

Resolution No. 9-08

RESOLUTION: To further extend and modify the moratorium, established by Resolution No. 17-06, extended and modified by Resolution No. 10-07, and further modified by Resolutions No. 2-08 and No. 4-08, on the filing of certain development related applications until the completion of a comprehensive review and analysis of the City's zoning and development regulations and the adoption of a revised Zoning Ordinance and Comprehensive Zoning Map Amendment.

WHEREAS, on November 13, 2006, the Mayor and Council adopted Resolution No. 17-06 establishing a moratorium on the filing of certain development related applications, requests, and petitions pursuant to the provisions of Chapter 25 (Zoning and Planning) of the Rockville City Code while the City undertook the process of comprehensively reviewing and revising its entire zoning ordinance; and

WHEREAS, said moratorium was implemented in stages with the final stage becoming effective on September 7, 2007; and

WHEREAS, on October 8, 2007, the Mayor and Council authorized the filing of a text amendment application to reflect the changes contained in the zoning review committee's (RORZOR) proposed new Zoning Ordinance and further authorized the filing of a Comprehensive Map Amendment Application to reflect the changes contained in the RORZOR proposed revised zoning map; and

WHEREAS, pursuant to Resolution No. 17-06 the moratorium was set to expire at the close of business on December 14, 2007, before a revised comprehensive Zoning Ordinance text amendment and Map Amendment could be adopted; and

WHEREAS, on October 8, 2007 the Mayor and Council adopted Resolution No. 10-07, extending the moratorium until close of business on June 30, 2008 or upon the adoption of an

ordinance revising Chapter 25 of the Rockville City Code and adoption of a comprehensive map amendment, whichever date first occurs, and to except from the moratorium the recordation of Final Record Plans for certain one-family detached resident lots; and

WHEREAS, on February 4, 2008 the Mayor and Council determined that it was appropriate to exempt from the moratorium, certain requests for setback variances for one-family detached residential lots, provided that the variance request, if granted, did not exceed 20% of the setback requirement and did not facilitate construction or other development on the residential lot inconsistent with certain development standards recommended in the pending zoning text amendment, and on said date did adopt Resolution No. 2-08 so modifying the moratorium; and

WHEREAS, on April 14, 2008 the Mayor and Council determined that it was appropriate to increase the size of certain residential variances for which an application can be filed to 35% of the setback requirement and to further allow for the filing of applications for certain residential variances from the maximum lot coverage requirements with certain limitations, and on said date did adopt Resolution No. 4-08 so modifying the moratorium; and

WHEREAS, the moratorium so extended and modified is set to expire at the close of business on June 30, 2008; and

WHEREAS, the Planning Commission forwarded its proposed changes to the Zoning Text Amendment and the Zoning Map Amendment to the Mayor and Council on May 21, 2008; and

WHEREAS, because the Mayor and Council will hold public hearings and work sessions on the proposed Text Amendment and Map Amendment, final action on said amendments will not occur prior to August 4, 2008, at the earliest; and

WHEREAS, City staff will require a reasonable period of time after the Mayor and Council adopt the Zoning Text Amendment and Zoning Map Amendment to prepare necessary forms and otherwise prepare for implementing the revised zoning text and zoning map; and

WHEREAS, the Mayor and Council has determined that it is necessary and appropriate to extend the moratorium to allow sufficient time for the Mayor and Council to conduct public hearings and complete its review and evaluation of the proposed Text Amendment and Map Amendment, and to allow staff a reasonable period of time to prepare for the implementation of the revised zoning ordinance and zoning map; and

WHEREAS, the Mayor and Council has also determined that it is appropriate to expand the exemptions from the moratorium to allow the filing and processing of certain applications for minor impact projects.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that

1. The moratorium established by Resolution No. 17-06 adopted November 13, 2006, as fully implemented on September 7, 2007, as extended and modified by Resolution No. 10-07, and as further modified by Resolutions No. 2-08 and No. 4-08, is hereby extended until the close of business on September 30, 2008.

2. The aforementioned moratorium is hereby further modified so as to exempt from its effect the filing of the following applications:

- a. Applications for special exceptions and use permits for uses that are to be conducted in an existing building and for which no site alteration is required.

- b. Applications for variances that would not violate any provisions of the Zoning Text Amendment as recommended by the Planning Commission.
- c. Applications for minor subdivisions. Minor subdivisions involve the creation of three lots or less through the Final Record Plat process.

3. That the Department of Community Planning and Development Services is hereby directed to accept for filing any properly completed application that comes within the exemptions from the moratorium set forth herein or set forth in Resolutions No.10-07, No. 2-08, and No. 4-08; and

4. Except as modified by this resolution, the moratorium established by Resolution No. 17-06, as modified and extended by Resolution No. 10-07, and further modified by Resolutions No. 2-08 and No. 4-08, shall remain in full force and effect until the close of business on September 30, 2008 and

5. The moratorium established by Resolution No. 17-06, as modified and extended by Resolutions No. 10-07 and Resolutions No. 2-08 and 4-08, and as further modified by this resolution, may be further extended or otherwise modified by further resolution of the Mayor and Council.

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I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Mayor and Council at its meeting of June 16, 2008.


Claire F. Funkhouser, CMC, City Clerk