



Bill No. 16-11
Concerning: Amendment to §1-19-3.110.7,
Ch. 1-19, Frederick County Code - Zoning
Introduced: July 19, 2016
Revised: _____ Draft No. _____
Enacted: _____
Effective: _____
Expires: _____
Frederick County Code, Chapter 1-19
Section(s) 3.110.7

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Member Jerry Donald

AN ACT to: Amend §1-19-3.110.7 of Chapter 1-19 (Zoning) of the Frederick County Code to set out required notification provisions for comprehensive zoning or rezoning actions, including posting of properties, and notification letters to adjoining property owners prior to public hearings held by the Frederick County Planning Commission and the Frederick County Council.

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

By amending:

Frederick County Code, Chapter, 1-19 Section(s) 3.110.7

Other: _____

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

Bill No. 16-11

The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend §1-19-3.110.7 of Chapter 1-19 (Zoning) of the Frederick County Code to set out required notification provisions for comprehensive zoning or rezoning actions, including posting of properties, and notification letters to adjoining property owners prior to public hearings held by the Frederick County Planning Commission and the Frederick County Council.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, 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

ARTICLE III: REVIEW AND APPROVAL PROCEDURES

DIVISION 1. ZONING AMENDMENTS

§ 1-19-3.110.7. SPECIAL PROVISIONS FOR COMPREHENSIVE ZONING OR REZONING.

In the case of a comprehensive zoning or rezoning, ~~[only]~~ the following review and approval procedures shall apply.

(A) The Planning Commission shall hold a public hearing and cause notice of the hearing to be published in a newspaper of general circulation in the county in accordance with § 1-19-3.110.3. The Planning Commission shall forward a recommendation to the ~~[county governing body]~~ County Council within 62 days of the first public hearing.

(B) The County Council shall hold a public hearing and cause notice of the hearing to be published in accordance with § 1-19-3.110.3. Any person shall have the right to submit oral and/or written testimony at the hearing.

(C) ~~[Posting of property will not be required.]~~ The following additional public notice requirements shall apply for all properties for which a change in zoning is requested by the property owner or by the County:

(1) *Sign(s)*. The County or the property owner, depending on which party requested the change, shall place a sign on each property, within 10 feet of each property line that abuts a public road. If the property does not abut a public road, a sign shall be placed in such a manner so that it may be most readily seen by the public.

- (a) The sign(s) shall be placed on each property at least 30 days prior to the Planning Commission public hearing and at least 30 days prior to the County Council public hearing.
- (b) The sign(s) shall be affixed to a rigid board, protected from the weather, and maintained at all times by the County or the property owner, depending on which party requested the change.

Boldface - *Heading or defined term.*

Underlining - *Added to existing law by original bill.*

~~[Single boldface brackets and strikethrough]~~ - *Deleted from existing law by original bill.*

(c) If any person removes or tampers with a posted sign(s) during the above 30 day posting period, that person, upon conviction, shall be guilty of a misdemeanor, as provided in § 1-19-2.220.

(2) Mail. The Division of Planning and Permitting will make a good faith effort to notify the owners of all properties adjoining a property subject to rezoning. Such notice shall be sent by first class mail at least 14 days prior to the Planning Commission public hearing and at least 14 prior to the County Council public hearing. The notice shall contain the date, time, place, and nature of the public hearing.

(a) Adjoining property owners shall include the owners of properties immediately contiguous to the subject property as well as those separated by streets, railroads, or other rights-of-way as set forth in § 1-19-3.110.2(C)(5).

(b) Appearance by a property owner at the public hearing shall constitute a waiver of any defect in this notice requirement.

Boldface - *Heading or defined term.*

Underlining - *Added to existing law by original bill.*

~~[Single boldface brackets and strikethrough]~~ - *Deleted from existing law by original bill.*