

## ORDINANCE NO: G-23-16

### LEGISLATIVE HISTORY

#### PLANNING COMMISSION

**PUBLIC HEARING:** May 8, 2023  
June 12, 2023  
July 10, 2023

**RECOMMENDATION**  
**LETTER SUBMITTED**  
**TO MAYOR & BOARD:** August 16, 2023

#### MAYOR & BOARD OF ALDERMEN

**WORKSHOP:** August 16, 2023

**PUBLIC HEARING:** September 21, 2023

### **AN ORDINANCE regarding**

Density in the Carroll Creek Overlay District

**FOR THE PURPOSE** of allowing for increased density in the Carroll Creek Overlay District

**BY repealing and reenacting, with amendments**

Section 420  
Appendix A, "Land Management Code"  
The Code of the City of Frederick 1966 (as amended)

**SECTION I. 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OF FREDERICK, That the Code of the City of Frederick, 1966 (as amended), Appendix A (Land Management Code), § 420 be repealed and reenacted, with amendments, as follows:**

### Sec. 420 - CARROLL CREEK OVERLAY DISTRICT

#### *Purpose \*\*\**

#### **(a) Scope.**

- (1) *Applicability.* This section applies to any site improvements, development, use, or change of use within the Carroll Creek Overlay District, as qualified by subsections (2)B and (2)C, below.
- (2) *Relationship to Other Ordinances.*
  - A. The standards and procedures established by this section do not supersede any federal, state, county or municipal approval procedures, except as provided below.
  - B. If any standard in Section 420 is addressed by any other local ordinance, code, or guideline, the more restrictive shall apply. Notwithstanding the previous sentence, any conflict between the Frederick Town Historic District Design Guidelines and Section 420, with respect to new

construction that occurs in the area of the Carroll Creek Overlay that is within the Historic District Overlay, shall be resolved by complying with the Frederick Town Historic District Design Guidelines. Where the Frederick Town Historic District Design Guidelines are silent, Section 420 shall apply.

- C. ~~[This section does]~~ **The provisions of subsections (f) and (i) of this section shall** not apply to additions, rehabilitation, renovation, replacement buildings, or the demolition of buildings within the Frederick Town Historic District.
- D. The demolition of properties that are included in the National Register of Historic Places, or that are designated by the City as historic properties, or that are designated by the City as historic overlay districts, shall be prohibited unless:
  - 1. Denial of the application will be deterrent to a major improvement program that will be of substantial benefit to the City;
  - 2. Denial of the application will not be to the best interest of a majority of persons in the community;
  - 3. Denial of the application will result in undue financial hardship to the owner.

**(b) \*\*\***

**(c) *Zoning Requirements.***

- (1) All new residential or mixed use development within the Carroll Creek Overlay is subject to the standards outlined in Section 405, **unless otherwise modified by this section.** [For the purposes of this section, the minimum lot area per dwelling unit may be reduced by the Planning Commission from 725 to 580 square feet of lot area per dwelling unit if the following criteria are met:
  - A. One parking space per dwelling unit shall be provided on site.
  - B. A minimum of ten percent of the building footprint must be dedicated to public use. Public use space includes, but is not limited to, public courtyards, public pathways, public meeting rooms, public gardens, pocket parks, public restrooms, or any other public use approved by the Planning Commission;
  - C. Traffic level of service (LOS) on all abutting roads must be at a level "C" or higher during both the peak a.m. and p.m. hours. The LOS must be determined by a third party traffic study submitted with the site plan and confirmed by the City of Frederick. If any abutting road has a level of service of "D" or below, increased density will not be allowed on the site. ]
- (2) **One additional dwelling unit beyond the maximum density allowed per Section 405(a), may be obtained per parking space provided in an onsite parking structure as follows:**
  - A. The parking structure must comply with subsection (g)(3) of this Section**
  - B. The additional density, together with any density bonus obtained pursuant to Section 405(d), may not exceed 100% of the density allowed under Section 405(a); and**
  - C. The minimum parking requirement for all units must be provided.**

**(d) \*\*\***  
**(e) \*\*\***  
**(f) \*\*\***  
**(g) \*\*\***  
**(h) \*\*\***  
**(i) \*\*\***  
**(j) \*\*\***  
**(k) \*\*\***

**SECTION II. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK,** 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 BOARD OF ALDERMEN OF THE CITY OF FREDERICK,** That this ordinance shall take effect on October 1, 2023 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.

**NOTE:** Underlining indicates material added

**[Bold brackets]** indicate material deleted

\*\*\* indicates no change

PASSED:



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

DATE:

September 21, 2023

APPROVED:



Michael C. O'Connor, Mayor

DATE:

September 22, 2023

Approved for Legal Sufficiency:



Rachael Nessan  
City Attorney