

ORDINANCE NO: G-22-02

<u>LEGISLATIVE HISTORY</u>	
<u>PLANNING COMMISSION</u>	
PUBLIC HEARING:	January 10, 2022
RECOMMENDATION LETTER SUBMITTED TO MAYOR & BOARD:	January 24, 2022
<u>MAYOR & BOARD OF ALDERMEN</u>	
WORKSHOP:	February 2, 2022
PUBLIC HEARING:	March 17, 2022

AN ORDINANCE regarding annexation of land

FOR THE PURPOSE of requiring an annexation plan in accordance with state law; providing for annexation agreements; providing for detachment of land; and otherwise generally relating to the annexation of land into The City of Frederick.

BY repealing

Section 322
Appendix A, "Land Management Code"
The Code of the City of Frederick, 1966 (as amended)

BY adding

Section 322
Appendix A, "Land Management Code"
The Code of the City of Frederick, 1966 (as amended)

Sec. 322 ANNEXATION

- (a) **Authority.** The Board of Aldermen may enlarge the City Boundary by annexation in accordance with the Maryland Code, Local Government Article, Title 4, Subtitle 4 ("Subtitle 4").
- (b) **Policy considerations.** The Board of Aldermen may consider and act upon a petition for the annexation of land contiguous and adjacent to the City Boundary in order to promote the health, safety, welfare and economic development of the City. In deciding

whether to annex property, the Board of Aldermen should consider whether the proposed annexation will:

- (1) Be consistent with the plans for the present and future development of the City;
- (2) Further the goals and objectives of the comprehensive plan;
- (3) Be located near existing or planned public facilities; or
- (4) Result in an adverse fiscal impact upon the City

(c) Initiation.

- (1) This subsection applies to an annexation proposal initiated by petition.
- (2) An annexation petition meeting the requirements of this subsection may be filed with the Mayor.
- (3) The petition must include the information required by Sec. 1104 of this LMC and must be accompanied by a filing fee as specified in the Fee Schedule Ordinance. It must also be accompanied by information required by the Planning Division relating to the annexation plan as described in subsection (i) of this section.
- (4) The petition must be signed by:
 - A. At least 25% of the registered voters who are residents in the area to be annexed; and
 - B. The owners of at least 25% of the assessed valuation of the real property in the area to be annexed

(d) Procedures.

- (1) A pre-application meeting is required prior to submittal of a petition for annexation.
- (2) An annexation petition will be introduced to the Board of Aldermen at a public meeting.
- (3) After the public meeting held in accordance with paragraph (2) of this subsection, the Mayor shall verify the signatures on the petition and confirm that the petition meets the requirements of subsection (c) of this section.
- (4) After verifying compliance, the Mayor shall cause a resolution proposing the change of boundaries as requested by the petition and conforming to the requirements of this section and Subtitle 4 to be introduced to the Board of Aldermen at a public meeting.
- (5) The Board of Aldermen shall refer the application to the Planning Commission for study and recommendations. The Planning Commission may, in its discretion, request additional information from the applicant. The Planning Division shall

cause any written report or recommendations made by the Planning Commission to be furnished within 15 days to the applicant.

- (6) After the Planning Commission has submitted its recommendations, the Mayor and Board of Aldermen shall consider the resolution at a public workshop.
- (7) Following the workshop, the Planning Division shall provide public notice that:
 - A. Briefly and accurately describes the proposed annexation and the applicable conditions and circumstances; and
 - B. Specifies the date, time, and place that the Board of Aldermen sets for the public hearing on the proposed annexation.
- (8) Frederick County and any regional or State planning agency with jurisdiction in the county have the right to be heard before the public at the hearing on the proposed annexation.

(e) Public notice.

- (1) Public notice pertaining to the Planning Commission's review of the annexation plan and recommendation on proposed annexation will be in accordance with Section 301 of this LMC.
- (2) Public notice relating to the public hearing by the Board of Aldermen for consideration of the proposed annexation will be in accordance with Section 301 of this LMC and Subtitle 4.

(f) Withdrawal of application. Upon the written request of any applicant or upon verbal request made by any applicant at any public hearing on the application or at any public meeting at which the resolution is being considered, the application may be withdrawn.

(g) Annexation resolution - contents.

- (1) An annexation resolution must provide that the residents in the area to be annexed and their property shall be added to the municipality, generally subject or not, as applicable, to specific provisions of the City's charter.
- (2) Notwithstanding paragraph (1) of this subsection, an annexation resolution may provide, for stated periods and under specific conditions, special treatment of the residents in the area to be annexed and their property as to:
 - A. Rates of municipal taxation; and
 - B. Municipal services and facilities.
- (3) The resolution will provide that the annexation will become effective on the date established by the Board of Aldermen, at least 45 days after the public hearing approval.

- (4) After an annexation resolution takes effect, any change in the provisions for special treatment for stated periods and under specific conditions may be made only by a resolution enacted under this section.

(h) Annexation agreement.

- (1) Before voting on an annexation resolution, the Board of Aldermen may enter into an annexation agreement with the petitioners. The annexation agreement will set out the terms and conditions under which an annexation is to occur as well as any concessions being exacted from the petitioners or any other special obligations of the parties relating to a proposed annexation. Terms and conditions may include, but are not limited to, those related to on-site and off-site public improvements to be provided; financial terms such as temporary or phased municipal property tax abatements or service fee reductions; timetables for the extension and provision of public utilities and other services; certain land use stipulations; construction and environmental protection requirements; enforcement provisions; and conditions for terminating the agreement under specified circumstances.
- (2) The Board of Aldermen shall hold a public hearing on the proposed annexation agreement prior to the City's final approval and execution of the agreement and before taking a vote on the annexation resolution.
- (3) The effective date of the agreement will be the date that the approval of the annexation resolution by the Board of Aldermen becomes final. Upon the annexation resolution becoming final, the agreement shall be binding upon the parties thereto, their heirs, successors, grantees and assigns.
- (4) The annexation agreement shall be recorded by the City in the Land Records of Frederick County, Maryland, within 30 days after the date the annexation resolution becomes effective.

(i) Annexation plan.

- (1) By resolution separate from the annexation resolution, the Board of Aldermen shall adopt an annexation plan for the area to be annexed.
- (2) The annexation plan shall:
 - A. Contain a description of the land use pattern proposed for the area to be annexed, which may include a county master plan already in effect for the area;
 - B. Describe the schedule to extend each municipal service performed in the city at the time of the annexation to the area to be annexed;
 - C. Describe the general methods by which the City anticipates financing the extension of municipal services to the area to be annexed; and
 - D. Be presented so as to demonstrate the available land for public facilities that may be considered reasonably necessary for the proposed use,

including facilities for schools, water or sewage treatment, libraries, recreation, or fire or police services.

- (3) The annexation plan must be consistent with the municipal growth element of the Comprehensive Plan.
- (4) At least 30 days before the public hearing on an annexation resolution, a copy of the annexation plan shall be provided to:
 - A. The Frederick County Council; and
 - B. The Maryland Department of Planning.
- (5) The annexation plan shall be open to public review and discussion at the public hearing on the annexation resolution.
- (6) An amendment to the annexation plan does not:
 - A. Amend the proposed annexation resolution; or
 - B. Cause a reinitiation of the annexation procedure then in process.

(j) Zoning of annexed areas.

- (1) Except as otherwise provided in paragraph (2) of this subsection, without the express approval of the Frederick County Council, for 5 years after an annexation, the City may not allow development of the annexed land for land uses substantially different than the authorized use, or at a substantially higher density, not exceeding 50%, than could be granted for the proposed development, in accordance with the zoning classification of the county applicable at the time of the annexation.
- (2) If the County Council expressly approves, the Board of Aldermen may place the annexed land in a zoning classification that allows a land use or density different from the land use or density specified in the zoning classification of the county prior to its annexation applicable at the time of the annexation.
- (3) Subject to the provisions of paragraphs (1) and (2) of this subsection, unless otherwise specified by ordinance or in the annexation resolution, all land annexed into the City shall at the time of annexation be zoned RC.

(k) Detachment/de-annexation.


- (1) The City is authorized by Article XI-E of the Maryland Constitution to revise its boundaries in order to detach real property lying therein by enacting a charter amendment.
- (2) The Board of Aldermen may enact a charter amendment to detach a parcel of real property upon the request of any person or on its own initiative.

- (3) In determining whether or not to detach property, the Board of Aldermen should consider:
- A. Whether the detachment is necessary to correct a technical or clerical error;
 - B. Whether the property has been improved;
 - C. Whether any city services have been extended to the property;
 - D. Whether detachment will create an enclave of city land lying wholly within Frederick County;
 - E. Any applicable policies or goals within the Comprehensive Plan or other relevant plans; and
 - F. Any recommendations made by the Planning Commission.

SECTION II. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that this ordinance shall take effect on March 27, 2022 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:

DATE:

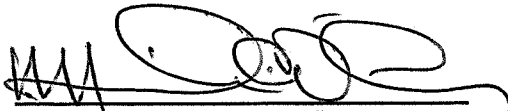


Michael C. O'Connor, President,
Board of Aldermen

March 17, 2022

APPROVED:

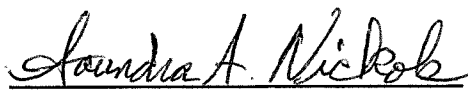
DATE:



Michael C. O'Connor, Mayor

March 17, 2022

Approved for Legal Sufficiency:



Sandra A. Nickol
City Attorney