

THE EFFECTIVE DATE OF THIS ORDINANCE IS JULY 25, 2009

ORDINANCE NO. 09-23-527

**RE: EXTENSION OF CERTAIN DEVELOPMENT
APPROVAL PERIODS AND DEADLINES**

PREAMBLE AND LEGISLATIVE FINDINGS

WHEREAS, The Board of County Commissioners of Frederick County (“BOCC” or “Board”) finds that a national recession exists which has significantly affected segments of Frederick County’s economy, including the County’s banking, real estate, and construction sectors; and

WHEREAS, As a result of this recession, real estate developers, homebuilders, and commercial, office, and industrial developers have experienced an industry-wide decline; and

WHEREAS, The process of obtaining Planning Commission and Board of Appeals approvals for development, including but not limited to, subdivisions, site plans, adequacy of public facilities, special exceptions and variances can be time consuming, and expensive both for applicants and governmental entities; and

WHEREAS, Many development approvals and deadlines are and will be expiring or lapsing simply due to the passage of time; and

WHEREAS, Based on the above, the Board finds that extending certain development approval periods and deadlines is in the best interests of the citizens of Frederick County and will preserve and improve the health, safety, morals and general welfare of Frederick County; and

WHEREAS, Each of the provisions of this Preamble and Legislative Findings constitutes a specific legislative finding by the BOCC whether or not the individual provision includes specific “finding” language; and

WHEREAS, The Frederick County Planning Commission held a duly advertised public hearing regarding this Ordinance on July 8, 2009, and recommended approval of the Ordinance to the BOCC; and

WHEREAS, The Board held a duly advertised public hearing regarding this Ordinance on July 14, 2009, during which the public had an opportunity to comment.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD
OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, as
follows:

Section I. Definitions.

In this Ordinance, unless the context indicates otherwise, all terms shall have the same meaning as provided in the Frederick County Code (“Code”) and Article 66B of the Maryland Annotated Code.

Section II. Approvals.

This Ordinance temporarily modifies the application of certain provisions of the Frederick County Code, including Chapters 1-10, 1-15.2, 1-16, 1-19 and 1-20, to extend, for 3 years, the approval periods and deadlines for the following (collectively hereinafter referred to as “Approvals”) :

- Preliminary Plans
- Site Plans
- AG Cluster Concept Plans
- Planned Industrial/Commercial Development Concept Plans
- Mixed-Use Development Phase I Concept Plans
- Planned Unit Development Phase I Justifications
- Planned Unit Development Phase II Plan Developments
- Adequate Public Facilities Ordinance
- Minor Subdivision Applications (these expire after 3 years if not recorded)
- Special Exceptions
- Variances

Section III. Codification unnecessary.

Due to the self-limiting nature of this Ordinance, it will not be codified in the Frederick County Code but nevertheless shall have the full force and effect of law as if published in the Frederick County Code.

Section IV. Effect of 2009 State Tolling Legislation.

If both §11-201 of the State Government Article of the Maryland Annotated Code and this Ordinance could apply to extend an Approval, then only the longer

extension shall apply. In no event shall an Approval be extended consecutively by both the State law and this Ordinance.

Section V. Renewal Fees.

All applicable renewal or review fees must be paid by the applicant to obtain the benefit of an extension of an Approval under this Ordinance. There shall be a \$110 extension fee applied to all Approvals extended by this Ordinance.

Section VI. Retroactive Application.

This Ordinance shall apply retroactively only to those Approvals (described in Section II) that were active and valid as of January 1, 2008 or issued between January 1, 2008 and the effective date of this Ordinance. This Ordinance shall not apply to Approvals that were granted or became effective after the effective date of this Ordinance.

Section VII. Prior Renewals or Extensions.

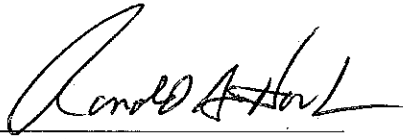
Except for a 6-month site plan extension granted under §1-19-3.300(B) of the Frederick County Code or a six-month special exception extension granted under §1-19-3.200(J) of the Frederick County Code, this Ordinance shall not apply to any Approvals which were re-approved, renewed or extended between January 1, 2008 and the effective date of this Ordinance.

AND BE IT FURTHER ENACTED AND ORDAINED THAT, the effective date of this Ordinance is July 25, 2009.

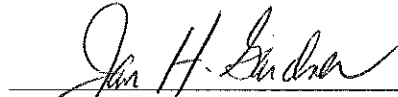
The undersigned hereby certifies that this Ordinance was approved and adopted
on the 14th day of July, 2009.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND



Ronald A. Hart
County Manager



Jan H. Gardner
President

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7/15/09