

Ordinance No. 15-10

ORDINANCE:

To grant Text Amendment
Application No. TXT2010-
00227, Mayor and Council of
Rockville, Applicant

WHEREAS, the Mayor and Council of Rockville, 111 Maryland Avenue, Rockville, Maryland, 20850, filed Text Amendment Application TXT2010-00227 for the purpose of amending various sections so as to make revisions to the City Zoning Ordinance adopted December 15, 2008 and effective March 16, 2009; and

WHEREAS, the Planning Commission reviewed the proposed text amendment at its meeting of April 28, 2010, and recommended approval of the application, with certain modifications, as set forth in a memorandum to the Mayor and Council dated May 5, 2010; and

WHEREAS, pursuant to Article 66B 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 May 24, at 7:00 p.m., or as soon thereafter as it may be heard; and

WHEREAS, on May 24, 2010, 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, as amended, 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, that Text Amendment Application No. TXT2010-00227, be, and

the same is hereby, granted, as amended, by amending various sections of Chapter 25, "Zoning" as follows:

SECTION 1. That the Table of Contents be amended to add the following entry:

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25.07.15 – Additional Permits and Approvals

25.07.16 – Extension of Implementation Period for Approved Projects

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SECTION 2. That Article 3, "Definitions; Terms of Measurement and Calculations" be amended as follows:

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Toll – To suspend or stop temporarily.

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SECTION 3. That Article 7 – Procedures for Site Plans and Project Plans, Special Exceptions, and Other Permits, be amended as follows:

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25.07.07 – Site Plan Implementation Period

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- b. Extensions – Except as set forth in Section 25.07.16, t[T]he 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 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.

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25.07.08. – Project Plan Review

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15. Findings - The Mayor and Council must make the findings required in Section 25.07.01.[a.3]b.2.

* * *

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 25.07.16, c[C]onstruction 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.

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25.07.09 –Special Exceptions

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n. *Implementation Period* - A special exception approval expires under the following circumstances:

* * *

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 25.07.16.

25.07.16 - 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, 2010 shall resume running as of June 30, 2012.

Section 4. That Article 8, Transitional Provisions, Nonconformities, Nonconforming Alteration Approval, be amended as follows:

25.08.02 – Transitional Provisions

* * *

b. Previously Approved Developments –

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2. Use Permits for Multi-Phase Projects

- (a) All phases of a multi-phase project for which a use permit or detailed application has been approved as of March 16, 2009 must be commenced within eight (8) years from the date of the approval letter of the Approving Authority or the use permit or detailed application will expire, except as may be extended by the provisions of Sec. 25.07.16. A use permit or detailed application will become void for those buildings within a multiple building development for which construction has not commenced within eight (8) years from the date of the use permit or detailed application approval letter.
- (b) Any multi-phase project for which a use permit was approved prior to October 25, 1993 that has not commenced construction on all buildings as of March 16, 2009 must commence construction on all buildings within 8 years from March 16, 2009, or the use permit will expire.
- (c) Notwithstanding compliance with subsection 2.(a) above, and except as may be extended by the provisions of Sec. 25.07.16, for any development located within the Town Center Performance District or within the Twinbrook Metro Performance District the following will apply:
 - i. Where 30 percent or more of the total approved gross floor area has been constructed within eight (8) years from the date of the issuance of the use permit, the use permit becomes void with respect to any building for which construction has not commenced within 12 years from the date of issuance of the use permit.
 - ii. Where 60 percent or more of the total approved gross floor area has been constructed within 12 years from the date of the issuance of the use permit, the use permit becomes void with respect to any building for which construction has not commenced within 14 years from the date of issuance of the building permit.
- (d) Nothing herein shall affect the validity of a use permit for a building constructed in accordance with the requirements of the use permit prior to the expiration for the time frames set forth herein, and as may be extended by the provisions of Sec. 25.07.16.

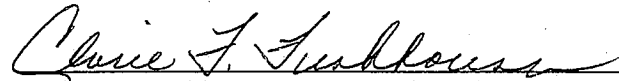
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NOTE: [Brackets] indicate material deleted
Underlining indicates material added

Asterisks * * * indicate material unchanged by this ordinance

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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 June 21, 2010.


Claire F. Funkhouser, CMC, City Clerk