

**THE CITY OF FREDERICK
ORDINANCE NO: G-16-05**

LEGISLATIVE HISTORY

HISTORIC PRESERVATION COMMISSION

PUBLIC HEARING: October 22, 2015

RESOLUTION SUBMITTED
TO MAYOR & BOARD: December 28, 2015

PLANNING COMMISSION

PUBLIC HEARING: December 15, 2015

RESOLUTION SUBMITTED
TO MAYOR & BOARD: December 28, 2015

MAYOR & BOARD OF ALDERMEN

WORKSHOP: January 6, 2016

PUBLIC HEARING: January 21, 2016

AN ORDINANCE concerning the zoning of the Frederick City Packing Company property

FOR the purpose of amending the official zoning maps to apply the historic preservation overlay (HPO) zone (and incorporate the property into the Frederick Town Historic District) while maintaining the downtown commercial/residential (DB) base zone.

BY repealing and reenacting, with amendments,

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

WHEREAS, the Land Management Code (LMC) of The City of Frederick (the "City") incorporates by reference the official zoning maps; and

WHEREAS, the City has the authority to designate the boundaries for sites, structures, or districts that are deemed to be of historic, archeological, or architectural significance, pursuant to the Annotated Code of Maryland, Land Use Article, § 8-105 and in accordance with LMC §§ 306 and 423; and

WHEREAS, on December 3, 2009, the Board of Aldermen enacted Ordinance No. G-09-21, which revised the official zoning maps to define and name the Frederick Town Historic District; and

WHEREAS, the property located at 106 Commerce Street, consisting of 33,955 square feet of land, more or less, and generally known as the Frederick City Packing Company property (the "Property"), is directly adjacent to the Frederick Town Historic District; and

WHEREAS, the City's 2010 Comprehensive Plan identifies the Property as eligible for historic preservation overlay designation; and

WHEREAS, the Historic Preservation Commission (HPC) has made an application to amend the official zoning maps expand the boundaries of the Frederick Town Historic District to include the Property; and

WHEREAS, the HPC held a duly advertised public hearing on October 22, 2015, and at the conclusion thereof recommended that the Board of Aldermen apply the HPO zone; and

WHEREAS, the Planning Commission held a duly advertised public hearing on December 15, 2015, and at the conclusion thereof recommended that the Board of Aldermen apply the HPO zone; and

WHEREAS, on January 21, 2016, having received the recommendations and findings of the HPC and the Planning Commission, the Board of Aldermen held a duly advertised public hearing on the proposed application of the HPO zone to the Property; and

WHEREAS, in accordance with LMC §§ 306 and 423, 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) The HPO zone was established to safeguard the historical and cultural heritage of the City by preserving sites, structures or districts that reflect elements of cultural, social, economic, political, archeological, or architectural history and to promote the appreciation of those sites, structures, and districts for the education and welfare of the residents of the City.
- (2) The Property fulfills the criteria for designation in Section 423(b)(3)(B) as described below.
 - a. The Property is associated with events that have made a significant contribution to the broad patterns of history that exemplify the heritage of the City. The Frederick City Packing Company site is representative of the City's industrial heritage and prominence in the canning industry, which transformed the local economy from one based on growing agricultural raw materials to one transporting and processing them.
 - b. The Property exhibits significance in design by embodying the distinctive characteristics of a type, period or method of construction. The Fredrick City Packing Company began as a

relatively open site with typical buildings and features required for processing canned goods including a factory, warehouse, husking shed, and scale. The Property was continually modified and expanded to become a compact industrial site.

- (3) The application of the HPO to the Property is compatible with the Comprehensive Plan, which sets forth policies to identify, document, designate, and protect significant historic resources and to encourage the retention, enhancement and maintenance of valuable historic resources.
- (4) The application of the HPO to the Property does not result in a population change; it does not impact present and future transportation patterns and it is compatible with existing and proposed developments.

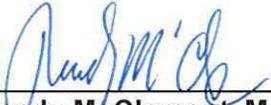
SECTION I. NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that The Code of the City of Frederick, 1966 (as amended), Appendix A, Land Management Code, § 402, be repealed and reenacted, with amendments, by revising the official zoning maps by applying the historic preservation overlay (HPO) zone to the Property and expanding the boundaries of the Frederick Town Historic District to include the Property, while maintaining the downtown commercial/residential (DB) base zone on the Property, as shown on Exhibit A, attached hereto and incorporated herein by this reference.

SECTION II. 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 III. BE IT FURTHER ENACTED AND ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN that this ordinance shall take effect on January 31, 2016, 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: January 21, 2016

PASSED: January 21, 2016



Randy McClement, Mayor

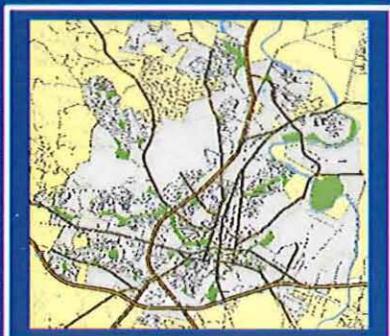


Randy McClement, President
Board of Aldermen

Approved for Legal Sufficiency:



City Attorney



0 37.5 75 150
Feet

Note: This map is prepared solely for the purpose of illustrating the City of Frederick. It should be used for no other purpose. Data on the map was prepared from several original sources and is subject to change as source data changes. This map is not a legal document. Orthophotos updated 03/07. Maps produced by: mbsman



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GIS Environment

Frederick City Packing Company (NPS Historic Preservation Training Center) 106 Commerce Street

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|--|--|
|  Carroll Creek Overlay |  Downtown Business |
|  HPO District Boundary |  Downtown Residential |
|  Proposed HPO District Boundary |  Mixed Use |
|  IST | |