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By: **Delegates Brinkley, Bartlett, Elliott, Hecht, Snodgrass, and Stull**

Introduced and read first time: February 22, 2002

Assigned to: Rules and Executive Nominations

Re-referred to: Commerce and Government Matters, March 6, 2002

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2002

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CHAPTER \_\_\_\_\_

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 under certain circumstances; establishing standards and  
6 procedures for a referendum on a county zoning ordinance; authorizing a special  
7 election for a county zoning referendum; providing for the effective date of a  
8 county zoning ordinance; providing for the effective date for certain provisions of  
9 this Act; providing that certain adoptions or amendments of certain zoning  
10 ordinances may not take effect until after they have been submitted to  
11 referendum; making the provisions of this Act severable; providing for the  
12 termination of this Act; and generally relating to the submission of certain  
13 zoning ordinances in Frederick County to referendum.

14 BY repealing and reenacting, with amendments,  
15 Article 33 - Election Code  
16 Section 8-401(a)  
17 Annotated Code of Maryland  
18 (1997 Replacement Volume and 2001 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article 66B - Land Use  
21 Section 14.06  
22 Annotated Code of Maryland  
23 (1998 Replacement Volume and 2001 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article - Election Law  
3 Section 8-401(a)  
4 Annotated Code of Maryland  
5 (As enacted by Chapter \_\_\_\_ (S.B. 1) of the Acts of the General Assembly of 2002)

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

8 **Article 33 - Election Code**

9 8-401.

10 (a) A special primary election and a special general election may be held at a  
11 time other than the date of a regular primary election and a regular general election:

12 (1) To fill a vacancy in the office of Representative in Congress; [or]

13 (2) To fill a vacancy in the county council if the charter of that county  
14 provides for such special elections; OR

15 (3) FOR A FREDERICK COUNTY ZONING REFERENDUM UNDER ARTICLE  
16 66B, § 14.06 OF THE CODE.

17 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
18 read as follows:

19 **Article 66B - Land Use**

20 14.06.

21 (a) This section applies to Frederick County.

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

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

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

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

1 (E) (1) AN ORDINANCE OR AMENDMENT TO AN EXISTING ORDINANCE THAT  
2 EFFECTS A COMPREHENSIVE CHANGE IN ZONING LAWS ADOPTED BY THE BOARD OF  
3 COUNTY COMMISSIONERS MAY NOT TAKE EFFECT UNLESS THE ORDINANCE OR  
4 AMENDMENT HAS BEEN SUBMITTED TO, AND APPROVED BY, THE VOTERS OF  
5 FREDERICK COUNTY AT A REFERENDUM HELD AT A GENERAL OR SPECIAL ELECTION  
6 EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN ORDINANCE OR  
7 AN AMENDMENT TO AN EXISTING ORDINANCE THAT ENACTS A SUBSTANTIAL  
8 REWRITE, REPLACEMENT, OR REPEAL OF THE FREDERICK COUNTY ZONING  
9 ORDINANCE OF 1977-78 SHALL TAKE EFFECT 30 DAYS AFTER THE DATE OF  
10 ENACTMENT.

11 (2) (I) AN ORDINANCE OR AN AMENDMENT TO AN EXISTING  
12 ORDINANCE THAT ENACTS A SUBSTANTIAL REWRITE, REPLACEMENT, OR REPEAL OF  
13 THE FREDERICK COUNTY ZONING ORDINANCE OF 1977-78 MAY BE PETITIONED TO A  
14 COUNTY REFERENDUM WITHIN 60 DAYS OF THE DATE OF ENACTMENT.

15 (II) 1. BEFORE IT IS EFFECTIVE, A PETITION SUBMITTED UNDER  
16 THIS PARAGRAPH SHALL BE SIGNED BY AT LEAST 3% OF THE NUMBER OF QUALIFIED  
17 VOTERS OF FREDERICK COUNTY WHO VOTED FOR GOVERNOR IN THE LAST  
18 PRECEDING GUBERNATORIAL ELECTION.

19 2. IF MORE THAN ONE-THIRD BUT LESS THAN THE FULL  
20 NUMBER OF SIGNATURES REQUIRED FOR A REFERENDUM PETITION TO BE  
21 EFFECTIVE IS FILED WITH THE SECRETARY OF STATE BEFORE 30 DAYS AFTER THE  
22 DATE OF ENACTMENT, THE TIME FOR THE ORDINANCE TO TAKE EFFECT SHALL BE  
23 EXTENDED TO 60 DAYS AFTER THE DATE OF ENACTMENT.

24 (III) THE SUBSTANTIAL REWRITE, REPLACEMENT, OR REPEAL OF  
25 THE ZONING ORDINANCE SHALL BE SUSPENDED AFTER A PETITION IS SUBMITTED  
26 AND UNTIL:

27 1. A COURT OF COMPETENT JURISDICTION DECLARES THE  
28 PETITION INVALID; OR

29 2. THE PETITION IS DISAPPROVED BY THE VOTERS OF  
30 FREDERICK COUNTY.

31 (IV) A PETITION SHALL CONFORM TO THE REQUIREMENTS UNDER  
32 ARTICLE 16, § 4 OF THE MARYLAND CONSTITUTION.

33 (V) THE BOARD OF SUPERVISORS OF ELECTIONS OF THE COUNTY  
34 SHALL VERIFY THE REGISTRATION OF THE INDIVIDUALS SIGNING THE PETITION  
35 AND, IF THE REQUIRED NUMBER OF QUALIFIED VOTERS IS VERIFIED, PLACE THE  
36 SUBSTANTIAL REWRITE, REPLACEMENT, OR REPEAL OF THE ZONING ORDINANCE ON  
37 THE BALLOT IN FREDERICK COUNTY AT A SPECIAL ELECTION OR AT THE NEXT  
38 GENERAL ELECTION FOR APPROVAL OR REJECTION.

39 (3) THE COST OF THE REFERENDUM, IF ANY, SHALL BE PAID BY THE  
40 BOARD OF COUNTY COMMISSIONERS.



