



FREDERICK COUNTY PLANNING COMMISSION
May 10, 2017 9:30 a.m.

TITLE: Considering Zoning Map Amendments
During Election Year

FILE NUMBER: N/A

REQUEST: Considering Zoning Map Amendments
During Election Year Public Hearing

PROJECT INFORMATION: N/A

APPLICANT/REPRESENTATIVES: N/A

STAFF: Steve Horn, Director, Planning & Permitting
Division

RECOMMENDATION: That the Planning Commission provide a
recommendation to the Frederick County
Council regarding the Text Amendment.

ATTACHMENTS:
Proposed Bill
Council Summary Memorandum



FREDERICK COUNTY GOVERNMENT

Jan H. Gardner
County Executive

DIVISION OF PLANNING & PERMITTING

Steven C. Horn, Division Director

To: Frederick County Planning Commission

From: Steven C. Horn, Director, Planning & Permitting Division *SH*

Date: April 7, 2017

Subject: Considering Zoning Map Amendments During Election Year (By: Council President Bud Otis on behalf of County Executive Jan Gardner)

Attached, please find the proposed Bill and summary memorandum from Council President Bud Otis.

Thank you for your attention to this matter.

Attachment
Proposed Bill
Council Summary Memorandum



FREDERICK COUNTY GOVERNMENT

Jan H. Gardner
County Executive

OFFICE OF THE COUNTY EXECUTIVE

W. Paul Dial, Chief Administrative Officer

TO: County Council

FROM: County Executive Jan H. Gardner

DATE: February 27, 2017

SUBJECT: Zoning Amendments/Reclassifications during Frederick County Elections

ISSUE:

In an effort to promote good government, the County Executive is advancing legislation for the consideration of the County Council that would prohibit the County from accepting and considering an application for an individual zoning map amendment or a floating zone reclassification during the time period beginning six months before the general election and three months after the election in the year when the County Council and County Executive elections occur.

BACKGROUND:

The intent of this measure is to help ensure that land use decisions remain independent and free from the appearance of political pressure during an election season. This legislation mirrors long-standing public policy in the City of Frederick. For 20 years, since 1996, the Mayor and Board of Aldermen have followed a policy for annexation and re-zonings during City elections, so that no annexation or rezoning applications would be considered six months prior and three months after the City's general election. The resolution adopting this policy states the goal that land use requests "may create the appearance that political pressure is being created by or election promises made to annexation petitioners or rezoning applicants." The City is currently revisiting its policy.

It is the appearance of undue influence that we need to prevent. In Frederick County, there were almost twice as many zoning applications considered in the months leading up to the 2014 election than the year before. In fact, there were nearly as many re-zoning applications filed during the final six months of 2014 as there were in all of 2011, 2012, and 2013 combined. In addition, in the month between the election and the transition of the administrations, an additional rezoning was approved. While these applications were legal, the timing does leave a perception of possible corruption and undue influence.

The proposed legislation is an example of good government. It gives citizens the trust and assurance that their elected leaders are making decisions in their best interest and for the public good. By prohibiting any new applications immediately before and after an election, we remove the perception of conflict of interest and replace it with a culture of transparency, honesty, and good government.

ACTION REQUESTED:

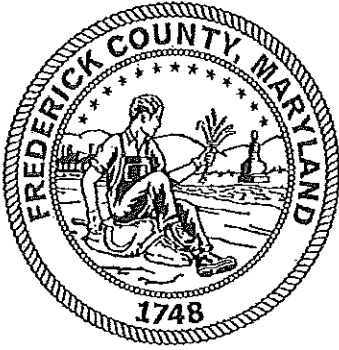
Staff recommends the County Council review and consider the attached proposed legislation that prohibits the County from considering an application for individual zoning map amendments or floating zone reclassifications during the time period beginning six months before the general election and three months after the election in the year when the County Council and County Executive elections occur.

FUNDING INFORMATION:

Financial Implication: (If yes, provide the following information.)
Existing Account Number(s):
Budget Balance: \$

ATTACHMENT(S):

Draft Bill – Zoning Amendments/Reclassifications during Frederick County Elections
Zoning Map Amendments



Bill No. _____

Concerning: Considering Zoning Map Amendments

During Election Year _____

Introduced: _____

Revised: _____ Draft No. _____

Enacted: _____

Effective: _____

Expires: _____

Frederick County Code, Chapter 1-19-3

Section(s) 110.2.(E)

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President Bud Otis on behalf of County Executive Jan Gardner

AN ACT to: provide that the County Council may not consider certain zoning map amendments for a period of time before and after the general election for Council Members.

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

By amending:

Frederick County Code, Chapter, 1-19-3 Section(s) 110.2.(E)

Other: _____

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law.</i>
[Single boldface brackets]	<i>Deleted from existing law.</i>
***	<i>Existing law unaffected by bill.</i>

Bill No. _____

The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend the County Code to provide that the County Council may not consider an application for zoning map amendment or floating zone reclassification during the time six months before and three months after the general election for Council Members.

NOW, THEREFORE, BE IT IN ENACTED, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

Harold F. (Bud) Otis, President
County Council of Frederick County,
Maryland

Exhibit 1

Add new subsection 1-19-3.110.2.(E):

(E) The County Council may not consider an application for individual zoning map amendment or floating zone reclassification during the time six months before the general election for County Council Members and ending three months after this election.

ITALICS indicate matter that shall remain in effect.

Underlining indicates matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

