

THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN

ORDINANCE NO: G-19-16

LEGISLATIVE HISTORY

PLANNING COMMISSION

PUBLIC HEARING: March 8, 2019
April 8, 2019

RECOMMENDATION SUBMITTED
TO MAYOR & BOARD: April 15, 2019

MAYOR & BOARD OF ALDERMEN

WORKSHOP: April 24, 2019
PUBLIC HEARING: June 6, 2019

AN ORDINANCE concerning the zoning of 300 East 4th Street

FOR THE PURPOSE of amending the official zoning maps to remove the institutional floating zone from the property located at 300 East 4th Street, thereby reinstating the light industrial base zone

BY repealing and reenacting, with amendments,

Section 402
Appendix A, "Land Management Code"
The Code of the City of Frederick, 1966 (as amended)

BACKGROUND

The Land Management Code (LMC) incorporates by reference the official zoning maps. In 2013, the Board of Aldermen enacted Ordinance No. G-13-03 for the purpose of comprehensively rezoning a portion of the city, including the property located at 300 East 4th Street (the "Property"). The official zoning maps adopted by that ordinance indicate that the Property was assigned a light industrial (M1) base zone as well as an institutional (IST) floating zone. In accordance with Section 306 of the LMC, the Board of Aldermen may allow a parcel designated as a floating zone to revert to the base zone applied during the most recent comprehensive rezoning.

On or about January 28, 2019, the owner of the Property (4th Street Properties LLC, through its authorized agent, JPM Properties, LLC) filed with the Planning Division an application to remove the IST floating zone from the Property and cause it to revert to the M1 base zone. The Planning Commission held duly advertised public hearings on March 8, 2019 and April 8, 2019. At the conclusion of the April 8, 2019 public hearing, the Planning Commission recommended that the Board of Aldermen approve the application.

On June 6, 2019 having received the recommendation of the Planning Commission, the Board of Aldermen held a duly advertised public hearing on the proposed zoning map amendment. In accordance with Section 306(e) of the LMC, and based upon review and

consideration of the application materials, staff reports, and all other testimonial and documentary evidence, the Board of Aldermen hereby finds the facts set forth below. These facts, in addition to those set forth in the preceding recitals, are incorporated into and expressly made a part of this ordinance.

1. The IST floating zone was established in order to provide for uses where the public is invited or permitted to congregate, such as schools, hospitals, and places of worship.
2. At the time of the most recent comprehensive rezoning, the Property was used as a private club and was given the base zoning designation of M1. In addition, the IST zone was applied to the Property to reflect the use of the Property at that time.
3. The Property has since ceased operation indefinitely as a private club.
4. Reversion of the Property to M1 is consistent with various policies of the 2010 Comprehensive Plan, including but not limited to Municipal Growth Element (MGE) Policy 1 and Economic Development (ED) Policies 2 and 5 and the implementation strategies incorporated therein.

SECTION I. NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, THAT The Code of the City of Frederick, 1966 (as amended), Appendix A, Land Management Code, Section 402, be repealed and reenacted, with amendments, by revising the official zoning maps to remove the institutional floating zone (IST) from the Property and to indicate that such Property is zoned light industrial (M1), as shown on Exhibit A, attached hereto and incorporated herein by this reference.


SECTION II. AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN, 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 III. AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN, THAT this ordinance shall take effect on June 16, 2019, 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.

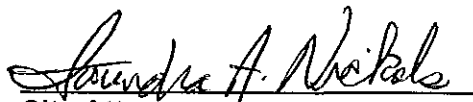
APPROVED: June 6, 2019

PASSED: June 6, 2019


Michael C. O'Connor, Mayor


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

Approved for Legal Sufficiency:


Sandra A. Nichols
City Attorney

