by more than five-fold the current permitted density of the 10-acre wooded property that borders the New Mark Commons Scandia Way neighborhood and Don Mills Court. The property is currently zoned R-90 (similar to Markwood along Potomac Valley), which allows about 4.5 single detached homes per acre. The proposed new zone RM-25 would allow 25 dwelling units per acre, possibly in the form of multi-story buildngs up to 75 feet high and as close as 40 feet to the property line.

The proposed zoning change for the 10-acre site should NOT be adopted into the city's master plan. While development plans have not been filed for the property, the proposed change could in the future allow a significant increase in traffic through our community, impacting safety for the many pedestrians that walk in this neighborhood and along Maryland Avenue, and INCREASE THE DANGER of the already congested and crowded Falls Road and NME intersection at 270 Exit. In addition the added density is not consistent with the rest of the community, and increases burden on natural spaces and existing water management issues.

I am raising my voice strongly against a zoning change that makes no sense. I appreciate and value the work to increase housing density where appropriate in Rockville—this is NOT an appropriate location for this change and there are many others that are MORE appropriate.

Thank you for the space to provide input,

Amanda Innes
Rockville Resident

Holly Simmons

From: Wing Pokrywka [redacted]
Sent: Tuesday, September 16, 2025 2:24 PM
To: mayorcouncil; cityclerk; zoning; Planning Commission
Cc: Brandon Pokrywka
Subject: Public Comment on Proposed Rezoning Near New Mark Commons (10-acre parcel by Scandia Way/New Mark Esplanade/Don Mills Court)

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Mayor and City Council Members,

Please find below my written testimony regarding the proposed rezoning of the 10-acre parcel adjoining the New Mark community. I respectfully request that this be entered into the official record.

I am writing on behalf of my entire household to express our strong opposition to the proposed rezoning of the undeveloped 10-acre property adjoining the New Mark community along the southern and southwestern borders.

The proposal would allow multi-family housing units (RMD-25) on this site, abutting Scandia Way, New Mark Esplanade, and Don Mills Court. While no development plans have been filed, adopting this zoning in the city's long-range master plan would dramatically alter the neighborhood's future.

Our key concerns include:

- **Traffic & Safety:** Increased density would significantly raise traffic along New Mark Esplanade and Don Mills Court, where a sharp turn already poses safety risks for drivers, pedestrians, and children.
- **School Crowding:** Bayard Rustin Elementary is already operating with temporary trailers due to overcrowding. Hundreds of new units will further strain already limited school capacity.
- **Environmental Constraints:** The site's steep terrain, wetlands, stormwater challenges, and mature tree canopy make it unsuitable for high-density development and increase flooding and runoff risks.
- **Scale & Compatibility:** Up to 25 units/acre is out of scale with adjacent single-family homes. New Mark Commons is a historic registered neighborhood of only 384 homes. Adding 250 new units would nearly double the population and undermine neighborhood character.
- **Noise, Light & Privacy:** As nearby residents on Vallingby Circle, we are deeply concerned about years of construction noise, rooftop HVAC systems, overnight parking lot lighting, and multi-story buildings up to 75 feet overlooking homes and yards.
- **Cumulative Impact:** The property owners also control 20 adjacent acres. Rezoning this parcel could set a precedent for extensive high-density development across a much larger area.

Beyond these issues, the proposed rezoning fails to meet key planning requirements. It is incompatible with the city's master plan, lacks adequate infrastructure and traffic studies, and poses significant environmental risks.

While I recognize the need to expand housing opportunities, this site is too constrained and environmentally sensitive. On behalf of my household, I urge the Mayor and Council to reject this zoning change, preserve the current designation in the master plan, and explore more balanced approaches to Rockville's housing needs.

Above all, this is about protecting pedestrian safety—especially for children—while also addressing the very real risks of increased traffic and environmental harm.

Sincerely,
Wing Pokrywka
9 Vallingby Circle
Rockville, MD 20850
[redacted]

Holly Simmons

From: Natalie K. Stake [redacted]
Sent: Wednesday, September 17, 2025 3:45 PM
To: mayorcouncil; cityclerk; zoning; Planning Commission
Cc: Xavier Lotuaco
Subject: A Neighbor's Concerns on Proposed Rezoning Near New Mark Commons (10-acre parcel by Scandia Way/New Mark Esplanade/Don Mills Court)

WARNING - External email. Exercise caution.

Dear Mayor and City Council Members,

Thank you for your service and for the opportunity to provide my written testimony on the proposed rezoning of the 10-acre parcel next to our New Mark community. I appreciate the opportunity to voice my opposition to this plan.

I am sending this message not only as a resident but as a neighbor who values the health of our community and our shared environment. The proposal to rezone this parcel to RMD-25 and allow for high-density multi-family housing is deeply concerning. While I support the city's goal of expanding housing options, this specific project is incompatible with our neighborhood and threatens a vital natural habitat.

This undeveloped land is so much more than a site for construction; it is a precious natural space. The existing **mature tree canopy** provides a vital buffer from the noise and sight of I-270. This habitat is also critical for managing stormwater and preventing runoff onto adjacent properties. Adopting RMD-25 zoning would result in the loss of this natural buffer and the elimination of the very trees that protect our community from pollution and noise. Preserving this natural asset is key to maintaining the quality of life we all cherish in Rockville.

High-density development on this sensitive site would be an irreversible mistake. We strongly urge you to reconsider this change and, if development must occur, to find a more balanced solution. A rezoning to **RMD-10 or RMD-15** may offer a sensible compromise, allowing for responsible development while preserving the natural landscape and respecting our neighborhood's character.

In addition, we believe the RMD-25 proposal raises serious concerns regarding:

- **Incompatibility with Our Community:** New Mark Commons is a registered historic neighborhood with 384 homes. Adding 250 new units would be out of scale with our community and erode the unique, established character of the area. I love living in this neighborhood for how special it is in Rockville.
- **Safety and Traffic:** The increased traffic from a high-density development would create significant safety risks on streets like New Mark Esplanade and Don Mills Court, which are not designed to handle such a large volume of vehicles. I have attended multiple community meetings and there is no plan for a road to support this new development should it be built.

- **School Overcrowding:** Our local school, Bayard Rustin Elementary, is already overcrowded. Adding hundreds of new students would place an unbearable strain on our school system.
- **Long-Term Impact:** We are also concerned about the precedent this sets for the other 20 acres of land owned by the same developers, which could lead to an even larger, high-density development in the future. I live directly next to the next parcel that I fear is next for more rezoning and more redevelopment. I am scared for the beautiful and untouched land that is directly behind my backyard.

The proposed rezoning is simply too aggressive for this specific location. We ask that you listen to the concerns of your residents and reject this proposal. Let's find a path forward that provides for future growth while protecting the natural beauty and character of our existing neighborhoods. Please consider my message and the concerns of my fellow neighbors in New Mark Commons.

Thank you for your consideration.

--
Natalie K. Lotuaco
[redacted]

Holly Simmons

From: Pat Reber [redacted]
Sent: Friday, September 19, 2025 12:43 PM
To: zoning
Subject: Asking you to change proposed zoning designation on a property

Follow Up Flag: Follow up
Flag Status: Flagged

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To **City of Rockville Chief of Zoning Jim Wasilak and steff,**

I appreciate the city's efforts to accommodate the need for more residential housing opportunity in Rockville. I met over the summer with Mr. Wasilak along with four of my neighbors who live on Don Mills Court in New Mark Commons to express concern about the following:

I and many of my neighbors are alarmed by the prospect of a zoning change for the 10-acre undeveloped and wooded plot that adjoins New Mark Commons on our southern and southwestern borders. The proposed change would allow residential density more than five times that of our community . New Mark's underlying zoning is R-90, which comes out to about 4.5 dwelling units per acre. This is also the current zoning of the adjacent undeveloped property. The proposal for new zoning for the 10-acre plot is RM-25, which would allow 25 units per acre. Since development on about half of the property appears to be restrained by terrain, the change would encourage concentration of multi-unit buildings up to 75 feet high on the rest of the property; property setbacks of only 40 feet; and a possilble drastic increase of traffic through our community if developed at that level. If I understood him correctly, Mr. Wasilak indicated at a briefing to our community on September 4 that in fact, if developed, New Mark Esplanade and Don Mills Court could be the likely means of ingress to the property .

We appreciate the need to provide more residential housing in Rockville, but we hope you will take another look at this proposal. Rockville has other zone possibilities that would not present such a drastic change – R-75, R-60, R-40 and so on. Please consider them for this property instead of RM-25! Your zoning experts have tried to reassure our community that the property is likely never to be developed because it is difficult terrain, steep slopes and wetlands. If that is the case, why is it being rezoned at such a dense level? It seems to us that the RM-25 zone would actually INVITE! dense development, in order to support the Mayor and Council's goal of increasing residential opportunities. We welcome you to come walk our neighborhood and the adjacent land to get a clearer picture of what such

dense development could mean for our neighborhood, its streets and its surroundings – and we offer to lead you on a walking tour of the area one of these fine days!

Thank You, Pat Reber
705 New Mark Esplanade

Holly Simmons

From: Julia Binder [redacted]
Sent: Sunday, September 21, 2025 11:39 AM
To: zoning; mayorcouncil
Subject: Rezoning of parcel abutting New Mark Commons

Follow Up Flag: Follow up
Flag Status: Flagged

WARNING - External email. Exercise caution.

Dear Mayor, Council Members, and Planning team:

I am writing to express my concern about the planned zoning change that would increase the current permitted density by more than five-fold of the 10-acre wooded property that borders Scandia Way and Don Mills Court in New Mark Commons. The property is currently zoned R-90, which allows about 4.5 single detached homes per acre. The proposed new zone RM-25 would allow 25 dwelling units per acre, possibly in the form of multi-story buildings up to 75 feet high and as close as 40 feet to the property line. The most obvious access point is from Don Mills Court in New Mark Commons.

The proposed zoning change for the 10-acre site should not be adopted into the city's master plan. While development plans have not been filed for the property, the proposed change could in the future allow a significant increase in traffic through our community, impacting safety for the many pedestrians that walk in this neighborhood and along Maryland Avenue, and increase the danger of the already congested and crowded Falls Road and NME intersection at 270 Exit. In addition the added density is not consistent with the rest of the community, and increases burden on natural spaces and existing water management issues. It also adversely impacts our already crowded and growing herds of deer, for which there is no mitigation strategy.

While I appreciate and value the work to increase housing density where appropriate in Rockville—this is not an appropriate location for this change. Instead, please consider converting the empty office and mixed-use buildings in Rockville town center to residential use.

Sincerely,
Julia Binder
501 New Mark Esplanade

Holly Simmons

From: Aileen Goldstein [redacted]
Sent: Sunday, September 21, 2025 1:07 PM
To: zoning; mayorcouncil; CMO
Subject: Concerns re Draft Zoning Change

Follow Up Flag: Follow up
Flag Status: Flagged

WARNING - External email. Exercise caution.

Dear Mayor Ashton, Zoning Board, and City Manager Mihelich,

I am writing to express concerns about the draft zoning change that would increase by more than five-fold the current permitted density of the 10-acre wooded property that borders the New Mark Commons Scandia Way neighborhood and Don Mills Court. The property is currently zoned R-90 (similar to Markwood along Potomac Valley), which allows about 4.5 single detached homes per acre. The proposed new zone RM-25 would allow 25 dwelling units per acre, possibly in the form of multi-story buildings up to 75 feet high and as close as 40 feet to the property line.

The proposed zoning change for the 10-acre site should NOT be adopted into the city's master plan. While development plans have not been filed for the property, the proposed change could in the future allow a significant increase in traffic through our community, impacting safety for the many pedestrians (including children and elderly) that walk in this neighborhood and along Maryland Avenue, and INCREASE THE DANGER of the already congested and crowded Falls Road and New Mark Esplanade intersection at 270 Exit. In addition the added density is not consistent with the rest of the community, and increases burden on natural spaces, in particular on existing water management issues.

I am raising my voice strongly against a zoning change that makes no sense. I appreciate and value the work to increase housing density where appropriate in Rockville—this is NOT an appropriate location for this change and there are many others that are MORE appropriate.

With appreciation for your consideration,
Aileen Goldstein
Resident of New Mark Commons

Aileen Goldstein
290 New Mark Esplanade, Rockville, MD 20850
[redacted]

Holly Simmons

From: Peter Krug [redacted]
Sent: Sunday, September 21, 2025 9:50 PM
To: zoning
Cc: CMO; mayorcouncil; Dr. Laurie Krug
Subject: REZONING

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Rockville Zoning Commission, Mayor Ashton and City Manager Minhelich

We are writing to express our thoughts on the rezoning the 10-acre wooded property near New Mark Commons (borders Scandia Way and Don Mills court). We invested our life savings to purchase our townhome in New Mark Commons three years ago so this issue is a major concern.

We have been thrilled to reside in this neighborhood that has a very strong sense of community and strong ties to the town. Our neighbors walk to the town center and we support local businesses. We are a group of professionals and active retirees that participate in many organizations in Rockville. New Mark has a national historic designation, in part because of the novelty of NOT clear cutting trees and intertwining nature with housing when it was designed.

We are certain that placing high density housing abutting New Mark will be harmful for numerous reasons. Rezoning for future developers will dramatically increase the traffic and make our neighborhood less safe for families. The removal of trees will increase noise from the interstate and will harm the wildlife (we have foxes, bats, turkeys, great blue herons, many birds, small rodents, pollinating insects, and of course deer). Development will also increase runoff and impact the quality of the water that flows into our lake that is rich with fish, turtles and birds, another unique feature of our community.

It seems much more reasonable to keep the R-90 zoning as currently is - such a development would bring in much less traffic and obviously maintain more of the precious trees and urban forests that remain in Rockville. Please don't turn it into an asphalt jungle with this rezoning to RM-25. Developers merely want to make money with promises of expanding the tax base. However, they do not care about the ramifications of their developments for the larger community.

The town should protect the current taxpayers that decided to move to the town of Rockville, knowing that they would have to pay additional taxes that folks a few miles away don't pay. Future high density housing will harm the character and relative safety of our neighborhood that keeps property values high and climbing steadily up- that in turn improves tax income.

We urge you not to make zoning decisions that will pave the road in gold for future developers that will negatively impact your current tax base. In this time of uncertainty, it is best to not drive us away.

Thank you for your consideration,

Peter and Laurie Krug
322 New Mark Esplanade
Rockville, MD 20850

Holly Simmons

From: Mary Grace Sabol <msabol@rockvillemd.gov>
Sent: Wednesday, September 24, 2025 4:21 PM
To: Vladimir Gurevich
Cc: mayorcouncil; zoning; Craig Simoneau; Emad Elshafei; Bryan Barnett-Woods; James Woods
Subject: RE: 10 -acres wooded property that bordered Scandia way and Don Mills Court zoning changes

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Vladimir Gurevich:

Thank you for your email regarding proposed zoning changes. I can confirm that all members of Mayor and Council and key Zoning staff and Traffic and Transportation staff have received your message.

We are grateful for your input, especially as a resident of New Mark Commons and a user of biking infrastructure.

Regards,

Mary Grace Sabol
MANAGEMENT ASST / COMMUNITY SUPPORT ADVOCATE
City Manager's Office
P. 240-314-8106
www.rockvillemd.gov

From: Vladimir Gurevich [redacted]
Sent: Wednesday, September 24, 2025 3:11 PM
To: mayorcouncil <mayorcouncil@rockvillemd.gov>
Subject: 10 -acres wooded property that bordered Scandia way and Don Mills Court zoning changes

WARNING - External email. Exercise caution.

Subject: Concern Regarding Proposed Zoning Changes and Traffic Impact

Dear Mayor and City Council,

My name is Vladimir Gurevich, and I am a resident of the New Mark Commons community. I appreciate the opportunity to share my concerns regarding the proposed zoning changes and their potential impact on our neighborhood.

My primary concern is the anticipated increase in traffic volume, particularly during peak hours and school pick-up and drop-off times. As you may recall, the recent changes to the Maryland Avenue traffic pattern were implemented to accommodate bicycle traffic. While this has benefited those of us who rely on bicycles as a primary mode of transportation, it has also introduced significant traffic challenges for the broader community.

The city addressed the Maryland Avenue situation by simply redrawing traffic lines, and while that may have technically improved bicycle access, it did not address the larger infrastructure or traffic flow issues. If a similar approach is taken with the proposed zoning changes—implementing surface-level solutions without meaningful planning—I would be deeply concerned.

Should these changes be approved without a comprehensive traffic impact analysis and appropriate mitigation measures, I would find it unacceptable.

I respectfully urge the Mayor and Council to consider the long-term implications of these changes and to engage in thoughtful, community-focused planning that prioritizes safety, accessibility, and the quality of life for all residents.

Sincerely,
Vladimir Gurevich
Resident, New Mark Commons

Holly Simmons

From: [redacted]
Sent: Friday, September 26, 2025 7:59 PM
To: mayorcouncil; zoning
Cc: Debbie Mesmer
Subject: Response to the proposed rezoning of the parcel in Planning Area 3 adjacent to New Mark Commons

Follow Up Flag: Follow up
Flag Status: Flagged

WARNING - External email. Exercise caution.

Dear Rockville Mayor and Council and Rockville Zoning Team:

We are writing to document our opposition to the proposed rezoning of the 10-acre parcel between Don Mills Court and Tower Grove in Planning Area 3 adjacent to New Mark Commons (NMC). The proposed zoning category for this currently undeveloped parcel increases potential residential density from the current, R-90, to RMD-25. The clearest egress point for the parcel, as recently acknowledged by the Rockville Zoning team, is at Don Mills Court within the NMC neighborhood. NMC does not currently have high volume traffic because access for the 384 residential units is limited to two entrances: one at Potomac Valley Rd and the other off Maryland Avenue. Introducing the potential for that many additional persons and vehicles under RMD-25 into the New Mark Commons Community would have a deleterious impact on the resources of the neighborhood and quality and safety of experience for the current New Mark Commons homeowners, as well as create traffic safety concerns for potential new dwellers under the RMD-25 plan. The proposed change to RMD-25 should not be adopted in the City's Comprehensive plan. We are requesting a zoning density lower than RMD-25 for the subject parcel. Our reasons follow:

- It sounds from attending two recent forums generously provided by the Rockville Zoning team on this matter that the complex issues with the subject land parcel are only recently coming to be understood by the Zoning team. We don't understand how information about the complexities of developing the parcel could be new information because we saw the parcel described in an internet-available public record dated January 17, 2001, that acknowledged the City-maintained stormwater drainage facility there. Yet, the rezoning plan proposes to increase the permitted housing density of the parcel by approximately 5.6 times. Because of the geographical challenges on the parcel, including terrain, wetlands, stormwater management, etc., only a fraction of the property appears to be developable. This seems to have been foreseeable and increases the probability that structures approaching the 75 ft height limit permitted under the RMD-25 zoning category would be used to achieve that maximum density.

  Such a mid-rise building is not compatible with the current planned development neighborhood of New Mark Commons, approved by the City and awarded for the historical significance of not only

of its structures but also the layout of the community and tree preservation. There are other infill approaches available for Rockville zoning that would be more compatible with our neighborhood.

- New Mark Commons is fortunate to have common amenities as part of the original PRU (planned residential unit) approved by the City which are maintained by NMC homeowners through our HOA dues. We have a Clubhouse and pool which are maintained as locked for use by Association membership. By contrast we have many amenities that are open to pedestrian traffic. These public-facing, yet privately maintained, amenities include Lake New Mark and its bridge, dam, and two piers, the asphalt paths around the lake and through the community, pickleball/tennis courts, a basketball court, a recreational lot for young children, and some private roads and parking lots. These amenities of limited capacity were designed in the context of our neighborhood of 384 homes. New Mark Commons has been historically welcoming to pedestrian traffic through the neighborhood amenities. Notable is the asphalt path we maintain around the lake that also provides a short-cut to school and bus stops for people living in the neighboring community, especially for Julius West students. Nonetheless, Rockville police records show that we do experience visitors who do not abide the posted Association safety rules- especially regarding the lake and no fishing or entering upon the ice. Some visitors mistake the NMC common areas for a public park.

  We have concern about creating so much additional pedestrian as well as vehicular traffic in the neighborhood as could result from an RMD-25 zoning category right across the street from New Mark Commons. We anticipate some amenities becoming less available to NMC homeowners and experiencing more wear and tear at the Association's expense. While public recreational facilities are available at Dogwood Park and the playground across Maryland Avenue, NMC amenities will be those of closest proximity to the subject land parcel. We don't have an understanding whether the proposed zoning change could also impact the Association's costs for liability insurance on our open common property.

- Maryland Avenue was recently narrowed to provide for bike lanes. There is already an egress bottleneck accessing NMC at the intersection of New Mark Esplanade and Maryland Avenue. While the loss of a traffic lane slowed traffic, a desirable end, now through drivers on Maryland Ave try to pass NMC homeowners outside the single lane either on the left or even the right while homeowners make the right turn onto New Mark Esplanade. Additional vehicles using this intersection will only make it less safe.

  To provide some relief at this intersection in anticipation of more vehicles, it is not hard to imagine a proposal to open the closed access from New Mark Esplanade to Monroe Street. That would also provide direct vehicular access from NMC to Dogwood Park. Imagine the impact on traffic volume/safety in NMC if New Mark Esplanade thus became an access road to I-270.

- The cross-walk at Maryland Avenue and Potomac Valley/Great Falls Road is an important safety access for students walking to Julius West School. Bringing additional vehicular traffic to Potomac Valley Road at the cross-walk would be a significant safety consideration.

We understand that the City's goal is to provide additional residential opportunities in Rockville by increasing density through the rezoning of specific areas; however, we ask that the City not be wed to a proposed zoning plan that appears to consider Rockville residents living in potential future housing more than residents who are currently living in existing housing and currently paying property taxes in Rockville.

We are proud residents of Rockville and thank you for your work on our behalf. Thank you for your kind attention to this letter.

Sincerely,

Deborah Mesmer and Henrik Olsen

170 New Mark Esplanade

Rockville, MD 20850

Holly Simmons

From: natalie nelson [redacted]
Sent: Saturday, September 27, 2025 2:53 PM
To: mayorcouncil
Subject: !!!! A five fold increase in permitted density allowing units as close to 40 feet bordering Scandia Way and Don Mills Court, and NME !!!!!!!!!!

WARNING - External email. Exercise caution.

DEAR Mayor Monique Ashton and Council,

Is this vast increase (a 5 fold increase) really in line with the city?(A five-fold increase In Rockville in ten acres that is being considered? There could be serious problems from increased and unsafe traffic, and environmental impact, AND COMMUNITY CONFLICTS.

Developers may profit but other citizens in the existing developments and future housing citizens may suffer. There are higher profit margins for developers on larger multifamily buildings, that needs to be considered..Present values of homes might go down.

Is this change of density in line with Rockville ’s overall plan for the city? Has there been sufficient interaction will the neighbors that will bear the impact of such a major change?

I LIVE at 518 NEW MARK ESPLANADE AND I OPPOSE THIS PROJECT.

Natalie J Nelson

Proposed City of Rockville Zoning Change Next to New Mark Commons

Here are our comments on the potential zoning changes by the City of Rockville that would directly impact the New Mark Commons community.

We have lived together for the past 20 years in New Mark Commons and really enjoy the neighborhood and its status as designated on the National Register of Historic Places. The current City of Rockville zoning rules recognize the value of New Mark Commons by limiting development in the 10 acres adjacent to Scandia Way & Don Mills Court to no more than 4.5 homes.

The proposed new City Master Plan for that area includes an option to increase potential development of the equivalent up to 25 new homes which could include buildings of up to 75 feet in height. That would significantly degrade the character of New Mark Commons life of those living in the 384 town homes and detached homes within NMC.

To be clear we are NOT opposed to all new potential development on these 10 acres. We recognize the great need to provide Rockville and Montgomery County with more affordable housing. At the same time we very much want to preserve the character of New Mark Commons and the quality of life for its residents.

Ron Tipton & Rita Molyneaux
218 New Mark Esplanade

Holly Simmons

From: Julia Binder [redacted]
Sent: Friday, October 3, 2025 9:02 AM
To: Planning Commission; cityclerk
Subject: Rezoning Parcel ZOR ID 17 in Area 12

Follow Up Flag: Follow up
Flag Status: Flagged

WARNING - External email. Exercise caution.

Dear Mayor, Council Members, and Planning team:

I am writing to express my concern about the planned zoning change that would increase the current permitted density by more than five-fold of the 10-acre wooded property that borders Scandia Way and Don Mills Court in New Mark Commons. The property is currently zoned R-90, which allows about 4.5 single detached homes per acre. The proposed new zone RM-25 would allow 25 dwelling units per acre, possibly in the form of multi-story buildings up to 75 feet high and as close as 40 feet to the property line. The most obvious access point is from Don Mills Court in New Mark Commons.

The proposed zoning change for the 10-acre site should not be adopted into the city's master plan. While development plans have not been filed for the property, the proposed change could in the future allow a significant increase in traffic through our community, impacting safety for the many pedestrians that walk in this neighborhood and along Maryland Avenue, and increase the danger of the already congested and crowded Falls Road and NME intersection at 270 Exit. In addition the added density is not consistent with the rest of the community, and increases burden on natural spaces and existing water management issues. It also adversely impacts our already crowded and growing herds of deer, for which there is no mitigation strategy.

While I appreciate and value the work to increase housing density where appropriate in Rockville—this is not an appropriate location for this change. Instead, please consider converting the empty office and mixed-use buildings in Rockville town center to residential use. Please do not change the zoning designation for Parcel ZOR ID 17 in Area 12.

Sincerely,
Julia Binder
501 New Mark Esplanade

Holly Simmons

From: Maria Sol Pikielny [redacted]
Sent: Wednesday, October 8, 2025 10:58 AM
To: zoning; mayorcouncil; cm@rockvillemd.gov
Subject: DO NOT rezone the 10- acre site next to New Mark Commons

WARNING - External email. Exercise caution.

Dear Mayor Monique Ashton, Council, and Zoning Committee,

The City of Rockville is considering a zoning change that would increase by more than five-fold the current permitted density of the 10-acre wooded property that borders the Scandia Way neighborhood and Don Mills Court. The property is currently zoned R-90 which allows about 4.5 single detached homes per acre. The proposed new zone RM-25 would allow 25 dwelling units per acre, possibly in the form of multi-story buildings up to 75 feet high and as close as 40 feet to the property line.

The proposed zoning change for the 10-acre site should not be adopted into the city's master plan because of the following reasons:

1- Traffic & Safety: Increased density would significantly raise traffic along New Mark Esplanade and Don Mills Court, where a sharp turn already poses safety risks for drivers, pedestrians, and children.
2- School Crowding: Bayard Rustin Elementary is already operating with temporary trailers due to overcrowding. Hundreds of new units will further strain already limited school capacity.
3- Environmental Constraints: The site's steep terrain, wetlands, stormwater challenges, and mature tree canopy make it unsuitable for high-density development and increase flooding and runoff risks. These concerns have not been properly addressed before considering the rezoning.
4- Scale and Compatibility: Up to 25 units/acre is out of scale with adjacent single-family homes and goes against rules and regulations for rezoning. New Mark Commons is a historic registered neighborhood of only 384 homes. Adding up to 75 feet high buildings would dramatically alter the aesthetic of the surroundings making it incompatible with New Mark Commons. Additionally, 250 new units would nearly double the population and undermine neighborhood character.
5- Noise, Light & Privacy: I am deeply concerned about years of construction noise, rooftop HVAC systems, overnight parking lot lighting, and multi-story buildings up to 75 feet overlooking homes and yards, drastically altering the way of life not only for neighboring houses but also for the entire community.
6- Cumulative Impact: The property owners also control 20 adjacent acres. Rezoning this parcel could set a precedent for extensive high-density development across a much larger area.

As you can appreciate, the proposed rezoning fails to meet key planning requirements. It is incompatible with the city's master plan, lacks adequate infrastructure and traffic studies, and poses significant environmental risks.

While I recognize the need to expand housing opportunities, this site is too constrained and environmentally sensitive. On behalf of my family and my community as a whole, I urge the Mayor and Council to reject this zoning change, preserve the current designation in the master plan, and explore more balanced approaches to Rockville's housing needs.

Above all, this is about protecting pedestrian safety—especially for children—while also addressing the very real risks of increased traffic and environmental harm.

I want to express my appreciation for your time and consideration while asking that my email be added into the public record.

Maria Sol Pikielny from New Mark Commons.

Holly Simmons

From: Pat Reber [redacted]
Sent: Saturday, October 11, 2025 12:34 AM
To: zoning; mayorcouncil
Cc: Alex Belida
Subject: Concerns Re Rezone Proposal on ZOR ID 17, Area 12 (New Mark Commons)
Attachments: Pat Reber 915 remarks .docx; Pat Reber 929 remarks.docx

WARNING - External email. Exercise caution.

Dear Mayor and Council and zoning staff,

We in New Mark Commons appreciate the need for more residential housing in Rockville. But perhaps there's a different way to provide it on a plot of land next to our community that would be more compatible with our neighborhood?

I have attached my comments before Mayor and Council on September 15 and September 29. They outline the concerns of our community about the proposed RMD-25 zone for this 9.75 acre property.

My husband Alex Belida and I have tried to imagine what that level of development would look like and how it would affect our community. We foresee about 250 dwelling units, likely in high rise buildings, on about 10 acres. This compares to our 384 dwelling units on 96 acres in New Mark Commons. The new zone would represent five times the zoned density of New Mark Commons and create twice the traffic on our roads. .

Aren't there other zoning designations that could be considered for this property? I appreciate the efforts the City has made to reach out to residents within 500 feet of this property. My husband and I received the letter on June 3 - the first we knew of this, at the start of an extremely busy summer.

The letter contained a quick reference to zoning districts. For a lay person like myself, other designations came to my attention: MXT; RMD-10; R-60; R-40. Any of these would seem to invite development that would be more compatible with New Mark Commons.

Here are our concerns:

1. If developed at RMD-25, we would anticipate double the amount of traffic on our streets and a reduction in the safety to children - and adults - in our walkable neighborhood. High rise buildings would overpower the ambience and integrity of our neighborhood, which is listed on the National List of HIstoric Places by the National Park Service. This listing was supported by the Historic District Commission and Mayor and Council.

2. This level of development would be in direct contravention of the City's own 2040 Rockville Comprehensive Plan, which advocates for development to be connected and compatible with adjacent neighborhoods. On page 367, there are two passages that state this need:

The *Key Issues* section states "a desire for future development that is better connected to the surrounding community."

The *Area 1 s*ection notes that various agreements limit the density of development on this specific property: "Until such agreements expire and, unless the City approves an appropriate development on this site that retains the stormwater management facility and **is compatible** with the adjacent neighborhood, this parcel is likely to remain undeveloped."

Is a RMD-25 zone compatible with New Mark Commons underlying R-90 zone?

3. We have met with Rockville zoning staff. During one meeting, I asked staff if they had ever considered a less dense designation for the property. I was told that the level of development being sought by Mayor and Council "would not be achieved" by other zoning categories on this small plot of land.

4. In its briefing to the New Mark Community on September 4, zoning staff reassured residents that the parcel will likely remain undeveloped. Why, then, is the RMD-25 being proposed? For residents, it did not offer much reassurance, but rather seemed like a request that we accept the RMD-25 without further question.

5. An additional factor about this property is its lack of access to public transport and lack of access by any roads, other than those going down Potomac Valley and through New Mark Commons.

We have invited Mayor and Council to come for a walk through our neighborhood and include that invitation to zoning staff, so you can see our concerns first hand.

Thank you for your service to our community,

Pat Reber
[redacted]
705 New Mark Esplanade

Pat Reber, 705 New Mark Esplanade, Rockville; [redacted]

Comments before Mayor and Council

Sept 15, 2025

Hi! I'm Pat Reber, and I thank you for the opportunity to speak. I have lived New Mark Commons off Maryland Avenue since 1985. I and many of my neighbors are alarmed by a proposed zoning change for a 10-acre wooded plot adjacent to us that would allow residential density more than five times that of our community . New Mark's underlying zoning is R-90, which comes out to about 4.5 dwelling units per acre. This is also the current zoning of the adjacent undeveloped property. The proposal for new zoning for the 10-acre plot is RMD-25, which would allow 25 units per acre. It would encourage multi-unit buildings up to 75 feet high, property setbacks of only 40 feet and a drastic increase of traffic through our community. We appreciate the need to provide more residential housing in Rockville, but we are asking Mayor and Council to PLEASE take another look at this proposal before you act on the city wide draft in December. Rockville has other zone possibilities that would not present such a drastic change – R-75, R-60, R-40 and so on. Please consider them for this property instead of RM-25! Your zoning experts have tried to reassure our community that the property is likely never to be developed because it is difficult terrain, steep slopes and wetlands. If that is the case, why is it being rezoned at such a dense level? It seems to us that the RM-25 zone would actually INVITE! dense development, in order to support the Mayor and Council's goal of increasing residential opportunities. We welcome you to come walk our neighborhood and the adjacent land to get a clearer picture of what such dense development could mean for our neighborhood, its streets and its surroundings – and we offer to lead you on a walking tour of the area one of these fine days!

Council Remarks Sept 29, 2025

Pat Reber, 705 New Mark Esplanade, Rockville [redacted]

I'm Pat Reber, resident of New Mark Commons since 1985. There are also others here tonight from New Mark – can you wave your hands? We're here tonight to invite you all to gather in our neighborhood before December 1 so you can see why we are worried about the city-wide rezoning proposal you are preparing to adopt that day. If developed at the proposed zoning level, it would drastically affect life in our historic community. Change is a constant of the human condition. It can be good for us, or it can provoke anxiety. Right now Mayor and Council are poised to adopt a plan that UNFORTUNATELY would do the latter. The genius of governance in Rockville and the work you do as Mayor and Council is the protection and nourishment of the integrity of communities like ours around the city. It's what our city is known for – nationally! At issue for us is the 9.75-acre plot adjacent to New Mark. Since the 1980s, we have been reassured through various agreements involving the property owners, residents of Don Mills Court, our HOA AND this very city that any development on this property would be "compatible with the adjacent neighborhood." This is even stated in the 2040 Rockville Comprehensive Plan. Yet now we find a proposed zoning change that would INVITE more than five times the density of New Mark and would likely result in 75-foot high apartment buildings and minimal setbacks. We can't see how that would be COMPATIBLE! In 2027, New Mark will celebrate its 60th anniversary. On our 50th, our city's

Historic Commission and Mayor and Council backed our listing on the National Register of Historic Places, recognized for its mid-20th-century architecture and planning. We understand the city's need for more housing. But we hope you will continue to support the integrity of our community by keeping the current zoning of the adjacent property. And we hope we can organize a visit to our community so you can see our concerns first hand. Thank you for listening. Come visit!!!

Holly Simmons

From: Bill Holdsworth [redacted]
Sent: Monday, October 13, 2025 10:49 AM
To: mayorcouncil; zoning
Subject: Rezoning near New Mark Commons

WARNING - External email. Exercise caution.

I want to applaud the mayor's and council's effort to allow higher density housing. Montgomery County needs more housing. Rezoning should help address the issue.

My support for higher density zoning extends to the Tower Oaks parcel adjacent to New Mark Commons. The proposed zoning of 25 homes per acre may be ambitious. I am confident the review process for any future development would highlight any unworkable proposals.

Bill Holdsworth
10 Radburn Court

Holly Simmons

From:	Helene Dubov [redacted]
Sent:	Sunday, October 19, 2025 8:53 PM
To:	mayorcouncil; zoning; Dennis & Kathleen Moran
Cc:	Helene Dubov
Subject:	New Mark and Rezoning

WARNING - External email. Exercise caution.

Dear Mayor and Council and zoning staff,
I have been living in New Mark Commons for 46 years and came to live here because of its natural beauty and peaceful lake and pathways. I do not live near the proposed rezoning but I do live in a neighborhood sought after for its security of limited entrances, and its being a village, oasis, separate from the hustle and bustle of the city nearby.
Your proposed increased density of habitation for the strip of land and RMD-25 zoning from our current
5 homes per acre to building high rises will change the safety, and quality of our neighborhood. I know this first hand, as I grew up in a densely populated New York City. We currently have 384 separate dwelling units, and we are able to manage our own residents if they violate any City codes, if they do not keep up with our bylaws. We save the City man/woman hours because we do it ourselves. Yes, we are self governing within our City. Introduce an untenable additional 250 dwelling units, and we no longer have the ability to do that. We will have undue traffic with pass through roads that will make it unsafe for our children to play, and as an elderly person, more vulnerable to outside intrusion from others looking for targets for unlawfulness.
In a world that has become increasingly unpredictable and threatening, changing the nature of my buccolic neighborhood into an

impersonal, unsafe, more vulnerable place to live is objectionable, And I object. . If there is a political motivation to "look" good in the eyes of the State and Federal, all I can say is "shame on you" for being part of the problem that plagues us as a nation. Leave the zoning as it, and let New Mark remain as the City of Rockville's hidden gem.

Sincerely,
Helene Dubov
4 Stevenage Circle
Rockville, Maryland 20850

Holly Simmons

From: Martin Reiss [redacted]
Sent: Wednesday, October 22, 2025 12:24 PM
To: zoning
Subject: RE: ZOR ID 17

WARNING - External email. Exercise caution.

October 22, 2025

Dear Mayor and Council and zoning staff,

I am writing to request that the mayor and counsel decide that the 9.7 acre undeveloped area (Parcel ZOR ID 17 in Area 12) bordering New Mark Commons NOT have its zoning changed from R90 to RMD25.

The Rockville 2040 comprehensive plan indicates that the acreage cannot be successfully developed unless there is: 1)an acceptable solution to the access problem, 2) an acceptable solution to the wetlands problem, and 3) an acceptable solution that is COMPATIBLE with bordering neighborhood (New Mark Commons).

In order to achieve this the Rockville Mayor and Counsel should require that the acreage remain zoned R90. This then would not create a potential non compatible high rise development with environmental problems (noise and air quality) from excess traffic through the extant community. It will then permit desperately need housing to be added to the area in a harmonious manner.

Martin Reiss
9 Don Mills Court

Sent from my iPad

Holly Simmons

From: Jonathan Ferguson [redacted]
Sent: Thursday, October 23, 2025 10:06 AM
To: zoning
Subject: Rezoning Near New Mark Commons

WARNING - External email. Exercise caution.

Hello,

I am writing because I understand the City is considering rezoning parcels located near New Mark Commons from single family to multi-family units. I urge the City **not** to advance this change.

My family and I have lived in the New Mark Commons neighborhood for about ten years. We believe that this zoning change would negatively impact our lives. A high density development in those areas would greatly increase traffic in our neighborhood and decrease the walkability we enjoy. Cars cutting through the neighborhood may make it unsafe for our children to walk independently on the roads and cross them safely. This is particularly a concern for them to walk to our local middle school, Julius West. Additionally, Maryland Avenue is already quite busy and it is difficult for us to turn left onto Maryland Avenue from New Mark Esplanade. Additional traffic would make such turns dangerous or infeasible.

We generally support the City's goal of increasing population density in some areas, but not in these locations.

Thank you,

Jonathan Ferguson

Judy Penny

From: Adam Schuster [redacted]
Sent: Monday, October 27, 2025 9:54 AM
To: zoning@rockville.gov; mayorcouncil
Cc: Adam Schuster
Subject: Opposition to Rezoning at Scandia Way and Don Mills Court

WARNING - External email. Exercise caution.

Good morning. I am contacting you to voice my **opposition** to the rezoning proposal at Scandia Way and Don Mills Court.

While I support the need to increase affordable housing in Rockville, I disagree that this parcel represents the best place to accomplish this goal. New Mark Commons, a national registered historic community, would be adversely impacted by the proposed rezoning. The proposal would allow for the possibility of 75-ft high apartment buildings to accommodate 25 dwelling units per acre. If such development is approved, it could put 250 dwelling units on the 9.75-acre site. In comparison, New Mark's zoning accommodates 384 homes on 96 acres. This substantial increase would threaten the very nature of the historic New Mark Commons community through increased car and foot traffic, no plan for enhancing existing infrastructure (including schooling), and no plan to address community ingress/egress issues if development is pursued.

While it has been communicated that this rezoning proposal has been submitted without an associated development plan, I find it illogical that a rezoning request would be made without a development plan under consideration. To me this seems to mean there is a lack of process transparency occurring directed either at Rockville residents, our elected leaders, or both. If there is truly no current developmental plan, I see no reason for the need to act on a rezoning proposal until a party comes forward with a developmental plan driving the need for the rezoning.

For these reasons, I urge my elected leaders and representatives to **not adopt** the proposed zoning change for the 10-acre site into the city's master plan. Instead, I urge you to adopt a rezoning strategy in alignment to the 2040 Rockville Comprehensive Plan.

Thank you for your consideration of my feedback.

Adam Schuster
25 Welwyn Way
Rockville, MD

Judy Penny

From: Mikaela Ober Schuster [redacted]
Sent: Monday, October 27, 2025 10:36 AM
To: zoning@rockville.gov; mayorcouncil
Subject: Opposition

WARNING - External email. Exercise caution.

Good morning. I am contacting you to voice myopposition to the rezoning proposal at Scandia Way and Don Mills Court.

While I support the need to increase affordable housing in Rockville, I disagree that this parcel represents the best place to accomplish this goal. New Mark Commons, a national registered historic community, would be adversely impacted by the proposed rezoning. The proposal would allow for the possibility of 75-ft high apartment buildings to accommodate 25 dwelling units per acre. If such development is approved, it could put 250 dwelling units on the 9.75-acre site. In comparison, New Mark's zoning accommodates 384 homes on 96 acres. This substantial increase would threaten the very nature of the historic New Mark Commons community through increased car and foot traffic, no plan for enhancing existing infrastructure (including schooling), and no plan to address community ingress/egress issues if development is pursued.

While it has been communicated that this rezoning proposal has been submitted without an associated development plan, I find it illogical that a rezoning request would be made without a development plan under consideration. To me this seems to mean there is a lack of process transparency occurring directed either at Rockville residents, our elected leaders, or both. If there is truly no current developmental plan, I see no reason for the need to act on a rezoning proposal until a party comes forward with a developmental plan driving the need for the rezoning.

For these reasons, I urge my elected leaders and representatives to not adopt the proposed zoning change for the 10-acre site into the city's master plan. Instead, I urge you to adopt a rezoning strategy in alignment to the 2040 Rockville Comprehensive Plan.

Thank you for your consideration of my feedback.

Mikaela Ober Schuster

25 Welwyn Way

Rockville, MD 20850

Holly Simmons

From: Martin Reiss [redacted]
Sent: Friday, October 31, 2025 12:07 PM
To: mayorcouncil; zoning
Subject: RE: ZOR ID 17

WARNING - External email. Exercise caution.

October 31, 2025

Dear Mayor and Council and Zoning staff,

I am writing regarding the proposed rezoning of the 9.75 acre property next to New Mark Commons. It is presently zoned RMD90 (4 houses per acre). The city is now considering changing it to RMD25 (25 dwelling units per acre).

Due to Wetlands problems and access problems the builder would be limited to using a smaller portion of the acreage which could result in densely populated high rise buildings. I understand the need for housing in Rockville, but if developed, this change would result in a massive increase in traffic throughout our community streets endangering our families and children

In the 2040 Rockville Comprehensive Plan it is stated that any development on this property would be compatible with the adjacent neighborhood. This recommended change would not be compatible with our historic community.

Our community would appreciate keeping the zoning as it is now.. But if this is not possible, a lower density that does not endanger the safety of our community would be preferable.

Thank you for your consideration of these issues.

Ann Reiss
9 Don Mills Court
Rockville, MD.

Sent from my iPad

Holly Simmons

From: Ann Reiss [redacted]
Sent: Sunday, November 2, 2025 9:59 AM
To: mayorcouncil; zoning
Subject: ZOR ID 17 - Area 17

WARNING - External email. Exercise caution.

October 31, 2025

Dear Mayor and Council and zoning staff,

I am writing regarding the proposed rezoning of the 9.75 acre property next to New Mark Commons. It is presently zoned R-90 (4 houses per acre). The city is now considering changing it to RMD25 (25 dwelling Units per acres).

Due to wetlands problems and access problems the builder would be limited to using a small portion of the acreage which could result in densely populated high rise buildings. I understand the need for housing in Rockville but if developed this change would result in a massive increase in traffic throughout our community streets endangering our families and children.

In the 2040 Rockville Comprehensive Plan it is stated that any development on this property would be compatible with the adjacent neighborhood. This recommended change would not be compatible with our historic community.

Our community would strongly appreciate keeping the zoning as it is now. But if this is not possible a lower density that does not endanger the safety of our community would be preferable.

Thank you for your consideration of these issues.

Ann Reiss
9 Don Mills Court

Sent from my iPad

November 3, 2025
Pat Reber - community forum

Re: Rezoning plot next to New Mark Commons

Well, I'm here again! Thanks for this opportunity.

We in New Mark Commons appreciate the response we've received so far to our invitation to visit the plot of land we are worried about.

We hope that more of you know you are welcome to come visit so you can see what we are talking about in all our emails! We know you are busy and Thank you for all you do. I've left ~~our~~ contact details with the staff.

Pat Reber - on behalf of our residents.

[redacted]

Holly Simmons

From: PHYLLIS BLUM [redacted]
Sent: Tuesday, November 4, 2025 11:41 AM
To: zoning
Subject: Fwd: PLEASE Deny Proposed RMD-25 Zoning for Parcel ZOR ID 17 (Adjacent to New Mark Commons)

WARNING - External email. Exercise caution.

Begin forwarded message:

From: PHYLLIS BLUM [redacted]
Subject: PLEASE Deny Proposed RMD-25 Zoning for Parcel ZOR ID 17 (Adjacent to New Mark Commons)
Date: November 4, 2025 at 11:38:48 AM EST
To: mayorcouncil@rockvillemd.gov

The larger development will negitively impact the residential neighborhoods of Markwood & New Mark Commons & add more traffic to impact the residents of Potomav Valley Nursing & Rehab center

THANK YOU

Phyllis & Samuel Blum
1201 Potomac Valley Rd
Rockville, MD 20850

Holly Simmons

From: Jeanne paderofsky [redacted]
Sent: Tuesday, November 4, 2025 7:34 AM
To: zoning
Subject: Proposed development of newmark Commons

WARNING - External email. Exercise caution.

As a long time resident of Newmark Commons / markwood I urge the city not to change zoning to increase the density of our neighborhood.

The area behind Potomac Valley Nursing home and Don Mills Court should be left alone. Our streets cannot handle an increase of traffic and trucks and additional people.

We are a small quiet community and we feel it would be in our best interest to leave it that way. There is absolutely no way that the community can handle apartment buildings or large amounts of housing to pass through Potomac Valley Road and Newmark Esplanade and certainly not Don Mills Court. The disruption to our community would be massive and totally unnecessary. The extra traffic would be detrimental to our wildlife and our ecosystem.

There are enough places to build more apartment buildings and townhouses without disrupting the community.

The number of cars passing through would be enormous and in terms of safety that would be very disruptive to our community.

We have have lived in the community for nearly 50 years and everything has been quiet and undisturbed. Please leave it that way.

Jeanne and Daniel Paderofsky

1194 Potomac Valley Rd, Rockville, MD 20850

Holly Simmons

From: Maryam Pishdad [redacted]
Sent: Tuesday, November 4, 2025 9:31 AM
To: mayorcouncil; zoning
Subject: Leave our neighborhood alone

WARNING - External email. Exercise caution.

As a family living in this neighborhood, we don't need the noise or additional buildings!!!! Do not build here!!! We get enough noise from 270 and Maryland ave!!!

Sent from Yahoo Mail for iPhone

Holly Simmons

From: Katherine Pishdad [redacted]
Sent: Tuesday, November 4, 2025 9:33 AM
To: zoning; mayorcouncil
Subject: Do not build here

WARNING - External email. Exercise caution.

I've lived here my whole life, walking my dog, walking to school and just playing other kids in the neighborhood when I was young, it's safe and quiet for families to grow and create memories. Do not ruin our peace and quiet, pick somewhere else to build.

Holly Simmons

From: Samuel Scheib [redacted]
Sent: Thursday, November 6, 2025 4:41 PM
To: zoning
Subject: New Mark Commons Rezoning

WARNING - External email. Exercise caution.

Dear Zoning Team,

I am so glad to hear you are considering changing the zoning for the old "school board" site between Potomac Valley and Wooten Parkway to R25. I know NIMBYism is alive and well in my neighborhood and you have heard from some of my neighbors expressing reservations about the higher zoning but I wanted to voice my support. We are in a housing crisis and a neighborhood situated between a major interstate and a metro station is not a rural enclave to preserve but a brownfield site to develop. I look forward to welcoming new neighbors--maybe my next best friend, or a customer for my daughter's babysitting or dog sitting services, new members of our NMC pool who can help us offset costs--and potential customers to make our town center thrive. I hope the mayor and council will not bow to the pressure that will rob the next generation of the ability to own a home in our beloved Rockville.

Sincerely,
Samuel L. Scheib
7 Harlow Court
Rockville, MD 20850
[redacted]

Holly Simmons

From: Kyle Browning [redacted]
Sent: Friday, November 7, 2025 8:28 AM
To: zoning
Subject: Support for rezoning

WARNING - External email. Exercise caution.

I am writing to express my support for rezoning the 9.75-acre parcel adjacent to the New Mark Commons community (Parcel ZOR ID 17 in Area 12) to the RMD-25 zone.

Rockville and Montgomery County need more housing, particularly affordable housing, and I support this proposed rezoning in service of that goal.

I understand some of my neighbors have expressed opposition to the proposal, and while I respect and understand their views, but they do not speak for all of us. Many residents of New Mark Commons and the surrounding areas support this plan.

Self interest must give way to the greater good. Rezoning the parcel to RMD-25 to permit dense high-rise development will be a net positive for the city and I urge you to move forward with this and similar rezoning proposals.

Thank you,

Kyle Browning

503 New Mark Esplanade, Rockville

Holly Simmons

From: Ansalan Stewart [redacted]
Sent: Friday, November 7, 2025 4:14 PM
To: mayorcouncil; Planning Commission; zoning
Subject: Opposition to Proposed Rezoning for Multiunit Development in New Mark Commons

WARNING - External email. Exercise caution.

Dear Mayor Ashton, Members of the Rockville City Council, and Rockville Planning Commission,

I am writing as a concerned resident of New Mark Commons to respectfully urge you to reject the proposed rezoning that would allow construction of a large apartment complex or other multiunit building within our single-family community.

Our neighborhood was built in the 1970s with a modern design and a park-like setting that encourages outdoor play, walking, and strong community ties. Many families with young children live here, and the proposed development would fundamentally alter the character, safety, and livability of our community.

The local schools are already operating well beyond capacity. The junior high currently has more than 1,300 students, the elementary school nearly 800, and the high school relies on eight portable classrooms. The school district has indicated that our cluster will not be included in the zoning for the new high school, and there are millions of dollars in unmet repair needs for existing schools. Adding hundreds of new units would only worsen overcrowding without any realistic plan for expansion or relief.

Traffic and safety are also major concerns. Our streets, especially around Potomac Valley Road and New Mark Esplanade, already experience dangerous driving—often from vehicles leaving the nearby nursing home. Adding 250 more housing units would bring a significant increase in traffic, making it even more hazardous for children walking or biking to school and for residents enjoying our sidewalks, playgrounds, and bike paths. Taking such a risk is unnecessary when there are plenty of unoccupied apartment units in Rockville Town Center.

Furthermore, our neighborhood maintains an HOA that invests in our shared spaces and infrastructure—contributions that the proposed multiunit complex would not share, even as its residents would inevitably use those same amenities.

Rockville residents already pay higher taxes than other parts of Montgomery County because we value and work hard to preserve the unique character of our neighborhoods. Approving this rezoning would undermine that quality of life, discourage families from staying, and risk turning Rockville into a more transient community.

I urge you to preserve the integrity, safety, and sustainability of our neighborhood by denying this rezoning proposal. Thank you for your attention and for your continued service to our community.

Sincerely,

Ansalan Stewart
New Mark Commons Resident
Rockville, MD 20850

MAYOR AND COUNCIL Meeting Date: December 1, 2025
Agenda Item Type: MOCK AGENDAS
Department: CITY CLERK/DIRECTOR OF COUNCIL OPERATIONS OFFICE
Responsible Staff: SARA TAYLOR-FERRELL

Subject

Mock Agenda

Recommendation

Staff recommend the Mayor and Council review and provide comment.

Attachments

Mock Agenda 12.8.25 (11.21.25)

MAYOR AND COUNCIL

Meeting No. 30-25
Monday, December 8, 2025 - 6:30 PM

MOCK AGENDA

Agenda item times are estimates only. Items may be considered at times other than those indicated.

Ways to Participate

If you require a reasonable accommodation, for community forum or a public hearing and need reasonable accommodations, please contact the City Clerk's Office by the Wednesday before the Monday meeting at 240-314-8280 or cityclerk@rockvillemd.gov or by filling this form: https://www.rockvillemd.gov/FormCenter/City-Manager-2/Request-a-Reasonable-Accommodation-50

Translation Assistance

If you wish to participate in person at a Mayor and Council meeting during community forum or a public hearing and may need translation assistance in a language other than English, please contact the City Clerk's Office by the Wednesday before the Monday meeting at 240-314-8280, or cityclerk@rockvillemd.gov, or by using this form: https://www.rockvillemd.gov/FormCenter/City-Clerk-11/Sign-Up-for-Translation-Assistance-at-Co-368

In-Person Attendance

Community members attending in-person who wish to speak during Community Forum, or a Public Hearing, should sign up using the form at the entrance to the Mayor and Council Chamber. In-person speakers will be called upon in the order they are signed to speak and before virtual speakers.

Note: In-Person Speakers will be called upon to speak before those who have signed up to speak virtually for Community Forum and Public Hearings.

Viewing Mayor and Council Meetings

The Mayor and Council are conducting hybrid meetings. The virtual meetings can be viewed on Rockville 11, Comcast, Verizon cable channel 11, livestreamed at www.rockvillemd.gov/rockville11, and available a day after each meeting at www.rockvillemd.gov/videoondemand.

Participating in Community Forum & Public Hearings:

If you wish to submit comments in writing for Community Forum or Public Hearings:

- Please email the comments to mayorandcouncil@rockvillemd.gov no later than 10:00 am on the date of the meeting.

If you wish to participate in-person or virtually in Community Forum or Public Hearings during the live Mayor and Council meeting:

1. Send your Name, Phone number, For Community Forum and Expected Method of Joining the

Meeting (computer or phone) to mayorandcouncil@rockvillemd.gov no later than 10:00 am on the day of the meeting. Each speaker will receive 3 minutes.
2. Send your Name, Phone number, the Public Hearing Topic and Expected Method of Joining the Meeting (computer or phone) to mayorandcouncil@rockvillemd.gov no later than 10:00 am on the day of the meeting.
3. On the day of the meeting, you will receive a confirmation email with further details, and two Webex invitations: 1) Optional Webex Orientation Question and Answer Session and 2) Mayor & Council Meeting Invitation.
4. Plan to join the meeting no later than approximately 20 minutes before the actual meeting start time.
5. Read for https://www.rockvillemd.gov/DocumentCenter/View/38725/Public-Meetings-on-Webex meeting tips and instructions on joining a Webex meeting (either by computer or phone).
6. If joining by computer, Conduct a WebEx test: https://www.webex.com/test-meeting.html prior to signing up to join the meeting to ensure your equipment will work as expected.

Participating in Mayor and Council Drop-In (Mayor Ashton and Councilmember Shaw) The next scheduled Drop-In Session will be held by phone or in-person on Monday, December 8 from 5:15 pm - 6:15 pm with Mayor Ashton and Councilmember Shaw. Please sign up by 10 am on the meeting day using the form at: https://www.rockvillemd.gov/formcenter/city-clerk-11/sign-up-for-dropin-meetings-227

1. **Convene - 6:30 PM**

2. **Pledge of Allegiance**

3. **Proclamation and Recognition - NONE**

4. **Agenda Review - 6:35 PM**

5. **City Manager's Report - 6:40 PM**

6. **Boards and Commissions Appointments and Reappointments - NONE**

7. **Community Forum - 6:45 PM**

8. **Special Presentations - NONE**

9. **Consent Agenda - 7:05 PM**

    A. Authorize the City Manager to Execute Modification Number 1 Between the City of Rockville and the Maryland Department of Natural Resources to Provide a No Cost Extension to the End Date of the Agreement Executed on June 9, 2023, for Grant No. 14-23-3088 TRF 15

10. **Public Hearing - NONE**

11. **Action Items - 7:10 PM**

    A. Adoption of the King Farm Farmstead Master Plan

B. Approval and Submission to Montgomery County of the City of Rockville Funding Application for Program FY 2027/Year 52 Community Development Block Grant

12. Worksession - 7:55 PM

A. Chapter 18 Code Update (Rental Facilities/Landlord/Tenant Relations) - Worksession

13. Mock Agenda - 8:55 PM

14. Old / New Business - 9:00 PM

15. Adjournment - 9:15 PM