

Ordinance No. 08-24

ORDINANCE:

To grant Text Amendment
Application No. TXT2024-
00265, as amended, Mayor and
Council of Rockville,
Applicant

WHEREAS, the Mayor and Council of Rockville, 111 Maryland Avenue, Rockville, Maryland, filed Text Amendment Application TXT2023-00265 for the purpose of amending Chapter 25 of the Rockville City Code, "Zoning," so as to revise Chapter 25 for the purpose of regulating tobacco and vape shops; and

WHEREAS, the Planning Commission reviewed the proposed text amendment at its meetings of March 27, 2024 and May 22, 2024, and recommended against approval of the proposed amendment to the Mayor and Council on May 22, 2024, with certain comments; 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 text amendment would be held in person and virtually by the Mayor and Council via WebEx on June 10, 2024, at 7:00 p.m., or as soon thereafter as it may be heard; and

WHEREAS, on June 10, 2024, 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, have decided that the granting of this application, 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, that Chapter 25 of the Rockville City Code, entitled "Zoning," be amended as follows:

ARTICLE 3. - DEFINITIONS; TERMS OF MEASUREMENTS AND CALCULATIONS

* * *

Sec. 25.03.02. - Words and terms defined.

* * *

Effective date means the effective date of a decision or approval of an Approving Authority is the date set forth in the resolution or ordinance adopted by the Mayor and Council, or the date of the written notice of the decision or approval.

Electronic smoking device has the same meaning as in Rockville City Code section 13-21(a).

* * *

Site plan means the development plan for one (1) 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.

Smoke has the same meaning as in Rockville City Code section 13-21(a).

* * *

Through lot. See "Lot, through."

Tobacco and vape shop means any retail establishment that devotes at least 10% of its floor area to the sale or display of tobacco products or electronic smoking devices or allows customers to vape or smoke indoors on site.

Tobacco product means 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.

Use, principal means the principal purpose for which a lot or the main building on the lot is designed, arranged, or intended and for which it may be used, occupied, or maintained as a permitted, conditional, or special exception use.

Vape has the same meaning as in Rockville City Code section 13-21(a).

ARTICLE 12. - INDUSTRIAL ZONES

* * *

Sec. 25.12.03. Land use tables.

The uses permitted in the industrial zones are shown in the table below. Uses are subject to applicable conditions of site plan approval. All special exceptions are subject to the requirements of article 15.

	Uses	Zones		Conditional requirements or related regulations
		Light Industrial I-L	Heavy Industrial I-H	
a. Residential uses	Live/work unit	P	N	Includes dwelling unit for caretaker in connection with a self-storage warehouse
	Personal living quarters	S	N	See Sec. 25.15.02.l.
e. Commercial, office, and industrial uses	Alcoholic beverages for consumption on the premises of any restaurant	P	N	
	Auctioneer and commercial gallery	P	N	
	Boats and marine supplies	P	N	
	Garden supplies	P	N	
	Home improvement service	P	P	
	Home maintenance services	P	P	
	Pawnbroker	S	N	See Section 25.15.02.m.
	Public transportation station	C	C	Conditional use must comply with any Plan recommendation
	Repair of household appliances, inc'l home electronic equipment	P	N	
	Taxicab service	P	N	
	Wearing apparel and related accessories	P	N	
	Wearing apparel services	P	N	
	Caterer, no seating	P	N	
	Carry-out	P	N	
	Restaurant	S	N	See Sec. 25.15.02.o.
	Office uses:			
	Duplicating service	P	N	

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	Uses	Zones		Conditional requirements or related regulations
		Light Industrial I-L	Heavy Industrial I-H	
	Office	C	N	Conditional use limited to 25% of the gross floor area of a building
	Medical or dental laboratory	P	N	
	Research and development	P	N	
	Automobile filling station (Class I and II)	S	S	See Sec. 25.15.02.c.
	Automobile fluid maintenance station	P	N	
	Automotive repair garage	P	N	
	Mechanical car wash	P	N	
	Motor vehicle and trailer sales, including new and reconditioned parts and accessories and service incidental thereto	P	N	
	Motor vehicle towing service, without storage on the premises	P	N	
	Tires, batteries, and accessory sales, including service incidental thereto	P	N	
	<u>Tobacco and vape shop</u>	<u>C</u>	<u>N</u>	<u>Conditional use subject to the requirements of Sec. 25.13.04.f.</u>

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

* * *

ARTICLE 13. - MIXED-USE ZONES

* * *

Sec. 25.13.03. Land use tables.

The uses permitted in the mixed-use zones are as shown in the table below. Uses are subject to applicable conditions of site plan approval. All special exceptions are subject to the requirements of article 15.

	Uses	Zones								Conditional requirements or related regulations
		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)	
a. Residential	Dwelling, single unit detached	N	C	C	C	N	C	P	P	Conditional use subject to the requirements of Sec. 25.13.04.a.
	Dwelling, semi-detached (duplex)	N	N	C	P	N	C	N	P	Conditional use subject to the requirements of Sec. 25.13.04.a.
	Dwelling, townhouse	P	P	P	P	P	P	N	C	Conditional use subject to the requirements of Sec. 25.13.04.a.
	Dwelling, attached	P	P	P	P	P	P	N	C	Conditional use density must not exceed 6 dwelling units per acre
	Dwelling, multiple-unit	P	P	P	P	P	P	C	C	Conditional use subject to the requirements of Sec. 25.13.04.a
	Live/work unit	P	P	P	P	P	P	P	P	
	Personal living quarters	P	P	P	P	P	P	N	P	
	Personal care facility	P	P	P	P	P	P	P	P	
* * *										
h. Commercial and office uses (cont.)	Personal Services Office	P	P	P	P	P	P	P	P	
	Pet grooming	P	P	P	P	P	P	P	P	
	Pet sales	P	P	P	P	N	P	N	N	
	Public transportation station	P	P	P	C	P	C	C	C	Conditional use must comply with any recommendations of the Plan

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	Uses	Zones								Conditional requirements or related regulations
		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)	
	Repair of household appliances, incl home electronic equipment	P	P	P	P	P	P	P	N	
	<u>Tobacco and vape shop</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Conditional use subject to the requirements of Sec. 25.13.04.f.</u>
	Taxicab service	N	N	S	P	P	N	N	N	Special exception subject to Sec. 25.15.02.g

* * *

Sec. 25.13.04. - Special regulations for conditional uses.

- a. *Residential.* Where residential uses are permitted as conditional uses in a mixed-use zone, other than the MXC zone...

* * *

f. *Tobacco and vape shop.* Where a tobacco and vape shop is allowed as a conditional use, it must meet the following standards:

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 section 25.08.05 if a use listed in section 25.13.04.f.1 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.
3. A retail establishment operating under a valid occupancy permit approved before [date of ordinance effective date] that meets the definition of "tobacco and vape shop" under section 25.03.02 shall be classified as a tobacco and vape shop and may continue as a conforming use if it meets the requirements of sections 25.12.03, 25.13.03, and

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25.13.04.f.1. Any such retail establishment that does not meet the requirements of these sections shall be classified as a tobacco and vape shop and may continue as a nonconforming use subject to the requirements of section 25.08.05.

* * *

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 29, 2024.


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

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Sec. 25.12.03. Land use tables.

The uses permitted in the industrial zones are shown in the table below. Uses are subject to applicable conditions of site plan approval. All special exceptions are subject to the requirements of article 15.

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a. Residential uses	Live/work unit	P	N	Includes dwelling unit for caretaker in connection with a self-storage warehouse
	Personal living quarters	S	N	See Sec. 25.15.02.l.
e. Commercial, office, and industrial uses	Alcoholic beverages for consumption on the premises of any restaurant	P	N	
	Auctioneer and commercial gallery	P	N	
	Boats and marine supplies	P	N	
	Garden supplies	P	N	
	Home improvement service	P	P	
	Home maintenance services	P	P	
	Pawnbroker	S	N	See Section 25.15.02.m.
	Public transportation station	C	C	Conditional use must comply with any Plan recommendation
	Repair of household appliances, inc'l home electronic equipment	P	N	
	Taxicab service	P	N	
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	Carry-out	P	N	
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	Office uses:			
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	Automotive repair garage	P	N	
	Mechanical car wash	P	N	
	Motor vehicle and trailer sales, including new and reconditioned parts and accessories and service incidental thereto	P	N	
	Motor vehicle towing service, without storage on the premises	P	N	
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	<u>Tobacco and vape shop</u>	<u>C</u>	<u>N</u>	<u>Conditional use subject to the requirements of Sec. 25.13.04.f.</u>

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	Live/work unit	P	P	P	P	P	P	P	P	
	Personal living quarters	P	P	P	P	P	P	N	P	
	Personal care facility	P	P	P	P	P	P	P	P	
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h. Commercial and office uses (cont.)	Personal Services Office	P	P	P	P	P	P	P	P	
	Pet grooming	P	P	P	P	P	P	P	P	
	Pet sales	P	P	P	P	N	P	N	N	
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Taxicab service	N	N	S	P	P	N	N	N	Special exception subject to Sec. 25.15.02.q

* * *

Sec. 25.13.04. - Special regulations for conditional uses.

- a. *Residential.* Where residential uses are permitted as conditional uses in a mixed-use zone, other than the MXC zone...

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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 29, 2024.


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

