

Ordinance No. 15-19

ORDINANCE: To grant Text Amendment Application No. TXT2019-00253, with changes, Mayor and Council of Rockville, Applicant

WHEREAS, the Mayor and Council of Rockville, 111 Maryland Avenue, Rockville, Maryland, filed Text Amendment Application TXT2018-00253 for the purpose of amending Chapter 25 of the Rockville City Code, "Zoning," so as to revise Chapter 25 for the purpose of amending Articles 8 and 13 to revise the table of permitted uses in the MXE (Mixed-Use Employment) Zone, add provisions to grandfather "self-storage warehouse uses" in the MXE Zone as conforming uses for a period of time, and adding "restaurant with drive-through" as a permitted, conditional or special exception use in the Mixed-Use zones; and

WHEREAS, the Planning Commission reviewed the proposed text amendment at its meetings of May 8 and May 22, 2019, and recommended approval of the proposed amendment to the Mayor and Council, with certain changes; and

WHEREAS, pursuant to the Land Use Article of the Annotated Code of Maryland, the Mayor and Council of Rockville gave notice that a hearing on said application would be held by the Mayor and Council in the Council Chambers at Rockville City Hall on June 3, 2019, at 7:00 p.m., or as soon thereafter as it may be heard; and

WHEREAS, on June 3, 2019, said application came on for hearing at the time and place provided for in said advertisement; and

WHEREAS, the Mayor and Council, having considered the text amendment application and the entire file pertaining thereto, said Mayor and Council have decided that the granting of this application with changes, in the form set forth below, would promote the health, safety and welfare of the citizens of the City of Rockville.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF
ROCKVILLE, MARYLAND, as follows:

Amend Article 8, “Transitional Provisions, Nonconformities, Nonconforming Alteration Approval”, as follows:

* * *

25.08.05 – Nonconforming Uses

* * *

d. Self-storage warehouse use in the MXE Zone.

1. a. Any self-storage warehouse use in the MXE Zone that exists or is subject to an approved or pending site plan application as of [the date of adoption] may continue as a conforming use for a period of ten (10) years from the date the use becomes nonconforming.
b. Notwithstanding subsection 1.a., any such self-storage warehouse use in the MXE Zone may not be expanded, altered, or enlarged beyond the size and configuration of the original site plan approval.
2. After the ten (10) year period set forth in subsection 1.a expires, such a self-storage warehouse use in the MXE Zone will be considered nonconforming.

Amend Article 13, “Mixed-Use Zones”, as follows:

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25.13.02 - Zones Established

To achieve the intent of the recommendations of the Master Plan, each mixed-use zone contains different sets of standards and requirements to respond to the needs of individual neighborhoods of the City. These mixed-use zones are listed below, along with a description of the purpose of each zone.

Type of Zone	Distinguishing Feature	Name of Zone
Mixed Use	Intended for use in areas that are either currently developed or are recommended for development near Metro stations, it allows for high-density development of retail, office, and residential uses consistent with the recommendations of the Plan.	Mixed-Use Transit District Zone ("MXTD")

Type of Zone	Distinguishing Feature	Name of Zone
	Intended for areas along major highway corridors outside of the MXTD 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.	Mixed-Use Corridor District Zone ("MXCD")
	Intended for areas that are either currently developed or are recommended for development primarily for office, light industrial, and industrial park , <u>and similar employment-generating</u> uses, this zone <u>also</u> allows for medium to high density development of office, retail, and residential uses. A mix of office and residential uses, including live/work and work/live units, is encouraged.	Mixed-Use Employment ("MXE")

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25.13.03 – Land Use Tables

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	Zones									
	Uses	Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	Conditional requirements or related regulations

h. Commercial and office uses	Retail sales and services:									

	Boats and marine supplies	N	C	EN	C	N	N	N	N	For conditional use, all sales and storage must in indoors

Funeral home	C	C	EN	C	C	C	C	C	Cremations permitted only where existing as of March 16, 2009	

	Zones									

	Uses	Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	Conditional requirements or related regulations
h. Commercial and office uses (cont.)	Food Services:									
	<u>Restaurant with drive-through</u>	N	S	C	S	S	S	S	N	Special exception subject to Sec. 25.15.02.c. Conditional use subject to the requirements of Sec. 25.13.04.c
	* * *									
	Motor vehicle services:									
	* * *									
	Automotive repair garage	N	N	P N	P	N	N	N	N	
	Mechanical car wash	N	P	P N	N	N	N	N	N	
i. Assembly and	Zones									

entertainment	Uses	Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	Conditional requirements or related regulations
	Motor vehicle and trailer sales, excluding trucks and trailers exceeding three-fourths-ton capacity, including new and reconditioned parts and accessories and service incidental thereto. ²	N ³	C	EN	C	C	N	N	N	See footnote 2
	* * *									
	Shooting gallery	N	N	S	N	N	N	N	N	
	* * *									
	Zones									

	Uses	Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use Business (MXB)	Mixed-Use Corridor Transition (MXCT)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	Conditional requirements or related regulations
<p>j. Industrial and service uses</p>	<p>Warehouse, self-storage</p>	<p>N</p>	<p>N</p>	<p>C</p>	<p>C</p>	<p>N</p>	<p>N</p>	<p>N</p>	<p>N</p>	<p>In the MXE Zone, the use is only permitted on sites that are contiguous to a property that is zoned to accommodate heavy industrial uses⁴. In the MXB and MXE zones, not permitted on a lot within 250 feet of any lot on which a public school is located. In the MXB Zone, must not adjoin or confront single-unit dwellings.</p>

Key: P = Permitted Use; C = Conditional Use; S = Special Exception; N = Not Permitted

¹Conditional use in the MXC Zone is not permitted when adjoining a residential zone.

²Special provisions for motor vehicle and trailer sales:

- a. All buildings, off-street parking and loading areas and all outdoor storage and display of motor vehicles must be set back 50 feet from any adjoining or abutting land classified in a residential zone. Where the Plan recommends a setback from a public street greater than the minimum required, the Plan takes precedence.
- b. The storage of waste material, auto parts, refuse and motor vehicles is prohibited in any required setback area.
- c. The requirement for providing public use space may be met in whole or in part through the fee-in-lieu process as set forth in Article 17.

³ Except that new and/or expanded motor vehicle and trailer sales including new and reconditioned parts and accessories and service incidental thereto are permitted on those properties on which such uses are located as of March 16, 2009.

⁴ If this condition is not met, see Section 25.08.05.d. for non-conforming status.

NOTE: ~~Strikethroughs~~ indicate material deleted
Underlining indicates material added
Asterisks * * * indicate material unchanged by this ordinance

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of July 8, 2019.

Sara Taylor-Ferrell, City Clerk/Director of Council Operations

