

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

**ORDINANCE NO: G-17-10**

**AN ORDINANCE** concerning a moratorium on certain actions relating to annexations and individual rezonings of the period surrounding City elections

**FOR** the purpose of updating and clarifying the policy established in Resolution No. 05-22

**WHEREAS**, the Board of Aldermen of The City of Frederick (the "City") believes that consideration of annexation petitions and individual rezoning applications before or after the City's election may create the appearance that political pressure is being created by, or election promises are being made to, annexation petitioners or rezoning applicants; and

**WHEREAS**, the Board of Aldermen believes that it is in the best interests of the residents of the City to prohibit the consideration of annexation and individual rezoning cases during the period beginning the day before the Primary Election until the day after inauguration, hereinafter termed "Election time"; and

**WHEREAS**, on January 4, 1996, the Mayor and Board of Aldermen adopted a "Policy for Annexations and Rezoning During City Elections", under which no annexation petition or rezoning application would be considered for a period of time beginning six months prior and ending three months after the City's general election; and

**WHEREAS**, on June 2, 2005, the Board of Aldermen adopted Resolution No. 05-22, which replaced the 1996 Policy and which expressly distinguished between individual rezoning applications and comprehensive rezonings; and

**WHEREAS**, effective August 15, 2005, the City adopted the Land Management Code (LMC) (Appendix A of the Frederick City Code), which established several types of map amendments in addition to traditional, individual rezonings; and

**WHEREAS**, in 2013, the City adopted Ordinance No. 13-05, which amended the LMC to establish a process under which structures proposed for demolition are reviewed for the purpose of determining whether or not they should be designated as historic structures through the application of the Historic Preservation Overlay zone; and

**WHEREAS**, the Board of Aldermen now desires to clarify the scope of the intended prohibition against individual rezonings during election time.

**SECTION I. NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK** that

- (a) **Purpose.** The purpose of this ordinance is to help ensure that certain land use decisions remain independent and free from the appearance of any political pressure due to an application or petition being considered during Election time.

- (b) **Scope.** This ordinance applies to the period beginning the day before the Primary election of the City and ending the day after inauguration. This period is referred to in this ordinance as "election time".
- (c) **Annexations.** During election time, the Mayor and Board of Aldermen will not accept or introduce a petition for annexation.
- (d) **Zoning Map Amendments.**
  - (1) This subsection does not apply to the following types of zoning map amendments:
    - (A) comprehensive rezonings;
    - (B) the removal of floating zones; and
    - (C) the application of the historic preservation overlay district (HPO) under Section 423(a) of the LMC
  - (2) This subsection applies to all zoning map amendments not listed in paragraph (1) of this subsection, including but not limited to:
    - (A) individual Euclidean rezonings;
    - (B) the application of floating zones; and
    - (C) the application or amendment of boundaries of overlay zoning districts, except for the application of the HPO under Section 423(a) of the LMC.
  - (3) During election time, neither the Planning Commission nor the Board of Aldermen will consider an application for a zoning map amendment.

**SECTION II. AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK** that Resolution No. 05-22 is hereby repealed and is of no further force or effect.

**Section III. AND BE IT FURTHER ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FREDERICK THAT** 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 VI. AND BE IT FURTHER ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FREDERICK THAT** his ordinance shall take effect on April 6, 2017, 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 6, 2017**

**PASSED: April 6, 2017**

  
 \_\_\_\_\_  
**RANDY MCCLEMENT, Mayor**

  
 \_\_\_\_\_  
**RANDY MCCLEMENT, President,  
 Board of Aldermen**

Approved for Legal Sufficiency:

*Jandra A. Nickels*  
City Attorney