

Ordinance No. 13-14

ORDINANCE: To grant Text Amendment
Application No. TXT2014-
00238, Potomac Food
Group, Inc., Applicant

WHEREAS, Potomac Food Group, Incorporated, 9123 Gaither Road, Gaithersburg, Maryland, filed Text Amendment Application TXT2014-00238 for the purpose of amending Chapter 25 of the Rockville City Code, "Zoning," so as to revise Chapter 25 for the purpose of allowing a drive-through restaurant as a conditional use in the Mixed Use Employment (MXE) zone; and

WHEREAS, the Planning Commission reviewed the proposed text amendment at its meeting of August 6, 2014, and recommended that the text amendment be approved with modifications to delete the requirements that the drive-through restaurant must be located on the same site as an existing hotel and have a minimum of 200 feet of frontage on a major highway; 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 September 15, 2014, at 7:00 p.m., or as soon thereafter as it may be heard; and

WHEREAS, on September 15, 2014, 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 having 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, as follows:

SECTION 1. That Text Amendment Application No. TXT2014-00238, be, and the same is hereby granted, by amending Chapter 25, “Zoning”, as follows:

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

Section 25.13.03 –Land Use Tables

* * *

	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 Neighborhood Commercial (MXNC)	Mixed-Use Commercial I (MXC)	Mixed-Use Transition (MXT)	
	* * *								
	Food Services:								
Commercial, office, and industrial uses	* * *								
	Restaurant, no drive-through	P	P	P	P	P	P	P	
	Restaurant with drive-through	N	S	[N]C	S	N	S	N	Special exception subject to [See] Sec. 25.15.02.c Conditional use subject to the requirements of Sec. 25.13.04.e.
	Office Uses:								

* * *

Section 25.13.04 – Special Regulations for Conditional Uses

* * *

e. Restaurant with Drive-Through Window in the MXE Zone:

The use must be located on a site that has frontage on and access to a major arterial roadway at the front lot line.

NOTE: [Brackets] 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 October 13, 2014.

A handwritten signature in cursive script, reading "Sara Taylor-Ferrell". The signature is written in dark ink and is positioned above a horizontal line.

Sara Taylor-Ferrell, Acting City Clerk