

March 14, 2019

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 amend the zoning ordinance adopted on December 15, 2008, and with an effective date of March 16, 2009, by inserting and replacing the following text (underlining indicates text to be added; ~~strike throughs~~ indicate text to be deleted; * * * indicates text not affected by the proposed amendment). Further amendments may be made following citizen input, Planning Commission review and Mayor and Council review.

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 of adoption].**
 - 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 period of ten (10) years from [date of adoption], all existing self-storage warehouse uses in the MXE Zone will be considered nonconforming uses.**

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

* * *

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") ¹
	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, and similar employment-generating uses, this zone 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")

* * *

25.13.03 – Land Use Tables

* * *

¹ For purposes of satisfying the requirements of Article 2B, 9-102.1(g) "Rockville license," of the Annotated Code of Maryland, property within this zone shall be deemed to be within the Rockville Town Center zone.

	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	
Food Services:										
<u>Restaurant with drive-through</u>	<u>N</u>	<u>S</u>	<u>C</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>Special exception subject to Sec. 25.15.02.c. Conditional use subject to the requirements of Sec. 25.13.04.c</u>	
* * *										
Motor vehicle services:										
* * *										
Automotive repair garage	N	N	<u>PN</u>	P	N	N	N	N		
Mechanical car wash	N	P	<u>PN</u>	N	P	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
i. Assembly and entertainment	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
j. Industrial and service uses	Warehouse, self-storage	N	N	€ N ⁴	C	N	N	N	N	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.

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 See Section 25.08.07.f.