

Chapter 442

(Senate Bill 859)

AN ACT concerning

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

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

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

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

Article – Land Use

7–307.

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

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

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

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

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

(I) A PERSON AGGRIEVED BY THE DECISION; OR

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

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

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

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

(I) MAY NOT FILE AN ADMINISTRATIVE APPEAL; AND

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

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

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

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

Approved by the Governor, May 10, 2016.