

THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN
ORDINANCE G-11-15

AN ORDINANCE concerning

Extension of Development Approvals

FOR the purpose of granting additional temporary extensions of expiration dates of certain development permits and approvals in response to the continuing economic recession.

WHEREAS, on May 21, 2009, the Mayor and Board of Aldermen of The City of Frederick (hereinafter the "City") adopted Ordinance No. G-09-9 (hereinafter the "2009 Extension Ordinance"); and

WHEREAS, the 2009 Extension Ordinance extended a number of development approval periods and deadlines for an additional two-year period due to the significant effects of the national recession on segments of the City's economy, including the banking, real estate, and construction sectors; and

WHEREAS, the Board of Aldermen finds that the national recession and its significant effects on segments of the City's economy continue to this date; and

WHEREAS, the expiration of development-related permits, approvals, and completed applications can have significant financial impacts on a developer, and can also can adversely affect financial institutions and investors that have provided financing for a development project; and

WHEREAS, development-related activity is a significant tax revenue generator and provides a needed source of revenue to the City to finance public services; and

WHEREAS, many of the development approvals and deadlines that were extended by the 2009 Extension Ordinance will be expiring or lapsing in 2011; and

WHEREAS, in order to prevent the expiration of development approvals and permits during the economic recession, extensions of the expiration dates of certain development approvals and permits are needed; and

WHEREAS, the City Code allows for extensions of many, but not all, expiration dates, and even those provided for will likely be insufficient to accommodate the length and scope of the economic recession; and

WHEREAS, it is in the best interests of the citizens of the City and its economy to grant further temporary extensions of the expiration dates of certain development approvals and permits.

SECTION I. NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK ORDAINS AS FOLLOWS:

(a) Definitions. For the purposes of this Ordinance, the following terms have the meanings given:

(1) "Normal expiration date" means the date on which the permit would expire under the law existing prior to the enactment of this Ordinance, including any extensions granted pursuant to the 2009 Extension Ordinance.

(2) "Permit" means, and is limited to, any of the following types of development approvals or permits:

(A) variance;

(B) conditional use;

(C) preliminary subdivision plat;

(D) final site plan;

(E) Historic Preservation Commission certificate of approval;

(F) water and sewer allocation contract;

(G) commercial building permit;

(H) zoning permit;

(I) grading/public improvements permit; and

(J) certificate of adequate public facilities.

"Permit" does not include any development approval or permit that has expired prior to the effective date of this Ordinance.

(b) Extension. The expiration date of any permit issued or unconditionally approved on or before July 7, 2011 shall be automatically extended for a period of three years from the normal expiration date.

(c) Authority to Modify, Revoke, or Cancel. Nothing in this Ordinance shall be construed to limit the authority of the City to modify or revoke a permit. The City may cancel a permit affected by the provisions of this Ordinance if the City determines that the permit presents a threat to the public health, safety, or welfare of its citizens.

SECTION II. AND THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK FURTHER ORDAINS that this Ordinance shall be construed to apply retroactively and shall be applied to and interpreted to affect any permit issued by the City on or before July 7, 2011.

SECTION III. AND THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK FURTHER ORDAINS 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 IV. AND THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK FURTHER ORDAINS that this Ordinance shall take effect on July 7, 2011, 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.

PASSED: July 7, 2011

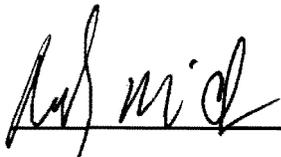
DATE: July 7, 2011



**Randy McClement, President,
Board of Aldermen**

APPROVED: July 7, 2011

DATE: July 7, 2011



Randy McClement, Mayor

Approved for Legal Sufficiency: