



FREDERICK

PLANNING

Sept 23, 2022

Kevin Musheno
4725 Wisconsin Avenue, N.W., Suite 250
Washington, D.C. 20016
(202) 244-0600 | kmusheno@lplawdc.co

Re: 22-885 Zoning Determination for 331 N. Market Street - Tax Parcel ID # 02-118793

Dear Mr. Musheno:

Staff is pleased to present this zoning determination in response to your letter of September 9, 2022, for the above referenced parcel, hereinafter referred to as “the Property,” in which you requested the following information:

- The zoning district for the Property,
- The permitted uses for the zoning district, and
- Any outstanding zoning or building code violations at the Property.

What is the zoning district for the Property?

The property is zoned DB - Commercial/Residential, and it is within the City of Frederick’s Historic Preservation Overlay, as shown in Attachment A. According to Section 401 (Establishment and Purposes of Zoning Districts) of the City of Frederick’s Land Management Code (LMC), the DB district is intended to encourage the development of the Center City's commercial areas. It allows most office and retail activities as well as high density residential uses. To encourage the implementation of this objective, certain parking requirements are relaxed for development or redevelopment in this district. 118793

What uses are permitted in the DB Zone?

The DB Zone allows many uses by right, conditionally, temporarily, or as accessories to a primary use. See attachment B for the lists of uses allowed in the DB zone.

Are there any zoning or building code violations at the Property?

No. Of the 10 cases reported in 2022, all were closed on or before August 9, 2022. Seven were related to property maintenance and three were related to city code.

If you have any further questions, please do not hesitate to contact me at (301) 600-3187 or ssuarez@cityoffrederickmd.gov.

The purpose of the service provided by the Zoning Administrator regarding determinations and/or interpretations is to identify the zoning of a particular property, to verify that a use is permitted or permissible in a specific Zoning District and to clarify and interpret the Land Management Code. Any questions regarding specific regulations and requirements for a site or sites' compliance with the Land Management Code not addressed in this letter shall not be the responsibility of the Zoning Administrator. It is the responsibility of the applicant, property owner and/or property purchaser to review the project site plans and the Land Management Code for compliance.

This determination refers solely to the referenced property and is not binding upon the City, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property. Please be advised that any person aggrieved, or any officer, department or agency of The City of Frederick affected by an order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the provisions of the Land Management Code may appeal said decision within thirty days to the Zoning Board of Appeals.

Sincerely,



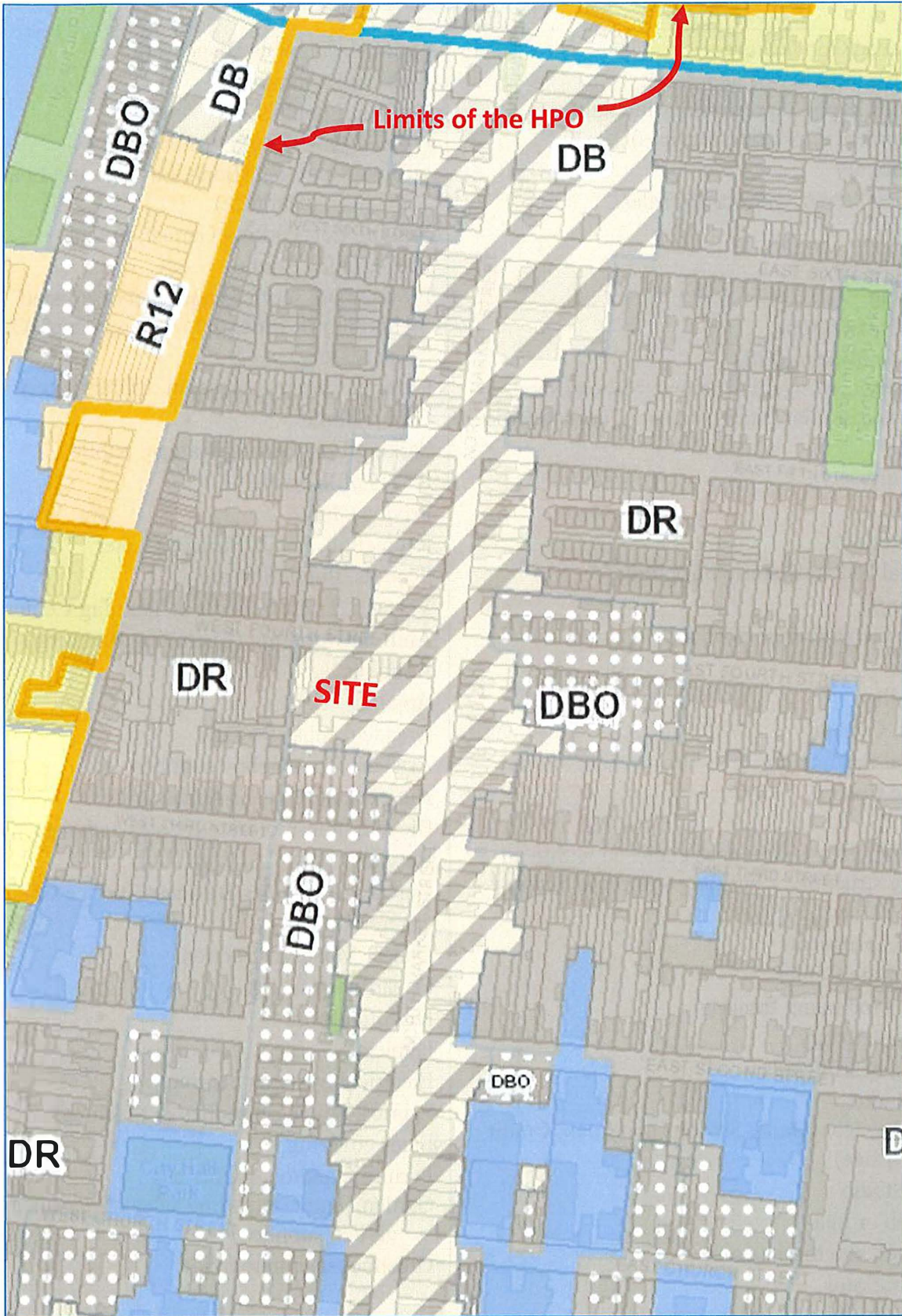
Sharon Kemper Suarez, MPA, AICP
City Planner

In Concurrence,



Joseph A. Adkins, AICP
Zoning Administrator

Attachment A – Zoning of the Property and surrounds



Attachment B – Uses permitted within the DB Zone

Uses by Right

Bakery, Baked Goods Store	Medical Cannabis Dispensary
Books, Magazines, newspapers, etc.	Medical Laboratory
Camera sales & photo processing (including development & printing services)	Medical Supplies
Cards, stationary	Offices, Business & Professional
Convenience Stores, without gas sales	Offices, Regional (Bank, Savings and Loan, Credit Union, Insurance)
Delicatessen	Parking Lot, Parking Garage, private
Drugs, cosmetics	Photography Studio
Dry Cleaning	Professional services not otherwise listed
Flowers (Florist Shop)	Swimming (Residential Development/HOA specific accessory) pools
Novelties, Souvenirs, Gifts	Cultural Centers (Museum, Library, etc.)
Personal Services (e.g., nail salons, barbers, shoe repair, and similar establishments), not otherwise listed	Group Home
Single-family	Parking Lot, Parking Garage, public
Tailoring	Places of Worship
Tobacco Products	Private Club
Commercial Use in Historic Structures	Recreation, Social Service Center
Funeral Home	Schools, Public/Private
Funeral Home with crematorium	Vo-tech, Trade Schools & Training Centers
Locksmith	Animal Grooming (Excluding Boarding)
Multi-Family	Antiques
Restaurant, General	Apparel
Agricultural Production	Arcade (pinball, video)
Conference Center	Arts, crafts, or hobby supplies
Park	Automobile Parts or Accessories
Telecommunications Antennas enclosed within an existing structure or building subject to Section 866(b)	Bicycle (non-motorized) Sales and/or Repair
Accessory Apartments	Bowling
Child Day Care Center	Business Machines/Business Service Centers
Art Gallery, including framing	Caterer
Barber/Cosmetology	Dance, Music Instruction
Eyeglasses, hearing aids	Department stores
Farmers Markets	Discount Store
Financial Services (Bank, Savings and Loan, Credit Union office)	Duplex
Fine Arts Studio	Electrical Systems Service
Health Club or Spa	Fabrics, Sewing Supplies & Machines
Hotel, Motel, and tourist court	Floor covering
Interior Decorator	Furniture and/or Appliances
	Garden center, including sales of trees, shrubs, garden supplies
	Greenhouse, commercial

Grocery Stores
Handicraft Items (such as Pottery, Stained Glass,
Woodwork)
Hardware, inside storage
Ice Cream Parlor
Janitorial Services
Jewelry
Laundromat
Lighting, Electrical Supplies
Liquor, Beer, Wine
Luggage, Leather Goods
Meats, butcher shop
Multi-Family with Accessory Retail
Music & Records, Sales and Repair
Musical Instruments
Newspaper Printing
Office Furniture
Office Supplies
Paint, Wallpaper
Pet store or pet supply store
Picture Framing
Pool, Billiards
Radio, TV Sales and Repair
Reception Facility
Retail Sales not otherwise listed
Rooming House
Shoes
Shopping Center
Small Scale Craft Distillery/Brewery/Winery
Sporting goods
Swimming (non-accessory) pools
Tennis, Racquet Sports
Theater, movie
Theater, stage
Townhouse
Toys
Two-family
Upholstery, Curtain, Drapery Service
Used Merchandise Auction
Veterinary Clinic/Hospital without boarding
Video/DVD (Sales or Rental)

Conditional Uses

Accessory Drive
Nursing Home/Domiciliary Care/Adult Living
Facility
Senior Living & Retirement Facilities
Bed and breakfast inn
Adult Day Care Center
Laboratories & Testing Offices in Conjunction
with Scientific or Industrial Research &
Development
Brewery
Convenience Stores, with gas sales
Farm Brewery
Restaurant with Entertainment
Restaurant, Fast Food
Stone Monuments (excludes engraving)
Winery

Accessory Uses

Public Safety (police, fire, ambulance)
Entertainment at eating and drinking establishment

Temporary Uses

Community Events

LAW OFFICES

POTKIN, WILLIAMOWSKY & PILLAY, PLLC

4725 WISCONSIN AVENUE, N.W., SUITE 250
WASHINGTON, D.C. 20016
(202) 244-0600
FAX (202) 244-8930
kmusheno@lplawdc.com

LANE H. POTKIN
JACLYN E. WILLIAMOWSKY
ANAND PILLAY
KEVIN MUSHENO
JOHN DRISCOLL, III

September 9, 2022

VIA E-MAIL ONLY

Mr. Joe Adkins
Deputy Director for Planning
Frederick City
jadkins@cityoffrederickmd.gov

Dear Mr. Adkins:

Please provide us with a zoning confirmation letter for the real property located at 331 North Market Street, Frederick, MD 21701 (Tax Parcel ID # 02-118793) (the "Property"). Please include the zoning district for the Property, the permitted uses for such zoning district and any outstanding zoning or building code violations at the Property.

Please do not hesitate to call if you have any questions regarding this request.

Sincerely,

Potkin, Williamowsky & Pillay, LLC

By: /s/ Kevin Musheno
Kevin Musheno