

Ordinance No. 7-15

ORDINANCE: To grant Text Amendment
Application No. TXT2015-
00242, Nancy Regelin for
1900 Chapman Project
Owner LLC, applicant

WHEREAS, Nancy Regelin, representing 1900 Chapman Project Owner LLC, filed Text Amendment Application TXT2015-00242 for the purpose of amending Chapter 25 of the Rockville City Code, "Zoning," so as to revise Chapter 25 for the purpose of amending the implementation periods of development approvals to recognize tolling of those periods during pendency of appeal, and to extend the allowable extensions for site plan implementation periods; and

WHEREAS, the Planning Commission reviewed the proposed text amendment at its meeting of March 11, 2015, and recommended that the text amendment be approved with the revisions recommended by the planning staff and that the site plan implementation periods be for one year for the first extension and six months for the second extension; 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 April 13, 2015, at 7:00 p.m., or as soon thereafter as it may be heard; and

WHEREAS, on April 13, 2015, 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 have 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:

Amend Article 5, "Application and Notification Generally", as follows:

* * *

25.05.08 – Extension of Implementation Period

* * *

e. The implementation period, including all extensions, of any development approval and/or related permit approval in effect on and after [date of adoption] shall be tolled throughout the pendency of all administrative appeals of the development approval and/or related permit approval that are instituted at any time during the implementation period. The tolling shall start on the date the timely administrative appeal is filed. The tolling period shall end on the date of finality of the decision or final action of the appellate body with final jurisdiction.

For all approvals automatically tolled pursuant to this provision the remaining implementation period and any extensions granted pursuant to Section 25.07.06 or otherwise provided by this Chapter shall resume running after the end of the tolling period. The development approval shall remain in full force and effect throughout the implementation period inclusive of all extensions and the tolling period. During this period, the applicant may implement the development approval and the City shall continue to process all other applications necessary to implement the development approval. Upon request, the Chief of Planning shall issue a confirmation letter to an applicant of any tolling of the implementation period under this section.

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

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 [six (6) months] one (1) year for the first extension and six (6) months for the second extension [each] 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, is processed as a Project Plan review and is subject to the following provisions:

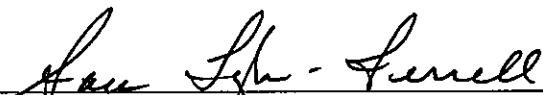
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18. *Project Plan Implementation Period– A Project Plan approval expires if:*

- (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.

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 May 11, 2015.



Sara Taylor-Ferrell, Acting City Clerk