

**THE CITY OF FREDERICK  
MAYOR AND BOARD OF ALDERMEN**

**ORDINANCE NO: G-12-08**

**LEGISLATIVE HISTORY**

**PLANNING COMMISSION**

**PUBLIC HEARING:** February 13, 2012

**RESOLUTION SUBMITTED  
TO MAYOR & BOARD:** March 19, 2012

**MAYOR & BOARD OF ALDERMEN**

**WORKSHOP:** March 7, 2012

**PUBLIC HEARING:** April 5, 2012

**AN ORDINANCE** concerning

**General Procedural Requirements**

**FOR** the purpose of amending the application process for various development application types and the public notice provisions in general.

**BY** repealing

Section 301  
Appendix A, "Land Management Code"  
The Code of The City of Frederick, 1966 (as amended)

**BY** adding

Section 301  
Appendix A, "Land Management Code"  
The Code of The City of Frederick, 1966 (as amended)

**SECTION 1. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK** that Section 301 of the Land Management Code, Appendix A of The Code of The City of Frederick, 1966 (as amended), be repealed and a new Section 301 be added to read as follows:

**Sec. 301 GENERAL PROCEDURAL REQUIREMENTS**

While the review criteria for various applications differ, unless otherwise specified, the procedures for all applications required under this Code are as follows:

**(a) Application Process**

**(1) Pre-Application**

The pre-application process involves a discussion among the Department staff, City agencies and the applicant about the nature of the proposed application, application submittal requirements, the procedure for action and the standards for evaluation of the application.

- A. The pre-application process is mandatory for the following application types:
  - 1. annexation;
  - 2. area plan;
  - 3. master plan;
  - 4. major site plan unless a master plan for the development has been approved and remains valid; and
  - 5. preliminary subdivision plat unless a master plan for the development has been approved and remains valid.
- B. For application types not listed in subparagraph (A) of this paragraph, the pre-application process is optional and at the discretion of the applicant.
- C. The pre-application process begins with the submittal of a sketch plan to the Department. The sketch plan must include all materials required by Section 1102 of this LMC.
- D. Within 30 working days, the Department will review the sketch plan and hold a pre-application meeting with the applicant, Department staff, and other applicable City departments.
- E. At the pre-application meeting, the Department will provide the applicant with recommendations from the sketch plan. These recommendations will serve as the notice to proceed with the formal application.
- F. Applications do not receive formal plan approval at the conclusion of the pre-application process.

**(2) Application**

- A. All applications must be timely filed in accordance with the approved submittal schedule for the applicable reviewing authority.
- B. A complete application must include the following:
  - 1. payment of all applicable fees established by the Board of Aldermen or the Board of County Commissioners;
  - 2. a notice to proceed where applicable; and
  - 3. all materials required for the application type as prescribed in Section 1102 of this LMC.

**(b) Notice Provisions**

**(1) General**

- A. Notice must be provided in accordance with Table 301-1 and any additional provisions set forth in the individual sections of the LMC.
- B. If two hearings by the reviewing authority are required, public notice for the second hearing is not required.

**(2) Publication**

- A. For purposes of this section, "publication" or "published" means that the notice is printed in a newspaper of general circulation in the City.
- B. The Department is responsible for the publication of notices when publication is required under Table 301-1.
- C. The notice published must contain the application number assigned by the Department and a brief description of the proposal.
- D. Once published in accordance with this paragraph (2), an application may be continued at a public hearing without republication.

**(3) Signage**

- A. For purposes of this section, "signage" refers to the temporary posting of signs on the property that is the subject of an application, for the purpose of providing public notice of the application.
- B. If the posting of signs is required by Table 301-1, the Department shall provide the applicant with the necessary signs. Except as otherwise provided in Table 301-1, the applicant is responsible for posting signs on the property.
- C. A sign must include the following information:
  - 1. the date on which the application was filed with the Department;
  - 2. a general description of the proposal that is the subject of the application;
  - 3. the name and address of the applicant; and
  - 4. the name, phone number, and address of the Department's case planner.
- D. If the property that is the subject of the application fronts more than one street, the applicant shall post at least one sign for each street frontage. The Department may require the posting of multiple signs when a singular frontage exceeds 300 linear feet. If more than one lot is the subject of the application, the applicant shall post at least one sign in the approximate middle of the block, or in another location if so directed by the Department.

- E. Where required by Table 301-1, a second sign shall be provided to the applicant once a hearing has been scheduled for the application.
- F. The second sign shall contain the information required in paragraph (C) of this subsection as well as the time, date, and location of the hearing. An applicant must remove the first sign when the second sign is posted.
- G. The applicant shall maintain all signs in good condition until the hearing or until the application is withdrawn. The applicant shall remove any sign no later than 5 days after the completion of the hearing.
- H. If an application is continued for more than 90 days from the original hearing date, the property must be posted at least 15 days prior to the date of the rescheduled hearing. If an application is continued for less than 90 days, the property need not be reposted.

#### **(4) Mailing**

- A. If mailing is required by Table 301-1, the applicant shall mail a letter to:  
(1) all property owners adjacent to and abutting the subject property; (2) each Volunteer Coordinator of the Neighborhood Advisory Council (NAC) in which the subject property is located; and (3) each Volunteer Coordinator of any NAC within a 500 foot radius of the subject property.
- B. The letter required by paragraph (A) must include the following:
  - 1. the date on which the application was filed with the Department;
  - 2. a general description of the proposal that is the subject of the application;
  - 3. the name and address of the applicants;
  - 4. the street address of the property that is subject of the application or, if the street address is unavailable, the official tax map number;
  - 5. the name, phone number, and address of the Department's case planner; and
  - 6. a boundary map showing the project location.
- C. The applicant shall provide a copy of the mailed notice to the Department within 8 days of filing the application along with a certification that the notices were mailed within this time frame. Certification shall be in the form of verified proof from the U.S. Postal Service that the notice was mailed to the specified address.
- D. If an application is continued for more than 90 days from the original hearing date, a second mailing must be sent within 8 days after the continuance. If an application is continued for less than 90 days, then an additional mailing is not required.

**(5) Neighborhood Meeting**

- A. If required by Table 301-1, the applicant shall facilitate at least one meeting with every appropriate NAC.
- B. The neighborhood meeting shall not be held prior to issuance of a Notice to Proceed or the formal application, whichever occurs first.
- C. The neighborhood meetings for application types for which the Department is the reviewing authority must be held before the Development Review Conference (DRC). The neighborhood meetings for all other applications must be held prior to the reviewing authority's review at a workshop.

**(6) Forest Conservation Plans**

If a preliminary forest conservation plan or combined forest stand delineation/ preliminary forest conservation plan are being processed simultaneously with an application for a preliminary subdivision plat, final site plan, or final plat, the public notices for both plans may be combined into one sign and adjoining property owner notification.

Table 301-1

Notice Requirements

Application	Reviewing Body	Publication	Signage	Mailing	NAC Meeting Applicability
Annexation	Planning Commission	once each week for 2 successive weeks. The second notice must be published at least 14 days prior to the hearing	within eight days of the issuance of the notice of acceptance of a complete application and 15 days before the hearing	within eight days of the issuance of the notice of acceptance of a complete application	Mandatory meeting with every NAC sharing a boundary with the area proposed to be annexed
	Board of Aldermen	In accordance with Article 23A, §19. (d) of the Annotated Code of Maryland	15 days before the hearing	at least 18 days prior to public hearing	
Master Plan Area Plans, and Zoning Map Amendments	Planning Commission	once each week for 2 successive weeks. The second notice must be published at least 14 days prior to the hearing	within 8 days of the issuance of the notice of acceptance of a complete application and 15 days before the hearing	within eight days of the issuance of the notice of acceptance of a complete application	mandatory
	Board of Aldermen as applicable	once each week for 2 successive weeks. The second notice must be published at least 14 days prior to the hearing	15 days before the hearing	at least 18 days before the hearing	
Major Site Plan, Preliminary Subdivision Plats, Final Plats, and Preliminary Forest Conservation Plans	Planning Commission	once each week for 2 successive weeks. The second notice must be published at least 14 days prior to the hearing	within 8 days after the issuance of the notice of acceptance of a complete application and 15 days before the hearing	within 8 days after the issuance of the notice of acceptance of a complete application	mandatory
Minor Site Plan	Planning Staff	One time 14 days prior to DRC	within 8 days after the issuance of the notice of acceptance of a complete application	within 8 days after the issuance of the notice of acceptance of a complete application	mandatory
Final Plat	Staff (pursuant to §508(d)(2))	----	----	----	----
Land Management Code text amendments	Planning Commission	once each week for 2 successive weeks. The second notice must be published at least 14 days prior to the hearing	---	---	---

Application	Reviewing Body	Publication	Signage	Mailing	NAC Meeting Applicability
	Board of Aldermen	once each week for 2 successive weeks. The second notice must be published at least 14 days prior to the hearing	---	---	
Comprehensive Plan Text amendments	Planning Commission	once each week for 3 successive weeks. The first notice must be published at least 14 days prior to the hearing	---	If a text amendment affects a specific geographical area, notices should be sent out to the adjoining property owner within 8 days of the issuance of the notice of acceptance of a complete application.	---
	Board of Aldermen	same as above	---	If a text amendment affects a specific geographical area, notices should be sent out to the adjoining property owner 18 days before hearing.	---
Comprehensive Plan Map amendments	Planning Commission	once each week for 3 successive weeks. The first notice must be published at least 14 days prior to the hearing.	Within 8 days of the issuance of a notice of acceptance of a complete application and 15 days before hearing	within 8 days of the issuance of the notice of acceptance of a complete application	---
	Board of Aldermen	same as above	15 days before hearing	at least 18 days before the hearing	---
Development Rights and Responsibilities Agreement	Planning Commission	once each week for 2 successive weeks. The second notice must be published at least 14 days prior to the hearing.	---	---	---
	Board of Aldermen	once each week for 2 successive weeks. The second notice must be published at least 14 days prior to the hearing.	---	---	---
Variances, conditional uses, temporary uses, nonconforming uses	Zoning Board of Appeals	15 days before public hearing	15 days before the hearing	sent by applicant at least 18 days before hearing	---

Application	Reviewing Body	Publication	Signage	Mailing	NAC Meeting Applicability
Administrative Adjustments for Residential Accessibility	staff	---	10 days before approval	---	---
Historic Preservation Overlay (HPO) Boundary	Historic Preservation Commission	once each week for 2 successive weeks. The second notice must be published at least 14 days prior to the hearing.	For individual site or structure, applicant shall post sign at least 15 days before hearing.  For proposed district, Department shall post sign at least 30 days before hearing.	For individual site or structure, applicant shall mail notices at least 18 days before hearing.  For proposed district, Department shall mail notices at least 30 days before hearing.	mandatory
	Planning Commission	once each week for 2 successive weeks. The second notice must be published at least 14 days prior to the hearing			
	Board of Aldermen	once each week for 2 successive weeks. The second notice must be published at least 14 days prior to the hearing.			
HPO Review of Major changes (major exterior rehabilitation, adaptive reuse, etc.)	Historic Preservation Commission	10 days before the hearing	10 days before the hearing	---	---
HPO Review of Minor Changes & Improvements (Excluding Review of Changes to Signs) (administrative approval)	Planning Staff	---	10 days before approval	---	---

**(c) Scope of Action**

- (1) The reviewing authority may take any action on the application that is consistent with the notice given. The reviewing authority may not allow amendments to the application except as provided in paragraph (2) of this subsection.
- (2) The reviewing authority may not approve amendments to an application if the effect of the amendments is to allow a greater change than that requested on the original application, increase the impact of the development, increase the amount of land involved, or change the use to one given in a different general use category from the one indicated in the notice of the hearing.

**(d) Public Hearing**

**(1) Applicability**

This subsection applies to any action that requires a public hearing.

**(2) Setting of the Hearing**

When the Department determines that a development permit application or petition is complete, the Department shall cause notice of such hearing to be completed.

**(3) Conduct of Hearing**

The conduct of a hearing before the Planning Commission, the Zoning Board of Appeals, Historic Preservation Commission, or the Board of Aldermen shall be as set forth in their applicable rules of procedure.

**(e) Post-Decision Proceedings**

Any person, including any officer or agency of the City aggrieved by a final decision relating to a development permit or administrative development approval by the Zoning Administrator or final decision-maker may appeal such final determination to the appellate body designated by this Code, in the manner provided in §315. Unless a different appellate body is designated by this Code, the Zoning Board of Appeals shall have jurisdiction to hear any appeals from a decision of any officer, official or agency in the administration of this Code.

**(f) Duty to Inform**

(1) Following issuance of a permit or development order pursuant to the LMC, the applicant shall inform the Department of any changes relating to the use or business that would change the nature of the use that was originally approved.

(2) Within 14 days of any change in use of any premises, the property owner must apply for a new zoning permit and obtain a zoning certificate. The failure to notify by application is considered a violation of the LMC.

(3) A property owner that has received site plan approval shall inform any new owner or tenant of and adhere to the commitments of the adopted site plan.

**SECTION 2.** In the event any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the City that such remainder shall be and shall remain in full force and effect.

**SECTION 3.** This ordinance shall take effect on April 15, 2012, and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance will as of that date be repealed to the extent of such inconsistency.

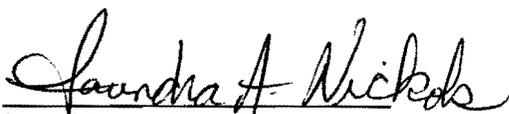
**APPROVED: April 5, 2012**

**PASSED: April 5, 2012**

  
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Randy McClement, Mayor

  
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Randy McClement President,  
Board of Aldermen

**Approved for Legal Sufficiency:**

  
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Legal Department