

AMENDMENT 1 on Bill No. 24-01

Introduced By: Council Member Steve McKay (District 2)
Introduction Date: March 19, 2024
Adopted/Rejected/Withdrawn: Adopted

AN ACT to: Amend Chapter 1-23 of the Frederick County Code (Historic Preservation) to update the text and add provisions related to: (1) delisting locally designated historic properties; (2) demolition review of non-designated historic properties; (3) archaeological resource and cemetery protections; (4) economic hardship; and (5) county-owned historic properties.

On Exhibit 1, it is hereby amended as follows:

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

(B) Assessment of Significance.

* * *

(3) If a Plan or application is submitted for the moving or demolition of a site or structure that the Commission considers to be of unusual historic value and no economically feasible plan can be formulated, the Commission or their designee shall have 90 days, from the time it concludes that no economically feasible plan can be formulated, to negotiate with the owner and other parties in good faith in an effort to find a means of preserving the site or structure. If no means of preserving the site or structure is agreed upon, the Plan or application shall be approved unless **A PETITION FOR DESIGNATION HAS BEEN FILED WITH THE DIVISION IN ACCORDANCE WITH §1-23-6(C) [§1-23-6 (6) applies]**. If **THE COUNTY COUNCIL VOTES FAVORABLY AND THE PROPERTY IS DESIGNATED TO THE FREDERICK COUNTY REGISTER OF HISTORIC PLACES [§1-23-6(6) applies]**, the Plan or application shall be reviewed under §1-23-7.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.
[Brackets and ~~strike-through~~] indicate matter deleted from the bill.

AMENDMENT 2 on Bill No. 24-01

Introduced By: Council Member Steve McKay (District 2)
Introduction Date: March 19, 2024
Adopted/Rejected/Withdrawn: Adopted

AN ACT to: Amend Chapter 1-23 of the Frederick County Code (Historic Preservation) to update the text and add provisions related to: (1) delisting locally designated historic properties; (2) demolition review of non-designated historic properties; (3) archaeological resource and cemetery protections; (4) economic hardship; and (5) county-owned historic properties.

On Exhibit 1, it is hereby amended as follows:

§ 1-23-9. ECONOMIC HARDSHIP

Any owner seeking an exemption from the operation of the provisions of the chapter due to economic hardship has the burden of proof to show by clear and convincing evidence that the owner does not have the financial ability to comply with the requirements of this chapter. In making its determination, the Historic Preservation Commission shall consider a justification statement, [and] any additional evidence submitted by the owner, AND SHALL GIVE DUE CONSIDERATION TO WHETHER THE PROPERTY WAS DESIGNATED ON THE COUNTY'S INITIAVE, UNDER THE PROCEDURE DEFINED IN § 1-23-6(C)(6). [A finding of economic hardship shall not be made in cases of intentional owner neglect or other self-created financial hardship or undercapitalization.]

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL. [Brackets and ~~strikethrough~~] indicate matter deleted from the bill.

AMENDMENT 3 on Bill No. 24-01

Introduced By: Council Member Steve McKay (District 2)
Introduction Date: March 19, 2024
Adopted/Rejected/Withdrawn: Rejected

AN ACT to: Amend Chapter 1-23 of the Frederick County Code (Historic Preservation) to update the text and add provisions related to: (1) delisting locally designated historic properties; (2) demolition review of non-designated historic properties; (3) archaeological resource and cemetery protections; (4) economic hardship; and (5) county-owned historic properties.

On Exhibit 1, it is hereby amended as follows:

§ 1-23-10 [8]. DEMOLITION BY NEGLECT

* * *

[(E)] (E)

* * *

[E] (2) Upon failure, neglect, or refusal of the property owner or other responsible person, duly notified, to take the corrective action specified in the corrective action notice within the time required, the Commission may request that the Director of the Department of Permits and Inspections [or their designee enter the building or premises affected by the order and cause the building or premises to be repaired, or cause any dangerous condition to be remedied, as the case may be, at the expense of the owner][institute any of the remedies and penalties provided by law for such violations.] **INSTITUTE ANY OF THE REMEDIES AND PENALTIES PROVIDED BY LAW FOR SUCH VIOLATIONS.**

[3] If the property owner fails to repay the County for expenses incurred under subsection (D)(2) above within thirty (30) days after written demand has been mailed to their last known address, the Director of Permits and Inspections shall notify the County Treasurer and a tax lien in favor of the County for the amount of the expenses incurred under subsection (D)(2) shall attach to the property. The property may be sold at tax sale to satisfy the lien.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.
[Brackets and ~~strike-through~~] indicate matter deleted from the bill

1 (4) Failure to comply with the original or final correction notice shall constitute a
2 violation of this chapter for each day that such violation continues and shall be
3 punishable as set forth in § 1-23-16 of the Frederick County Code.]

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EXPLANATION:

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