

Ordinance No. 6-13

ORDINANCE: To grant Text Amendment
Application No. TXT2013-
00235, Mayor and Council of
Rockville, Applicant

WHEREAS, the Mayor and Council of Rockville, 111 Maryland Avenue, Rockville, Maryland, filed Text Amendment Application TXT2013-00235 for the purpose of amending Chapter 25 of the Rockville City Code, "Zoning," so as to revise Article 7 for the purpose of requiring all site plan applications within the Town Center Performance District to be processed as at least a Level 2 site plan, and also require for any Level 2 or Project Plan application that notice be provided to all civic and homeowner's associations; and

WHEREAS, the Planning Commission reviewed the proposed text amendment at its meeting of December 12, 2012, and recommended that the text amendment be approved; and

WHEREAS, pursuant to the Land Use Article of the Annotated Code of Maryland, the Mayor and Council of Rockville gave notice that a hearing on said application would be held by the Mayor and Council in the Council Chambers at Rockville City Hall on January 14, 2013, at 7:00 p.m., or as soon thereafter as it may be heard; and

WHEREAS, on January 14, 2013, said application came on for hearing at the time and place provided for in said advertisement; and

WHEREAS, the Mayor and Council having considered the text amendment application and the entire file pertaining thereto, said Mayor and Council having decided that the granting of this application, in the form set forth below, would promote the health, safety and welfare of the citizens of the City of Rockville.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF
ROCKVILLE, MARYLAND, as follows:

SECTION 1. That Text Amendment Application No. TXT2013-00235, be, and the same is hereby granted, by amending Article 7, "Procedures for Site Plans and Project Plans, Special Exceptions and Other Permits," as follows:

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

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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% [residential development in a single dwelling unit residential zone within ¼ mile of the project] <u>of area within ¼ mile of the project area is comprised of single-unit detached residential units</u>	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	—

<u>[Points Total] Review Level Calculation:</u> <u>Level 1 = Up to 6 points</u> <u>Level 2 = 7 -15 points</u> <u>Project Plan = 16 or more points</u>	<u>[The total of the points determine the level of notification.]</u> <u>Cumulative point total</u> —
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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 [to the] 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, [I] if the elements of the proposed project total six (6) points or fewer, as determined by 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.

* * *

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 to all homeowner's associations and civic associations within the City.
- c. Sign – a sign must be posted in accordance with the provisions of Section 25.05.03.d.

SECTION 2. That this ordinance shall apply to applications filed after the date of adoption.

NOTE: [Brackets] indicate material deleted
Underlining indicates material added
Asterisks * * * indicate material unchanged by this ordinance

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of February 11, 2013.

A handwritten signature in dark ink, reading "Douglass A. Barber". The signature is written in a cursive, flowing style. The first name "Douglass" is written with a large, prominent "D". The middle initial "A." is smaller and follows the first name. The last name "Barber" is written in a similar cursive style. The signature is positioned above a horizontal line.

Douglass A. Barber, City Clerk