

Article 1 – General Information

25.01.01 – Title and Effective Date

- a. This Chapter is known as the Zoning Chapter (Chapter 25) of the Rockville City Code. It may also be referred to as the Zoning Ordinance for the City of Rockville.
- b. The effective date of this Chapter is March 16, 2009.

25.01.02 – Purpose

The purposes of this Chapter are to:

1. Provide for appropriately scaled, designed, and sited buildings and other structures that are compatible with the natural and built environment;
2. Promote environmentally sustainable developments and otherwise provide for the conservation of natural resources and the environment;
3. Promote the City as an inclusive community by facilitating diversity in housing, building design, and land use;
4. Promote alternative modes of transportation by providing convenient, safe, and connected accessibility to public transportation, pedestrian and bicycle systems, inviting streetscapes, and a mixture of uses;
5. Ensure that development occurs in an orderly fashion consistent with the Master Plan (the "Plan") and the availability of adequate infrastructure capacity and other public facilities;
6. Ensure the most appropriate use of land throughout the City;
7. Protect and enhance the aesthetic and visual character of the City and its residential neighborhoods;
8. Preserve sites, structures, and districts of historical, archeological, or architectural significance, and their appurtenances and environmental settings;
9. Secure the public safety;
10. Provide adequate light and air;
11. Foster innovative, creative, sustainable, and flexible building and site design;
12. Provide attractive, high quality development and design that enhances the community's quality of life; and
13. Otherwise protect and promote the health, safety, comfort, convenience, welfare, and happiness of the Rockville community through the comprehensive regulation of the use and development of land and structures.

25.01.03 – Authority

The provisions of this Chapter are adopted in accordance with the zoning and planning authority enumerated in the City Charter, the Land Use Article of the Annotated Code of Maryland, as amended, and other applicable State enabling authority.

25.01.04 – Relation to Master Plan

- a. The provisions of this Chapter are adopted in accordance with the Master Plan, and as the Plan may be amended from time to time.
- b. Whenever there is a requirement in this Chapter that a finding be made that an application conforms to the Plan, such finding need not be made where the Approving Authority finds that events have occurred or circumstances exist to render such compliance inappropriate with respect to such application.

25.01.05 – Applicability

All land within the corporate boundaries of the City of Rockville is subject to the provisions of this Chapter, except as otherwise provided by law.

25.01.06 – Compliance

A person cannot use, develop or alter any land or structure within the City without complying with the applicable provisions of this Chapter.

25.01.07 – Interpretation

- a. *Minimum Requirements* - In interpreting and applying this Chapter, the requirements contained within are declared to be the minimum requirements for the protection of the public health, safety, or welfare.
- b. *Conflict of Provisions*
 1. This Chapter shall not be deemed to interfere with, abrogate or annul, or otherwise affect in any manner whatsoever any ordinance, rule, regulation or permit, or any easement, covenant, or other agreement between parties.
 2. Notwithstanding the above, where this Chapter imposes a greater restriction upon the use or development of a building or a site than are imposed or required by other ordinances, rules, regulations, or permits or by easements, covenants, or agreement between parties, the provisions of this Chapter will prevail.

25.01.08 – Severability

- a. All provisions of this Chapter are severable.
- b. All provisions of any ordinance enacted in the future that amend or add any provision to this Chapter are severable unless such ordinance specifically provides that its provisions are not severable.
- c. The finding by a court that some provision of this Chapter or any subsequent amendment is unconstitutional and void does not affect the validity of the remaining portions of this

Chapter unless the court finds that the remaining valid provisions alone are incomplete and incapable of being executed in accordance with the legislative intent of the City.

- d. Additional severability provisions are contained in Article 18, "Signs".

25.01.09 – Vested Zoning Rights

- a. *Vested Right*

1. A vested zoning right allows a property owner to use property in accordance with granted permits and approvals notwithstanding any subsequent amendment to the Zoning Ordinance or the Zoning Map.
2. A property owner's right to a particular use of the property pursuant to the provisions of this Chapter vests upon the occurrence of all of the following:
 - (a) The approval of a valid occupancy permit and other required Federal, State and local permits and approvals;
 - (b) Visible activity pursuant to all permits and approvals so that the neighborhood may be advised that the land is being devoted to that use; and
 - (c) The implementation and validity periods of all permits and approvals has not expired.
3. A property owner's right to a particular construction/development on the property pursuant to the provisions of this Chapter vests upon the occurrence of all of the following:
 - (a) The issuance of a valid building permit; and
 - (b) Actual, physical commencement of significant and visible construction pursuant to the building permit, and
 - (c) The commencement of construction must be undertaken in good faith with the intention to continue with the construction and to carry it through to completion.
4. Unless otherwise provided, a vested zoning right that does not comply with the requirements of this Chapter or the Zoning Map constitutes a nonconformity subject to the provisions of Article 8 of this Chapter.
5. Unless otherwise provided, a vested zoning right is not a personal right but shall attach to and run with the applicable property.

- b. *Limitations* – The establishment of a vested zoning right does not preclude the following:

1. The application of a zone that imposes additional requirements but does not affect the allowable type or intensity of use;
2. The application of an amendment to any building code (including but not limited to fire, life safety, plumbing, electrical, mechanical, and "green" building codes) or to any environmental laws or regulations (including but not limited to those pertaining to stormwater management, water quality, water and sewer, floodplains and wetlands,

- forest and tree preservation and conservation, landscaping and screening, publicly accessible art, and trash and recycling), to any uncompleted construction;
3. The application of an amendment to the sign provisions of this Chapter, except with respect to signs existing or in the process of being installed at the time of the amendment subject to the provisions of Article 18 of this Chapter;
 4. The application of ordinances or regulations that are general in nature and are applicable to all similarly situated property in the City; or
 5. The application of any changes in Federal or State law to which the property may be subject.