



Bill No. 22-06

Concerning: Notice Requirements for
Comprehensive Zonings and Rezonings

Introduced: _____

Revised: _____ Draft No. _____

Enacted: _____

Effective: _____

Expires: _____

Frederick County Code, Chapter 1-19

Section(s) 3.110.3 and 3.110.7

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President M. C. Keegan-Ayer on behalf of County Executive Jan H. Gardner

AN ACT to: Amend Chapter 1-19 of the Frederick County Code to revise and clarify the notification requirements for comprehensive zonings and rezonings

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, _____

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 Chapter 1-19 of the Frederick County Code to revise and clarify the notification
4 requirements for comprehensive zonings and rezonings.

5

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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M. C. Keegan-Ayer, President
County Council of Frederick County,
Maryland

2 **§ 1-19-3.110.3. REVIEW AND APPROVAL PROCEDURES.**

3 (A) Planning Commission.

4 (1) An application for an individual zoning map amendment or a floating zone reclassification
5 shall be reviewed by the Community Development Division staff which shall prepare a report and
6 recommendation to the Planning Commission. After completion of this staff report the application
7 shall be presented to the Planning Commission for consideration.

8 (2) Within 90 days after acceptance of the application by the Zoning Administrator, the
9 Planning Commission shall hold a public hearing on the application for individual zoning map
10 amendment or floating zone reclassification. The Planning Commission shall forward its
11 recommendation to the County Council within 62 days of its first public hearing. A failure to
12 make a recommendation within 62 days of the first public hearing shall be deemed as providing
13 no recommendation on the request.

14 (B) County Council.

15 (1) The County Council shall hold a public hearing on the application for an individual zoning
16 map amendment or floating zone reclassification.

17 (2) Any person shall have the right to submit oral and/or written testimony at the hearing.

18 (3) An application for individual zoning map amendment or floating zone reclassification
19 shall be deemed denied if the County Council has not approved the application within 90 days of
20 the conclusion of the public hearing.

21 (C) Public notice.

22 (1) Sign(s). The applicant shall place a sign on the property proposed to be reclassified,
23 within 10 feet of each property line that abuts a public road. If the property does not abut a public
24 road, a sign shall be placed in such a manner so that it may be most readily seen by the public.

25 (a) The Zoning Administrator shall provide the required sign(s).

26 (b) The sign(s) shall be placed on the property at least 30 days prior to the public hearing
27 of the Planning Commission or County Council on the zoning map amendment.

28 (c) The sign(s) shall be affixed to a rigid board, protected from the weather, and maintained
29 at all times by the applicant.

30 (d) The applicant shall file an affidavit certifying that the sign(s) has been posted and
31 maintained for the required period of time.

Underlining indicates matter added to existing law.

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**** - indicates existing law unaffected by bill.*

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(e) 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 Zoning Administrator will make a good faith effort to notify the owners of all properties adjoining a property for which an application for zoning map amendment or floating zone reclassification application has been accepted. Such notice shall be by first class mail at least 14 days prior to such public hearing and contain the date, time, place and nature of any public hearing to be held concerning the application. The failure of the property owner to receive the mailing shall not invalidate the approval of the zoning map amendment or floating zone reclassification.

(a) Adjoining property owners shall include the owners of properties immediately contiguous to the applicant's 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.

(3) **Newspaper.** Notice of the time and place of the County Council public hearing, together with a summary of the proposed zoning map amendment or floating zone reclassification shall be published in at least 1 newspaper of general circulation in Frederick County once each week for 2 successive weeks with the first such publication of notice at least 14 days prior to the hearing.

(4) The Zoning Administrator shall have the authority to postpone a public hearing if the applicant has not complied with the requirements for posting of property as detailed in this section.

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

In the case of a comprehensive zoning or rezoning, 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 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) 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~~:

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

5 (a) The sign(s) shall be placed on each property at least 30 days prior to the Planning
6 Commission public hearing and at least 30 days prior to the County Council public hearing.

7 (b) The sign(s) shall be affixed to a rigid board, protected from the weather, and maintained
8 at all times by the [County or the] property owner~~[, depending on which party requested the~~
9 ~~change]~~.

10 (c) If any person removes or tampers with a posted sign(s) during the above 30 day posting
11 period, that person, upon conviction, shall be guilty of a misdemeanor, as provided in § 1-19-
12 2.220.

13 (2) Mail. The Division of Planning and Permitting will make a good faith effort to notify the
14 owners of all properties adjoining a property subject to rezoning. Such notice shall be sent by first
15 class mail at least 14 days prior to the Planning Commission public hearing and at least 14 prior
16 to the County Council public hearing. The notice shall contain the date, time, place, and nature of
17 the public hearing. The failure of the property owner to receive the mailing shall not invalidate the
18 approval of the comprehensive zoning or rezoning.

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

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

24 (D) The following additional public notice requirements shall apply for all properties for which
25 a change in zoning is requested by the County:

26 (1) Sign(s). The County shall place a sign on each property, within 10 feet of each property line
27 that abuts a public road. If the property does not abut a public road, a sign shall be placed in such
28 a manner so that it may be most readily seen by the public. However, if multiple, adjoining
29 properties are the subject of a comprehensive rezoning, the County may post such signs at intervals
30 it deems appropriate to be most readily seen by the public.

31 (a) The sign(s) shall be placed at least 30 days prior to the Planning Commission public
32 hearing and at least 30 days prior to the County Council public hearing.

33 (b) The sign(s) shall be affixed to a rigid board, protected from the weather, and maintained
34 at all times by the County.

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1 (c) If any person removes or tampers with a posted sign(s) during the above 30 day posting
2 period, that person, upon conviction, shall be guilty of a misdemeanor, as provided in § 1-19-
3 2.220.

4 (2) Mail. The Division of Planning and Permitting will make a good faith effort to notify the
5 owners of all properties subject to rezoning and owners adjoining a property subject to rezoning.
6 Such notice shall be sent by first class mail at least 14 days prior to the Planning Commission
7 public hearing and at least 14 days prior to the County Council public hearing. The notice shall
8 contain the date, time, place, and nature of the public hearing. The failure of the property owner to
9 receive the mailing shall not invalidate the approval of the comprehensive zoning or rezoning.

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

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

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