

# HOUSE BILL 1542

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EMERGENCY BILL

8lr0767

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By: **Frederick County Delegation**

Introduced and read first time: February 25, 2008

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, February 29, 2008

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Committee Report: Favorable

House action: Adopted

Read second time: March 22, 2008

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## CHAPTER \_\_\_\_\_

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.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

12 (E) (1) IN THIS SUBSECTION, "COUNTY LAND USE OR ZONING  
13 ORDINANCE" MEANS:

14 (I) THE COUNTY SUBDIVISION RULES AND REGULATIONS,  
15 CHAPTER 1-16 OF THE FREDERICK COUNTY CODE, 2004;

16 (II) THE FREDERICK COUNTY ZONING ORDINANCE,  
17 CHAPTER 1-19 OF THE FREDERICK COUNTY CODE, 2004;

18 (III) THE ADEQUATE PUBLIC FACILITIES ORDINANCE OF  
19 FREDERICK COUNTY, MARYLAND, CHAPTER 1-20 OF THE FREDERICK COUNTY  
20 CODE, 2004;

21 (IV) THE FOREST RESOURCE ORDINANCE OF FREDERICK  
22 COUNTY, MARYLAND, CHAPTER 1-21 OF THE FREDERICK COUNTY CODE, 2004;  
23 OR

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

26 (2) AN INDIVIDUAL COMMISSIONER MAY INITIATE A PROPOSAL  
27 FOR A TEXT AMENDMENT TO A COUNTY LAND USE OR ZONING ORDINANCE ON  
28 THE COMMISSIONER'S OWN BEHALF OR ON BEHALF OF ANY OTHER INDIVIDUAL,  
29 GROUP, OR ORGANIZATION.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
31 measure, is necessary for the immediate preservation of the public health or safety,  
32 has been passed by a ye and nay vote supported by three-fifths of all the members  
33 elected to each of the two Houses of the General Assembly, and shall take effect from  
34 the date it is enacted.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.