

**ORDINANCE NO: G-21-13**

**LEGISLATIVE HISTORY**

**PLANNING COMMISSION**

**PUBLIC HEARING:** April 12, 2021  
May 10, 2021

**RECOMMENDATION  
LETTER SUBMITTED  
TO MAYOR & BOARD:** May 26, 2021

**MAYOR & BOARD OF ALDERMEN**

**WORKSHOP:** May 26, 2021

**PUBLIC HEARING:** July 1, 2021

**AN ORDINANCE** concerning the zoning of ±26.49 acres of property located at 198 Monroe Avenue.

**FOR THE PURPOSE** of amending the official zoning maps to rezone certain parcels to the Mixed Use (MU-2) floating 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**

This ordinance pertains to the parcels of land known and identified as 198 Monroe Avenue (hereinafter collectively the "Property"). The official zoning maps, as incorporated by reference into the Land Management Code (LMC), indicate that the property located at 198 Monroe Avenue is zoned Light Industrial (M1). It is a part of the Airport Overlay (AO) district.

On October 26, 2020, Harris Smariga & Associates, Inc., on behalf of Randy and Alyse Cohen of Frederick Industrial Park Associates, the owners of the Property, filed with the Planning Division an application to amend the official zoning maps by rezoning 198 Monroe Avenue to the Mixed Use (MU-2) floating zone (replacing the M1 zone).

The Planning Commission held duly advertised public hearings on the proposed rezoning of the

Property on April 12, 2021 and May 10, 2021. At the conclusion of the May 10, 2021 public hearing, the Planning Commission recommended that the Board of Aldermen approve the rezoning as described in the application submitted.

On July 1, 2021, the Board of Aldermen held a public hearing for the purpose of approving an ordinance to rezone the Property.

**SECTION I. NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK,** That in accordance with Section 306 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 as follows:

- (1) Generally, the proposed land uses, buildings and structures are compatible with each other and with and surrounding land uses, so as to promote the health, safety, and welfare of the present and future inhabitants of the City of Frederick, and all other applicable requirements have been met.
- (2) With respect to the rezoning of 198 Monroe Avenue to the Mixed Use (MU-2) floating zone:
  - (A) The proposed single-family attached, multifamily, and non-residential uses are permitted in the MU-2 zone. The criteria for development in the mixed-use districts have been considered, and further compliance with all the applicable criteria of LMC Section 417 will be evaluated through subsequent development process.
  - (B) The proposed construction of single-family attached, multifamily, and non-residential uses are compatible with the character of the existing uses in the vicinity, which include a variety of residential and nonresidential land uses.
  - (C) The proposed rezoning will increase the potential residential population.
  - (D) The proposed development has been evaluated for its impacts on public facilities in accordance with the Chapter 19 of the City Code, known as the Adequate Public Facilities Ordinance, and it has been determined that the site will be adequately served by public facilities or is within the thresholds acceptable to mitigate for inadequate infrastructure.
  - (E) The proposed development is located on Monroe Avenue, an existing road classified as an Urban Collector per the 2010 Comprehensive Plan, 2030 Roadway Classification Map and Monocacy Boulevard, an existing road classified as an Urban Primary Arterial per the 2010 Comprehensive Plan, 2030 Roadway Classification Map and that the Applicant will be constructing Highland Street through the site connecting Monroe Avenue to Monocacy Boulevard.
  - (F) The proposed rezoning is harmony with and supported by the Land Use, Municipal Growth, Heritage Resources, Housing, and Community Character and Design Elements of the 2010 Comprehensive Plan.

**SECTION II. AND 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, as

shown on Exhibit A attached hereto and incorporated herein by this reference, and as further described as follows:

- (1) The ±26.49-acre Property at 198 Monroe Avenue is hereby rezoned to the Mixed Use (MU-2) floating zone, while retaining the existing Airport Overlay (AO) designation, as more particularly shown and described on Exhibit A.

**SECTION III. AND BE IT FURTHER ENACTED AND ORDAINED BY THE MAYOR AND 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 IV. AND BE IT FURTHER ENACTED AND ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN**, That this ordinance shall take effect on July 11, 2021, 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: July 1, 2021**

**PASSED: July 1, 2021**

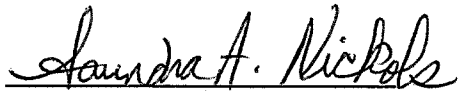


**Michael O'Connor, Mayor  
Board of Aldermen**



**Michael O'Connor, President,**

**Approved for Legal Sufficiency:**



**City Attorney**