

COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND

(EMERGENCY) LEGISLATIVE BILL #2024-007

INTRODUCED BY: COMMISSIONERS BREEDING, PORTER, AND
BARTZ

INTRODUCED ON: NOVEMBER __, 2024

ATTEST: _____
J. TRAVIS BREEDING, PRESIDENT

PUBLIC HEARING: _____, 2024; AT 9:15 AM
HEALTH & PUBLIC SERVICES BUILDING
403 SOUTH 7TH STREET, ROOM 111
DENTON, MARYLAND

THIRD READING: _____, 2024

ENACTED:

EFFECTIVE:

**Chapter 175 - Zoning - Article XVIII - Appeals - Jurisdiction and Rules of Procedure of
the Board of Zoning Appeals**

AN Act to repeal and reenact with amendments Subsection B of § 175-161, and Subsections B (4) and B (6) of § 175-162 of Article XVIII - Zoning, of the Code of Public Local Laws of Caroline County, Maryland;

FOR the purpose of providing that a person may not appeal to the Board of Zoning Appeals the issuance of a citation which is based upon a prior decision, order, requirement or determination of the Zoning Administrator which was not appealed, reducing the period for such an appeal to be filed from 90 days to 30 days, and providing that the filing of an appeal does not stay any proceedings in furtherance of the decision or action appealed from; and making this Act an Emergency Bill.

WHEREAS, the County Commissioners of Caroline County, Maryland (the "County Commissioners") are authorized under Article XI-F of the Maryland Constitution and § 9-308 of the Local Government Article of the Annotated Code of Maryland (the "Local Government Article") to adopt public local laws in general;

WHEREAS, the County Commissioners are authorized under the Land Use Article, Title 4, of the Annotated Code of Maryland to enact and administer zoning and land use Bills; and

WHEREAS, pursuant to § 197 B of Chapter 175, the County Commissioners have received the positive recommendation of the Planning Commission and the staff of the Caroline County Department of Planning and Codes regarding the changes to the appealability to the Board of Zoning Appeals of certain citations, the time period in which an appeal must be filed to the Board of Zoning Appeals, and the provision that the filing of an appeal does not stay any proceedings in furtherance of the decision or action appealed from, as proposed in this Bill; and

WHEREAS, this Bill may also be known by its short title "Chapter 175 - Zoning-Article XVIII - Appeals - Amendment to Jurisdiction and Rules of Procedure of the Board of Zoning Appeals."

NOW, THEREFORE, in an exercise of the County's police power as a Code Home Rule County, be it enacted by the County Commissioners of Caroline County, Maryland that:

SECTION 1. SUBSECTION B OF § 175-161 OF ARTICLE XVIII OF CHAPTER 175 of the Code of Public Local Laws of Caroline County, Maryland is hereby REPEALED.

SECTION 2. NEW SUBSECTION B OF § 175-161 OF ARTICLE XVIII OF CHAPTER 175 is hereby enacted in lieu thereof, to read as follows:

A person specially aggrieved by a decision, order, requirement or determination of the Zoning Administrator based or claimed to be based, in whole or in part, upon the application of a zoning regulation to a property may appeal such decision, order, requirement or determination to the Board of Zoning Appeals by filing a request for appeal pursuant to § 175-162 B. A person may not appeal to the Board of Zoning Appeals the issuance of a violation notice and/or citation which is based upon a prior decision, order, requirement or determination of the Zoning Administrator which was not appealed.

SECTION 3. SUBSECTION B(4) OF § 175-162 OF ARTICLE XVIII OF CHAPTER 175 of the Code of Public Local Laws of Caroline County, Maryland is hereby REPEALED.

SECTION 4. NEW SUBSECTION B(4) OF § 175-162 OF ARTICLE XVIII OF CHAPTER 175 is hereby enacted in lieu thereof, to read as follows:

An appeal of any decision, order, requirement or determination of the Zoning Administrator shall be submitted within 30 days of the action of the Zoning Administrator that is being appealed.

SECTION 5. SUBSECTION B(6) OF § 175-162 OF ARTICLE XVIII OF CHAPTER 175 of the Code of Public Local Laws of Caroline County, Maryland is hereby REPEALED.

SECTION 6. NEW SUBSECTION B(6) OF § 175-162 OF ARTICLE XVIII OF CHAPTER 175 is hereby enacted in lieu thereof, to read as follows:

No stay of proceedings. The filing of an appeal does not stay any proceedings in furtherance of the decision or action appealed from.

SECTION 7. The Recitals to this Bill are incorporated herein and deemed a substantive part of this Bill.

SECTION 8. The provisions of this Bill are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this Bill is for any reason held invalid or unconstitutional by any court of competent jurisdiction, the same shall be deemed separate, distinct, and independent from, and such holding shall not affect the validity of, the remaining portions of this Bill, it being the intent of the County that this Bill shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 9. The Publishers of the Code of Public Local Laws of Caroline County, Maryland (the "Code"), the Caroline County Office of Law, or the Caroline County Department of Planning and Codes, in consultation with and subject to the approval of the County Administrator, shall be authorized to make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, organization, and any internal or external reference or citations to the Code that is incorrect or obsolete, with no further action required by the County Commissioners. All such corrections shall be adequately referenced and described in the editor's note following the section affected.

SECTION 10. The title and summary of this Bill shall be published in at least one newspaper of general circulation in Caroline County three times, at weekly intervals, and within the 4-week period after passage of the Bill, in accordance with §9-311 (i) of the Local Government Article of the Annotated Code of Maryland. The title of this Bill, or a

condensed version thereof, shall be deemed to be, and is, a fair summary of this Bill for publication and all other purposes. The title is not a substantive part of this Bill for publication and all other purposes. If the Bill is amended, the title may be administratively revised to conform to the content of the Bill as finally enacted.

SECTION 11. AND BE IT FURTHER ENACTED, that this Bill is hereby declared to be an emergency ordinance and a necessary measure to address an immediate public emergency affecting the peace, health, safety, welfare and property of the residents of Caroline County, and being passed by the affirmative vote of all three County Commissioners, shall become effective upon enactment. Upon enactment, this ordinance shall be retroactive and applicable, to the maximum extent permitted by law and subject to the severability clause above, to all appeals to the Board of Zoning Appeals, to all proceedings, and to all filed, pending, or future appeals to the Board of Zoning Appeals.

Enacted this ____ day of _____, 2024.

ATTEST:

**COUNTY COMMISSIONERS OF
CAROLINE COUNTY, MARYLAND**

Jennifer Reibly
Public Information Officer

J. Travis Breeding, President

Larry C. Porter, Vice-President

(SEAL)

N. Franklin Bartz III, Member

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Stewart Barroll
County Attorney

