



Bill No. 25-01
Concerning: Amend the Frederick County Code -
Historic Preservation Ordinance
Introduced January 7, 2025
Revised: _____ Draft No. _____
Enacted: _____
Effective: _____
Expires: April 7, 2025
Frederick County Code, Chapter 1-23
Section(s) 1-23-8 and 1-23-9

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President Brad W. Young on behalf of County Executive Jessica Fitzwater

AN ACT to: make clarifying changes to §§ 1-23-8 and 1-23-9 of the recently updated Chapter 1-23 of the Frederick County Code (Historic Preservation Ordinance).

Date Council Approved: _____ Date Transmitted to Executive: _____

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

Date returned to Council by County Executive with no action: _____

By amending:
Frederick County Code, 1-23 Section(s) 1-23-8 and 1-23-9

Other: _____

Boldface
Underlining
[Single boldface brackets]
* * *

Heading or defined term.
Added to existing law.
Deleted from existing law.
Existing law unaffected by bill.

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2 The County Council of Frederick County, Maryland, finds it necessary and appropriate to
3 amend the Frederick County Code to make clarifying changes to §§ 1-23-8 and 1-23-9 of the
4 recently updated Chapter 1-23 (Historic Preservation).

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6 NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF
7 FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby,
8 amended as shown on the attached Exhibit 1.

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Brad W. Young, President
County Council of Frederick County,
Maryland

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§1-23-8. RELOCATION OR DEMOLITION OF NON-DESIGNATED SITES OR STRUCTURES

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(B) Assessment of Significance

(1) If a Plan or application is submitted for the moving or demolition of all or a portion of a non-designated site or structure that is 50 years old or older, the Plan or application will be forwarded to Historic Preservation staff to determine whether the site or structure has historical, cultural, architectural, or archaeological significance. A property has historical, cultural, architectural, or archaeological significance if it meets the criteria in §1-23-6(B) above. If no significance is determined, the Plan or application for moving or demolition of all or a portion of the site or structure may move forward. If the site or structure is determined to be significant, Historic Preservation staff shall forward the Plan or application to the Commission for ~~review and recommendation~~ a decision as to whether the site or structure possesses unusual historic value.

(2) If the Commission considers [the preservation of] the site or structure to be of unusual historic value to Frederick County, the State, or the nation, the Commission or its [their] designee shall attempt to formulate an economically feasible plan with the owner(s) of the site or structure, who will act in good faith, for the preservation of the site or structure. If the Commission determines that the site or structure does not possess unusual historic value to Frederick County, the State, or nation, the Plan or application for moving or demolition of all or a portion of the site or structure may move forward.

* * *

(C) Special Merit Exception. Even if a non-designated site or structure ~~that is 50 years old or older [is considered to be valuable for its historic, cultural, archaeological, or architectural significance,]~~ and is determined by the Commission to be of unusual historical value to Frederick County, the State, or nation, the Commission may approve a Plan or application that proposes moving or demolition of the site or structure if:

(1) the site or structure is a deterrent to a major improvement program that will be of substantial benefit to the local jurisdiction; or

(2) the retention of the site or structure would:

(a) cause ~~undue financial hardship~~ economic hardship to the owner as defined in 1-23-9 ; or

(b) not be in the best interests of a majority of persons in the community.

Underlining indicates matter added to existing law.

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

*** - indicates existing law unaffected by bill.

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2 § 1-23-9. ECONOMIC HARDSHIP

3 Any owner seeking an exemption from a decision based on the operation of the provisions of this
4 chapter for economic hardship has the burden of proof to show by clear and convincing evidence
5 that the owner does not have the financial ability to comply with the requirements of this chapter.
6 In making its determination, the Commission shall consider a justification statement, and any
7 additional evidence submitted by the owner and shall give due consideration to whether the
8 property was designated on the County's initiative, under the procedure defined in § 1-23-6 (C)
9 (6).

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