



MAYOR AND COUNCIL AGENDA

NO. 5

DEPT.:Community Planning and Development Services
STAFF CONTACT: Rebecca Torma, Planner II

DATE PREPARED: 3/27/06
FOR MEETING OF: 4/10/06

SUBJECT: Discussion and Instruction to Staff: Zoning Text Amendment TXT2006-00218: to amend the Zoning Ordinance for the purpose of eliminating use of pipe stem lots in residential subdivisions; Mayor and Council of Rockville, applicants.

RECOMMENDATION: Staff recommends that the Mayor and Council discuss the application and any comments received, and instruct staff on preparation of the Ordinance.

DISCUSSION: The Mayor and Council of Rockville have determined that the current zoning regulations governing pipe stem lots create a loss of privacy, disrupt the streetscape harmony and change the character of the neighborhood. In an effort to help maintain the character of the existing residential neighborhoods, the Mayor and Council have proposed a zoning text amendment to prohibit the future creation of new pipe stem lots in residential development. This provision would not apply to commercial or industrial subdivisions, where the compatibility issues in general are not a problem. The new language would be added to 25-749(c) and read as follows.

- (6) The City may not accept for filing any application for subdivision, resubdivision, or a special development procedure that creates a new pipe stem lot or lots for one-family detached dwellings.

The additional language above would not affect the existing pipe stem lots, which would be allowed to remain and be legal with the new language below. This new language would "grandfather" any existing platted pipe stem lots that have not yet been developed and would not preclude replatting of any existing pipe stem lot to add additional land area.

- (7) Any record lot which is a pipe stem lot shall be considered a buildable lot.

Finally, the text amendment will add a new footnote (footnote #10) to the Table of Development Standards for Residential Zones, under the "Minimum lot width" heading, subsection "at front lot line" for the R-60 and R-75 zones. Currently, these zones have a minimum width at the street line to accommodate pie-shaped lots at the end of cul-de-sac lots where the lot will widen out to meet the minimum width requirement at the front building line. This footnote below is needed to clarify the Table of Development Standards in the Zoning Ordinance so it does not conflict between pipe stem lots and other types of lots. The minimum width for pipe stem lots (20 feet) will remain and is controlled by the Subdivision Regulations (Section 25-749[c]) in the Zoning Ordinance.

¹⁰No minimum lot widths apply at the front lot line for pipe stem lots.

Public Comment: The Mayor and Council left the public record open until 5:00 p.m., March 27, 2006. No oral or written comments were received during the length of the open public record.

Recommendation: It is recommended that the Mayor and Council direct staff to prepare an Ordinance for adoption of the text amendment.

Change in Law or Policy: The proposed text amendment would eliminate the creation of any new pipe stem lots in residential subdivisions.

Boards and Commissions Review: The Planning Commission reviewed this proposed text amendment on March 8, 2006 and recommended that it be approved.

PREPARED BY:

Rebecca Torma, Planner II

Date

APPROVED:

R. James Wasilak

3-28-06

R. James Wasilak, AICP, Chief of Planning

Date

APPROVED:

Arthur D. Chambers

3/29/06

Arthur D. Chambers, AICP, Director, Community Planning
And Development Services

Date

APPROVED:

Scott Ullery, City Manager

Date

LIST OF ATTACHMENTS:

1. Planning Commission recommendation
2. Staff report to the Planning Commission
3. Proposed text amendment



ATTACHMENT 1

City of Rockville

M E M O R A N D U M

March 10, 2006

TO: Mayor and Council

FROM: Planning Commission

SUBJECT: Planning Commission Recommendation on Text Amendment TXT2006-00218, to amend the Zoning Ordinance for the purpose of eliminating use of pipe stem lots in residential subdivisions

The Planning Commission considered the proposed amendment to the Zoning Ordinance at its March 8, 2006 meeting. The proposed amendment would clarify definitions and eliminate the use of pipe stem lots in residential development. The amendment proposes to modify the existing lot front definition and add a new pipe stem lot definition. In addition, the amendment would not allow for any new pipe stem lots in residential subdivisions, resubdivision of land or in special development procedures. The Planning Commission received comments at the meeting from the planning staff. No comments from the public were made in writing or orally at the Planning Commission meeting. A Commissioner requested clarification on the term "compatibility" as used in the report. Staff responded that it was in reference to the relationship of the pipe stem lot homes and the street. Another Commissioner requested the clarification of how the front lot line of a pipe stem lot is measured. Staff responded that currently it is measured from the intersection of the end of the stem and where the lot becomes wider.

The Planning Commission voted 7-0 to recommend approval of the text amendment to the Mayor and Council.

cc: Planning Commission
Case File



ATTACHMENT 2

City of Rockville

MEMORANDUM

March 2, 2006

TO: City of Rockville Planning Commission

FROM: Deane Mellander, Planner III
Rebecca Torma, Planner II

VIA: R. James Wasilak, AICP, Chief of Planning

SUBJECT: Proposed Zoning Text Amendment TXT2006-00218; To amend the zoning ordinance and subdivision regulations for the purpose of eliminating use of pipe stem lots in residential subdivisions.

BACKGROUND

The Mayor and Council directed the staff to prepare a zoning text amendment for the purpose of eliminating use of pipe stem lots in residential subdivisions during the discussion of Zoning Ordinance white papers. The public hearing on this text amendment will be held on March 20, 2006.

ANALYSIS

The Mayor and Council have expressed concerns about the use of pipe stem, or "flag" lots in one family residential subdivisions. Much of the concern has to do with the lack of privacy for the residents of the houses in front of the pipe stem lots, negative impacts on neighborhood character and confusion as to how to measure setbacks from the property lines.

In order to clarify the intent, the text amendment would add language to the existing definition for "Lot, front of", excluding pipe stem lots from the definition, and add a new definition for a "Lot, pipe stem". Within the subdivision regulations, being Article XV of the Ordinance, the text amendment adds language eliminating the use of pipe stem lots in any new residential subdivision, resubdivision, or special development procedure. Existing lots would retain their legal status. A footnote will also be added to the Table of Development Standards for Residential Zones relating to lot widths at the front lot line for pipe stem lots.

Until now, pipe stem lots have been allowed under the provisions of Sections 25-712, "Variances", and 25-749, "Lots" of the code. A developer must request a variance from the normal front lot width for the zoning district from the Planning Commission at the time the plat is reviewed, and then utilize the provisions for pipe stem lots contained in Sec. 25-749(c). This section provides the regulations for creating pipe stem lots and the methods for determining setbacks. This subsection, in its entirety, reads as follows:

- (c) *Pipe stem lots.* The following provisions apply to pipe stem lots:
- (1) It shall be noted on the final subdivision 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 the public street;
 - (2) Front setback distance shall be measured from the point where the lot and pipe stem join;
 - (3) Minimum lot area shall not include the area of the pipe stem;
 - (4) Not more than two (2) lots shall have adjoining pipe stems;
 - (5) Minimum width of the pipe stem shall not be less than twenty (20) feet.

The proposed text would add two additional subsections to this provision, as follows:

- (6) The City may not accept for filing any application for subdivision, resubdivision, or a special development procedure that creates a new pipe stem lot or lots for one-family detached dwellings.
- (7) Any record lot, which is a pipe stem lot, shall be considered a buildable lot.

The intent of the added language is to prevent the creation of any new pipe stem lots for residential development. This provision would not apply to commercial or industrial subdivisions, where the compatibility issues in general are not a problem. The new language also "grandfathers" any existing platted pipe stem lots that have not yet been developed. Note: Staff recommends that for consistency, the term "pipe stem", as currently used in the code, be used throughout the text amendment, in lieu of "pipestem."

In order to properly regulate these lots, the staff felt it advisable to provide a specific definition of pipe stem lot in the code, so that they could be properly separated from conventional lots. Thus, the definition of "front of lot" is modified to exclude a pipe stem lot from that definition. A new definition is to be added as follows:

Lot, pipe stem means a Lot that does not meet the required frontage at the setback line, due to being configured with a narrow panhandle or pipe stem, which panhandle or pipe stem provided vehicular and pedestrian access to a street, with the bulk of the property lying to the rear of one or more lots.

Finally, the text amendment will add a new footnote 10 to the development standards tables under the "Minimum lot width" heading, subsection "at front lot line" for the R-60 and R-75 zones to read as follows:

¹⁰No minimum lot widths apply at the front lot line for pipe stem lots.

The current development standards for minimum width at the front lot line have no minimum shown for lots in the R-90 and larger lot zones. In the R-60 and R-75 zones, there are minimum widths at the street line of 35 feet and 40 feet, respectively. This requirement is intended to accommodate lots such as the pie-shaped lots at the ends of cul-de-sacs where the lot width at the street line is narrow, but widens out to meet the minimum width at the front building line. The footnote is needed to indicate that in the case of pipe stem lots there is no established minimum width at the front lot line, and therefore not conflict with the provisions in the table. The minimum width (20 feet) is controlled by the provisions set forth in Section 25-749(c).

While pipe stem lots have been used fairly extensively in the County, and to some limited extent in the City, they do create some problems. Section 25-749(b) does establish some controls on the character of lots in cases of resubdivision. This section reads as follows:

Resubdivision of existing lots. In any resubdivision of developed or undeveloped lots within an existing residential area, the Commission must maintain, to the extent feasible, the average area and frontage of existing lots within five hundred (500) feet of the proposed resubdivision. This requirement shall supersede the minimum lot size and frontage requirements of the applicable zone, except where the average lot size or frontage of the existing lots are smaller than the minimum requirements of the zone, in which case the minimum requirements shall apply.

While this provision would prevent creation of pipe stem lots in existing developed areas where none exist in many cases, it does not prevent the creation of such lots in new subdivisions. As noted above, these lots can create problems because of compatibility and regulation. Houses built on these lots are essentially located in the back yards of the houses that front on a street, which creates a lack of privacy, disrupt the streetscape harmony and change the character of the neighborhood.



Staff memo: TXT 2006-00218

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March 2, 2006

RECOMMENDATION

Staff finds that the proposed text amendment is consistent with the vision for development in the City. It will not adversely affect any existing legally platted lots. Staff therefore recommends approval of the proposed text amendment, with the minor change that the term "pipestem" be divided into two words for consistency with the existing code language.

/dem

Attachments:

1. Proposed Text Amendment
2. Text Amendment Application

ATTACHMENT TO APPLICATION
TO THE CITY OF ROCKVILLE FOR A
TEXT AMENDMENT TO THE ZONING ORDINANCE

Applicant: Mayor and Council of the City of Rockville

The applicant proposes to insert the following new text into the zoning ordinance (underlining indicates text to be added; [brackets] indicate text to be deleted):

Amend Section 25-1, "Definitions" as follows:

Sec. 25-1. Definitions.

* * *

Lot, front of means the side or sides of an interior or through lot, other than a pipestem lot, which abuts a street; in a corner lot, the side or sides abutting either street may be considered as the front lot line provided that the side selected as the front has the required minimum lot frontage.

* * *

Lot, pipestem means a Lot that does not meet the required frontage at the setback line, due to being configured with a narrow panhandle or pipestem, which panhandle or pipestem provides vehicular and pedestrian access to a street, with the bulk of the property lying to the rear of one or more lots.

* * *

Amend Section 25-749, "Lots" as follows:

Section 25-749. Lots.

(a) * * *

(b) * * *

(c) Pipestem lots. The following provisions apply to pipestem lots:

- (1) * * *
- (2) * * *
- (3) * * *
- (4) * * *
- (5) * * *

(6) The City may not accept for filing any application for subdivision, resubdivision, or a special development procedure that creates a new pipestem lot or lots for one-family detached residential dwellings.

(7) Any record lot which is a pipestem lot shall be considered a buildable lot.

(d) * * *

Amend Section 25-311 "Table of development standards" in the Table entitled "I. Development Standards for Residential Zones" to add a footnote (10) to the R-60 and R-75 zones under the heading "Minimum lot width," subheading "at front lot line," to provide that no minimum lot widths apply at the front lot line for pipestem lots.

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

2006 JAN 23 4:08

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

DO NOT WRITE IN THIS SPACE

Mayor and Council of Rockville
Name of Applicant

Application No. TXT2006-00218

111 Maryland Avenue, Rockville, MD
Address

Filing Date January 23, 2006

240-314-8200
Telephone Number

Filing Fee N/A

Public Hearing Date 3/20/06

Decision/Date _____

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

Page 1932, 1933, 2009, 2139 Article I, XV, VI Section 25-1, 25-311, 25-
749

FROM: Which reads as follows:

See Attached

TO: Read as follows:

See Attached

By: R. James Nankah
Signature of Applicant

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

My Commission Expires: _____
Notary Public

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TO THE CITY OF ROCKVILLE FOR A
TEXT AMENDMENT TO THE ZONING ORDINANCE

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* * *

Lot, pipestem means a Lot that does not meet the required frontage at the setback line, due to being configured with a narrow panhandle or pipestem, which panhandle or pipestem provides vehicular and pedestrian access to a street, with the bulk of the property lying to the rear of one or more lots.

* * *

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(c) Pipestem lots. The following provisions apply to pipestem lots:

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- (2) * * *
- (3) * * *
- (4) * * *
- (5) * * *

(6) The City may not accept for filing any application for subdivision, resubdivision, or a special development procedure that creates a new pipestem lot or lots for one-family detached residential dwellings.

(7) Any record lot which is a pipestem lot shall be considered a buildable lot.

(d) * * *

Amend Section 25-311 "Table of development standards" in the Table entitled "I. Development Standards for Residential Zones" to add a footnote (10) to the R-60 and R-75 zones under the heading "Minimum lot width," subheading "at front lot line," to provide that no minimum lot widths apply at the front lot line for pipestem lots.