



City of
Rockville
Get Into It

**Planning Commission Staff Report:
Proposed Zoning Text Amendment TXT2018-00247
and Sectional Map Amendment MAP2018-00116**

MEETING DATE: September 13, 2017

REPORT DATE: September 6, 2017

FROM: Deane Mellander, Zoning Administrator
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APPLICANT: Mayor and Council of Rockville

FILING DATE: July 18, 2017 TXT
August 30, 2017 SMA

RECOMMENDATION: Staff recommends approval of the proposed
text amendment and Sectional Map Amendment

EXECUTIVE SUMMARY: The proposed text amendment will implement the recommendations of the Rockville Pike Neighborhood Plan by creating a new Mixed-Use Corridor Transition (MXCT) Zone. The text amendment also implements other aspects of Pike Plan such as the Champion Project process. Some revisions to the land uses are proposed for the mixed-use zones. The Sectional Map Amendment will apply this zone to those portions of the Plan area recommended as appropriate for this zoning classification. The SMA and text amendment will also implement other zoning recommendations contained in the Plan.

***Zoning Ordinance of
The City of Rockville***
*Adopted December 15, 2008
by Ordinance 19-08*

Being Chapter 25 of the Rockville City Code

Effective Date – March 16, 2009

As Amended to
October 12, 2015

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APPLICANT'S PROPOSAL

The proposed text amendment will create a new zone, the Mixed-Use Corridor Transition Zone (MXCT). This zone is intended to act as a transition between the higher density zones along Rockville Pike and the residential areas to the west of the proposed extension of East Jefferson Street. The Rockville Pike Neighborhood Plan recommends lower densities and building heights in this "Center" area of the plan. The text amendment will also create a new development process, a "Champion Project", for projects that meet certain criteria as set forth in the Plan. Champion Projects would allow greater building heights and reduced build-to lines and must be approved by the Mayor and Council. Some land uses are revised to be permitted in other mixed-use zones, having been determined to be appropriate in these zones. Revisions have also been made to the development standards to require 15 percent public use space for new developments in the Pike Plan area, and the build-to line provisions revised to reflect the plan recommendations.

The Sectional Map Amendment (SMA) is intended to implement the development recommendations of the Plan by rezoning certain properties and reconfirming the zoning on other properties. This includes the application of the proposed new MXCT Zone to certain areas along the east side of the proposed extension of East Jefferson Street. A portion of the Woodmont Country Club property fronting on Rockville Pike is proposed to be placed in the MXCD Zone, consistent with adjoining properties. Several parcels along Twinbrook Parkway that are currently zoned MXCD are proposed to be rezoned to the Mixed-Use Transit District (MXTD) Zone since these sites are within the Core area designated in the Plan.

PROCESS AND PROCEDURE

The Mayor and Council authorized the filing of the text amendment on July 10. The Mayor and Council authorized the filing of the SMA on August 2. The Planning Commission may review the proposed amendments and provide a recommendation to the Mayor and Council. The public hearing is currently scheduled to be held on October 16.

RECOMMENDATION

The staff recommends approval of the proposed text amendment and Sectional Map Amendment.

ANALYSIS

On August 1, 2016, the Mayor and Council adopted the Rockville Pike Neighborhood Plan ("the plan") as an amendment to the City's Comprehensive Master Plan. The plan includes a series of implementation actions, which are summarized in Table 5.1 on page 5-16 of the plan. One of those actions is to "amend the zoning ordinance to reflect plan policies."

The Mayor and Council authorized filing of the text amendment application on July 10, 2017 (TXT2018-00247) and authorized filing of the Sectional Map Amendment application on August 2, 2017 (MAP2018-00116). The Planning Commission is now requested to provide a recommendation on both to the Mayor and Council. A public hearing on the proposed text amendment (Exhibit 1) and proposed map amendment (Exhibit 3) has been scheduled with the Mayor and Council for October 16, 2017.

Zoning Text Amendment (TXT2018-00247)

Exhibit 1 is the proposed text amendment. It includes the relevant sections of the Zoning Ordinance, with proposed additions presented as underlined text and deletions shown as strike-throughs. In addition, to assist the Commission and the public in understanding the proposed zoning changes, staff has created a summary chart (Exhibit 2) that identifies, from left column to right: 1) the Article and Section of the zoning ordinance affected by each proposed change; 2) the proposed amendments to the zoning ordinance and their purpose(s); and 3) the page references from the Rockville Pike Neighborhood Plan that are the sources of the proposed zoning changes.

Following here is a more detailed description of the most significant components of the proposed Zoning Text Amendment (ZTA), and then a discussion of the proposed Sectional Map Amendment (SMA).

Zones

With one exception that is discussed in the next section, existing zones would be retained in order to implement the plan. These existing zones work well to implement the objectives of the plan as described in Chapter 4 by regulating height and uses by location within the plan area. The plan area's "Core" land use designation would be zoned MXTD (Mixed-Use Transit District); the "Corridor" would be zoned MXCD (Mixed-Use Corridor District); and the "Neighborhood" would be zoned RMD-15 (Residential Medium Density). These land use designations are shown on page 4-22 of the plan (and included here as Exhibit 5).

The proposed text amendment includes some changes to the permitted uses in the Land Use Table (25.13.03) for the MXTD and MXCD zones. These changes (noted on pages 1 and 2 of Exhibit 2) would result in permitting some uses in these zones that are currently not permitted, and the changes would apply to these zones throughout the city. The staff reviewed all of the uses allowed in the mixed-use zones and determined that certain uses not currently permitted were in fact consistent with the purposes and intent of the zones and therefore should be allowed generally in these zones.

Proposed New Mixed-Use Corridor Transition (MXCT) Zone

The proposed text amendment adds one new zone, the MXCT zone, within the plan area. The plan calls for transitioning building heights from highest around the Twinbrook Metro station, which is the plan's "Core," scaled back towards the residentially-zoned areas outside of the plan area on the west side of East Jefferson Street. Planning and Legal staff determined that the best way to do this is to create a new zone, the Mixed-Use Corridor Transition, or MXCT zone, which would comprise the "Center" land use shown on page 4-22 of the plan and as described on page 4-24. Article 13 of the Zoning Ordinance is proposed to be amended to establish this new zone and to specify the development standards.

According to the plan, the Center land use designation is for "locations where a similar, but less intense, development character to the Core and Corridor is desirable. These areas support an active pedestrian environment and a mix of uses, including retail, that primarily serve the surrounding neighborhood, but maximum building heights are lower than in the Core and the Corridor." This area is identified on the plan's land use map as the far western portion of the plan area that is adjacent to East Jefferson Street and its proposed extension, and where buffering for adjacent residential uses and zones does not otherwise exist.

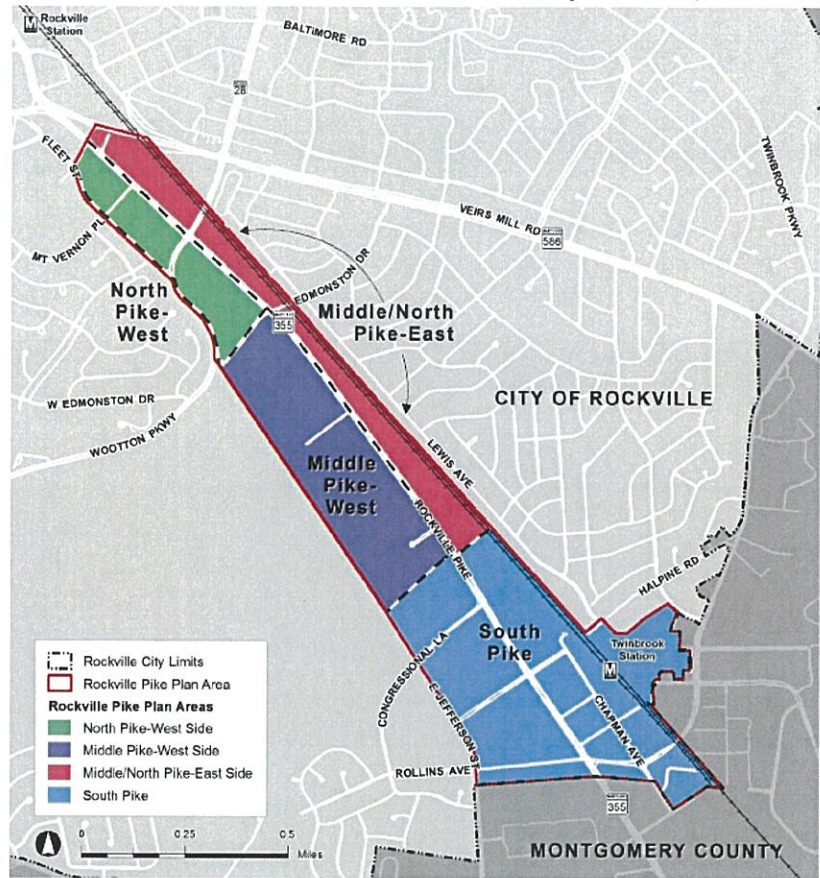
In general, the properties that would be subject to rezoning to the new MXCT zone would be the parcels and properties (currently zoned MXCD, R-400, and RMD-25) in the South and Middle Pike that front the east side of East Jefferson Street and its projected extension from Congressional Lane to Wootton Parkway, except for the "Neighborhood" area that includes existing townhouses.

Building heights in the new MXCT zone are proposed to be limited to 55 feet, as informed by plan language on page 4-24, and lower than the current 75-foot maximum in the adjacent MXCD zone. However, a project that is approved as a "Champion Project" within the MXCT zone would be allowed to increase building heights up to 80 feet, if approved by the Mayor and Council. Champion Projects are discussed in the next section.

The special design regulations added for the new zone are generally reflective of the existing provisions for the other mixed-use zones, and the permitted uses reflect the description of the Center land use designation on page 4-24 of the plan. For example, uses such as "boats and marine sales," and "department stores," would be allowed in the MXCD zone but not in the new MXCT zone. Other uses such as a "carry-out restaurant", "personal care facilities," "wearing apparel," and "banks without drive-through facilities," would be allowed.

Champion Projects

The plan introduces the option of developing larger parcels (five or more contiguous acres) that are located in the South Pike (see map at right) as “Champion Projects.” The text amendment proposes to add a definition for a “Champion Project” in Article 3 (Definitions), and include criteria in Article 7 (Procedures) by which such projects will be reviewed. Under this proposal, a Champion Project would follow the same development procedure as a Project Plan, which places final review and approval with the Mayor and Council. The determination whether an application for a development project may be processed as a Champion Project would be made at the Project Plan briefing by the Mayor and Council.



Development proposals must meet certain criteria to qualify as Champion Projects, as described on pages 4-8 to 4-9 of the plan and set forth in the proposed text amendment. Projects that meet the criteria, and are approved as such by the Mayor and Council, may receive two benefits. First, Champion Projects may be exempt from the plan’s requirement to provide an access road along Rockville Pike. Second, Champion Projects that do not provide an access road will have a build-to line of 103 feet from the Rockville Pike centerline instead of the standard requirement of 126 feet. This change potentially provides additional development area. In addition, the Mayor and Council may also approve Champion Projects for greater building height than is otherwise allowed in the zone.

The criteria language for Champion Projects in the plan is adapted to the Zoning Ordinance. For example, the plan states that a Champion Project must be located in the South Pike area. The language in the proposed Zoning Text Amendment refers to this area as the “Twinbrook Metro Performance District.” That district is the same geographic area as the plan’s South Pike (not including the Twinbrook Station Planned Development, which has its own development standards that are not affected by the plan). However, the Twinbrook Metro Performance District is already defined in the Zoning Ordinance and delineated on the Zoning Map. Other adaptations include using more specific criteria for the goals that must be advanced for a

development project to be considered a Champion Project, as compared to the language of the plan. For example, the proposed ordinance 1) contains more specific language regarding the multi-unit dwellings that would be an option for qualifying as a Champion Project, requiring an additional quantity of affordable units; and 2) includes criteria to promote the intent behind “Vision Zero” without using the specific term to make clear the importance of safety in the transportation infrastructure.

In general, the proposed text amendment does not include changes to the current maximum building heights in the existing zones within the plan area. However, the plan states (p. 4-9) that “Champion Projects also may be eligible to build at higher heights than are allowed by zoning, if approved by the Mayor and Council.” Following the intent of that statement, the text amendment, as proposed by the Mayor and Council, specifies maximum building heights for Champion Projects within the proposed text amendment. In the MXTD zone, the maximum by-right height is now 120 feet, but building height can be increased up to 150 feet if certain conditions are met. The proposed amendment states that Champion Projects could build an additional 25 feet in this zone, up to a maximum of 175 feet, if approved by the Mayor and Council. This height is comparable to building heights previously approved by the Mayor and Council for the adjacent Twinbrook Station PD, and likely represents two additional stories.

Not all portions of the South Pike, where Champion Projects may be approved, are zoned as MXTD. Per the proposed amendment, Champion Projects in the MXCD zone may be allowed to increase building heights from the current 75 feet up to 100 feet. As noted previously, the new MXCT Zone would have a “Champion Project” height that is higher than the proposed base maximum; 80 feet v. 55 feet.

Building Height Measurement – Feet v. Stories

Page 4-26 of the plan recommends that maximum building heights be measured in numbers of stories rather than feet. The recommendation originated with the consulting team (ACP Visioning + Planning; Economics Research Associates (now AECOM); and Glatting Jackson Anglin (now AECOM)) retained to initiate the planning process in 2007. The objective was to ensure some variation in building heights, rather than having buildings being built with flat roofs to the maximum permitted heights.

Implementing this plan recommendation would add complexity to the Zoning Ordinance that staff does not think is necessary to achieve the plan objective of variation in building heights. Recent development in the city, and along the Pike in particular, has resulted in a variety of heights without this requirement because developers have frequently chosen not to build to the maximum heights permitted. The Zoning Ordinance currently specifies maximum heights only in feet, and staff proposes that this approach continue. The pros and cons of each approach may be addressed as part of the ongoing Comprehensive Master Plan process for the entire city, and/or in any update to the Zoning Ordinance that follows adoption of the Comprehensive Master Plan.

Development Standards: Build-To Lines and Building Restriction Lines

Within the Zoning Ordinance there are two types of building lines – build-to lines and building restriction lines. A build-to line means a setback line established by the applicable master plan that sets the location of at least a portion of new buildings at that line. With a building restriction line, development can occur anywhere behind the line but cannot encroach beyond the line.

The Rockville Pike Neighborhood Plan establishes build-to lines along all street frontages within the plan area. Build-to lines are discussed on pages 4-24 and 4-25 of the plan. Build-to lines were established in the previous (1989) Rockville Pike Corridor Neighborhood Plan, but are changed by the new plan. The purpose is to create a continuous edge of building facades along the street.

As an example, the build-to line along the Pike in areas where the full access road is required is set at 126 feet from the centerline of the road. “Champion Projects” and properties on the narrow east side of the Pike in the Middle and North Pike areas are exceptions to this. The build-to line for approved “Champion Projects” is set at 103 feet from the Pike centerline. Some portion of buildings must be set at the build-to line. In the plan, these percentages vary between 30 percent and 70 percent depending on the location, and these requirements are set forth in the changes to Section 25.13.05.a.2 in the text amendment. For streets other than the Pike, build-to lines are established at the property line, with varying percentages of facades required to be constructed at the build-to line.

In the Development Standards section (Sec. 25.13.05) of Exhibit 1, the language is clarified to make a distinction between building restriction lines in the Town Center Master Plan area and build-to lines the Pike Plan area. In Town Center, there are only building restriction lines along the Pike. Subsection a.1 is the existing language used for development projects all along Rockville Pike and Hungerford Drive. With the adoption of the plan, a new subsection 2 is proposed to be added with specific recommendations for building frontage requirements based on the classification of the street to which the building abuts. The new language includes a provision allowing for some flexibility in these requirements where the Approving Authority deems the changes consistent with the intent of the plan.

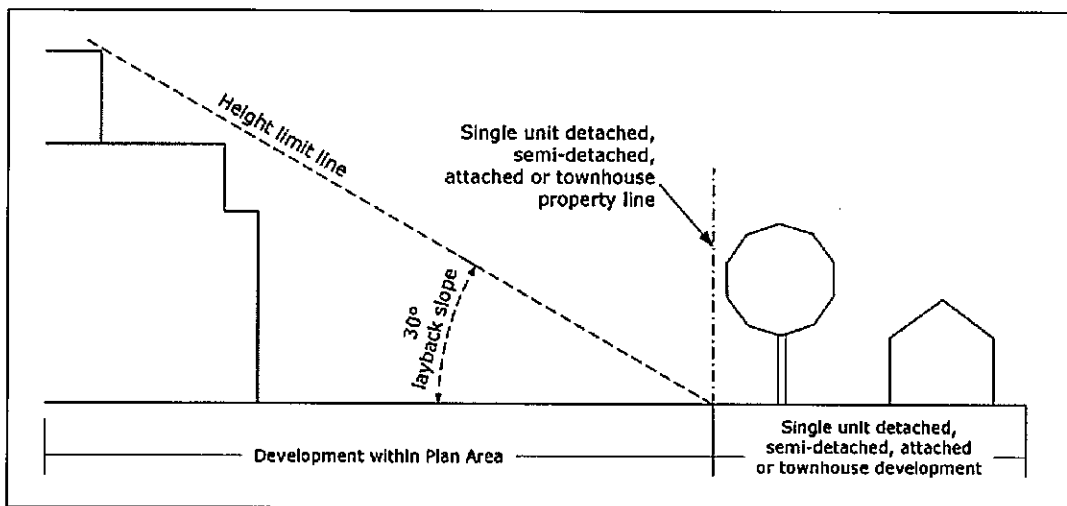
The Building Restriction Lines provisions of Article 17 are revised to delete the references to the Rockville Pike corridor which reflect the recommendations from the 1989 Plan. The new build-to line provisions are included in Sec. 25.13.05.a.2. The remaining regulations for building restriction lines affect areas outside the Plan area.

Development Standards Table: Public Use Space

The plan recommends that public use space be at least 15 percent of the lot area in all zones throughout the plan area, or to be provided as fee-in-lieu of that space (plan, p. 4-38). This recommendation is reflected in the amended Development Standards table. Revisions and additions have been made also to reflect the recommendations of the plan regarding public use space vs. fee-in-lieu.

Layback Slope

A layback slope is a line beginning from the closest ground point of the lot line of any property in a residential zone measured at a 30-degree angle, within which no building can exceed in height. An example of a layback slope is shown below.



The plan recommends that layback slopes apply to the development on the east side of Rockville Pike that is located across the tracks from residences on Lewis Avenue in Twinbrook (page 4-26). Where layback slopes apply, building height cannot penetrate a layback slope line of thirty (30) degrees, beginning from the closest ground point of the lot line of any property in any residential zone where single unit detached, semi-detached, attached, or townhouse development exists or such development is recommended in the plan, without regard to intervening roads or other transportation facilities. Section 25.13.05.b.2(d)(iv) of the Zoning Ordinance currently exempts projects alongside the Metro/CSX tracks from the layback slope requirement. This exemption is proposed to be deleted in accordance with the plan's recommendation. The result is that the layback slope limitation would apply to any new development on the east side of Rockville Pike that is located across the Metro/CSX tracks from residences on Lewis Avenue in Twinbrook.

Sectional Map Amendment (MAP2018-00116)

The proposed Sectional Map Amendment (SMA, Exhibit 3) covers the area of the Rockville Pike Neighborhood Plan and, along with the Text Amendment (TXT2018-00247), is intended to implement the zoning recommendations of the plan. As explained above, existing zones with their current development standards are maintained for much of the planning area because they will effectively implement the objectives of the plan. Therefore, the plan area's "Core" land use designation would be zoned MXTD; the "Corridor" designation would be zoned MXCD; and the "Neighborhood" designation would be zoned Residential Medium Density – (RMD-15). These land use designations are shown on page 4-22 of the plan (Exhibit 5).

According to the plan, the "Center" land use designation is for "locations where a similar, but less intense, development character to the Core and Corridor is desirable. These areas support an active pedestrian environment and a mix of uses, including retail, that primarily serve the surrounding neighborhood, but maximum building heights are lower than in the Core and the Corridor." Planning and Legal staff determined that no existing zone fits this description adequately and, therefore, recommends creating a new zone, the Mixed-Use Corridor Transition, or MXCT zone. The MXCT zone would comprise the "Center" land use shown on Exhibit 4 for the south and middle pike areas and as described on page 4-24 of the plan. The north pike area would remain in the existing MXCD zone because existing residences in this area are adequately protected by the fact that the previously planned Fleet Street extension has been removed from the plan.

In addition to introducing the new MXCT zone, a portion of one property within the plan area is proposed to be rezoned from the MXTD (Mixed-Use Transit District) zone to the MXCD (Mixed-Use Corridor District) zone, and several properties along Twinbrook Parkway are proposed to be rezoned from MXCD to MXTD. The properties proposed for rezoning are identified by parcel on the map in Exhibit 3, with property details shown in the tables in Exhibit 4. The existing zoning for the plan area is shown as Exhibit 6.

More than half of the area proposed for rezoning involves the property owned by Woodmont Country Club. East Jefferson Street is proposed in the plan to be extended from Wootton Parkway to the current terminus just north of Congressional Lane. Most of the area north of the Woodmont Place townhouses is proposed to be placed in the new MXCT Zone. A portion of the country club property fronting on Rockville Pike is proposed to be placed in the MXCD Zone. Currently, the country club property is in the R-400 Zone, which permits single family development on 40,000 square foot lots. The club operates under a special exception in that zone.

The portion of the country club adjoining the Woodmont Place townhouses, along with the townhouses themselves, is proposed to be placed in the RMD-15 zone, which allows detached, attached, and multi-family dwellings with building heights up to 40 feet (parcels 8 and 9 in Exhibits 3 and 4). The plan recommends this area and the adjoining townhouse as a "Neighborhood" area, which is described in the plan (p. 4-24) as "areas...more conducive to

serving residential uses of varying scales, styles, and densities, with some inclusion of business services. Maximum building heights are the lowest in the Neighborhood areas.”

In addition to portions of the country club, the new MXCT zone is proposed to be applied to the properties fronting on the east side of East Jefferson Street from the country club property south to the city boundary just south of the intersection with Rollins Avenue. This includes the rear portion of the Congressional Plaza Shopping Center parcel on a line 250 feet from and parallel to the East Jefferson Street right-of-way. Staff notes that this line had originally been established as the boundary between the Rockville Pike Commercial (RPC) Zone and the Rockville Pike Residential (RPR) Zone under the pre-2008 zoning scheme, and is shown on the shopping center plat.

Other zoning changes include a portion of a parcel (parcel 17 in Exhibits 3 and 4) on the east side of Rockville Pike north of the intersection with Congressional Lane that is proposed to be rezoned from MXTD to MXCD. This is in accordance with the extent of the “Core” area of the Plan. The “Core” area also includes a number of properties east of the Pike along the south side of Twinbrook Parkway. These properties (parcels 18, 19 and 20 in Exhibits 3 and 4) are proposed to be rezoned from MXCD to MXTD.

Finally, those properties within the plan area and subject to this map amendment that are not proposed for rezoning will be reconfirmed in their existing zones. Notice of the proposed SMA has been sent to all of the property owners as well as to the property addresses in the Pike area.

Next Steps

The Planning Commission may formulate and transmit a written recommendation on the proposed text and sectional map amendments to the Mayor and Council. A public hearing before the Mayor and Council is scheduled for October 16, 2017.

EXHIBITS

- 1. Proposed Text Amendment**
- 2. Text Amendment Summary Chart**
- 3. Proposed Sectional Map Amendment Map**
- 4. Properties Proposed for Rezoning Table**
- 5. Rockville Pike Neighborhood Plan Land Use Map**
- 6. Existing Zoning Map**



Application for

Text Amendment

TXT

2/09

City of Rockville

Department of Community Planning and Development Services

111 Maryland Avenue, Rockville, Maryland 20850

Phone: 240-314-8200 • Fax: 240-314-8210 • E-mail: Cpds@rockvillemd.gov • Web site: www.rockvillemd.gov

Application Information:

Is this an Amendment to Existing Text ? ☒ YES ☐ NO

Add New Zone Classes: ☒ YES ☐ NO

Add New Uses: ☐ YES ☒ NO

Number of new uses: _____

Ordinance # _____

Please Print Clearly or Type

Property Address information N/A

Project Description Zoning Text Amendment

Applicant Information:

Please supply Name, Address, Phone Number and E-mail Address

Applicant Mayor and Council of Rockville

Property Owner N/A

Architect N/A

Engineer N/A

Attorney N/A

STAFF USE ONLY

Application Acceptance:

Application # _____

Date Accepted _____

Staff Contact _____

OR

Application Intake:

Date Received _____

Reviewed by _____

Date of Checklist Review _____

Deemed Complete: Yes ☐ No ☐

Application is hereby made with the Rockville Mayor and Council for Approval of a change in the text of the Zoning and Planning Ordinance of Rockville, Maryland.

Page _____ Article 3, 7, 13 Section _____

FROM: Which reads as follows See Attachment

TO: Reads as follows See Attachment

By: _____
(Signature of Applicant)

Subscribed and sworn before this _____ day of _____, 20____

My Commission Expires _____
Notary Public

The following documents are furnished as part of the application:

☐ A Complete Application

☐ Filing Fee

Comments on Submittal: (For Staff Use Only)

7/10/17

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 3, "Definitions, Terms of Measurements and Calculations", as follows:

25.03.02 – Words and Terms Defined

* * *

Champion Project: A development project that is located within the Twinbrook Metro Performance District and meets the following standards:

1. Contains at least five (5) contiguous acres; and
2. Significantly advances one or more of the following goals:
 - (a) increases multifamily housing that provides more than the minimum requirement of low priced, moderately priced, or workforce dwelling units near the Twinbrook Metro Station;
 - (b) provides more than the required public use space; and/or
 - (c) provides more than the required vehicular, bicycle and/or pedestrian safety measures and/or provides pedestrian and bicycle access over or under the CSX/Metro tracks.

Amend Article 7, "Procedures for Site Plans, and Project Plans, Special Exceptions and Other Permits", as follows:

* * *

25.07.07 – Project Plan Review

An application for a site plan review with 16 or more points, as determined in Section 25.07.02.b above, or an application for a Champion Project as defined in Article 3, is processed as a Project Plan review and is subject to the following provisions:

* * *

6. *Briefing Session for Mayor and Council and Planning Commission* – The Mayor and Council and the Planning Commission must each hold a public meeting to receive a briefing of the Project Plan. If the project is identified by the applicant as a Champion Project, the Mayor and Council at the briefing will determine whether the project may be processed as a Champion Project application.

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 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")

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.

Type of Zone	Distinguishing Feature	Name of Zone
Mixed Use	Intended for areas that are either currently developed or are recommended for development primarily for office, light industrial, and industrial park uses, this zone allows for medium 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")
	Intended for areas that are either currently developed or recommended for development primarily for retail sales, neighborhood services, home improvement services, and compatible residential development in areas convenient to both higher-density commercial zones and single-unit detached residential uses. This zone allows for a range of densities as determined by the applicable master plan and permits retail, service, office, and residential uses.	Mixed-Use Business ("MXB")
	<u>Intended for areas that are located between areas currently developed or recommended for development as medium to high-intensity development and areas developed or recommended for residential development. This zone allows for moderate-density development of residential and office uses, as well as neighborhood-serving retail and service uses.</u>	<u>Mixed-Use Corridor Transition ("MXCT")</u>
	Intended for sites that are either currently developed or recommended for development primarily for local retail and service uses in areas either within or in close proximity to single unit detached residential uses. This zone allows for low to moderate density development of retail, service, office, and residential uses. This zone is not intended to provide for major employment, so office uses are limited.	Mixed-Use Neighborhood Commercial ("MXNC")
	Intended for sites that are either currently developed or recommended for development primarily for local retail and service uses in areas either within or in close proximity to single-unit detached residential uses. This zone allows for low density development of retail, service, office, and residential uses. This zone is not intended to provide for major employment, so office uses are limited.	Mixed-Use Commercial ("MXC")

Type of Zone	Distinguishing Feature	Name of Zone
	Intended for areas that are located between moderate or high-density development and single-unit detached residential neighborhoods. This zone allows for development of low density multi-unit, attached and townhouse residential development, and may include other neighborhood-serving uses.	Mixed-Use Transition ("MXT")

Note: Provisions for development in Planned Development areas are contained in Article 14.

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		

	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)	
b. Swimming pool, Accessory		P	P	P	P	P	P	P	P	
c. Home-based business enterprise	No impact	P	P	P	P	P	P	P	P	See Sec. 25.09.07b.
	Major	S	S	S	S	S	S	P	S	See Secs. 25.09.07c and 25.15.02.h
d. Institutional Uses	Adult day care	P	P	P	P	P	P	P	S	
	Charitable or philanthropic institution	P	P	P	C	P	C	C	C	Conditional uses must not exceed 5,000 sq. ft. of gross floor area
	Child care home	C	C	C	P	P	P	P	P	Conditional use permitted only in single-unit detached dwelling
	Child care center:									
	9 – 12 children	P	P	P	P	P	P	P	P	
	More than 12 children	P	P	P	P	P	P	P	P	

	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)	
d. Institutional Uses (cont.)	Educational institution, private	P	P	P	P	<u>P</u>	S	P	S	See Sec. 25.15.02.g
	Housing for senior adults and persons with disabilities	P	P	P	S	<u>P</u>	P	S	S	Special exception subject to Sec. 25.15.02.j
	Library, museum, and art gallery or studio	P	P	P	P	<u>P</u>	C	C	C	Conditional uses must not exceed 5,000 sq. ft. of gross floor area
	Nursing home	N <u>P</u>	P	P	S	<u>P</u>	S	N	S	Special exception subject to Sec. 25.15.02.i
	Place of worship	P	P	P	P	<u>P</u>	P	P	P	
e. Medical services	Ambulance service	N	P	P	C	<u>C</u>	C	C	N	Conditional use must not adjoin or confront residential uses
	Hospital	S	S	P	S	<u>S</u>	S	N	N	Special exception subject to Sec. 25.15.02.i

		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	
e. Medical services (cont.)	Veterinary office and/or animal hospital	P	P	P	P	P	C	P	C	Conditional uses must not exceed 2,500 sq. ft. of gross floor area.	
	Kennel	N	N	C	N	N	N	N	N	Conditional use must not have outside runs	
	Private club	P	P	P	P	P	S	N	S	<u>Special exception</u> subject to <u>Sec. 25.15.01</u>	
f. Miscellaneous Uses	Public utility building and structure	P	P	P	P	P	P	P	C	Conditional uses in buildings must have a residential appearance and comply with the height, bulk and setback requirements of the relevant zone	

	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)	
f. Miscellaneous Uses (cont.)	Publicly-owned or publicly-operated building and use, excluding sanitary landfill	P	P	P	P	P	P	P	P	
	Wireless communication facility entirely within an existing building or on the roof or side of a building, or attached to an existing structure	C	C	C	C	C	C	C	C	Conditional use subject to the requirements of Sec. 25.09.08
	Wireless communication freestanding ground mounted antenna support structure	S	S	S	S	S	S	S	S	See Sec. 25.09.08 and 25.15.02.s

		Zones								Conditional requirements or related regulations
	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)	
g. Temporary Uses	Temporary building or yard for construction materials or equipment	C	C	C	C	C	C	C	C	Conditional use subject to the requirements of Sec. 25.09.04
	Portable Storage Units	C	C	C	C	C	C	C	C	
	Temporary office or model home	C	C	C	C	C	C	C	C	
	Christmas tree sales	C	C	C	C	C	C	C	C	
	Sale of Garden produce	C	C	C	C	C	C	C	C	
	Temporary carnival, flea market, or local festival	C	C	C	N	C	N	C	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	
Retail sales and services:										
h. Commercial, and office and industrial uses	Alcoholic beverages for consumption off the premises	P	P	P	N	C	C ¹	C	For conditional use, tenant area limited to 5,000 sq. ft. of gross floor area	
	Alcoholic beverages for consumption on the premises of any restaurant	P	P	P	P	P	P	P		
	Auctioneer and commercial gallery	P	P	P	P	C	C	C	For conditional use, tenant area limited to 2,500 sq. ft. of gross floor area	
	Boats and marine supplies	N	C	C	C	N	N	N	For conditional use, all sales and storage must be indoors	
	Business equipment sales and service	P	P	P	P	P	N	P	N	

	Zones									Conditional requirements or related regulations
	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)	
h. Commercial, office and industrial uses (cont.)	Consumable goods to be used in the home	P	P	P	P	P	P	P	C	Conditional uses limited to 2,500 sq. ft. of gross floor area for each tenant, other than a grocery store or drug store
	Drug store with drive-	C	C	C	C	C	C	C	C	See Sec. 25.13.04.c
	Durable goods to be used in the home	P	P	P	P	N	P	C	N	For conditional use, tenant area is limited to 2,500 sq. ft. of gross floor area
	Flowers, except from outdoor garden or greenhouse	P	P	P	P	P	P	C	C	For conditional use, tenant area is limited to 2,500 sq. ft. of gross floor area

	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 and industrial uses (cont.)	Funeral home	C	C	C	C	C	C	C	C	Cremations permitted only where existing as of March 16, 2009
	Garden supplies	C	C	C	C	C	C	C	C	Indoor sales only
	Home improvement service	N	N	P	P	N	N	N	N	
	Home maintenance services	P	P	P	P	P	P	P	P	
	Mobile uses	C	C	C	C	C	C	C	C	See Sec. 25.09.04.d.5
	Multiple product range retail store (department store)	P	P	N	N	N	C	N	N	Conditional use limited to a maximum of 25,000 sq. ft. of gross floor area.
	Personal care facility	P	P	P	P	P	P	P	P	

	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 and industrial uses (cont.)	Personal Services Office	P	P	P	P	<u>P</u>	P	P	P	
	Pet grooming	<u>N</u> <u>P</u>	P	P	P	<u>P</u>	P	P	P	
	Pet Sales	<u>N</u> <u>P</u>	P	P	P	<u>N</u>	P	N	N	
	Public transportation station	P	P	P	C	<u>P</u>	C	C	C	Conditional use must comply with any recommendations of the Plan
	Repair of household appliances, inc'l home electronic	P	P	P	P	<u>P</u>	P	P	N	
	Taxicab service	N	N	S	P	<u>P</u>	N	N	N	Special exception subject to Sec. 25.15.02.q

	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, <u>and</u> office and industrial uses (cont.)	Wearing apparel and related accessories	P	P	P	P	P	P	C	C	Conditional uses limited to 2,500 sq. ft. of gross floor area for each tenant
	Wearing apparel	P	P	P	P	P	P	P	P	
	Food Services:									
	Ancillary restaurant	P	P	P	N	P	N	N	N	Use cannot exceed 5% of the total gross floor area of the building. No drive-through or walk-up service is permitted. The bar patron area cannot exceed 10% of the total patron use area.
	Carry-out	P	P	P	P	P	P	P	P	
	Caterer, no seating	P	P	P	P	P	N	N	N	

	Zones									Conditional requirements or related regulations
	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)	
h. Commercial, and office and industrial uses (cont.)	Restaurant, no drive-through	P	P	P	P	P	P	P	P	
	Office Uses:									
	Archival Record Storage	N	N	P	P	N	C	N	N	Conditional use allowed if located in a basement or cellar
	Bank or financial	P	P	P	P	P	P	P	P	
	Bank or financial institution	C	C	C	C	C	C	C	C	Conditional use subject to the requirements of
	Duplicating service	P	P	P	P	P	P	C	C	Conditional uses limited to 2,500 sq. ft. of gross floor area
	Medical or dental laboratory	P	P	P	P	P	C	N	N	Conditional use allowed if located in a basement or cellar

	Zones									Conditional requirements or related regulations
	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)	
h. Commercial, and office and industrial uses (cont.)	Office Uses:									
	Non-medical research laboratory	N <u>P</u>	N <u>P</u>	P	P	<u>P</u>	N	N	N	
	Office including medical and professional	P	P	P	P	<u>P</u>	P	P	P	
	Motor vehicle services:									
	Automobile parts sales; no installation or service	N	P	P	P	<u>P</u>	P	N	N	
	Automobile filling station (Class I and II)	S	S	S	N	<u>S</u>	S	S	N	See Sec. 25.15.02.c
	Automobile fluid maintenance station	N	P	P	P	P	<u>N</u>	N	N	
	Automobile rental	P	P	P	P	<u>P</u>	N	P	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
	Motor vehicle services:									
h. Commercial, and office and industrial uses (cont.)	Automotive repair garage	N	N	P	P	N	N	N	N	
	Mechanical car wash	N	P	P	N	N	N	N	N	
	Motor vehicle and trailer sales, excluding trucks and trailers exceeding three-fourths-ton capacity, including new and reconditioned parts and	N ^a	C	C	C	C	N	N	N	See footnote 2
	Motor vehicle towing service, without storage on the premises	N	N	N	P	N	N	N	N	

	Zones									Conditional requirements or related regulations	
	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)		
h. Commercial, and office and industrial uses (cont.)	Tires, batteries and accessory sales, including service	N	NP	N	P	N	C	N	C		
	Parking Facilities:										
	Commercial parking facility	C	C	C	C	C	C	N	N	N	Conditional use subject to the requirements of Sec. 25.13.04.d
i. Assembly and entertainment	Health and fitness establishment	P	P	P	P	P	C	C	C		Conditional use limited to 4,000 gross square feet of floor area. No floor area limit if located in a basement of cellar
	Hotel	P	P	P	P	P	C	S	N	N	Conditional use limited to 15,000 gross square feet

	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 (cont.)	Indoor entertainment establishment, commercial, except shooting gallery	P	P	P	P	N	C	N	N	Conditional use subject to a Level 2 Site Plan Review	
	Outdoor recreational establishment, commercial, except shooting gallery	S	S	S	N	S	S	N	N		
	Recreational establishment, indoor, commercial, except shooting gallery	NP	P	P	P	C	C	N	N	Conditional use allowed if located in a basement or cellar	

	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 (cont.)	Rental hall for meetings and social occasions	P	P	P	P	C	C	N	N	Conditional uses limited to a maximum of 4,000 square feet of gross floor area. No floor area limit if located in a basement or cellar	
	Shooting gallery	N	N	S	N	N	N	N	N		
	Sports facility, multi-purpose, indoor commercial	P	P	P	P	N	C	N	N	Conditional use allowed if located in a basement or cellar	
	Theater, including dinner theater	P	P	P	P	N	P	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	Light industrial use	N	N	P	N	N	N	N	N		
	Service industrial use	N	N	P	C	N	N	N	N	Conditional use must not adjoin or confront single-unit dwellings	
	Warehouse, self-storage	N	N	C	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:

- 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.
- The storage of waste material, auto parts, refuse and motor vehicles is prohibited in any required setback area.
- 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.

* * *

25.13.05 - Development Standards

a. *Build-To Lines* –

1. Where a build-to line established in the Town Center Master Plan is required, at least 70 percent of the length of the building wall facing that line must be set at the build-to line. Development must also comply with the building restriction line provisions set forth in Sec. 25.17.08.
2. (a) Build-to lines established by the Rockville Pike Neighborhood Plan are located within the area bounded by Richard Montgomery Drive, East Jefferson Street (existing and proposed extension), the City boundary, and the CSX/Metro tracks.
- (b) The following build-to lines are established within the Rockville Pike Neighborhood Plan area for properties fronting on Rockville Pike:
 - i. Within the Twinbrook Metro Performance District, in the area bounded by East Jefferson Street, the City boundary, the CSX/Metro right-of-way and the Metro Performance District boundary, 126 feet from and parallel to the centerline of Rockville Pike.
 - ii. In the area north of the Twinbrook Metro Performance District bounded by Richard Montgomery Drive, East Jefferson Street (existing and proposed extension), the Metro Performance District boundary and the west line of Rockville Pike, 126 feet from the centerline of Rockville Pike.
 - iii. In the area north of the Twinbrook Metro Performance District boundary and bounded by the Performance District boundary, the CSX/Metro right-of-way, Dodge Street, and the east line of Rockville Pike, 116 feet from the centerline of Rockville Pike.
 - iv. For a Champion Project, as defined in Article 3, the build-to line is 103 feet from the centerline of Rockville Pike if no access drive is provided. If an access drive is provided, the build-to line is 126 feet.
- (c) For properties fronting all other roadway classifications within the Rockville Pike Neighborhood Plan area, the build-to line is established at the property line.
- (d) The percentage of a building facade that must be located at the build-to line varies by the roadway classification that the property fronts. The following table provides the minimum percentage of building facade that should be located at the build-to line:

<u>Roadway Classification</u>	<u>Minimum Percent of Building Façade at Build-to Line</u>
Major	70%
Arterial	70%
Business District – Class 1	50%
Business District – Class 2	30%
Primary Residential	30%

- (e) The requirement that buildings be placed at the build-to-line only applies to the first two floors of a building. The first two floors of a building must meet the minimum percent building façade requirement set forth in subsection (d). In order to provide some degree of flexibility in achieving these requirements, the percentage of facades at the build-to line may be distributed between the first two floors. For example, if a minimum of 70 percent of the building façade is required to be at the build-to line, an applicant who chooses to place 100 percent of the ground floor at the build-to line would be required to place only 40 percent of the second story at the build-to line.
- (f) Except as allowed under (g), the build-to lines must be adhered to during the review and approval of any development project. To provide flexibility of design, a facade articulation of up to two feet behind the build-to line is allowed.
- (g) At the time of Project Plan approval or Site Plan approval in accordance with Article 7, these minimum percentages may be reduced for good cause shown and where the reduction is found to be consistent with the recommendations and intent of the master plan by the Approving Authority.

b. *Development Standards Table:*

1. The following table sets forth the development standards for each of the Mixed-Use Zones:

Zone	Maximum Height (in feet) ²	Open Area and Public Use Space ³		Minimum width at front lot line (in feet)	Setbacks				Special Regulations	
		Minimum total-open area required	Minimum public use space required within open area		Public right-of-way abutting	Side		Rear		
						Residential land abutting	Non-residential land abutting ¹			Residential land abutting
MXTD	120	10% (15% if residential dwellings are provided); <u>15% within the Rockville Pike Neighborhood Plan area</u>	10% within the <u>Rockville Pike Neighborhood Plan area</u>	10	None	25' or height of building, whichever is greater	None. 10' min. if provided	25' or height of building, whichever is greater	None. 10' min. if provided	See Sec. 25.13.05.a.2, 25.13.05.b.2(a) and 25.13.05.b.2(d)
MXCD	75	For sites <20,000 sq. ft. - 10%; <u>15% within the Rockville Pike Neighborhood Plan area</u>	5% within the <u>Rockville Pike Neighborhood Plan area</u>	10	None	25' or height of building, whichever is greater	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	See Sec. 25.13.05.a.2, 25.13.05.b.2(a) and 25.13.05.b.2(d)
		For sites'20,000 sq. ft. or more - 15%; <u>15% within the Rockville Pike Neighborhood Plan area</u>	10% within the <u>Rockville Pike Neighborhood Plan area</u>							
MXE	120	20%	5%	10	None required. 10' min. if Provided	25' or ½ height of building, whichever is greater	None required. 10' min. if provided	25' or ½ height of building, whichever is greater	None required. 10' min. if provided	See Sec. 25.13.05.b.2(d)

Zone	Maximum Height (in feet) ²	Open Area and Public Use Space ³		Minimum width at front lot line (in feet)	Setbacks				Special Regulations	
		Minimum Total-open area required	Minimum public use space required within open area		Public right-of-way abutting	Side		Rear		
						Residential land abutting	Non-residential land abutting ¹	Residential land abutting		Non-Residential Land abutting
MXB	55	For sites <20,000 sq. ft.- 10%	-	10	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	
		For sites'20,000 sq. ft. or more 10%	5%							
MXCI	55	15%	15%	10	None	25' or height of building, whichever is greater	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	See Sec. 25.13.05.a.2, 25.13.05.b.2(a) and 25.13.05.b.2(d)
MXNC	45 ⁴	For sites <20,000 sq. ft.- 10%	-	10	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	See Sec. 25.13.05.b.2(d)
		For sites'20,000 sq. ft. or more 10%	5%							
MXC	30	10%	-	10	15	15'	None required. 10' min. if provided	25' or height of building, whichever is greater	None required. 10' min. if provided	
MXT	35	10%	-	10	10	10	None	20'	None required. 10' min. if provided	

¹*Nonresidential Land Abutting Side Setback* – This term also includes multi-unit residential uses with a height of 45 feet or greater

²Height is subject to the provisions of Section 25.13.05.b.2, below.

³Where the applicable master plan makes establishes specific recommendations or standards on for the provision of amenity area and public use space requirements, the master plan recommendation must be taken into consideration by the approving authority when reviewing a development project

⁴Open area and public use space requirements for development above 45 feet are shown in Sec. 25.13.05.b.2(c).

2. *Building Height*

* * *

(a) *MXTD Zone –*

- i. Building facades should have a range of heights of between 45 feet and 65 feet at the street. Additional height up to 120 feet at the street may be allowed where recommended by the Plan or where approved by the Mayor and Council as part of a Project Plan under Section 25.07.07. Building facades that exceed 250 feet in length should vary the façade height by at least ten feet (10') for some distance along the length of the facade in order to avoid a monotonous, monolithic appearance.
- ii. Where recommended in the Plan, or if approved by the Mayor and Council as part of a Project Plan approval in accordance with Section 25.07.07, building height may be increased beyond 120 feet up to 150 feet under the following conditions:
 - A. ~~The public use space requirement must be provided on the site;~~ The building footprint cannot occupy more than 80% of the net lot area;
 - B. The building design exceeds the urban design recommendations of the applicable Master Plan; and
 - C. The building must exceed any energy conservation standards set forth in this Code.

~~D.~~

iii. Height for a Champion Project may be allowed up to 175 feet.

(b) *MXCD Zone–*

- i Building facades should have a range of heights of between 35 and 50 feet at the street. Additional height up to 75 feet at the street may be allowed where recommended by the Plan or where approved by the Mayor and Council as part of a Project Plan or Planning Commission as part of a ~~Project Plan or Site Plan~~ under Section 25.07.06 or Section 25.07.05 as applicable. Building facades that exceed 250 feet in length should vary the façade height by at least ten feet (10') for some distance along the length of the facade in order to avoid a monotonous, monolithic appearance.
- ii. Height for a Champion Project may be allowed up to 100 feet.

- (c) *MXNC Zone* - Building height may be increased up to 65 feet when found suitable in accordance with the Plan. If the Plan makes no other recommendation, development between 45 feet and 65 feet must provide 15 percent open area, of which 10 percent must be public use space.

(d) *MXCT Zone* –

- i. Building facades should have a range of heights of between 35 and 50 feet at the street. Additional height up to 55 feet at the street may be allowed where recommended by the Plan or where approved by the Mayor and Council as part of a Project Plan under Section 25.07.06, or Planning Commission as part of a Site Plan under Section 25.07.05 as applicable. Building facades that exceed 250 feet in length should vary the façade height by at least ten feet (10') for some distance along the length of the facade in order to avoid a monotonous, monolithic appearance.
 - ii. Height for a Champion Project may be allowed up to 80 feet.
- (e) *Layback Slope* – In addition to the height limits set forth in this Article 13, building height cannot penetrate a layback slope line of 30 degrees, beginning from the closest ground point of the lot line of any property in any residential zone where single unit detached, semi-detached, attached, or townhouse development exists or such development is recommended in the Plan, without regard to intervening roads or other transportation facilities as shown in Figure 13.1. This layback slope requirement does not apply to
- i. Areas adjacent to the MXT Zone;
 - ii. Nonresidential historic sites in the Mixed-Use Zones;
 - iii. Sites in Single Unit Detached Residential zones developed or recommended for nonresidential uses;
 - iv. ~~Areas adjacent to Metro rapid transit or railroad right of way;~~ Areas within a PD Zone; or
 - v. Areas adjacent to the MXC Zone.

~~vi.~~

* * *

25.13.07 – Special Design Regulations for Individual Mixed-Use Zones

a. *Mixed-Use Transit District Zone (MXTD)* -

* * *

4. *Fenestration* – Generally, fenestration of the stories above the ground floor should be by individual framed windows. Continuous strip windows may be allowed by the ~~Planning Commission~~ Approving Authority if they are used to maintain compatibility with existing contiguous projects.

* * *

b. *Mixed-Use Corridor District Zone (MXCD)* –

* * *

4. *Fenestration* – Generally, fenestration of the stories above the ground floor should be by individual framed windows. Continuous strip windows may be allowed by the ~~Planning Commission~~ Approving Authority if they are used to maintain compatibility with existing contiguous projects.

* * *

h. *Mixed-Use Corridor Transition Zone (MXCT)* – This zone is intended for areas that are located between areas currently developed or recommended for development as medium to high-intensity development and areas developed or recommended for residential development. This zone allows for moderate-density development of residential and office uses, as well as neighborhood-serving retail and service uses.

1. *Building Location* – In order to meet the intent of the Plan, buildings in the MXCT Zone should be located at the front property line or the build-to line where established by the Plan. Access for commercial development should be to the rear, via alleys with access from the side street(s).
2. *Uses by Floor* –The ground floor may contain office, commercial, residential or a combination of uses. If the building contains only residential units, the ground floor must be designed to facilitate conversion to retail or other commercial uses. The ground floor must have a ceiling height of at least 15 feet but not more than 25 feet. At the time of Site Plan review or Project Plan review, the Approving Authority may consider approving a higher ceiling height if appropriate in the particular circumstance. The upper floors may contain office, commercial, residential, or a combination of uses.

3. Facades – The façade design must be consistent with the standards set forth in subsection 25.13.05.b.2(d). Where the façade height exceeds 35 feet, the façade should include an expression line above the first floor level and a defined cornice line at the top of the façade wall.
4. Fenestration - Generally, fenestration of the stories above the ground floor should be by framed individual windows. Continuous strip windows may be allowed by the Approving Authority if they are used to maintain compatibility with existing contiguous projects.
5. Sidewalks – Where sidewalks must be built new or rebuilt as part of redevelopment, they should comply with the provisions of Section 25.17.05.
6. Parking – On-site parking must comply with the standards and requirements of Article 16. Most parking should be located to the side or in the rear of the buildings. Structured parking, either above or below grade, is preferred. Any parking structure facades visible from the street or a transitway must be treated in a similar manner as the primary building facades. All parking at the sides or rear must be screened to prevent vehicle headlights from shining into adjoining residential properties.

Amend Article 17, “Public Use Space, Landscaping and Screening, Utility Placement and Screening, Lighting, Sidewalks, and Shadows”, as follows:

25.17.01 – Public Use Space

* * *

- b. *General Requirements* – Where provided, such public use space must be accessible for use and enjoyment by the general public when provided in a residential, retail or mixed-use project. Development consisting primarily of office and/or industrial uses may provide an open area, as defined in Article 3, for the purpose of satisfying the public use space requirement. The Approving Authority may allow reasonable limitations on access to the public use space to meet safety or security concerns.
1. Where development does not comply with the public use space requirement, the following regulations apply:
 - (a) Building expansions or cumulative additions that exceed 50 percent and up to but not including 100 percent of the existing gross floor area must provide a proportionate amount of public use space on site using the following calculation factors: multiplying the percentage increase in floor area by the following factors - .05 where the public use space requirement is 5 percent; .10 where the public use space requirement is 10 percent; .15 where the public use space requirement is 15 percent.

- i. ~~For those zones where the public use space requirement is 10 percent, the calculation factor is 0.1 times the percentage increase in gross floor area up to the required 10 percent public use space requirement.~~
- ii. ~~For those zones where the public use space requirement is 5 percent, the calculation factor is 0.05 times the percentage increase in gross floor area up to the required 5 percent public use space requirement.~~

* * *

25.17.08. Building Restriction Lines

- a. Subject to the exceptions provided herein, no building permit can be issued and no building or part thereof nor any fence, wall, sign, or structure can be erected or structurally changed within the area between the building restriction lines and the centerline of the particular street or highway referred to in establishing the building restriction line. This section does not apply to underground parking facilities.
- b. Building restriction lines established.

~~Building restrictions lines along Rockville Pike:~~

~~Northeast side. Beginning for the same at a point on the southeasterly boundary of the City 135 feet northeasterly from the point of intersection of the centerline of Corridor transition with the southeasterly boundary of the City and running thence northwesterly and parallel to the centerline of Rockville Pike and 135 feet therefrom to the southeasterly line of Dodge Street.~~

~~Southwest side. Beginning for the same at a point on the southeasterly boundary of the City 135 feet southwesterly from the point of intersection of the centerline of Corridor transition with the southeasterly boundary of the City and running thence northwesterly and parallel to the centerline of Rockville Pike and 135 feet therefrom to the southeasterly line of Richard Montgomery Drive.~~

1. Building restriction lines along Hungerford Drive:

- (a) East side. Beginning for the same at a point on the northerly line of A Street 85 feet easterly from the point of intersection of the centerline of Hungerford Drive with the northerly line of A Street and running thence northerly and parallel to the centerline of Hungerford Drive and 85 feet therefrom to the northerly line of Gude Drive.

- (b) West side. Beginning for the same at a point on the westerly line of North Washington Street 85 feet westerly from the point of intersection of the centerline of Hungerford Drive with the westerly line of North Washington Street and running thence northerly and parallel to the centerline of Hungerford Drive and 85 feet therefrom to the southerly line of College Parkway; thence still northerly and parallel with the centerline of Frederick Road and 95 feet westerly therefrom to the northerly line of Gude Drive.

SUMMARY OF PROPOSED TEXT REVISIONS
ROCKVILLE PIKE IMPLEMENTATION 6-14-17

Zoning Ordinance Article/Section proposed for amendment	Purpose/Reason	Rockville Pike Neighborhood Plan Page number reference
25.03.02	Define “Champion Project”	4-8, 4-9
25.07.07	Add Champion Project	4-8, 4-9
25.13.02 - Zones Established	Add new zone, Mixed-Use Corridor Transition, MXCT, to accommodate the intent of the “Center” in the Pike’s Land Use Plan. No currently existing zone is appropriate.	p. 4-22, 4-24
25.13.03 – Land Use Tables	Add MXCT Zone and define uses for the zone	p. 4-22, 4-24, 4-32 through 4-34
	Remove “and industrial” from far-left column.	Correction recommended by staff, because there are no permitted industrial uses in this category. This proposed change is not directly related to the Pike Plan.
	Change N (Not Permitted) to P (Permitted) in MXTD Zone for Nursing Home.	Recommended by staff. This proposed change is not specifically related to direction from the Pike Plan, though a large portion of the City’s MXTD zone lies within the Pike corridor. Staff sees no reason to prohibit this use from MXTD areas.
	Change N to P in MXTD Zone for Pet Grooming and Pet Sales.	Corridor Planning Principle 3.1 (page 3-5 of the plan) calls for “Retention and attraction of a diverse retail community.” Staff believes that these uses are appropriate in any MXTD area, and a large portion of the MXTD zone lies within the Pike corridor.
	Change N to P in MXTD and MXCD Zones for Non-Medical Research Laboratory.	Recommended by staff. There was no specific direction from the Pike Plan, but this use is appropriate for both MXTD and MXCD zones; and significant portions of both zones lie within the Pike corridor.

	Change N to P in MXCD Zone for “Tires, batteries and accessory sales, including service incidental thereto”	Corridor Planning Principle 3.1 (page 3-5 of the plan) calls for “Retention and attraction of a diverse retail community.” In addition, this proposed change is related to the Plan’s acknowledgement (p. 4-8) that a significant portion of the Pike corridor is likely to remain oriented to the automobile, and not be a walkable, pedestrian-oriented environment, for the foreseeable future, especially in the areas with MXCD zoning.
	Change N to P in MXTD Zone for “Recreational establishment, indoor, commercial, except shooting gallery”	Recommended by staff. This proposed change is related to the Pike Plan goal of encouraging a walkable and livable environment for residents and visitors. This goal is similar for all MXTD areas of the city.
25.13.05.a – Development Standards, Build-To Lines	Change “in the Plan” to “in the Town Center Master Plan.” The purpose is to exclude the Pike Plan area from this requirement.	
	Add #2 to define the minimum % of building façade at the build-to line and to indicate how that % may be calculated based on the first two floors. Also establish the build-to lines for three separate Plan areas	Staff recommendation based on the intent of the plan as described on p. 4-24 through 4-25. Build-to line on Rockville Pike: p. 4-4, 4-5 Build-to line exception for area on east side of the Pike, north of the Metro Performance District (which has the same northern boundary as the “South Pike” portion of the Pike Plan Area. p. 4-7, 4-8 Build-to line exception for Champion Projects, p. 4-8, 4-9

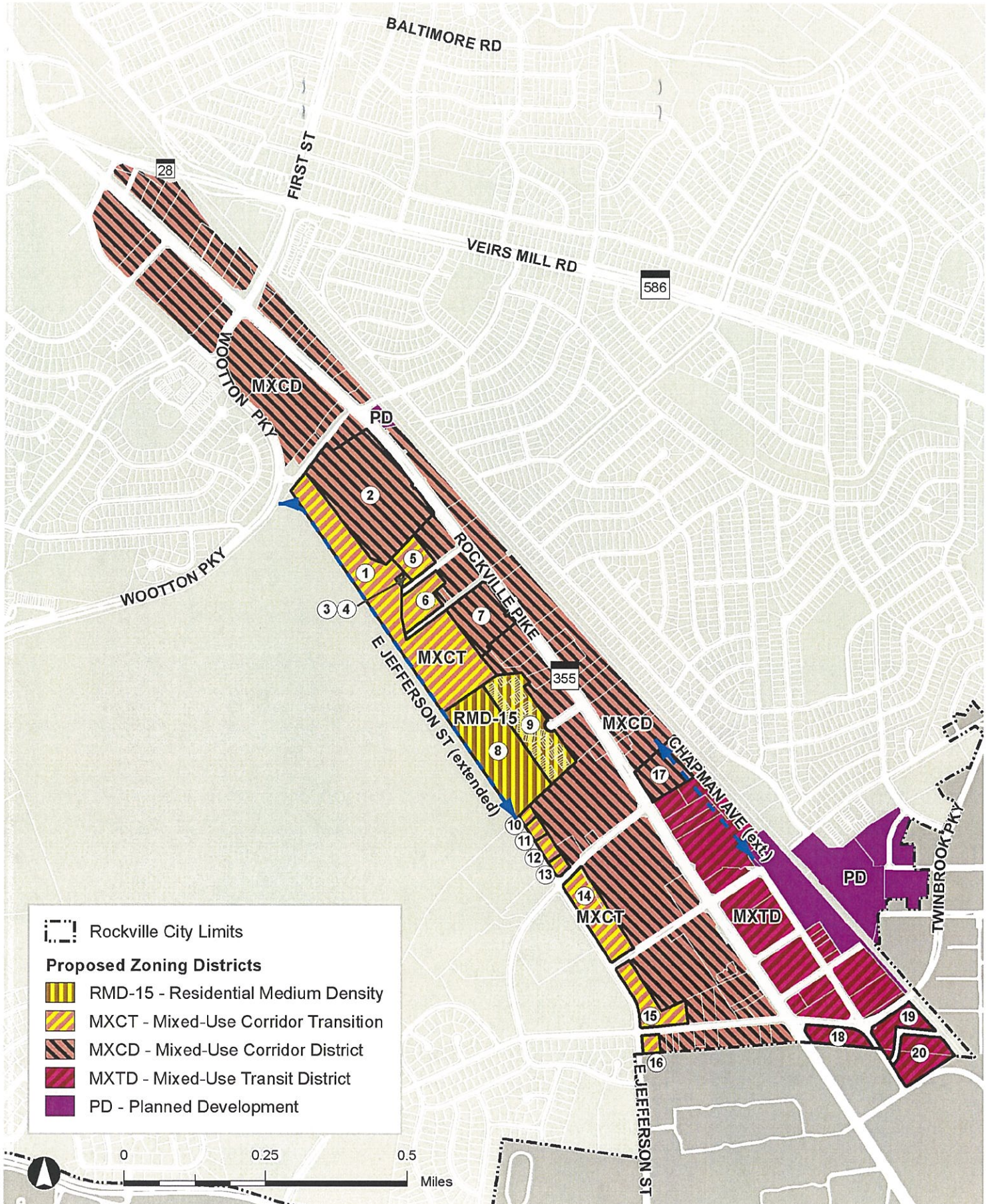
25.13.05.b – Development Standards Table, Open Area and Public Use Space column heading	Specify that property within all zones in the Pike Plan area requires at least 15% of the property to be public use space or fee-in-lieu of that public use space.	p. 4-38
	Add MXCT Zone to accommodate the intent of “Center” in the Land Use Plan.	p. 4-24. Building heights in “Center” should be lower than in the Core and Corridor
25.13.05.b.2(a)ii – MXTD Zone	Delete “A. The public use space must be provided on site”	Recommended by staff. Neither the overall 2002 CMP nor the Pike Plan are directive in terms of whether public use space must be provided on site. However, the Pike Plan does express a preference that public use space be large enough and planned such that it is usable by the public. This modification will permit the approving authority to determine whether on-site or fee-in-lieu is more appropriate for a given site. Fee-in-lieu is an option noted on p. 4-38 of the Pike Plan.
25.13.05.b.2 – MXTD, MXCD and MXCT Zones	Add language to allow for additional height for a “Champion Project” in these zones.	p. 4-9, last sentence
25.13.05.b.2(d)– MXCT Zone	Establish base building heights for new MXCT Zone.	p. 4-22, 4-24. MXCT zoning is proposed for the “Center” on the Land Use Map
25.13.05.b.2(e)- Layback Slope	Remove “iv. Areas adjacent to Metro rapid transit or railroad right-of-way”	p. 4-26, 4 th paragraph.
25.13.07.a and b – Special Design Regulations for Individual Mixed-Use Zones	In Fenestration, change Planning Commission to Approving Authority	Needed since Mayor and Council may act on some applications. This proposed change is not directly related to the Pike Plan.

25.13.07.h – Special Design Regulations for Individual Mixed-Use Zones	Add intention of zone and design regulations for the new zone.	p. 4-22, 4-24 Building location: p.4-24, 4-25 Uses by Floor: p. 4-33 Facades: extrapolated from other mixed-use zones Fenestration: Extrapolated from other mixed-use zones Sidewalks: Extrapolated from Sec. 25.17.05 Parking: p. 4-40
25.17.01.b.1(a) – Public Use Space	Add “but not including” to clarify that this regulation does not apply when the expansion or cumulative addition is exactly 100% of the existing gross floor area. Consolidate the calculations for existing building expansions.	Reconsideration by staff. This proposed change is not directly related to the Pike Plan, but is relevant to activities likely to take place in the Pike corridor.
25.17.08.b.1 Building Restriction Lines	Delete building lines provisions along Rockville Pike.	Current code reflects the standards from the 1989 Plan recommendations. Revised recommendations inserted in 25.13.05.a.2

Rockville Pike Neighborhood Plan

Proposed Zoning Districts

EXHIBIT 3

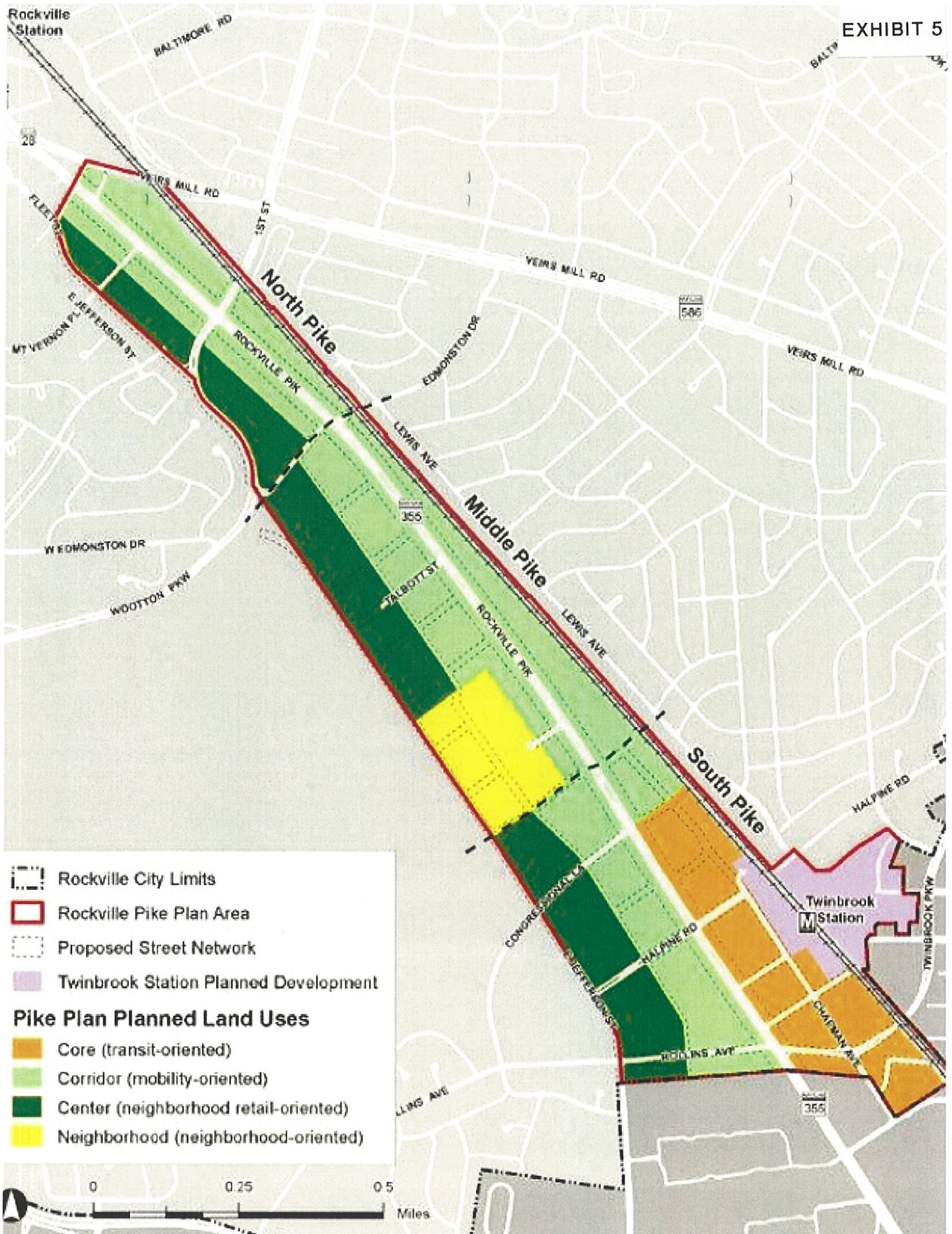


**PROPERTIES SUBJECT TO REZONING
WITHIN THE ROCKVILLE PIKE PLAN AREA**

Parcel Identifier	Property Description	Land Area	Zoning Action
1	P. N740, Parcel A, Block A Plat 23336 Woodmont Country Club 1201 Rockville Pike	±21.9 ac.	R-400 to MXCT
2	P. 430 Woodmont Park, Inc.	18.56 ac.	RMD-25 to MXCD
3 & 4	P.590 & 591, 700 Talbott St. City of Rockville	12,188 sq. ft	RMD-25 to MXCT
5	Village Green Condominium, Inc. Plats 2343-2347	2.022 ac.	RMD-25 to MXCT
6	Woodmont Springs Condominium, Inc. Plats 2265-2268, Lot 14, Block 2, Autry Heights	2.967 ac.	RMD-25 to MXCT
7	P. N740, Parcel A, Block A Plat 23336 Woodmont Country Club 1201 Rockville Pike	±5.2 ac.	R-400 to MXCD
8	P. N740, Parcel A, Block A Plat 23336 Woodmont Country Club 1201 Rockville Pike	12.196 ac.	R-400 to RMD-15
9	Woodmont Place Townhouses Lots 103-132 & Parcel E, 134-153 & Parcel C, 154-191 & Parcel D	8.0861 ac. Total	RMD-10 to RMD-15
10	1500 E. Jefferson St. Lot 1, Block O, Montrose Sub.	17,532 sq. ft.	MXCD to MXCT
11	1530 E. Jefferson St. Lot 4, Block O, Montrose Sub.	27,843 sq. ft.	MXCD to MXCT
12	Lot 2, Block O, Montrose Sub. 1570 E. Jefferson St.	36,499 sq. ft.	MXCD to MXCT
13	Lot 3, Block O, Montrose Sub. 1580 E. Jefferson St.	21,750 sq. ft.	MXCD to MXCT
14	Ownership Lot 3-D and pt. of ownership lot 3-C, Block Q, Montrose Sub. Plat 22321 Congressional Plaza 1620 E. Jefferson St.	±5.243 ac.	MXCD to MXCT

15	P.565, pt. of Parcel 2, Token of Love 199 Rollins Avenue	3.52 ac.	MXCD to MXCT
16	P.5, Block A, Montrose Park Sub. 174 Rollins Ave.	27,517 sq. ft.	MXCD to MXCT
17	Plat 8037 P.N054 The Pike 1500 Rockville Pike	4.67 ac.	MXTD to MXCD
18	Lot 24, Block 7, Lot P.1 Block 7, Halpine Sub. 123030 Twinbrook Pkwy. Lot 1, pts. of lots 2, 3, &4 Lot P.5, Block 7 Halpine Sub. 1910 Rockville Pike Lot P.5, Block 7, Halpine Sub. Mayor and Council	44,406 sq. ft. 39,779 sq. ft. 1,600 sq. ft.	MXCD to MXTD
19	Pt. of abandonment of Rollins Ave. Lot P.6, Block 6, Halpine Sub. 12401 Twinbrook Pkwy.	456 sq. ft. 104,544 sq. ft.	MXCD to MXTD
20	Par. E, Washington-Rockville Industrial Park Block 7, Lot 19 Halpine Sub. 979 Rollins Ave	71,032 sq. ft.	MXCD to MXTD

Properties Rezoned R-400 to MXCT	21.9 ac.
Properties Rezoned R-400 to MXCD	5.2 ac.
Properties Rezoned R-400 to RMD-15	12.196 ac.
Properties Rezoned RMD-10 to RMD-15	8.0861 ac.
Properties Rezoned RMD-25 to MXCT	5.269 ac.
Properties Rezoned MXCD to MXCT	11.773 ac.
Properties Rezoned MXTD to MXCD	4.67 ac.
Properties Rezoned MXCD to MXTD	<u>6.01 ac.</u>
Total Area of Rezoning	75.1041 ac.



Rockville Pike Neighborhood Plan

Existing Zoning Districts

