

Article 4 – Approving Authorities

25.04.01 – Mayor and Council

- a. *Powers and Duties* – The Mayor and Council have all powers and duties conferred and imposed on it by the City Charter, the Land Use Article of the Annotated Code of Maryland, this Chapter and other applicable provisions of State law.
- b. *Appeals* – Any person aggrieved by any decision of the Mayor and Council made on a map amendment application or a Project Plan application may appeal the same to the Circuit Court for the County. Such appeal must be taken according to the Maryland Rules as set forth in Title 7, Chapter 200.

25.04.02 – Planning Commission

- a. *Established* – There is established a Planning Commission for the City of Rockville.
- b. *Powers and Duties*
 1. *Generally* – The Commission has all those powers and duties conferred and imposed upon it by this Chapter and the provisions of State law, including but not limited to:
 - (a) Providing analysis and recommendations to the Mayor and Council on matters related to the Plan for the City;
 - (b) Providing analysis and recommendations to the Mayor and Council on matters related to amendments to this Chapter and the Zoning Map;
 - (c) Reviewing and acting upon site plan and Project Plan applications in accordance with provisions of Article 7;
 - (d) Administering the subdivision process as set forth in Article 21; and
 - (e) Providing analysis and advice to the Board of Appeals regarding special exceptions, and other matters when deemed appropriate by the Planning Commission. If the Planning Commission exercises this power, the Planning Commission must submit to the Board of Appeals its written recommendation on the matter, at least seven (7) days prior to the public hearing or meeting of the Board of Appeals on this matter.
 - (f) Consider appeals from the decisions of the Chief of Planning and Chief of Inspection Services as provided by this Chapter.
 - (g) Reviewing and acting on proposed public projects in accordance with the Land Use Article.
 2. *Responsibility Where Approval is Required* – Where Planning Commission approval is required under this Chapter or other applicable law, the Commission must:
 - (a) Consider and act upon any request for approval,

- (b) Consider such request with regard to matters and facts pertinent and applicable thereto, and
- (c) Render its decision in accordance with the requirements, purpose, and intent of this Chapter and the Plan.

c. *Membership*

- 1. *Number* – The Commission consists of seven (7) members who are appointed by the Mayor, subject to the confirmation of the Council.
- 2. *Term*
 - (a) *Length of Term* – The term of each member is five (5) years, or until a successor takes office. Appointment to fill an unexpired term is for the remaining length of the initial term.
 - (b) *Staggered Terms* – The respective terms of the seven (7) members must be staggered.
- 3. *Chairperson*
 - (a) *Appointment* – A Chair is elected by and from the appointed members of the Commission.
 - (b) *Term* – The Chair serves a term of one (1) year and is eligible for reelection.
- 4. *Qualification* – Each member must be a resident of the City.
- 5. *Clerk of Commission* – The Chief of Planning serves as the Clerk of the Commission and will:
 - (a) Attend all meetings of the Commission;
 - (b) Keep a full and accurate account of the proceedings of the Commission, including but not limited to the official record of all matters filed with the Commission;
 - (c) Accept and transmit all relevant applications to the Commission; and
 - (d) Keep such other records and perform such other duties as may be required by this Chapter or by the Commission.

- d. *Rules of Procedure* – In exercising its powers and complying with its duties hereunder, the Commission must adopt reasonable rules for the conduct of its business.

e. *Meetings and Hearings*

- 1. Meetings must be held when necessary to conduct business or at intervals as may be mandated by State law, this Chapter, or the adopted Rules of Procedure of the Commission.

2. Hearings must be held when required by State law or other provision of this Chapter.
- f. *Appeals* – Unless otherwise provided, any person aggrieved by any final decision of the Commission may appeal the same to the Circuit Court for the County. Such appeal must be taken according to the Maryland Rules as set forth in Title 7, Chapter 200.
- (g) Reviewing and acting on proposed public projects in accordance with the Land Use Article.

25.04.03 – Board of Appeals

- a. *Established* – There is established a Board of Appeals for the City of Rockville.
- b. *Powers and Duties*
 1. *Generally* – The Board has all those powers and duties conferred and imposed upon it by this Chapter and the provisions of State law, including but not limited to:
 - (a) Reviewing and acting upon applications for special exceptions and variances; and
 - (b) Reviewing and acting upon appeals from administrative decisions.
 2. *Responsibility Where Approval Is Required* – Where Board of Appeals approval is required under this Chapter or other applicable law, the Board must:
 - (a) Consider and act upon any request for approval;
 - (b) Consider such request with regard to matters and facts pertinent and applicable thereto; and
 - (c) Render its decision in accordance with the requirements, purpose, and intent of this Chapter.
 3. *Administrative Appeals* – All appeals from administrative decisions, including appeals from the Sign Review Board, are de novo and shall be considered by the Board in accordance with State law.
- c. *Membership*
 1. *Number* – The Board consists of three (3) members and one (1) alternate member who are appointed by the Mayor, subject to the confirmation of the Council.
 2. *Term*
 - (a) *Length of Term* – The term of each member is three (3) years, or until a successor takes office. Appointment to fill an unexpired term is the remaining length of the initial term.

- (b) *Staggered Terms* – The respective terms of the three (3) members and one (1) alternate member must be staggered.
3. *Chairperson*
 - (a) *Appointment* – A Chair is elected by and from the appointed members of the Board.
 - (b) *Term* – The Chair serves a term of one (1) year and is eligible for reelection.
 4. *Qualification* – Each member must be a resident of the City.
 5. *Clerk of the Board* – The Chief of Planning serves as the Clerk of the Board and will:
 - (a) Attend all meetings of the Board;
 - (b) Keep a full and accurate account of the proceedings of the Board, including but not limited to the official record of all matters filed with the Board;
 - (c) Accept and transmit all relevant applications to the Board; and
 - (d) Keep such other records and perform such other duties as may be required by this Chapter or by the Board.
- d. *Rules of Procedure* – In exercising its powers and complying with its duties hereunder, the Board must adopt reasonable rules for the conduct of its business.
 - e. *Meetings and Hearings*
 1. Meetings must be held when necessary to conduct business or at intervals as may be mandated by State law, this Chapter, or the adopted Rules of Procedure of the Board.
 2. Hearings must be held when required by State law or other provision of this Chapter.
 3. The Board must hold a hearing on an appeal from the decision of the Sign Review Board no later than 45 days from the date of the filing of the appeal, provided that a different date may be set with the consent of the party filing the appeal.
 - f. *Decision on Appeal from Sign Review Board* – The Board shall render its decision on an appeal from the Sign Review Board within ten (10) business days following the completion of the hearing, provided that the time for rendering a decision may be extended with the consent of the party filing appeal.
 - g. *Appeals* – Any person aggrieved by any final decision of the Board, including the failure of the Board to conduct a hearing or render a written decision within the time frames set forth in subsections 25.04.03.e.3 and f of this Section, may appeal the same to the Circuit Court for the County. Such appeal must be taken according to the Maryland Rules as set forth in Title 7, Chapter 200.

25.04.04 - Historic District Commission

- a. *Established* – There is established an Historic District Commission for the City of Rockville.
- b. *Powers and Duties*
 1. *Generally* – The Historic District Commission has all those powers and duties conferred and imposed upon it by this Chapter and the provisions of State law, including but not limited to:
 - (a) Identifying and recommending to the Mayor and Council properties and/or areas deemed eligible for historic designation due to their historic, archaeological, or architectural significance;
 - (b) Reviewing applications for Certificates of Approval for sites, buildings or structures within a Historic District zone;
 - (a) Evaluating eligibility for historic designation of any sites, buildings or structures located outside a Historic District Zone which are proposed for demolition;
 - (d) Providing courtesy review to the Planning Commission and Mayor and Council as requested, for projects within or adjacent to historic resources.
 2. *Responsibility Where Approval Is Required* – Where Historic District Commission approval is required under this Chapter or other applicable law, the Historic District Commission must:
 - (a) Consider and act upon any request for approval;
 - (b) Consider such request with regard to matters and facts pertinent and applicable thereto; and
 - (c) Render its decision in accordance with the requirements, purpose, and intent of this Chapter.
- c. *Membership*
 1. *Number* – The Historic District Commission consists of five (5) members and one (1) alternate who are appointed by the Mayor, subject to the confirmation of the Council.
 2. *Term*
 - (a) *Length of Term* – The term of each member is three (3) years, or until a successor takes office. Appointment to fill an unexpired term is the remaining length of the initial term.
 - (b) *Staggered Terms* – The respective terms of the five (5) members must be staggered.
 3. *Chairperson*

(a) *Appointment* – A Chair is elected by and from the appointed members of the Historic District Commission.

(b) *Term* – The Chair serves a term of one (1) year and is eligible for reelection.

4. *Qualification*

(a) Each member must be a resident of the City; and

(b) Each member must possess a demonstrated special interest, specific knowledge or professional or academic training in such fields as: history, architecture, architectural history, planning, archaeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design, or related disciplines.

i. The requirement for commission membership under the category of demonstrated special interest may be satisfied either by formal training in one (1) or more of the above-listed fields or two (2) or more years of active membership in a preservation-related organization as cited in a letter of recommendation from that organization.

ii. Formal post secondary education, employment and/or practical experience in one (1) or more of the above-listed fields may satisfy the requirement for membership under the category of specific knowledge.

iii. The requirement for commission membership under the category of professional or academic training may be satisfied by, at a minimum, two (2) years experience as a professional or a Baccalaureate degree in one or more of the above listed fields.

iv. A "related discipline" may be conservation of historic resources or a building trade or profession with a specialty in structural restoration.

5. *Clerk of the Historic District Commission* – The Chief of Planning serves as the Clerk of the Historic District Commission and will:

(a) Attend all meetings of the Historic District Commission;

(b) Keep a full and accurate account of the proceedings of the Historic District Commission, including but not limited to the official record of all matters filed with the Commission;

(c) Accept and transmit all relevant applications to the Historic District Commission; and

(d) Keep such other records and perform such other duties as may be required by this Chapter or by the Historic District Commission.

d. *Rules of Procedure* – In exercising its powers and complying with its duties hereunder, the Historic District Commission must adopt reasonable rules for the conduct of their business.

e. *Meetings and Hearings*

1. Meetings must be held when necessary to conduct business or at intervals as may be mandated by State law, this Chapter, or the adopted Rules of Procedure of the Historic District Commission.
2. Hearings must be held when required by State law or other provision of this Chapter.

- f. *Appeals* – Any person aggrieved by any decision of the Historic District Commission may appeal the same to the Circuit Court for the County. Such appeal must be taken according the Maryland Rules as set forth in Title 7, Chapter 200.

25.04.05 – Reserved

25.04.06 – Chief of Zoning

a. *Powers and Duties*

1. *Generally* – The Chief of Zoning has all those powers and duties conferred and imposed upon the Chief of Zoning by this Chapter including but not limited to:
 - (a) Acting as the clerk of various boards and commissions, where provided in this Article;
 - (b) Determining whether unclassified uses not specifically listed in the land use tables are either permitted or prohibited where the characteristics of the use are similar to other uses listed in the land use tables and consistent with the intent of this Chapter;
 - (c) Reviewing and acting upon administrative interpretations in accordance with Section 25.06.04;
 - (d) Reviewing and acting upon administrative adjustments in accordance with Section 25.06.05;
 - (e) Reviewing and acting upon applications for building permits, occupancy permits, sign permits, and temporary occupancy permits for purposes of determining, and so advising the Chief of Inspection Services, whether all zoning requirements have been met; and
 - (f) Reviewing and acting upon site plan applications in accordance with the provisions of Article 7.
 - (g) Reviewing and acting upon nonconforming alterations appreciation in accordance with the provisions of Section 25.08.08.
 - (h) Interpreting the decisions of the Approving Authorities.
2. *Responsibility Where Approval Is Required* – Where Chief of Zoning approval is required under this Chapter, the Chief of Zoning must:
 - (a) Consider and act upon any request for approval;

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- (b) Consider such request with regard to matters and facts pertinent and applicable thereto; and
- (c) Render a decision in accordance with the requirements, purpose and intent of this Chapter.

b. *Appeals*

1. Any person aggrieved by any final decision of the Chief of Zoning on a site plan application, a nonconforming alteration application, or on an interpretation of an approval of the Planning Commission or other Approving Authority may appeal the same to the Planning Commission or such other Approving Authority.
 - (a) Such appeal must be filed within 30 days of the date on the official letter of notification of the decision; and
 - (b) Upon receipt of such appeal, the matter must be scheduled for consideration by the Planning Commission in a timely manner.
2. Any person aggrieved by any other final decision of the Chief of Zoning may appeal the same to the Board of Appeals.
 - (a) Such appeal must be filed within 30 days of the date on the official letter of notification of the decision; and
 - (b) Upon receipt of such appeal, the matter must be scheduled for consideration by the Board of Appeals in a timely manner.
3. Any person aggrieved by a decision of the Chief of Zoning pertaining to signs may appeal said decision to the Board of Appeals in accordance with the provisions of Article 18 of this Chapter.

25.04.07 – Chief of Inspection Services

- a. *Powers and Duties* – The Chief of Inspection Services has all those powers and duties conferred and imposed upon it by this Chapter, including but not limited to:
 1. Coordinating the authorization by City departments for the issuance of permits administered by the Building Code, as contained in Chapter 5 of the Code; including but not limited to occupancy permits; and
 2. Administering temporary use permits in accordance with Section 25.09.04.
- b. *Appeals*
 1. Any person aggrieved by any other final decision of the Chief of Inspection Services under the provisions of this Chapter may appeal the same to the Board of Adjustments and Appeals within 30 days of the date on the official letter of notification of the decision.

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25.04.08 – Additional Approvals

In addition to the approvals identified in this Article, land use and development may be subject to additional approvals required in other chapters of the Code or by resolution of the Mayor and Council, or by the adopted Plan.