

HOUSE BILL 605

L6

6lr1470

By: **Frederick County Delegation**

Introduced and read first time: February 3, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Development Rights and Responsibilities**
3 **Agreements – Administrative Appeals**

4 FOR the purpose of authorizing, in Frederick County, a person aggrieved by a development
5 rights and responsibilities agreement to file an administrative appeal; authorizing,
6 in Frederick County, certain persons to file a request for judicial review of a decision
7 of the county board of zoning appeals by the circuit court of the county; authorizing,
8 in Frederick County, a certain party to a proceeding in the circuit court of the county
9 to appeal to the Court of Special Appeals; providing that if an agreement was entered
10 into before a certain date, a person aggrieved by an amendment to the agreement
11 may not file an administrative appeal and may seek direct judicial review under
12 certain circumstances; providing that a certain party may appeal to the Court of
13 Special Appeals and thereafter may petition the Court of Appeals for a writ of
14 certiorari under certain circumstances; and generally relating to development rights
15 and responsibilities agreements in Frederick County.

16 BY repealing and reenacting, with amendments,
17 Article – Land Use
18 Section 7–307
19 Annotated Code of Maryland
20 (2012 Volume and 2015 Supplement)

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

23 **Article – Land Use**

24 7–307.

25 (a) **[In] THIS SECTION APPLIES ONLY IN Frederick County[, a].**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (B) A person aggrieved by an agreement executed under this subtitle[:

2 (1) may [not] file an administrative appeal TO THE COUNTY BOARD OF
3 ZONING APPEALS[; and

4 (2) may seek direct judicial review of the agreement in circuit court by
5 filing a request with the circuit court of the county].

6 [(b)] (C) (1) ANY OF THE FOLLOWING PERSONS MAY FILE A REQUEST
7 FOR JUDICIAL REVIEW BY THE CIRCUIT COURT OF THE COUNTY OF A DECISION OF
8 THE BOARD OF ZONING APPEALS:

9 (I) A PERSON AGGRIEVED BY THE DECISION; OR

10 (II) A PARTY TO THE PROCEEDING BEFORE THE BOARD OF
11 ZONING APPEALS.

12 (2) The judicial review shall be in accordance with Title 7, Chapter 200 of
13 the Maryland Rules.

14 (D) ANY PARTY TO THE PROCEEDING IN THE CIRCUIT COURT AGGRIEVED BY
15 THE DECISION OF THE CIRCUIT COURT MAY APPEAL TO THE COURT OF SPECIAL
16 APPEALS IN THE SAME MANNER PROVIDED FOR CIVIL CASES.

17 (E) (1) IF A DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT
18 WAS ENTERED INTO BEFORE JULY 1, 2016, A PERSON AGGRIEVED BY AN
19 AMENDMENT TO THE AGREEMENT:

20 (I) MAY NOT FILE AN ADMINISTRATIVE APPEAL; AND

21 (II) MAY SEEK DIRECT JUDICIAL REVIEW OF THE AGREEMENT IN
22 CIRCUIT COURT BY FILING A REQUEST WITH THE CIRCUIT COURT OF THE COUNTY.

23 (2) THE JUDICIAL REVIEW SHALL BE IN ACCORDANCE WITH TITLE 7,
24 CHAPTER 200 OF THE MARYLAND RULES.

25 (3) UNDER THIS SUBSECTION, A PARTY TO THE PROCEEDING IN THE
26 CIRCUIT COURT THAT IS AGGRIEVED BY THE DECISION OF THE CIRCUIT COURT MAY
27 APPEAL TO THE COURT OF SPECIAL APPEALS AND THEREAFTER MAY PETITION THE
28 COURT OF APPEALS FOR A WRIT OF CERTIORARI IN THE MANNER THAT IS PROVIDED
29 FOR CIVIL CASES.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2016.