

**THE EFFECTIVE DATE OF THIS ORDINANCE IS September 6, 2022**

**ORDINANCE NO. 22-06-006**

**ORDINANCE OF  
THE COUNTY COUNCIL OF  
FREDERICK COUNTY, MARYLAND**

**RE: EXTENSION OF CERTAIN DEVELOPMENT  
APPROVAL PERIODS AND DEADLINES**

**PREAMBLE AND LEGISLATIVE FINDINGS**

WHEREAS, the County Council of Frederick County (“County Council”) finds that a national pandemic exists, COVID-19, which has significantly affected Frederick County’s economy, including the County’s real estate and construction sectors. Multiple jurisdictions, including the State of Maryland and Frederick County, declared a state of emergency; and

WHEREAS, as a result of this pandemic, there have been significant challenges which exacerbated the process of completing development projects prior to the expiration of preliminary plans, grading plans, forest conservation plans and Adequate Public Facility Ordinance (APFO) approvals. Certain projects requiring off-site infrastructure improvements that serve both on-site and off-site County needs suffered delays and challenges; and

WHEREAS, certain development approvals and deadlines have expired or lapsed; and

WHEREAS, based on the above, the County Council finds that extending certain development approval periods and deadlines will allow for completion of previously approved projects, is in the best interests of the citizens of Frederick County, and will preserve and improve the health, safety, and general welfare of Frederick County, particularly as related to activation and utilization of public infrastructure as originally intended; and

WHEREAS, each of the provisions of this Preamble and Legislative Findings constitutes a specific legislative finding by the County Council whether or not the individual provision includes specific “finding” language; and

WHEREAS, the County Council held a duly advertised public hearing regarding this Ordinance on Aug. 3, 2022 during which the public had an opportunity to comment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, the following:

***Section I. Definitions.***

In this Ordinance, unless the context indicates otherwise, all terms shall have the same meaning as provided in the Frederick County Code and the Land Use Article of the Maryland Annotated Code.

***Section II. Approvals.***

Subject to the criteria listed in Section V of this Ordinance, this Ordinance temporarily modifies the application of certain provisions of the Frederick County Code, including Chapters 1-10, 1-15.2, 1-16, 1-19, 1-20, and 1-21, to extend the original expiration date to no later than eighteen (18) months following the effective date of this ordinance, for the following (collectively hereinafter referred to as “Approvals”) which were active and valid between March 5, 2020 and July 1, 2021:

- Preliminary plans;
- Adequate Public Facility Ordinance (“APFO”) letters of understanding;
- Grading plans;
- Forest conservation plans; and
- Improvement plans.

***Section III. Codification Unnecessary.***

Due to the self-limiting nature of this Ordinance, it will not be codified in the Frederick County Code but nevertheless shall have the full force and effect of law as if published in the Frederick County Code.

***Section IV. Fees, Guarantees, and Sureties.***

Any previously paid school mitigation fees, financial guarantees, or sureties which have been refunded as a result of expired or missed deadlines must be repaid prior to the recordation of any lots.

***Section V. Application.***

This Ordinance shall apply retroactively only to those Approvals (described in Section II) that were: (a) active and valid between March 5, 2020 and July 1, 2021 and (b) that were in connection with a project that requires: (i) off-site public infrastructure; (ii) a road open/close/alter process; (iii) a County road relocation; and (iv) water and sewerage infrastructure and that had completed a significant portion of the required construction prior to the expiration of plan approvals.

This Ordinance shall not apply to Approvals that were granted or became effective after the date of this Ordinance. This Ordinance does not apply to any project that received a new approval after July 1, 2021. This Ordinance does not and cannot extend approvals of improvement plans under the jurisdiction of non-County agencies (i.e. Soil Conservation District). This Ordinance does not apply to projects with an active and valid DRRA.

The extended expiration date of the Approvals pursuant to this Ordinance shall not be extended beyond eighteen (18) months after the effective date.

AND BE IT FURTHER ORDAINED THAT the effective date of this Ordinance is

September 6, 2022.

The undersigned hereby certifies that this Ordinance was approved and adopted by a vote of

5-2 on the 6<sup>th</sup> day of September, 2022.

ATTEST

COUNTY COUNCIL OF  
FREDERICK COUNTY, MARYLAND

  
Ragen L. Cherney  
Council Chief of Staff

By: M. C. Keegan-Ayer  
M.C. Keegan-Ayer, President *BSB*

Received by the County Executive on September 8, 2022

COUNTY EXECUTIVE ACTION: Approved Vetoed  No Action

Jan H. Gardner  
Jan H. Gardner, County Executive  
Frederick County, Maryland

Date

9/12/2022

- \* I agree with objective to open the road connector to address a transportation related public safety need. I disagree that this situation had anything to do with Paris-19. The situation is a result of the developer failing to meet the requirement of their preliminary plan. The information in the preamble is factually inaccurate.