
By: **Delegates Brinkley, Bartlett, Elliott, Hecht, Snodgrass, and Stull**
Introduced and read first time: February 22, 2002
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County - Zoning - Referendum**

3 FOR the purpose of requiring certain zoning ordinances adopted or amended by the
4 Board of County Commissioners of Frederick County to be submitted to a
5 referendum; providing that certain adoptions or amendments of certain zoning
6 ordinances may not take effect until after they have been submitted to
7 referendum; making the provisions of this Act severable; providing for the
8 termination of this Act; and generally relating to the submission of certain
9 zoning ordinances in Frederick County to referendum.

10 BY repealing and reenacting, with amendments,
11 Article 66B - Land Use
12 Section 14.06
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 2001 Supplement)

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

17 **Article 66B - Land Use**

18 14.06.

19 (a) This section applies to Frederick County.

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

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

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

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

5 (E) (1) AN ORDINANCE OR AMENDMENT TO AN EXISTING ORDINANCE THAT
6 EFFECTS A COMPREHENSIVE CHANGE IN ZONING LAWS ADOPTED BY THE BOARD OF
7 COUNTY COMMISSIONERS MAY NOT TAKE EFFECT UNLESS THE ORDINANCE OR
8 AMENDMENT HAS BEEN SUBMITTED TO, AND APPROVED BY, THE VOTERS OF
9 FREDERICK COUNTY AT A REFERENDUM HELD AT A GENERAL OR SPECIAL
10 ELECTION.

11 (2) THE COST OF THE REFERENDUM, IF ANY, SHALL BE PAID BY THE
12 BOARD OF COUNTY COMMISSIONERS.

13 (3) THE BOARD OF COUNTY COMMISSIONERS AND THE BOARD OF
14 SUPERVISORS OF ELECTIONS SHALL PROVIDE FOR AND HOLD THE REFERENDUM.

15 (4) (I) IF A MAJORITY OF THE VOTES CAST ON THE QUESTION ARE
16 "FOR THE REFERRED LAW", THE ENACTMENT BECOMES EFFECTIVE ON THE DATE
17 SPECIFIED IN THE ENACTMENT.

18 (II) IF A MAJORITY OF THE VOTES CAST ON THE QUESTION ARE
19 "AGAINST THE REFERRED LAW", THE PROVISIONS OF THE ENACTMENT ARE OF NO
20 EFFECT.

21 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this
22 Act or the application thereof to any person or circumstance is held invalid for any
23 reason in a court of competent jurisdiction, the invalidity does not affect other
24 provisions or any other application of this Act which can be given effect without the
25 invalid provision or application, and for this purpose the provisions of this Act are
26 declared severable.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 June 1, 2002. It shall remain effective for a period of 5 years and, at the end of May
29 31, 2007, with no further action required by the General Assembly, this Act shall be
30 abrogated and of no further force and effect.