

HOUSE BILL 1542

L2

EMERGENCY BILL

8lr0767

By: **Frederick County Delegation**

Introduced and read first time: February 25, 2008

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Land Use or Zoning Ordinances – Amendments**

3 FOR the purpose of authorizing an individual Commissioner, on the Commissioner's
4 own behalf or on behalf of any other individual, group, or organization, to
5 initiate an application for an amendment to a county land use or zoning
6 ordinance in Frederick County under certain circumstances; defining a certain
7 term; making this Act an emergency measure; and generally relating to
8 amendments to land use or zoning ordinances in Frederick County.

9 BY repealing and reenacting, with amendments,
10 Article 66B – Land Use
11 Section 14.06
12 Annotated Code of Maryland
13 (2003 Replacement Volume and 2007 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article 66B – Land Use**

17 14.06.

18 (a) This section applies to Frederick County.

19 (b) Notwithstanding any other provision of this article, the Board of County
20 Commissioners may overrule an action of the Frederick County planning commission
21 under §§ 3.05, 3.06, 3.07, and 3.08 of this article by a majority vote of the membership
22 of the Board of County Commissioners.

23 (c) (1) Notwithstanding § 4.07(a) of this article, the members of the board
24 of appeals may be appointed to terms of 1 to 3 years.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) The terms of the board of appeals shall be staggered.

2 (d) If a plat is approved and recorded in accordance with this article before
3 the transfer of land, § 5.05 of this article does not apply to the contract for sale or
4 negotiation for sale of property zoned industrial, commercial, or both industrial and
5 commercial.

6 **(E) (1) IN THIS SUBSECTION, “COUNTY LAND USE OR ZONING**
7 **ORDINANCE” MEANS:**

8 **(I) THE COUNTY SUBDIVISION RULES AND REGULATIONS,**
9 **CHAPTER 1–16 OF THE FREDERICK COUNTY CODE, 2004;**

10 **(II) THE FREDERICK COUNTY ZONING ORDINANCE,**
11 **CHAPTER 1–19 OF THE FREDERICK COUNTY CODE, 2004;**

12 **(III) THE ADEQUATE PUBLIC FACILITIES ORDINANCE OF**
13 **FREDERICK COUNTY, MARYLAND, CHAPTER 1–20 OF THE FREDERICK COUNTY**
14 **CODE, 2004;**

15 **(IV) THE FOREST RESOURCE ORDINANCE OF FREDERICK**
16 **COUNTY, MARYLAND, CHAPTER 1–21 OF THE FREDERICK COUNTY CODE, 2004;**
17 **OR**

18 **(V) A REGULATION ADOPTED IN ACCORDANCE WITH AN**
19 **ORDINANCE LISTED IN ITEMS 2 THROUGH 4 OF THIS PARAGRAPH.**

20 **(2) AN INDIVIDUAL COMMISSIONER MAY INITIATE A PROPOSAL**
21 **FOR A TEXT AMENDMENT TO A COUNTY LAND USE OR ZONING ORDINANCE ON**
22 **THE COMMISSIONER’S OWN BEHALF OR ON BEHALF OF ANY OTHER INDIVIDUAL,**
23 **GROUP, OR ORGANIZATION.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
25 measure, is necessary for the immediate preservation of the public health or safety,
26 has been passed by a yea and nay vote supported by three–fifths of all the members
27 elected to each of the two Houses of the General Assembly, and shall take effect from
28 the date it is enacted.