

Article 7 – Procedures for Site Plans and Project Plans, Special Exceptions and Other Permits

25.07.01 –Site Plan, Project Plan, and Special Exception Approval Required

a. *Site Plan Approval*

1. *General Requirement* – A site plan application, where required by this Chapter, must be approved before any building, other structure, or land may be:
 - (a) Used;
 - (b) Constructed;
 - (c) Converted, wholly or in part, to any other use; or
 - (d) Structurally altered so as to increase or decrease the height, floor area or have modifications made to the site.

2. *Exceptions*

Site plan approval is not required for:

- (a) Single unit detached or semi-detached residential dwellings and related accessory uses on a record lot in the Single Dwelling Unit Residential Zones; or
- (b) Uses allowed by a temporary use permit issued by the Chief of Inspection Services.

3. *Required Findings:*

- (a) A site plan application that does not implement a project plan or a special exception, may be approved only if the applicable Approving Authority finds that the application will not:
 - i. Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed development;
 - ii. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood;
 - iii. Overburden existing and programmed public facilities as set forth in Article 20 of this Chapter and as provided in the adopted Adequate Public Facilities Standards;
 - iv. Adversely affect the natural resources or environment of the City or surrounding areas;
 - v. Be in conflict with the Plan;
 - vi. Constitute a violation of any provision of this Chapter or other applicable law; or

vii. Be incompatible with the surrounding uses or properties.

(b) A site plan that implements all or a portion of an approved project plan is deemed to meet the findings for approval so long as the site plan complies with the conditions and requirements of the approved project plan and where the application will not:

i. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood;

ii. Constitute a violation of any provision of this Chapter or other applicable law; or

iii. Be incompatible with the surrounding uses or properties.

(c) A site plan that implements all or a portion of an approved special exception is deemed to meet the findings for approval so long as the site plan complies with the conditions and requirements of the approved special exception and where the application will not:

i. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood;

ii. Adversely affect the natural resources or environment of the City or surrounding areas; or

iii. Constitute a violation of any provision of this Chapter or other applicable law.

b. *Project Plan Approval*

1. *General Requirement* – A Project Plan application, where required in accordance with this Chapter, must be approved before any building, other structure, or land may be:

(a) Used;

(b) Constructed;

(c) Converted, wholly or in part, to any other use; or

(d) Structurally altered.

2. *Required Findings* – A Project Plan application may be approved only if the Mayor and Council finds that approval of the application will not:

(a) Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed project;

(b) Be in conflict with the Plan;

- (c) Overburden existing and programmed public facilities as set forth in Article 20 of this Chapter and as provided in the adopted Adequate Public Facilities Standards;
- (d) Constitute a violation of any provision of this Code or other applicable law; or
- (e) Adversely affect the natural resources or environment of the City or surrounding areas.

c. *Special Exceptions*

- 1. *General Requirement* – A special exception, where required in accordance with this Chapter, must be approved before any building, other structure, or land may be:
 - (a) Used;
 - (b) Constructed;
 - (c) Converted, wholly or in part, to any other use; or
 - (d) Structurally altered.
- 2. *Findings* – The Board of Appeals must not grant any petition for a special exception unless it finds that the requirements of Section 25.15.01.a.2 and the applicable provisions of Section 25.15.02 have been met.

- d. *Relation to Building Permit* –Where a site plan or Project Plan approval is required, no building permit may be issued until such approval has been obtained.

25.07.02 – Application Procedure for Site Plans, Project Plans, and Special Exceptions

- a. *Application* – Applications for site plans and Project Plans must be submitted in accordance with the provisions of Section 25.05.02 and the following pre-application requirements:
 - 1. *Pre-Application Staff Meeting and Transportation Review* – The requirements of this subsection are in addition to any pre-application transportation review that may be required by the Comprehensive Transportation Review.
 - 2. *Pre-Application Area Meeting* - In all cases, the applicant is required to conduct a pre-application meeting with residents of the neighborhood in which the project is proposed to outline the scope of the proposal.
 - 3. *Pre-Application Natural Resources Filing* - Prior to filing an application, an applicant must have a validly approved Natural Resources Inventory (NRI) and Forest Stand Delineation (FSD) plan as set forth in the City’s *Environmental Guidelines*.
 - 4. *Historic Review* –

- (a) If a Natural Resources Inventory (NRI) is required in conjunction with an application that proposes demolition of a building or structure outside a Historic District, the building or structure will be evaluated by the Chief of Planning using the Historic District Criteria adopted by the Historic District Commission for potential eligibility for historic designation prior to acceptance of the application for site plan, Project Plan, or special exception approval.
- (b) If through the NRI the Chief of Planning identifies any site, building, or structure as having potential historic significance under the Historic District Criteria adopted by the Historic District Commission the applicant must apply to the Historic District Commission for an evaluation of the subject property for eligibility for historic designation.
- (c) After the NRI, and notwithstanding the foregoing, if at any time during the review of a site plan, Project Plan or special exception application the Chief of Planning determines that a site, building or structure has potential historic significance, the application review process will be suspended and the Historic District Commission will evaluate the subject property for eligibility for historic designation under the provisions of Section 25.14.01.d.

b. *Application Procedure, in General* –

1. The level of review for each application is based on a point system, provided in the chart below. Each application must be evaluated on the acreage of the site, the number of dwelling units proposed, the square footage of non-residential space, the residential impact area, and the traffic impact of development proposed. Each of these items is allocated a number of points which are added together to determine the complete point valuation for the project.

Points Elements	1 point¹	2 points	3 points	4 points	Points
Tract size – Acres	1 or fewer	1.1 to 2.5	2.6 to 5	5.1 or greater	—
Dwelling Units	1 to 5	6 to 50	51 to 150	151 or greater	—
Square Footage of Non-Residential Space	5,000 or fewer square feet	5,001 to 25,000 square feet	25,001 to 100,000 square feet	100,001 or greater square feet	—
Residential Area Impact	Up to 10% of area within ¼ mile of the project area is comprised of single-unit detached residential units	Up to 50% of area within ¼ mile of the project area is comprised of single-unit detached residential units	Up to 75% of area within ¼ mile of the project area is comprised of single-unit detached residential units	Development is within single-unit detached unit area.	—
Traffic Impact – Net new peak hour trips	Fewer than 30 trips	30 – 74 trips	75 – 149 trips	150 or more trips	—
<i>Review Level Calculation:</i>					Cumulative point total
Level 1 = Up to 6 points Level 2 = 7 – 15 points Level 3 = 16 or more points					—

¹In calculating the level of review, where no dwelling units, no non-residential square footage or no increase in peak hour trips are proposed, and where there is no single unit residential development within ¼ mile, no points are assigned to those categories.

2. In cases where a modification to an existing development is proposed that does not qualify as a minor or major amendment under the provisions of Section 25.05.07, the point total is calculated only on the net additional development.
3. For any property within the Town Center Performance District any development application that totals between one (1) and 15 points will be acted upon by the Approving Authority under the Level 2 site plan process. In the case of an amendment to existing approved development, the original Approving Authority will act under Section 25.05.07. The Mayor and Council is the Approving Authority for any project that totals 16 or more points under the project plan review process.

c. Site Plan Level of Review

1. *Level One (1) – Site Plan Review:* Except as set forth in Section 25.07.02.b.3 above, if the elements of the proposed project total six (6) points or fewer, as determined in Section 25.07.02.b above, the Chief of Planning will complete the site plan review in accordance with Sections 25.07.01.a.3 and 25.07.03.
2. *Level Two (2) – Site Plan Review:* If the elements of the proposed project total seven (7) to fifteen (15) points, the Chief of Planning will review and make a recommendation to the Planning Commission and the Planning Commission will complete a final review of the site plan in accordance with Sections 25.07.01.a.3 and 25.07.05. Site plans that implement an approved planned development as set

forth in Article 14, and site plans that implement an approved project plan, will be processed as a Level 2 site plan.

- d. *Project Plan Review* – If the elements of the proposed project total 16 or more points, the development is subject to Project Plan review. The Mayor and Council and Planning Commission will each hold a briefing session on the plan application, the Chief of Planning and Planning Commission will perform a preliminary review and make a recommendation to the Mayor and Council, and the Mayor and Council will then complete a final review of the plan in accordance with Sections 25.07.01.b.2 and 25.07.06. The Planning Commission will thereafter review subsequent site plans implementing the approved Project Plan in accordance with the level two (2) site plan review procedures under Section 25.07.04.
- e. *Special Exception Review* – Regardless of the total number of points as determined in Section 25.07.02.b, the Board of Appeals will review and grant special exception applications in accordance with the provisions of Section 25.15.01.a.2. After the Board of Appeals grants a special exception, the Planning Commission must approve a site plan in accordance with the level two (2) site plan procedures of this Article.
- f. *Application Withdrawal* – Once filed, an applicant must submit revised plans or otherwise respond to any comments resulting from staff review within six (6) months of the date of staff review comments being transmitted to the applicant, request an extension, or request that the review process proceed. If the applicant does not respond, or the extension request is not granted by the Chief of Zoning, the application is deemed withdrawn.

25.07.03. Notice Required; Procedure

The applicant for any site plan, Project Plan or special exception approval must provide notice of all area meetings and public meetings and public hearings of Approving Authorities (including continuance of a public hearing) relating to the subject application in accordance with the provisions of Section 25.05.03.c, and with the following:

- a. Notice must be mailed at least 2 weeks prior to the meeting to all property owners, residents, civic associations and homeowner’s associations within the specified distance for each type of review as follows:
 - 1. Level 1 Site Plan – 750 feet.
 - 2. Level 2 Site Plan – 1,250 feet.
 - 3. Project Plan – 1,500 feet.
 - 4. Special Exception - As specified in Section 25.07.08.b.
- b. In addition to the notice required above, for all Level 2 and Project Plan applications, electronic notice must be sent by the applicant to all homeowner’s associations and civic associations within the City, the Planning Commission and the Mayor and Council.
- c. Sign – a sign must be posted in accordance with the provisions of Section 25.05.03.d.

25.07.04 – Level One (1) Site Plan Review

An application for a site plan review with a total of six (6) points or fewer, as determined in Section 25.07.02.b above, is subject to the following provisions:

1. *Pre-Application Area Meeting* – The applicant must hold an area meeting prior to submitting an application, to outline and receive comments on the scope of the project. The applicant must provide notice of the meeting in accordance with the provisions of Section 25.07.03.
2. *Pre-Application Staff Meeting* – The applicant must hold a meeting with staff of the City’s Development Review Committee (these meetings are open to the public to observe, however these are not public hearings and no testimony will be received) prior to submitting an application, in order to outline the scope of the project and the scope of the Comprehensive Transportation Review. At that meeting, the Chief of Planning will provide the applicant with a non-binding point evaluation for the project, which will be re-evaluated after the application is submitted.
3. *Application* – The applicant must file an application in accordance with the provisions of Article 5.
4. *Notice* – The applicant must provide notice of the application filing in accordance with the provisions of Sections 25.05.03.c and 25.07.03.
5. *Sign* – A sign must be posted in accordance with Section 25.05.03.d.
5. *Conditions of Approval* – Approvals may be subject to any condition that the Chief of Planning finds necessary to protect the public health, safety, and welfare of the community and to ensure that the proposed use or development will be consistent with the purpose and intent of this Chapter.
7. *Implementation Period* – The approval of a Level one (1) site plan is subject to the implementation provisions of Section 25.07.06.
8. *Notice of Decision* – Notice of the Chief of Planning’s decision must be sent in accordance with the provisions of Section 25.05.06.
9. *Appeals* - Any person aggrieved by any final decision of the Chief of Planning on a Level one (1) site plan application, may appeal the same to the Planning Commission in accordance with Section 25.04.06. Notice of the Planning Commission meeting on the appeal is required in accordance with the provisions of Section 25.07.03.

25.07.05 – Level Two (2) Site Plan Review

An application for a site plan review with seven (7) to fifteen (15) points, as determined in Section 25.07.02.b above, is subject to the following provisions:

1. *Pre-Application Area Meeting* – The applicant must hold an area meeting prior to submitting an application, to outline and receive comments on the scope of the project. The applicant must provide notice of the meeting in accordance with the provisions of Section 25.07.03.

2. *Pre-Application Staff Meeting* – The applicant must hold a meeting with staff of the City’s Development Review Committee (these meetings are open to the public to observe, however these are not public hearings and no testimony will be received) prior to submitting an application, in order to outline the scope of the project and the scope of the Comprehensive Transportation Review. At that meeting, the Chief of Planning will provide the applicant with a non-binding point evaluation for the project, which will be re-evaluated after the application is submitted.
3. *Application* – The applicant must file an application in accordance with the provisions of Article 5 and must provide a date for a post-application area meeting .
4. *Notice* – The applicant must provide notice of the application filing and the post-application area meeting in accordance with the provisions of Section 25.07.03.
5. *Post-Application Area Meeting* – The applicant must hold an area meeting following submittal of an application to outline the scope of the project and receive comments. The applicant must provide notice of the meeting in accordance with the provisions of Section 25.07.03 above.
6. *Planning Commission Review* – The Planning Commission must review the application for a Level 2 site plan at a public meeting and provide an opportunity for public comment.
7. *Conditions of Approval* – Approvals may be subject to any condition that the Planning Commission finds necessary to protect the public health, safety, and welfare of the community and to ensure that the proposed use or development will be consistent with the purpose and intent of this Chapter. The Planning Commission must make the findings in Section 25.07.01.a.3.
8. *Implementation Period* – The approval of a level two (2) site plan is subject to the implementation provisions of Section 25.07.07.
9. *Notice of Decision* – The Chief of Planning must send notice of the Planning Commission's final decision in accordance with the provisions of Section 25.05.06.
10. *Appeals* – Any person aggrieved by any final decision of the Commission may appeal the same to the Circuit Court for the County. Such appeal must be taken according to the Maryland Rules as set forth in Title 7, Chapter 200.

25.07.06. Site Plan Implementation Period

- a. *Site Plan Approval* - A site plan approval by the Planning Commission or the Chief of Planning expires if construction does not commence pursuant to a validly issued building permit within two (2) years of the effective date of the Planning Commission approval, unless another time frame is provided by this Chapter or by the terms of the approval.
- b. *Extensions* – Except as set forth in Section 25.07.15, the Planning Commission or the Chief of Planning may, for good cause shown, grant no more than two (2) extensions of not more than one (1) year for the first extension and six (6) months for the second

extension for any prior approval subject to the provisions of Section 25.05.08, "Extension of Implementation_Period". The Planning Commission may require as a condition of approval of an extension that the applicant submit periodic progress reports to the Chief of Planning detailing efforts undertaken to implement the site plan approval.

- c. *Multi-Phase or Multi-Building Site Plan Approval* All phases of a multi-building or multi-phase project which has received site plan approval must be commenced within eight (8) years from the effective date of site plan approval unless another time frame is provided by this Chapter or by the terms of approval. A site plan approval will become void for those buildings or phases within a multiple building or phased development for which construction has not commenced within eight (8) years from the date of the site plan approval or within such other time frame provided by this Chapter or by the terms of approval. Unless otherwise specifically provided by the terms of approval, no extension may be granted from the implementation period set forth in this subsection c.
- d. For any site plan that was valid as of [date of adoption] the Approving Authority may grant additional extensions for the remainder of the maximum allowable extension period under Section 25.07.06.b.
- e. For any site plan that is the subject of a timely filed administrative appeal the implementation period shall be tolled in accordance with Section 25.05.08.e.

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:

1. *Pre-Application Area Meeting* – The applicant must hold an area meeting prior to submitting an application, to outline and receive comments on the scope of the project. The applicant must provide notice of the meeting in accordance with the provisions of Section 25.07.03.
2. *Pre-Application Staff Meeting* – The applicant must hold a meeting with staff of the City's Development Review Committee (these meetings are open to the public to observe, however these are not public hearings and no testimony will be received) prior to submitting an application, in order to outline the scope of the project and the scope of the Comprehensive Transportation Review. At that meeting, the Chief of Planning will provide the applicant with a non-binding point evaluation for the project, which will be re-evaluated after the application is submitted.
3. *Project Plan Application* – The applicant must file an initial Project Plan site plan application prior to Planning Commission review in accordance with the provisions of Section 25.07.03 and Article 5 and provide a date for a post-application area meeting.
4. *Notice* – The applicant must provide notice of the application filing and the post-application area meeting in accordance with the provisions of Section 25.07.03. 5.

5. *Post-Application Area Meeting* – The applicant must hold an area meeting following submittal of an application to outline the scope of the project and receive comments. The applicant must provide notice of the meeting in accordance with the provisions of Section 25.07.03 above.
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 will determine at the briefing whether the project may be processed as a Champion Project application.
7. *Revised Project Plan Application* – The applicant is encouraged to revise the application pursuant to comments received at the briefing sessions and area meetings.
8. *Planning Commission Public Meeting* - The Planning Commission must review the Project Plan application, as revised, at a public meeting and provide an opportunity for public comment thereon.
9. *Planning Commission Comments and Recommendation* - Following its review, the Planning Commission shall prepare and transmit its comments and recommendations on the Project Plan application to the Mayor and Council.
10. *Revision to Project Plan Application* – The applicant may file a revised application, if needed, based on the comments and recommendations of the Planning Commission, for consideration by the Mayor and Council.
11. *Notice* – The applicant must provide notice of the Mayor and Council public hearing and any revisions to the application, if applicable, in accordance with the provisions of Section 25.07.03.
12. *Mayor and Council Public Hearing* – The Mayor and Council must hold a public hearing on the revised application for a Project Plan.
13. *Area Meeting* – If directed by the Mayor and Council, the applicant must then hold an area meeting to explain and receive comments on the proposed plan and provide notice in accordance with the provisions of Section 25.07.03.
14. *Final Project Plan Application* – The applicant is encouraged to file a revised Project Plan based on comments received during the public hearing and from the area meeting.
15. *Findings* - The Mayor and Council must make the findings required in Section 25.07.01.b.2.
16. *Decision: Project Plan Implementation Period* – Upon the close of the public hearing record, the Mayor and Council will render a final decision on the proposed Project Plan by resolution, including whether the development project qualifies as a Champion Project. If the application is approved, the Mayor and Council will establish a time period in which construction on all phases of the approved Project Plan must commence.

17. *Conditions of Approval* –Project Plan approvals may be subject to any condition that the Mayor and Council finds necessary to protect the public health, safety, and welfare of the community and to ensure that the proposed use or development will be consistent with the purpose and intent of this Chapter.
18. *Project Plan Implementation Period*– A Project Plan approval expires if:
- (a) A site plan application implementing all or a portion of a Project Plan is not filed within six (6) months of the date of the Mayor and Council’s approval or within such other period of time as may be provided in the approval; or
 - (b) Except as set forth in Section 25.07.15, construction on all phases of the approved Project Plan has not commenced within the time period set forth in the Project Plan approval, except that the approval does not terminate with respect to those phases of the Project Plan for which construction has commenced.
 - (c) For any project plan approval that is the subject of a timely filed administrative appeal, the time for filing the site plan application under subsection (a) above and the implementation period under subsection (b) above shall be tolled in accordance with Section 25.05.08.e.
19. *Notice of Decision* – The Chief of Planning must send notice of the Mayor and Council’s decision on the final Project Plan in accordance with the provisions of Section 25.05.06.
20. *Preliminary Plan of Subdivision Approval* - Approval of a Project Plan also constitutes approval of a preliminary plan of subdivision.
21. *Subsequent Site Plan Review* – All development approved under a Project Plan is subject to subsequent site plan approval in accordance with the Level two (2) site plan review procedures under Section 25.07.05 above. However, the pre-application provisions of Sections 25.07.05.1 and 2 are not required.
22. *Appeals* – Any person aggrieved by any decision of the Mayor and Council made on a Project Plan application may appeal the same to the Circuit Court for the County. Such appeal must be taken according to the Maryland Rules as set forth in Title 7, Chapter 200.

25.07.08 - Special Exceptions

- a. *Pre-Application Area Meeting* – The applicant must hold an area meeting prior to submitting an application to outline the scope of the project and receive comments. The applicant must provide notice of the meeting in accordance with the provisions of subsection 25.07.08.b below.
- b. *Notice* – The applicant must provide notice of the Board of Appeals public hearing and any revisions to the application, if applicable, in accordance with the provisions of Section 25.07.03 and with the following:
 - 1. The area of notice shall be based on the chart in Section 25.07.02.b.

- (a) For applications with zero (0) to six (6) points mailed notice shall be sent to all property owners and residents within 750 feet of the project area.
 - (b) For applications with seven (7) to fifteen (15) points mailed notice shall be sent to all property owners and residents within 1,250 feet of the project area.
 - (c) For applications with 16 or more points mailed notice shall be sent to all property owners and residents within 1,500 feet of the project area.
- c. *Pre-Application Staff Meeting* – The applicant must hold a meeting with the City’s Development Review Committee (these meetings are open to the public to observe, however these are not public hearings and no testimony will be received) prior to submitting an application to outline the scope of the project. At that meeting, the Chief of Planning will provide the applicant with a non-binding point evaluation for the project, which will be re-evaluated after the application is submitted.
 - d. *Special Exception Application* – The applicant must file an initial special exception application and provide a date for a post-application area meeting in accordance with the provisions of Section 25.07.03 and Article 5.
 - e. *Notice* – The applicant must provide notice of the application filing and the post-application area meeting in accordance with the provisions of Sections 25.07.03.
 - f. *Post-Application Area Meeting* – The applicant must hold an area meeting following submittal of an application to outline the scope of the project and receive comments. The applicant must provide notice of the meeting in accordance with the provisions of Section 25.07.03 above.
 - g. *Revision of Special Exception Application* – The applicant may file revisions to the application in accordance with the provisions of Article 5 to address comments received at the area meeting.
 - h. *Referring Application to the Planning Commission* – Within five (5) days after acceptance of any application under this Section, the Chief of Planning must refer a copy of the application to the Planning Commission for consideration and recommendation to the Board of Appeals, based on the compliance of the proposed special exception with the Plan. If a recommendation is made, it must be placed in the application file by the Clerk of the Commission and become a part of the record on the application.
 - i. *Planning Commission Public Notice and Meeting* – The Planning Commission will review the special exception application at a public meeting and provide an opportunity for public comment. The applicant must send notice of the Planning Commission meeting in accordance with the provisions of Sections 25.07.03.
 - j. *Comments and Recommendations* - Following its review, the Planning Commission may prepare and transmit its comments and recommendations to the Board of Appeals.
 - k. *Board of Appeals Notice and Public Hearing* – The Board of Appeals must hold a public hearing on the revised application for a special exception. The applicant must send notice of the public hearing in accordance with the provisions of Sections 25.07.03.

- l. *Decision* – Following the close of the public hearing record, the Board of Appeals will render a final decision on the proposed special exception.

- m. *Conditions of Approval* – Special Exception approvals may be subject to any condition that the Board of Appeals finds necessary to protect the public health, safety, aesthetics, and welfare of the community and to ensure that the proposed use or development will be consistent with the purpose and intent of this Chapter and the applicable findings in Article 15.

- n. *Implementation Period* - A special exception approval expires under the following circumstances:
 1. *Site Plan Approval Required* - If site plan approval is required to exercise the rights granted by the Board's decision, application for such approval must be filed within six (6) months of the date of the Board's decision, or the approval shall expire. The filing of an application for site plan approval shall extend the rights granted by the Board's decision to a date one (1) year from the date of the Board's decision. The approval of a site plan shall extend the rights granted by the Board's decision for the same period of time that the rights granted by the site plan approval exist, including any extensions thereof;

 2. *Building Permit Required* - If a building permit is required to exercise the rights granted by the Board's decision, such building permit must be issued and construction started within 12 months of the date of the Board's decision, or within the time limit as extended by the approval of a site plan, or the approval shall expire; and

 3. *No Building Permit Required* - If a building permit is not required to exercise the rights granted by the Board's decision, such rights must be established within 12 months of the Board's decision, or the approval shall expire.

 4. *Extension* - The Board may, for good cause shown, grant no more than two (2) extensions of the implementation period of not more than six (6) months each, subject to the provisions of Section 25.05.08, except for those projects subject to the provisions of Section 25.07.15.

- o. *Notice of Decision* – The Chief of Planning must send notice of the Board of Appeals decision on the special exception in accordance with the provisions of Section 25.05.06.

- p. *Zoning Map Indication* – The grant of a special exception must be noted upon the Zoning Map.

- q. *Subsequent Site Plan Review* – If site development or redevelopment is required, all development approved under a special exception is subject to subsequent site plan approval in accordance with the level two (2) site plan review procedures under Section 25.07.05 except that the pre-application process is not required.

25.07.09 – Temporary Use Permit

A temporary use permit must be issued prior to the temporary use of a building, other structure, or land allowed in the land use tables of Articles 10 through 14. Provisions for issuing the permit are contained in Section 25.09.04.

25.07.10 – Sign Permit

Provisions for the issuance of sign permits are contained in Article 18.

25.07.11 – Occupancy Permit

Prior to issuance, an occupancy permit for any new use, change of use, or structural alteration must be reviewed by the Chief of Zoning for consistency with all applicable requirements of this Chapter.

25.07.12 – Temporary Occupancy Permit

a. When Allowed

1. The Chief of Inspection Services or designee may issue a temporary occupancy permit upon making the findings contained in subsection b.
2. A temporary occupancy permit may not be issued for a single-unit detached dwelling.

b. Issuance – A temporary occupancy permit will be issued if the Chief of Inspection Services or designee finds, upon inspection, that:

1. Peculiar and exceptional difficulties or undue hardship would result if it were not issued;
2. All conditions imposed upon the granting of the development permit have been substantially completed and/or complied with;
3. When determined to be necessary by the Chief of Inspection Services, a sufficient bond (totaling 200% of the value of the work to be completed) has been posted;
4. None of the remaining conditions to be complied with are a health or safety hazard; and
5. Granting of the application would not impair the intent or purposes of this Chapter or violate any provision of the Code or other applicable law.

c. Validity Period of Approval

1. *Validity Period* – A temporary occupancy permit is valid for a period not to exceed 30 days, in the discretion of the Chief of Inspection Services or designee, and based on the characteristics of each application.
2. *Renewal* – For good cause shown, the Chief of Inspection Services may renew a temporary occupancy permit for additional periods, in accordance with Section

25.05.08, but no temporary occupancy permit, including any renewals, will be valid for more than 60 days.

3. *Obligations of Applicant* – Within the term of any temporary occupancy permit, including any renewals thereof, it will be the obligation of the applicant, whether or not it is the owner of the property, to complete or cause to be completed, all matters and things necessary to the issuance of an occupancy permit.
- d. *Appeals* – The grant or denial of a temporary occupancy permit may be appealed to the Board of Appeals.

25.07.13 – Certificate of Approval in Historic Districts

- a. *Requirement* – A Certificate of Approval issued by the Historic District Commission is required prior to any actions affecting a site or exterior of a building or structure in a Historic District Zone consistent with the provisions of the Land Use Article of the Maryland Annotated Code for Historic Area Zoning.
- b. *Exceptions* – A Certificate of Approval is not required for exterior paint colors, routine maintenance, normal gardening and landscaping, or driveway repairs. Routine maintenance is defined as repair or replacement of building and site features with features of the same design and same material.
- c. *Procedure for considering and approving Certificate of Approval*
 1. *Administrative Approval* – The Chief of Planning is authorized to issue a Certificate of Approval for fences, signs and removal of diseased and/or hazardous trees. The Chief of Planning is also authorized to issue a Certificate of Approval for accessory structures, consistent with the adopted Technical Guidelines for Exterior Alterations. Such activities must conform to the adopted design guidelines outlined in this section.
 2. *Historic District Approval* – Where administrative approval is not authorized, the Historic District Commission must make a decision on the application which will be considered at a meeting of the Historic District Commission.
 - (a) Notice of the meeting must be provided by the Chief of Planning in compliance with the provisions of Section 25.05.03.
 - (b) *Factors for Consideration in Reviewing Application* – In reviewing the plans for any such construction or change, the Historic District Commission will give consideration to:
 - i. The effect of the proposed changes on the general character of the designated Historic District, weighing their impacts on the integrity of the structures on the property and the related environmental setting;
 - ii. The historic and aesthetic compatibility of the proposed alterations with historically significant structures;
 - iii. The following are sources of design review:

- A. Senkevitch, Anatole, Jr., “Adopted Architectural Design Guidelines for the Exterior Rehabilitation of Buildings in Rockville’s Historic Districts,” Adopted 1997;
 - B. U.S. Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation, as amended; and
 - C. City of Rockville: Technical Guides for Exterior Alterations, Adopted 2004; and
- iv. Any other factors provided in Article 66B, Chapter 8 of the Maryland Code
- d. *Decision; Notification* – Notification of the Commission's decision must be provided in accordance with Section 25.05.06.
 - e. *Expiration/Implementation Period of Historic District Commission’s Approvals*
 - 1. *Expiration* - A Certificate of Approval issued by the Historic District Commission expires under the following circumstances:
 - (a) *Site Plan Approval Required* - If site plan approval is required to exercise the Certificate of Approval, an application for site plan approval must be filed within six (6) months of the date of the Certificate of Approval or the Certificate of Approval expires. Filing an application for site plan approval extends the Certificate of Approval to a date one (1) year from the date of issuance of the Certificate. The approval of a site plan extends the Certificate of Approval for the same period of time that the rights granted by the site plan approval exist, including any extensions thereof; and
 - (b) *Building or Demolition Permit Required* - Any building permit or demolition permit required to implement a Certificate of Approval must be issued and construction or demolition started within 12 months of the date of the Certificate of Approval, or within the time limit as extended by the approval of a site plan, or the Certificate of Approval expires.
 - 2.. *Extension* - The Historic District Commission may, for good cause shown, grant no more than two (2) extensions of not more than six (6) months each for any prior grant of approval subject to the provisions for an extension of Section 25.05.08, "Extension of Implementation Period".
 - f. *Building Permit* –No building permit may be issued for any exterior change to any property in the Historic District until an approved Certificate of Approval has been filed with the Chief of Planning.
 - g. *Incorporation of Maryland Law* – All other provisions and subsequent modifications of the Land Use Article of the Annotated Code of Maryland Law are incorporated into this Article by reference.
 - h. *Resubmittal of Denied Applications Prohibited* – The applicant may not resubmit an application for a Certificate of Approval that is identical to a denied application for one (1) year after the denial.

- i. *Appeal* – Any aggrieved person may appeal the decision of the Historic District Commission in accordance with the provisions of Section 25.04.04.f.

25.07.14 – Additional Permits and Approvals

In addition to the permits listed in this Article, land use development may be subject to the requirements of additional permits found in other Chapters of the City Code. It is the responsibility of the applicant to ensure that the development complies with all requirements of the City Code. The following permits may be required for development, but are not limited to this list:

1. Building construction permits in Chapter 5 (Building and Building Regulations);
2. Electrical, Gas, Mechanical, and Plumbing Permits in Chapter 5 (Building and Building Regulations);
3. Fire Protection Permits in Chapter 9 (Fire Safety Code);
4. Tree Removal Permits in Chapter 10.5 (Forest and Tree Preservation);
5. Stormwater Management and Sediment Control Permits in Chapter 19 (Sediment Control and Storm Water Management); and
6. Various construction permits required for street construction, which may include, but is not limited to, a Public Works permit or a utility permit (see generally, Chapter 21, Streets and Public Improvements).

25.07.15 – Extension of Implementation Period for Approved Projects

Any site plan, project plan, use permit, detailed application, or special exception that was valid as of June 30, 2010 shall have the remainder of their implementation period tolled until June 30, 2012. For all projects extended pursuant to this provision, the implementation period remaining as of June 30, 2012 shall resume running as of June 30, 2012.