

THE CITY OF FREDERICK

ORDINANCE NO: G-16-04

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 a portion of the Schley House Property

**FOR THE PURPOSE** of amending the official zoning maps to apply the historic preservation overlay (HPO) zone while maintaining the light industrial (M1) base zone and the airport overlay (AO) 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**, the Historic Preservation Commission (HPC) has made an application to amend the official zoning maps by applying the HPO zone to the property located at 423B East Patrick Street, consisting of 1.54 acres of land, more or less, and generally known as the Schley House Property; and

**WHEREAS**, the City's 2010 Comprehensive Plan identifies the Schley House Property as eligible for HPO designation; 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 to the Schley House Property; 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 to the Schley House Property; 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**, LMC § 306 allows the Board of Aldermen to approve the rezoning of a smaller portion of the parcel than that requested by the applicant, subject to certain conditions; and

**WHEREAS**, the Board of Aldermen desires to apply the HPO to a portion of the Schley House Property, to wit, an area of ±.675 acres of land, including the entire width of the lot and encompassing all land between the east and west property lines until a point of 85 feet to the north of the front property line, as depicted on Exhibit A, attached hereto and incorporated herein by this reference (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) because:
  - a. The structure on 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 Schley House is significant as an integral site for interpreting events leading to the Battle of South Mountain in 1862. The area was not only a site of a small skirmish between Union and Confederate forces, it also served as the headquarters for General Reno and General Burnside.

- b. The structure exhibits significance in design by embodying the distinctive characteristics of a type, period or method of construction. The Schley House is an early example of a Greek Revival-style dwelling, which eventually became the dominant style of American domestic architecture during the interval from about 1830 to 1850.
- (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 while maintaining the light industrial (M1) base zone and the airport overlay (AO) district, as shown on Exhibit A, attached hereto and incorporated herein by this reference.

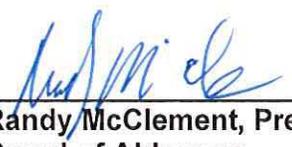
**SECTION II. BE IT FURTHER ENACTED AND ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN** that in the event any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part 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

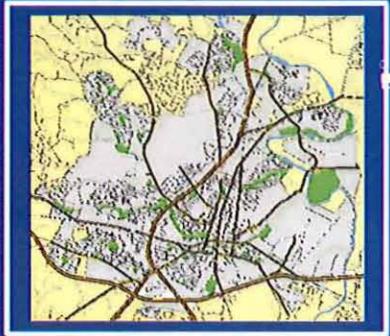
PASSED: January 21, 2016

  
\_\_\_\_\_  
Randy McClement, Mayor

  
\_\_\_\_\_  
Randy McClement, President  
Board of Aldermen

Approved for Legal Sufficiency:

  
\_\_\_\_\_  
City Attorney



55 110 220  
 purpose of illustrating  
 the City of Frederick  
 and is not a legal document.  
 Data on this map was prepared from several sources  
 and is subject to change as source data changes. This map  
 is not a legal document.  
 Orthophotos produced 03/07  
 Maps produced by: mls/mmm

101 N Court St  
 Frederick, MD 21701  
 P: 301-600-6209  
 F: 301-600-2233  
 www.cityoffredrick.com

GIS Department

### Schley House/Wayside Inn (Wayside Apartments) 423B East Patrick Street - Exhibit A

Proposed HPO Boundary	Light Industrial
Carroll Creek Overlay	Downtown Business
IST	Downtown Residential
PRK	Neighborhood Commercial