

Resolution No. 9D-19

RESOLUTION: To extend the moratorium approved on January 15, 2019 by Resolution No. 4-19 on the filing, acceptance, and receipt of applications for special exceptions, and applications for project plans, project plan amendments, Level 1 site plans, Level 2 site plans, major site plan amendments, and minor site plan amendments for certain uses in the MXE (Mixed-Use Employment) Zone

WHEREAS, the Mayor and Council of Rockville, on July 10, 2017, considered changes to the City's Zoning Ordinance that would have eliminated certain permitted uses from the MXE Zone that were considered to not be consistent with the intent of the MXE Zone; and

WHEREAS, the Mayor and Council determined that the topic should be considered for further discussion at a worksession, which was held on September 25, 2017, at which time the Mayor and Council determined that additional study and stakeholder outreach was necessary prior to making any changes to the MXE Zone; and

WHEREAS, it is the desire of the Mayor and Council to allow sufficient time to conduct a careful, thorough, and thoughtful study of the uses permitted in the MXE Zone to determine the uses that may not be consistent with the intent of the MXE Zone, which may result in changes to the City's Zoning Ordinance; and

WHEREAS, the Mayor and Council finds that if any substantial development or new establishments of certain uses were to occur in the MXE Zone prior to the completion of a study and the presentation to the Mayor and Council of the zoning recommendations, such development could adversely affect the implementation of the recommendations resulting from

the study, and be incompatible with the orderly development and growth envisioned in the MXE Zone; and

WHEREAS, it is the intent of the Mayor and Council to permit construction to continue, pursuant to duly approved development applications or issued permits, for the following uses: self-storage warehouse, shooting gallery, light industrial uses, service industrial uses, automotive repair garage, and motor vehicle and trailer sales; and

WHEREAS, it is the intent of the Mayor and Council to permit the continued review, processing, and approval of pending Level 1 and Level 2 Site Plan applications, and any site plan amendments, that propose uses that are the subject of this resolution; and

WHEREAS, it is the intent of the Mayor and Council to permit the filing, acceptance and processing of Level 1 and Level 2 Site Plan applications, and any site plan amendments, that propose uses that are the subject of this resolution, and for which the Pre-Application requirements found in Sec. 25.07.02.a of the Zoning Ordinance have been met.

WHEREAS, the Mayor and Council on December 3, 2018, received a presentation on the study titled "Review of Permitted Uses within the MXE (Mixed Use Employment) Zone," and directed staff to proceed with drafting a Zoning Text Amendment application based on the direction given; and

WHEREAS, it is the intent of the Mayor and Council to provide for sufficient time to complete the Zoning Text Amendment application process as required by Article 6 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that the moratorium established by Resolution No. 13-18 and modified by Resolution Nos. 14-18 and 4-19 is hereby extended until October 1, 2019, on the

filing, acceptance, and receipt of applications for special exceptions, and preapplications and applications for any project plans and project plan amendments, Level 1 site plans, Level 2 site plans, major site plan amendments, and minor site plan amendments for the following uses within the MXE Zone: self-storage warehouse, shooting gallery, light industrial uses, service industrial uses, automotive repair garage, and motor vehicle and trailer sales. The moratorium does not include the filing, acceptance and receipt of applications for Level 1 Site Plans, Level 2 Site Plans, and any site plan amendments that propose the uses listed in this resolution and for which the Pre-Application requirements of Sec. 25.07.02.a have been completed prior to July 2, 2018. The City Clerk/Director of Council Operations and the Department of Community Planning and Development Services are hereby directed not to accept for filing any applications for special exceptions, and preapplications or applications for project plans, project plan amendments, Level 1 site plans, Level 2 site plans, major site plan amendments, and minor site plan amendments for the aforementioned uses within the MXE Zone until October 1, 2019, with the exception of those applications for which the Pre-Application requirements of Sec. 25.07.02.a have been completed prior to July 2, 2018, and

BE IT FURTHER RESOLVED THAT this resolution supersedes Resolution No. 4-19, which was adopted by the Mayor and Council on January 15, 2019.

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 June 3, 2019.


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