Ordinance No. _____ ORDINANCE: To grant Sectional Map Amendment Application MAP2009-00106, Mayor and Council of Rockville, applicant

WHEREAS, on December 15, 2008, the Mayor and Council adopted ordinance No. 20-08 granting Comprehensive Map Amendment Application MAP2007-00101, which placed the properties in the City in zoning classifications consistent with the zones established in the recently approved comprehensive revision to the City's Zoning Ordinance adopted on December 15, 2008 by Ordinance No. 19-08; and

WHEREAS, Comprehensive Map Amendment Application MAP2009-00105 was subsequently adopted by Ordinance No.3-09 to place certain properties inadvertently omitted from Map Amendment Application MAP2007-00101 in zoning classifications consistent with the zones contained in the recently approved comprehensive revision to the City' Zoning Ordinance, and to reconfirm the zoning of the all properties included in Map Amendment Application MAP2007-00101; and

WHEREAS, Comprehensive Map Amendment Application MAP2009-00105, adopted on March 9, 2009 superseded Comprehensive Map Amendment Application MAP2007-00101 adopted on December 15, 2008

WHEREAS, it was the intent of the Mayor and Council to place the new Mixed-Use Business (MXB) Zone on all properties in the North Stonestreet Avenue corridor that had previously been in the I-1 (Service Industrial) Zone; and

WHEREAS, prior to the adoption of the 2008 and 2009 comprehensive map amendments the properties located at 315 Howard Avenue and 110 Crabb Avenue, along

the North Stonestreet Avenue corridor, were placed in the I-1 (Service Industrial Zone); and

WHEREAS, subsequent to the adoption of Ordinance No. 20-08 and Ordinance No. 3-09, it was discovered that the properties located at 315 Howard Avenue and 110 Crabb Avenue had been erroneously rezoned to the R-60 (Residential) Zone instead of the intended MXB Zone; and

WHEREAS, Sectional Map Amendment Application MAP2009-00106 was filed to remove the properties located at 315 Howard Avenue (consisting of Lot 38, Block C, England's Second Addition to Rockville, Plat 9345) and 110 Crabb Avenue (consisting of Lot 11 and part of Lot 10, Block D, England's Second Addition to Rockville, Plat No. 341) from the R-60 Zone and to place said properties in the MXB Zone; as originally intended; and

WHEREAS, the Planning Commission reviewed the proposed Sectional Map Amendment at its meeting of May 27, 2009 and unanimously recommended approval of the application.

WHEREAS, the Mayor and Council gave notice that a public hearing on said Map Amendment Application MAP2009-00106 would be held by the Mayor and Council of Rockville in the Council Chambers in Rockville on the 15th day of June, 2009 at 7:00 p.m. or as soon thereafter as it may be heard, at which parties in interest and citizens would have an opportunity to be heard, which said notice was published in accordance with the requirements of Article 66B of the Annotated Code of Maryland; and

WHEREAS, the Mayor and Council held a hearing on said application at the time and place so advertised, and has considered the testimony presented at the public hearing as well as the entire record of the proceedings; and

WHEREAS, the Mayor and Council having considered Map Amendment Application MAP2009-00106, and the entire file pertaining thereto, said Mayor and Council having decided that the granting of said application would correct inadvertent errors in the previously approved Comprehensive Map Amendments MAP2007-00101 and MAP2009-00105, and 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:

1. That Map Amendment Application No. MAP2009-00106 rezoning the properties located at 315 Howard Avenue (consisting of Lot 38, Block C, England's Second Addition to Rockville, Plat 9345) and 110 Crabb Avenue (consisting of Lot 11 and part of Lot 10, Block D, England's Second Addition to Rockville, Plat No. 341) to the MXB Zone is hereby granted as set forth on the map attached hereto.

2. That the Zoning Map of the City of Rockville, Maryland, dated March 9, 2009 be, and the same is hereby, amended in accordance with the map attached hereto.

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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 _____, 2009.

_____
Claire F. Funkhouser, City Clerk