

ATTACHMENT TO APPLICATION
TO THE CITY OF ROCKVILLE FOR A
TEXT AMENDMENT TO THE ZONING ORDINANCE

Applicant: Mayor and Council 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; ~~strikethroughs~~ 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 20, “Adequate Public Facilities”, as follows:

* * *

25.20.02 – Applicability

* * *

- e. Once any development approval or any amendment thereto, that is subject to the provisions of this Chapter, has a valid adequate public facilities determination, an application to implement such development approval is not subject to further adequate public facilities determination, except for water and sewer service, which is confirmed prior to the issuance of a building permit, provided that the adequate public facilities determination and any extension thereof, has not expired. If the confirmation of the public water and sewer adequacy prior to building permit issuance reveals a change from the original determination, then mitigation of impacts may be required.

25.20.03 – Adequate Public Facilities Determination: Validity Period; Extension; Redetermination

* * *

- b. *Extension*

* * *

- ~~3~~ 5. *Extension Not Automatic* – Compliance with the conditions of this Section, 25.20.03, including instances where the applicant has completed all conditions imposed at the time of development approval to meet adequate public facilities requirements, does not require the Approving Authority to extend the validity period of a finding of adequate public facilities.
- ~~4~~ 6. *Reevaluation and Reaffirmation* – After the expiration of a determination of adequate public facilities, reaffirmation of the adequacy of the public facilities to serve the project may be granted by the original Approving Authority based on an

analysis of the impact of the net remaining development on the public facilities, consistent with the Adequate Public Facilities Standards. The analysis shall apply credits for infrastructure that has been provided in conjunction with the development. If the analysis indicates that existing and programmed public facilities will be overburdened, mitigation of said impacts shall be required as a condition of reaffirmation.

c. Notwithstanding the above, the adequate public facilities determination for water and sewer service is confirmed prior to the issuance of a building permit.

25.20.04 – Applicability to Previously Approved Planned Development

* * *

d. Notwithstanding the above, the adequate public facilities determination for water and sewer service is confirmed prior to the issuance of a building permit.