



City of
Rockville
Get Into It

Planning Commission Staff Report: Zoning Text Amendment TXT2015-00239

MEETING DATE: December 10, 2014

REPORT DATE: December 3, 2014

FROM: Deane Mellander, Zoning
Administrator
Planning and Zoning Division
240.314.8224
dmellander@rockvillemd.gov

APPLICANT: Mayor and Council

APPLICATION DESCRIPTION: The applicant's request is to amend the code to change self-storage warehouse from a permitted use to a conditional use in the I-L, I-H, MXE and MXB zones

FILING DATE: November 17, 2014

RECOMMENDATION: Staff recommends that the Planning Commission receive testimony on the proposal and make a recommendation to the Mayor and Council, if desired.

EXECUTIVE SUMMARY: The proposed amendment would classify a self-storage warehouse as a conditional use in the I-L (Light Industrial), I-H (Heavy Industrial), MXE (Mixed Use Employment) and MXB (Mixed Use Business) zones. The condition is that the self-storage warehouse is not permitted on a lot within 250 feet of a public school property line.

*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 13, 2014

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APPLICANT'S PROPOSAL

The Mayor and Council of Rockville is the applicant for the proposed text amendment. At their meeting of November 10, 2014, they authorized the filing of the text amendment. This application (see Attachment 1) proposes to classify a self-storage warehouse as a conditional use in the I-L (Light Industrial), I-H (Heavy Industrial), MXE (Mixed Use Employment) and MXB (Mixed Use Business) zones. The condition is that a self-storage warehouse is not permitted on a lot within 250 feet of a public school property line. The text amendment proposes to delete the term "self-storage warehouse" from the list of possible uses cited in the definition of Service Industrial (Sec. 25.03.02), since the use will be separately regulated in the land use tables of the Zoning Ordinance. In addition, the current definition of "Warehousing" is proposed to be revised to be termed "General Warehousing" to be consistent with the terminology in the definition of Light Industrial.

RECOMMENDATION

Staff recommends that the Planning Commission receive testimony on the proposal and make a recommendation to the Mayor and Council, if desired. Section 25.06.02.d.1 of the ordinance requires the City Clerk to refer the application to the Planning Commission. The Ordinance states that the Commission may submit a written recommendation to the Mayor and Council.

BACKGROUND

A brief history of the zoning and the regulation of self-storage warehouses shows that it portions were under Montgomery County jurisdiction and zoning until 1961. Warehousing, which includes self-storage warehousing, has been a permitted use in the City's light industrial zone since 1956. In 2003, the Mayor and Council adopted Zoning Text Amendment TXT2003-00197, to add self-storage warehouse as a separate item in the land use tables in order to allow a resident caretaker dwelling unit as an accessory use. This was carried over to the new Zoning Ordinance when it was adopted in 2008.

A portion of the City's industrial areas were annexed into the City in 1961 and placed in the City's I-1 (Light Industrial) zone. Warehousing, which included self-storage warehousing, was a permitted use. The I-1 Zone was redesignated as the I-L Zone with the adoption of the new Zoning Ordinance in 2008 (effective March, 2009). The comprehensive city-wide zoning map that accompanied the revised ordinance confirmed the I-L Zone for the area.

On December 24, 2013, the Siena Corporation filed an application for a text amendment to the Zoning Ordinance to establish separate parking standards for self-storage warehouses, based on the fact that these uses do not require the same number of spaces as a general warehouse use. The text amendment (TXT2014-00237) was approved by the Mayor and Council on February 10, 2014.

ANALYSIS

The Mayor and Council authorized the filing of this text amendment in response to concerns raised by citizens that development of a proposed self-storage warehouse would create a danger to children attending Maryvale Elementary School (see Attachment 3).

Currently this use is defined as a permitted use in the “service industrial” use which is allowed in four zones. The current definition of Service Industrial in Article 3 of the ordinance reads as follows:

Industrial, Service - Services intended to serve residents of the City and surrounding areas, including retailing facilities for certain commodities appropriate in an industrial zone. Such uses include, but are not limited to, assembly of electrical and electronic appliances and equipment and precision instruments; photographic processing; self-storage warehouse; radio and television recording studios; research laboratories; home improvement services; and similar types of uses. Items separately regulated in this Chapter are not included in this definition.

The four zones where this use is allowed are the I-L, Light Industrial, I-H, Heavy Industrial, MXE, Mixed Use Employment, and MXB, Mixed Use Business. The map included as Attachment 2 shows the four zones affected by the proposed revision. The map shows the location of all of the schools operated under the Montgomery County Public Schools (MCPS) system and the 250 foot boundary that has been drawn around each school. Under the proposal, no property within the 250 foot boundary is allowed to construct a self-storage warehouse.

Service industrial is a permitted use in the I-L, I-H, and MXE zones. It is a conditional use in the MXB zone, the condition being that the use cannot adjoin or confront single-unit residential. Examples of Light industrial and service industrial uses permitted in the zone include the following:

- Wholesaling
- Printing and publishing
- Contractor’s storage yards
- Dry cleaning plants
- Auto body shops
- Roofing services
- General warehousing
- Auto fluid maintenance station

Examples of other conditional uses in these four zones are:

- Temporary uses, such as Christmas tree sales, sale of garden produce, and carnivals
- Wireless communication facilities

- Restaurants, banks, and drug stores with drive-through windows
- Funeral homes
- Mobile uses
- Commercial parking facilities

The full zoning ordinance use tables for these zones are included in Attachment 4.

In the Comprehensive Master Plan and certain neighborhood plans, the impacts of light and service industrial uses on adjacent and nearby residential properties are mentioned. At the same time, the Master Plan encourages a balance of office, retail, industrial and residential uses while also maintaining an environment conducive to small businesses and commercial redevelopment. The Plan further seeks to ensure compatibility of industrial and commercial uses with nearby residential areas (p. 12-1).

Some neighborhoods warrant further study to identify appropriate transition tools to minimize the negative effects of some industrial uses on nearby residential uses. One example is the Southlawn Industrial Area Feasibility Study, which will review issues of compatibility, buffers and transition in one such area adjacent to the East Rockville and Lincoln Park neighborhoods. The staff is drafting a scope of services for Mayor and Council approval for this study, which was recommended in the Lincoln Park and East Rockville Neighborhood Plans. At the same time, the staff is drafting an additional text amendment proposing landscaped buffers where industrial development abuts single family residential.

ATTACHMENTS

- 1. Text Amendment Application**
- 2. Map of Affected Mixed Use and Industrial Zones**
- 3. Mayor and Council motion**
- 4. Land Use Tables for Articles 12 and 13**

TXT

2/09



Application for
Text Amendment

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: 1 Ordinance # _____

2014 NOV 17 PM 1:59
CITY CLERK

Please Print Clearly or Type

Property Address information N/A

Project Description Amend the I-L, I-H, MXE and MXB zones to allow self-storage warehouses as a conditional use

Applicant Information:

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

Applicant Mayor and Council of Rockville, 111 Maryland Avenue, Rockville, MD 20850

Property Owner _____

Architect _____

Engineer _____

Attorney _____

STAFF USE ONLY

Application Acceptance:

Application # TXT2015-00239
Date Accepted 11/17/14
Staff Contact Deane Mellander

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 12,13 Section _____

FROM: Which reads as follows See Attachment to Application

TO: Reads as follows See Attachment to Application

By: Sara Taylor - Ferrrell - Acting City Clerk
(Signature of Applicant)

Subscribed and sworn before this 3rd day of December, 20 14

My Commission Expires 22 July 2015
Notary Public

The following documents are furnished as part of the application:

- A Complete Application
- Filing Fee

Comments on Submittal: (For Staff Use Only)

November 10, 2014

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; [brackets] 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:

* * *

Industrial, Service - Services intended to serve residents of the City and surrounding areas, including retailing facilities for certain commodities appropriate in an industrial zone. Such uses include, but are not limited to, assembly of electrical and electronic appliances and equipment and precision instruments; photographic processing; ~~self-storage-warehouse~~; radio and television recording studios; research laboratories; home improvement services; and similar types of uses. Items separately regulated in this Chapter are not included in this definition.

* * *

General Warehousing - The storage of goods, wares, and merchandise which will be processed, sold, transferred, or otherwise disposed of for ultimate consumption off the premises.

Amend Article 12, "Industrial Zones", as follows:

* * *

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	
* * *				
g. Industrial and service uses	Heavy industrial use	N	P	
	Light industrial use	P	P	
	Lumberyard	C	P	Conditional Use shall not adjoin a Single Unit Development Residential Zone
	Service industrial use	P	P	
	<u>Warehouse, self-storage</u>	<u>C</u>	<u>C</u>	<u>Not permitted on a lot within 250 feet of a public school</u>

Amend Article 13, "Mixed-Use Zones", as follows:

* * *

25.13.03 – Land Use Tables

The uses permitted in the Mixed-Use 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
		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 (MXC)	Mixed-Use Transition (MXT)	
* * *									
j. Industrial and service uses	Light industrial use	N	N	P	N	N	N	N	
	Service industrial use	N	N	P	C	N	N	N	Conditional use must not adjoin or confront single-unit dwellings
	<u>Warehouse, self-storage</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Not permitted on a lot within 250 feet of a public school</u>

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

CPDS Assistant Director Andrew Gunning introduced the Joana Conklin, the Rapid Transit System Development Manager with Montgomery County, who proceeded to give the Mayor and Council an update on the Bus Rapid Transit. Questions of clarification from the Mayor and Council were addressed by Joana Conklin and City staff.

14. Public Hearing on FY 2016 through FY 2018 Water and Sewer Rates

Finance Director Gavin Cohen presented the staff report to the Mayor and Council. Mayor Newton opened the Public Hearing at 8:45 p.m. The Mayor and Council heard testimony from the following speakers:

Kavita Dawson
Art Stigle

The complete testimony of the speakers can be found in the official Public Hearing file of the Mayor and Council in the City Clerk's office.

There being no other persons wishing to speak, Mayor Newton closed the Public Hearing at 8:58 p.m. and stated the record would remain open until 5 p.m. on November 21, 2014.

The Mayor and Council took a brief recess at 8:59 p.m. The meeting reconvened at ____ p.m.

15. Approval of Authorization to File a Zoning Ordinance Text Amendment to Amend the I-L, I-H, MXE and MXB zones to Allow Self-Storage Warehouse in those Zones only as a Conditional Use, Conditioned on the Use Not Being on a Lot within 250 feet of a Public School.

CPDS Director Susan Swift presented the staff report to the Mayor and Council.

Motion: for authorization to file the zoning text amendment to mend the I-L, I-H, MXE and MXB zones to Allow Self-Storage Warehouse in those Zones only as a Conditional Use, Conditioned on the Use Not Being on a Lot within 250 feet of a Public School and to include the public hearing will be on December 15, 2014.

Moved by Councilmember Feinberg, seconded by Councilmember Onley.

Councilmember Moore stated he was not prepared to vote on this at this time. Councilmember Moore feels more information is needed before proceeding and he has not seen any hard facts to suggest that it is justified.

Councilmember Feinberg stated this was just an authorization to file not just to prevent. Councilmember Palakovich Carr stated she would look forward to additional information from staff but would vote in favor to get the public process started.

The motion passed with a vote of 4 – 1. Councilmember Moore opposed.

LAND USE TABLES

	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. See Sec. 25.15.02.1
	Personal living quarters	S	N	
b. Institutional uses	Adult day care	P	N	
	Charitable or philanthropic institution	P	N	
	Child care center	P	N	
	Educational institution, private	P	N	
	Places of worship	P	N	
c. Medical services	Ambulance service	C	N	Conditional use must not adjoin residential uses Sec 25.15.02.i
	Hospital	S	N	
	Veterinary office and animal hospital	P	N	
d. Temporary uses	Christmas tree sales	C	C	Conditional use subject to the requirements of Sec. 25.09.04
	Garden produce	C	N	
	Mobile uses	C	N	
	Portable Storage Units	C	C	
	Temporary building or yard for construction materials or equipment	C	C	Conditional use subject to the requirements of Sec. 25.09.04
	Temporary carnival, flea market, or festival	C	C	
	Temporary office or model home	C	C	
e. Commercial, office, and industrial uses	Retail Sales and Services:			
	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	

	Uses	Zones		Conditional requirements or related regulations	
		Light Industrial I-L	Heavy Industrial I-H		
Commercial, office, and industrial uses (con't)	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		
	Food Services:				
	Caterer, no seating	P	N		
	Carry-out	P	N		
	Restaurant	S	N	See Sec. 25.15.02.o	
	Office Uses:				
	Duplicating service	P	N		
	Office	C	N	Conditional use limited to 25% of the gross floor area of a building	
	Medical or dental laboratory	P	N		
	Motor vehicle services:				
	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			
f. Assembly and entertainment	Adult oriented establishment	S	N	See Sec. 25.15.02.b	
	Health and fitness establishment	P	N		
	Kennel	P	P		

	Uses	Zones		Conditional requirements or related regulations
		Light Industrial I-L	Heavy Industrial I-H	
	Outdoor recreational establishment, commercial, except shooting gallery	S	N	
	Private club	P	N	
Assembly and entertainment (con't.)	Public utility building and structure	P	P	
	Publicly-owned or publicly-operated building and use, excluding sanitary landfill	P	P	
	Recreational establishment, indoor, commercial, except shooting gallery	C	N	Conditional use cannot occupy more than 50% of any building.
	Shooting gallery	S	S	
	Sport facility, multi-purpose, indoor, commercial	P	N	
	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	Conditional use subject to the requirements of Sec. 25.09.08
	Wireless communication freestanding ground mounted antenna support structure	S	S	Subject to the requirements of Sec. 25.09.08 and 25.15.02.s
	Renewable energy equipment, free standing	C	C	Special exception required for height in excess of 50 ft.
g. Industrial and service uses	Heavy industrial use	N	P	
	Light industrial use	P	P	
	Lumberyard	C	P	Conditional Use shall not adjoin a Single Unit Development Residential Zone
	Service industrial use	P	P	

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

25.12.04 - Development Standards

a. Table of Development Standards-

	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 (MXC)	Mixed-Use Transition (MXT)	
a. Residential uses	Dwelling, single unit detached	N	C	C	C	C	P	P	Conditional use subject to the requirements of Sec. 25.13.04.a.
	Dwelling, semi-detached (duplex)	N	N	C	P	C	N	P	Conditional use subject to the requirements of Sec. 25.13.04.a.
	Dwelling, townhouse	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	N	C	Conditional use density must not exceed 6 dwelling units per acre
	Dwelling, multiple-unit	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	
	Personal living quarters	P	P	P	P	P	N	P	
b. Swimming pool, Accessory		P	P	P	P	P	P	P	
c. Home-based business enterprise	No impact	P	P	P	P	P	P	P	See Sec. 25.09.07b.
	Major	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	S	
	Charitable or philanthropic institution	P	P	P	C	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	Conditional use permitted only in single-unit detached dwelling
	Child care center:								
Institutional uses (con't)	9 – 12 children	P	P	P	P	P	P	P	
	More than 12 children	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 Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
	Educational institution, private	P	P	P	P	S	P	S	See Sec. 25.15.02.g
	Housing for senior adults and persons with disabilities	P	P	P	S	P	S	S	Special exception subject to Sec. 25.15.02.j
	Library, museum, and art gallery or studio	P	P	P	P	C	C	C	Conditional uses must not exceed 5,000 sq. ft. of gross floor area
	Nursing home	N	P	P	S	S	N	S	Special exception subject to Sec. 25.15.02.i
	Place of worship	P	P	P	P	P	P	P	
e. Medical services	Ambulance service	N	P	P	C	C	C	N	Conditional use must not adjoin or confront residential uses
	Hospital	S	S	P	S	S	N	N	Special exception subject to Sec. 25.15.02.i
	Veterinary office and/or animal hospital	P	P	P	P	C	P	C	Conditional uses must not exceed 2,500 sq. ft. of gross floor area.
f. Miscellaneous uses	Kennel	N	N	C	N	N	N	N	Conditional use must not have outside runs
	Private club	P	P	P	P	S	N	S	
	Public utility building and structure	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
Miscellaneous uses (con't)	Publicly-owned or publicly-operated building and use, excluding sanitary landfill	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 Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
	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	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	See Sec. 25.09.08 and 25.15.02.s
g. Temporary uses	Temporary building or yard for construction materials or equipment	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	
	Temporary office or model home	C	C	C	C	C	C	C	
	Christmas tree sales	C	C	C	C	C	C	C	
	Sale of Garden produce	C	C	C	C	C	C	C	
	Temporary carnival, flea market, or local festival	C	C	C	N	N	C	N	
h. Commercial, office, and industrial uses	Retail sales and services:								
	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

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 (MXC)	Mixed-Use Transition (MXT)	
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	N	P	N	
Consumable goods to be used in the home	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-through	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	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	C	C	For conditional use, tenant area is limited to 2,500 sq. ft. of gross floor area
Commercial, office, and industrial uses (con't)	Funeral home	C	C	C	C	C	C	Cremations permitted only where existing as of March 16, 2009
	Garden supplies	C	C	C	C	C	C	Indoor sales only
	Home improvement service	N	N	P	P	N	N	

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 (MXC)	Mixed-Use Transition (MXT)	
Home maintenance services	P	P	P	P	P	P	P	
Mobile uses	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	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	
Personal Services Office	P	P	P	P	P	P	P	
Pet grooming	N	P	P	P	P	P	P	
Pet Sales	N	P	P	P	P	N	N	
Public transportation station	P	P	P	C	C	C	C	Conditional use must comply with any recommendations of the Plan
Repair of household appliances, inc'l home electronic equipment	P	P	P	P	P	P	N	
Taxicab service	N	N	S	P	N	N	N	Special exception subject to Sec. 25.15.02.g
Wearing apparel and related accessories	P	P	P	P	P	C	C	Conditional uses limited to 2,500 sq. ft. of gross floor area for each tenant
Wearing apparel services	P	P	P	P	P	P	P	
Commer- cial, office, and industrial uses (con't)								
Food Services:								

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 (MXC)	Mixed-Use Transition (MXT)	
Ancillary restaurant	P	P	P	N	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	
Caterer, no seating	P	P	P	P	N	N	N	
Restaurant, no drive-through	P	P	P	P	P	P	P	
Restaurant with drive-through	N	S	C	S	N	S	N	Special exception subject to Sec. 25.15.02.c Conditional use subject to the requirements of Sec. 25.13.04.e.
Office Uses:								
Archival Record Storage	N	N	P	P	C	N	N	Conditional use allowed if located in a basement or cellar
Bank or financial institution	P	P	P	P	P	P	P	
Bank or financial institution with drive/through	C	C	C	C	C	C	C	Conditional use subject to the requirements of Sec. 25.13.04.c
Duplicating service	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	C	N	N	Conditional use allowed if located in a basement or cellar

	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 (MXC)	Mixed-Use Transition (MXT)	
	Non-medical research laboratory	N	N	P	P	N	N	N	
	Office including medical and professional	P	P	P	P	P	P	P	
	Motor vehicle services:								
	Automobile parts sales; no installation or service	N	P	P	P	P	N	N	
Commercial, office, and industrial uses (con't)	Automobile filling station (Class I and II)	S	S	S	N	S	S	N	See Sec. 25.15.02.c
	Automobile fluid maintenance station	N	P	P	P	N	N	N	
	Automobile rental	P	P	P	P	N	P	N	
	Automotive repair garage	N	N	P	P	N	N	N	
	Mechanical car wash	N	P	P	N	N	N	N	
	Motor vehicle and trailer sales, excluding trucks and trailers exceeding three-fourths-ton capacity,, including new and reconditioned parts and accessories and service incidental thereto. ²	N ³	C	C	C	N	N	N	See footnote 2

	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 (MXC)	Mixed-Use Transition (MXT)	
	Motor vehicle towing service, without storage on the premises	N	N	N	P	N	N	N	
	Tires, batteries and accessory sales, including service incidental thereto.	N	N	N	P	C	N	C	
	Parking facilities:								
	Commercial parking facility	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	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	S	N	N	
	Indoor entertainment establishment, commercial, except shooting gallery	P	P	P	P	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	N	N	
	Recreational establishment, indoor, commercial, except shooting gallery	N	P	P	P	C	N	N	Conditional use allowed if located in a basement or cellar

	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 (MXC)	Mixed-Use Transition (MXT)	
	Rental hall for meetings and social occasions	P	P	P	P	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 of cellar
	Shooting gallery	N	N	S	N	N	N	N	
	Sports facility, multi-purpose, indoor commercial	P	P	P	P	C	N	N	Conditional use allowed if located in a basement or cellar
	Theater, including dinner theater	P	P	P	P	P	N	N	
j. Industrial and service uses	Light industrial use	N	N	P	N	N	N	N	
	Service industrial use	N	N	P	C	N	N	N	Conditional use must not adjoin or confront single-unit dwellings

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

¹Conditional use in the MXC Zone is not permitted when adjoining a residential zone.

²Special provisions for motor vehicle and trailer sales:

- a. All buildings, off-street parking and loading areas and all outdoor storage and display of motor vehicles must be set back 50 feet from any adjoining or abutting land classified in a residential zone. Where the Plan recommends a setback from a public street greater than the minimum required, the Plan takes precedence.
- b. The storage of waste material, auto parts, refuse and motor vehicles is prohibited in any required setback area.
- c. The requirement for providing public use space may be met in whole or in part through the fee-in-lieu process as set forth in Article 17.

³ Except that new and/or expanded motor vehicle and trailer sales including new and reconditioned parts and accessories and service incidental thereto are permitted on those properties on which such uses are located as of March 16, 2009