



Town of Smithsburg, Maryland
Zoning Ordinance
Text Amendments for
Mixed Use Development

§405-7 Definitions.

Assisted Living Facility – A facility or group of housing units that are designed for senior citizens who are unable to perform, or who need assistance in performing, the activities of daily living or instrumental activities of daily living, but do not require skilled nursing care.

Building Height - A building's vertical measurement from the grade plane to a point midway between the highest and lowest points of the roof.

Continuing Care Retirement Community – A collection of institutional housing facilities with accommodations for independent living, assisted living, and skilled nursing care that offers a continuum of senior living and care. (aka Life Planned Community)

Grade – The finished ground level at the exterior surface of a building or structure.

Grade Plane – A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building; between the building and a point six (six) feet from the building.

Restaurant – An establishment that provides, as a principal use, the preparation and sale of food and/or beverages for consumption on premises. This definition does not include taverns.

Skilled Nursing/Rehabilitation Care Facility – A facility that provides medically necessary professional services from nurses, physical and occupational therapists, and other skilled medical care professionals on a 24-hour basis. (aka Nursing Home or Convalescent Home)

Tavern – An establishment for the selling of alcoholic beverages for consumption on the premises. This definition does not include restaurants that serve alcoholic beverages.

§405-8 Establishment of districts; Zoning Map.

A. For the purpose of this chapter, zoning districts are hereby established as follows:

SR	Suburban Residential District
TR	Town Residential District
TC	Town Center District
GC	General Commercial District
NC	Neighborhood Commercial District
EC	Employment Center District
MXD	Mixed Use Development District

§405-12 Purpose of zoning districts.

G. Mixed Used Development District. This district provides for a greater degree of flexibility and creativity in the design of a traditional neighborhood. The purpose is to promote and attract a mixture of residential, commercial and employment focused uses that will: create a desirable living and working environment, offer a variety of housing densities and types, and plan strategically located open spaces that encourages social interaction, recreation and sensitive area protection. This district is established as a floating zone district.

§405-13 Table of Land Use Regulations.

405 Attachment 1

	SR	TR	TC	GC	NC	EC	MXD
A. Natural Resources and Agricultural Uses							
1. Forests and the harvesting of forest products (including sawmilling), except as required by Article V.	N	N	N	N	N	N	N
2. Fish and wildlife preserves and propagation areas, excluding commercial or membership wildlife hunting preserves.	SE	SE	N	N	N	N	N
3. Mining, quarrying, or the removal of coal, clay, sand, gravel, peat, topsoil, natural mountain or spring waters or any other natural resources, excluding natural gas, from, on, or beneath the land surface for commercial purposes	N	N	N	N	N	N	N
4. Agriculture, as defined in Article II.	P	P	N	P	P	P	P
5. Animal Husbandry for Agricultural Purposes in accordance with §405-33.2	SE	SE	SE	N	N	N	P
6. Domestic Chickens in accordance with §405-33.3	SE	SE	SE	N	N	N	P
B. Residential Uses							
1. Single-family detached dwellings, including prefabricated, modular, panelized or sectional dwellings.	P	P	P	N	N	N	P
2. Mobile homes, as defined in Article II.	N	N	N	N	N	N	N
3. a. Two-family duplex dwellings, as defined in Article II.	N	P	P	N	N	N	P
b. Two-family semidetached dwelling	N	P	P	N	N	N	P
4. Single-family attached townhouse dwellings, as defined in Article II.	N	SE	P	N	N	N	P
5. Cluster residential development, subject to the provisions of § 405-29.	P	P	P	N	N	N	P
6. a. Multifamily apartment dwellings, as defined in Article II.	N	SE	P	N	N	N	P
b. Multifamily condominium dwelling units, as defined in Article II.	N	SE	P	N	N	N	P
7. Mobile home parks or subdivisions.	SE	SE	N	N	N	N	N

8. Dwelling unit in conjunction with a principal nonresidential use.	SE	SE	P	N	P	N	P
9. Conversion of a single-family dwelling or other building into not more than 2 dwelling units subject to the provisions of the Table of Dimensional Requirements for Principal Uses. No expansion of the building area shall be made except as necessary for safety.	SE	P	P	N	N	N	P
10. a. Conversion of a dwelling or other building into multifamily apartments containing more than 2 dwelling units.	N	SE	P	N	N	N	P
b. Conversion of a dwelling or other building into multifamily condominiums containing more than 2 dwelling units.	N	SE	P	N	N	N	P
11. Bed-and-breakfast, rooming houses, or temporary boardinghouses, as defined in Article II.	N	SE	P	N	SE	N	P
12. Home occupations, as defined in Article II.	SE	SE	P	N	SE	N	P
13. Home professional office, as defined in Article II.	SE	SE	P	N	SE	N	P
14. In-home service as a family day-care provider, as defined in Article II.	P	P	P	N	N	N	P
15. Noncommercial parking garage or parking area intended to fulfill off-street parking requirements.	N	P	P	P	P	P	P
C. Public or Private Recreational Uses							
1. Parks designed or intended for passive recreation or open space.	P	P	P	P	P	P	P
2. Areas designed, equipped or intended for noncommercial active outdoor recreation, including but not limited to picnicking, field sports, tennis, swimming and the like.	P	P	SE	SE	SE	SE	P
3. Swimming pool (or beach) conducted as a principal use.	SE	SE	P	P	P	SE	P
4. Outdoor riding stables, subject to the setback requirements specified in § 405-27.	N	N	N	SE	N	SE	N
5. Private or membership clubs or lodges not operated commercially, nor conducted primarily as a business enterprise.	N	N	P	P	SE	N	P
6. Golf courses	SE	SE	N	N	N	N	N
7. Golf driving or practice ranges, batting cages, racquet clubs/courts or miniature golf courses and the like, conducted as a principal use	N	N	N	P	SE	N	N
8. Commercial outdoor recreation or amusement areas not otherwise described	N	N	N	N	N	N	N

within this table, including rod and gun, archery and skeet shooting establishments and go-karts							
9. Indoor recreation facilities, including but not limited to bowling alleys, theaters, movie theaters, skating rinks, tennis courts, health/recreation, billiard or poolroom facilities and the like.	N	N	SE	P	SE	N	P
10. Transient or temporary recreational activity, such as a carnival, circus, fair or the like, provided each such activity does not exceed 14 days in a single year.	P	P	P	P	P	P	P
D. Institutional, Education and Utility Uses							
1. Churches and other places of worship.	SE	SE	P	SE	P	N	P
2. Cemeteries	P	P	SE	N	N	N	N
3. Public and private licensed hospitals, sanatoria and inpatient drug and alcohol rehabilitation facilities, subject to provisions of § 405-27.	N	N	N	SE	N	N	N
4. Assisted Living Facility	P	P	P	P	N	N	P
5. Skilled Nursing/Rehabilitation Care Facility (aka Nursing Homes and Convalescent Home)	SE	SE	SE	SE	N	N	P
6. Continuing Care Retirement Community	N	SE	SE	N	N	N	P
7. Group Homes							
a. Halfway houses and juvenile institutions	N	N	N	N	N	N	N
b. Handicapped and safe houses.	SE	SE	SE	SE	SE	SE	P
8. Meeting or assembly halls for philanthropic, religious, fraternal, civic or other nonprofit organizations/corporations; see setback requirements in § 405-27.	SE	SE	P	P	SE	N	P
9. Communications facilities, not limited to radio or television broadcasting or relay towers, and accessory equipment, except those utilities allowed under Subsection 89a and b, including community and cable television systems, provided that a tower shall not be located closer to any lot line than a distance equal to its height, plus 100 feet, and shall not be used to support lights or signs other than those required for aircraft warning or other safety purposes.	N	N	N	N	N	SE	N
10. Water reservoir and/or storage facilities, sewage treatment plants, lagoons, settling basins, and the like, conducted as a principal use.	SE	SE	SE	SE	SE	SE	P
11. Substations, yards or areas of transforming or switching electricity.	SE	SE	N	SE	SE	SE	N

12. Civic buildings, including community centers, museums, post offices, libraries, fire and rescue stations, ambulance services and emergency medical transport services, and halls and public office buildings erected or used by federal, state, county or municipal governments or agencies thereof.	SE	SE	SE	P	SE	N	P
13. Government buildings or uses other than those described in Subsection 39 above, except educational buildings and uses.	SE	SE	SE	SE	SE	SE	P
14. Child-care centers, licensed, or drop-in centers as defined in Article II.	SE	SE	P	P	P	A	P
15. Public or private elementary schools or middle schools	P	P	N	N	N	N	P
16. Public or private high schools or colleges.	SE	SE	N	SE	N	N	P
17. Public or private trade or professional schools, or the like	N	N	SE	P	N	P	P
18. Penal institution.	N	N	N	N	N	N	N
E. Retail and Commercial Services Uses							
1. Automobile car washes, motor vehicle repair garages, small engine and related equipment repair and maintenance, to include lawn mowers.	N	N	N	P	N	N	N
2. Automobile, truck, farm equipment, trailer, motorcycle, recreational vehicle and accessory equipment, snowmobile or mobile home display and sale or rental, including repair and maintenance of such vehicles and equipment as an accessory use, provided that:	N	N	N	P	N	N	N
a. Repair and maintenance, except to farm equipment, recreational vehicles and accessory equipment, and mobile homes, shall be conducted within enclosed buildings; and							
b. All outdoor storage areas and all outdoor repair and maintenance areas for farm equipment, recreational vehicles and mobile homes shall be effectively screened from view from public roads and adjoining residences by a solid wall, screen or fence at least 6 feet high or by dense evergreen plantings of equal height. All screening shall be continuously maintained.							
3. Automobile service stations, except highway service plazas as defined in Article II.	N	N	N	P	SE	N	N

4. Highway service plazas; see setback requirement in § 405-27.	N	N	N	SE	N	SE	N
5. Shopping center or mall. See § 405-30.	N	N	N	P	N	N	N
6. Building materials and supplies, for sale, provided that outdoor storage areas shall be effectively screened from view from public roads and adjoining residences by a solid wall, screen or fence at least 6 feet high or by dense evergreen plantings of equal height. All screening shall be continuously maintained.	N	N	N	P	N	N	N
7. Animal hospitals and kennels; see setback requirements in § 405-27.	N	N	N	SE	N	N	N
8. Veterinarian's offices limited to small animal practice and provided that no overnight boarding occurs for nonmedical reasons.	N	N	N	P	SE	N	P
9. Business, service.	N	N	P	P	P	P	P
10. Professional offices.	N	N	P	P	P	P	P
11. Medical and dental offices or clinics for outpatient treatment, including accessory laboratory facilities.	N	N	P	P	SE	SE	P
12. Feed, grain and farm supply stores, including silos, elevators, warehouses and similar enclosed storage.	N	N	N	P	N	SE	N
13. Funeral homes, mortuaries and the like	N	N	N	P	N	N	N
14. Greenhouses and nurseries, including sales facilities.	N	N	N	P	SE	SE	N
15. Hotels, motels and the like. See § 405-31.	N	N	N	P	N	SE	N
16. Printing, photographic processing, blueprinting, photocopying and similar reproduction services, and facsimile transmission, except publishing.	N	N	P	P	N	P	N
17. Parking lot or garage as a commercial or public enterprise, provided that such parking lot shall be screened by a solid wall, screen or fence at least 3 feet high or by dense evergreen plantings of equal height. All screening shall be continuously maintained.	N	SE	P	P	SE	SE	N
18. Business, personal service.	N	N	P	P	P	SE	P
19. Furniture, to include upholstery, repair, and refinishing.	N	N	N	P	N	SE	N
20. Restaurants and the like, except drive-in and drive-through restaurants as defined in Article II.	N	N	P	P	SE	N	P
21. Drive-in and drive-through restaurants	N	N	N	P	N	N	N
22. Business, neighborhood retail.	N	N	P	P	P	N	P
23. Convenience stores and centers.	N	N	SE	P	SE	N	N

24. Specialty auto services, to include glass repair, lubrication, brake repair, and upholstery or the like.	N	N	N	P	N	N	N
25. Business, general retail.	N	N	P	P	SE	N	P
26. Signs. See the provisions of Article VII, including:							
a. On-premises identification signs. See § 405-45B	A	A	A	A	A	A	A
b. On-premises advertising signs. See § 405-45C.	A	A	A	A	A	A	A
c. Off-premises directional signs. See § 405-46B	N	N	N	N	N	N	N
d. Off-premises business advertising signs. See § 405-46C(1).	N	N	N	N	N	N	N
e. Off-premises commercial advertising signs. See § 405-46C(1).	N	N	N	N	N	N	N
f. Temporary signs. See §§ 405-45D and 405-46D.	P	P	P	P	P	P	P
g. Civic billboards.	P	P	P	P	P	P	P
27. Taverns.	N	N	P	P	SE	N	N
28. Warehousing and similar storage completely within enclosed buildings, including wholesale business, motor trucking terminals and accessory truck servicing, but excluding motor vehicle repair garages.	N	N	N	SE	N	P	N
29. Mini warehousing/storage.	N	N	N	P	N	P	N
F. Manufacturing and Industrial Uses							
1. Processing, commercial.	N	N	N	N	N	P	N
2. Processing or the manufacturing of sauerkraut, vinegar or yeast or the rendering or refining of fats and oils.	N	N	N	N	N	N	N
3. Processing or manufacturing, primary.	N	N	N	N	N	N	N
4. Processing or manufacturing, secondary.	N	N	N	N	N	P	N
5. Research, design and development laboratories.	N	N	N	N	N	SE	N
6. Commercial bulk cleaning and laundering.	N	N	N	N	N	P	N
7. Wholesale distribution of petroleum products, including accessory storage facilities.	N	N	N	N	N	N	N
8. Blacksmith, welding, sheet metal, tool, die, gauge and machine shops.	N	N	N	SE	N	SE	N
9. Contractors' equipment and material storage yards, provided that such shall be effectively screened from view from public roads and adjoining residences by a solid wall, screen or fence at least 6 feet high or by dense evergreen plantings of equal	N	N	N	SE	N	SE	N

height. All screening shall be continuously maintained.							
10. Industrial parks, subject to the provisions of § 405-32. See setback requirements in § 405-27.	N	N	N	N	N	P	N
G. Miscellaneous and Accessory Uses							
1. Junkyards.	N	N	N	N	N	N	N
2. Sanitary and rubble landfills	N	N	N	N	N	N	N
3. Other uses substantially similar in character and impact to uses ordinarily permitted by this chapter by right or by special exception within the same zoning district.	SE	SE	SE	SE	SE	SE	N
4. Accessory uses, including:							
i. Accessory use or building as defined in Article II	A	A	A	A	A	A	A
ii. Travel trailer and boat storage, provided that such stored vehicles shall not be occupied or used for dwelling purposes and shall not be located within front or side yard areas	A	A	A	A	A	A	A
iii. Temporary buildings accessory to a construction project	A	A	A	A	A	A	A
iv. Fences, walls and landscaping materials, subject to the traffic visibility requirements specified in § 405-20.	A	A	A	A	A	A	A
v. Off-street parking; see provisions of Article VI.	A	A	A	A	A	A	A
vi. Noncommercial kennel.	A	A	A	A	A	A	A
vii. Noncommercial satellite dish and TV tower.	A	A	A	A	A	A	A
viii. Renewable energy resource systems per § 405-33.1	A	A	A	A	A	A	A
5. a. Essential utility equipment as defined in Article II.	P	P	P	P	P	P	P
b. Utility equipment – other. Prior to the construction of any overhead electrical power line of 69 kilovolts or greater capacity, of any cross-country telephone trunk line, including microwave facilities, or of any underground pipeline for transmission of natural gas or petroleum products, location and right-of-way plans of said lines and accessory facilities shall be submitted for the information and review of the Planning Commission.	P	P	P	P	P	P	P

Article V: Supplemental Regulations

§405-33.2 Mixed Use Development Districts

- A. Establishment. The Mixed Use Development District is created as a floating zone that may be established on the following zoning districts: Suburban Residential (SR), Town Residential (TR), Neighborhood Commercial (NC), or General Commercial (GC).
- B. Zoning Approval. No property shall have a MXD floating zone except upon an approved application in accordance with this Ordinance. Applications for the MXD district shall only be accepted from the property owner or owner's authorized agent. The Town of Smithsburg may not, of its own initiative, affix a MXD overlay zone to the Zoning Map.
- C. Permitted Uses. Permitted and accessory uses are outlined in §405-13 Table of Land Use Regulations. There are no special exception uses in the Mixed Use Development District that may be approved by the Board of Zoning Appeals. The MXD District is analogous to a special exception use and its application is therefore granted through the review process outlined in this Section.
- D. Permitted Density and Lot Size
 - (1) Lot size. A MXD floating zone may only be applied to existing parcels that are a minimum of five (5) acres in size.
 - (2) Residential density shall be evaluated on a case-by-case basis. It is preferred that the applicant consider a reasonable mix of residential and commercial uses for the project. Planned communities should demonstrate accessible and walkable neighborhoods.
 - (3) Any land designated for non-residential use shall be subtracted from the gross acreage of the site and shall not be included in calculating permitted residential density.
- E. Supplemental Provisions
 - (1) Residential Uses.
 - (a) An MXD must contain a minimum of two (2) different types of residential uses.
 - (b) Minimum total lot area, minimum lot area per dwelling unit, minimum lot width, and minimum yard widths shall follow the same regulations as those listed in the Table of Dimensional Requirements for Principal Uses for the Town Center (TC) District. The Planning Commission may approve variance

from such standards if the applicant can demonstrate a benefit to the overall design of the community.

- (c) Maximum height of building: 50 feet

(2) Open Space.

- (a) A minimum of 5% of the gross acreage shall be designated as open space for the project and shall be strategically located throughout the MXD so as to provide for social interaction, recreation, and sensitive area protection. Open areas may include tot lots, walking/fitness trails, multi-use recreational fields, and user amenities. Forest conservation easements may be integrated into the planned open space areas but may not count toward the minimum open space acreage requirements. Stormwater management areas may not be used to meet open space requirements unless it is integrated into the overall design of the development to be used as a year round water feature such as a pond or fountain area.
- (b) A variety of open space and recreational areas is encouraged, including children's informal play in close proximity to individual dwelling units according to the concentration of dwellings, formal parks, picnic areas, playgrounds, areas of formal recreation activity (such as tennis courts), scenic open areas and communal recreational facilities (such as swimming pools).
- (c) All lands and improvements in designated open space shall be established, managed, and maintained in accordance with the following guidelines:
 - i. Designated open space shall be surveyed and legally described as a separate parcel or parcels.
 - ii. Designated open space must be restricted from further development by a permanent conservation easement running with the land. The permanent conservation easement must be submitted with the preliminary site plan and approved by the Planning Commission.
- (d) Ownership of the underlying fee of each designated open space parcel, subject to the terms of the permanent conservation easement, may be held by:
 - i. a common ownership association which owns non-open space land within the subdivision and in which membership in the association by all property owners in the subdivision shall be mandatory;
 - ii. an individual who will use the land in accordance with the permanent conservation easement;
 - iii. Town of Smithsburg or another governmental agency;

- iv. A private, nonprofit organization that has been designated by the Internal Revenue Service as qualifying under §501(c)(3) of the Internal Revenue Code; or

- v. A combination of the entities in (i-iv) above.

(e) The permanent conservation easement must specify:

- i. what entity will maintain the designated open space;
- ii. the purposes of the conservation easement and the conservation values of the property;
- iii. the legal description of the land under the easement;
- iv. the restrictions of the use of the land;
- v. to what standards the open space will be maintained; and
- vi. that easements will be open to the general public.

(f) The owner of the underlying fee simple land shall be responsible for the payment of taxes and assessments on any designated open space parcel.

F. Procedures for application and review of Mixed Use Districts

(1) The applicant is encouraged to seek the advice of the Town's administrative staff, and/or professional designers, architects, planners, engineers and lawyers in the preparation of plans and documents to implement a planned unit development.

(2) In order to benefit the applicant by providing information and guidance before entering into binding commitments or incurring substantial expense, review of planned unit development applications shall proceed in a multistep process that includes: Concept Plan review, Zoning Approval, Development Plan approval, and plat/site plan approval.

(a) Concept Plan Review

The purpose of the Concept Plan Review is to provide an exchange of information between the developer and the Planning Commission prior to a formal application for a Mixed Use District. The intent is for the developer to provide the Commission with general information for the layout, density, specific uses, and the like. The Commission, in turn, will provide the developer with a corresponding response. The Mayor and Council may also be invited to review the Concept Plan.

The applicant may not proceed to the next step in the review process, which is submittal of an application for and approval of the mixed use zoning, until

the Planning Commission has completed at least one review of the Concept Plan and heard a summary of staff and review agency comments during a regularly scheduled Planning Commission meeting.

Content of the Concept Plan shall include:

- i. A vicinity map showing the location of the district in relation to its surroundings and its location in the municipality.
- ii. The boundary, acreage, and current zoning of the tract.
- iii. Minimum topographic information sufficient to determine surface draining patterns.
- iv. Location of sensitive areas including: floodplains, stream buffers, wetlands, and steep slopes.
- v. Location of historic structures on the site.
- vi. An approved forest stand delineation.
- vii. The location of areas within the tract proposed for the various uses that may be permitted such as single-family, two-family, and multifamily residential uses; commercial uses, industrial or employment uses, open space, recreation, and forest conservation areas. Also, a tabulation for each area of the number of dwelling units, the maximum building heights, the gross acreage, the gross residential density, and the gross area and maximum building square footage devoted to commercial and employment uses; and a summary of the total dwelling units and the gross residential density for the entire tract.
- viii. General alignment of principal streets and highways within the development, including major points of access; their relationship to proposed streets within adjacent approved subdivisions and other roadways. In addition, the applicant must submit a Traffic Impact Study in accordance with State, County, and municipal standards.
- ix. A preliminary vehicular, pedestrian, and bicycle circulation system including driveways, walkways, bike paths, parking areas and streets to be dedicated.
- x. Estimated average daily water consumption and sewerage flows.
- xi. Any pre-existing easement or rights-of-way.
- xii. A preliminary phasing schedule of the development describing the timing and sequence of the development.

(b) Zoning Approval

If the applicant decides to proceed, a formal application for Zoning approval shall be submitted to the Town Planning Commission accompanied by the appropriate fees as established by the Mayor and Council. The application shall be accompanied by the Concept Plan, revised to address any Planning Commission and other review agency comments and concerns. The application shall include a clear indication of the residential density requested in the Mixed Use District and any needed modifications to lot area, setbacks, or buffers.

The Mayor and Council and the Planning Commission shall hold public hearings, jointly or separately. Within sixty (60) days after the public hearing before the Mayor and Council and receipt of the Planning Commission's recommendation, the Mayor and Council shall render a decision on the mixed use zoning application. Zoning approval constitutes tentative approval of density and design features as shown on the Concept Plan.

(c) Development Plan Approval

The applicant shall submit the Development Plan within sixty (60) days of the zoning approval. Requests for extension may be granted by the Planning Commission for good cause. The Development Plan submittal shall include any and all conditions approved as part of the Concept Plan and Zoning Approval. The Development Plan shall also include the same minimum information contained in the Concept Plan, plus:

- i. Finalized alignments of streets and highways, vehicular, pedestrian and bicycle circulation, and location and layout of lots.
- ii. An approved Forest Conservation Plan
- iii. Completed documents that include provisions for ownership and perpetual maintenance of common open space, recreational facilities, private roadways and parking areas, such as a homeowners association.
- iv. Agreements for responsibilities between the Town and the developer for providing on-site and off-site improvements.

Subsequent site plans or subdivision applications may not be submitted prior to Final Development Plan approval. The Final Development Plan shall serve as the master plan for all subsequent site plans and is the official record of agreement between the developer and the Town Planning Commission for

development of the tract. Therefore, approval shall be indicated by the Planning Commission Chairman's signature on the Final Development Plan.

(d) Plat/Site Plan Approval

After Final Development Plan approval, the applicant may submit appropriate subdivision plats and site plans in accordance with the regulations set forth in the Town of Smithsburg Subdivision and Zoning Ordinances.

(3) Failure to Progress

- (a) If the applicant has not obtained appropriate construction permits (i.e. grading, stormwater, building, etc.) for the development within two (2) years of approval of the floating zone by the Mayor and Council, the tract shall automatically revert to its prior zoning classification.
- (b) The original applicant may apply to the Planning Commission, prior to the expiration of the MX zoning classification, for a one (1) year extension of the MX zoning on the tract. Under such application, the MX development will be reviewed by the Planning Commission to determine if the MX remains an appropriate use for the property. The Planning Commission shall act upon a MX Extension application within thirty (30) days of its receipt and acceptance by the Planning Commission. If the Planning Commission has taken no action within thirty (30) days as prescribed, the MX zoning extension shall be considered granted for a period of six months. If the six-month extension is in effect, the applicant may apply to the Planning Commission for one additional six-month extension.
- (c) If the Planning Commission grants the one (1) year extension and construction of the project has not commenced within three (3) years of the original rezoning to MX, the zoning shall automatically revert to its prior classification. Under no circumstances shall the MX zoning remain on a property for more than three years if the project applicant has failed to obtain appropriate permits for the project unless, through no fault of the developer, a good faith effort has been made toward advancing the project but has been delayed by third party reviews.

Public Hearing Date: August 13, 2019

Date of Passage: September 3, 2019

Effective Date: September 24, 2019