

ORDINANCE NO. 737

INTRODUCED BY: _____

AN ORDINANCE OF THE TOWN OF DENTON TO AMEND THE TOWN OF DENTON'S 2010 COMPREHENSIVE PLAN, DATED SEPTEMBER 13, 2010, TO MODIFY THE GOALS AND OBJECTIVES OF THE MIXED INDUSTRIAL (MI) DISTRICT

WHEREAS, the Town of Denton is authorized by the Maryland Annotated Code to enact ordinances;

WHEREAS, the Maryland Annotated Code permits the Town to amend, supplant or modify the legislative acts of the Town Council and Section 3-204, Land Use Article, Annotated Code of Maryland permits the Town Council to modify, in whole or in part, a duly adopted Comprehensive Plan;

WHEREAS, on September 13, 2010, the Denton Town Council adopted the 2010 Comprehensive Plan;

WHEREAS, the 2010 Comprehensive Plan recommended the creation of the Mixed Industrial (MI) District for approximately 7.7 acres of land within Town limits with the goal of maintaining existing industrial uses and encouraging a transition to mixed residential uses;

WHEREAS, the Mixed Industrial (MI) District was established on the official Town of Denton Zoning Map and use restrictions were included in the Town of Denton Zoning Code;

WHEREAS, the objectives of the Mixed Industrial (MI) District have not been fulfilled as anticipated since the adoption of the 2010 Comprehensive Plan;

WHEREAS, adding flexibility to the uses permitted in the Mixed Industrial (MI) District, while maintaining the desire for mixed residential development, may encourage the transition envisioned in the 2010 Comprehensive Plan;

WHEREAS, on November 29, 2022, the Town of Denton Planning Commission recommended the modification of the description of the Mixed Industrial (MI) District found in the 2010 Comprehensive Plan

NOW THEREFORE, the Denton Town Council hereby ordains as follows:

SECTION 1: The description of the Mixed Industrial (MI) District found on p. 3.32 of the 2010 Comprehensive Plan is deleted in its entirety and the following is substituted in its place and stead:

Mixed Industrial (MI)

As the boundary of the Town expanded, the railroad tracks were removed, and Route 404 was improved and became the primary transportation route in Denton, the 2010 Comprehensive Plan anticipated that the character of this part of the community was slowly beginning to change. As a result, the 2010 Comprehensive Plan proposed that the parcels be designated within a new zoning district known as (MI) Mixed Industrial. The purpose of the Mixed Industrial district was to encourage a transition allowing residential use to replace the existing industrial uses gradually.

The (MI) Mixed Industrial zoning district comprises 12 parcels that encompass 7.7 acres northeast of Lincoln Street and Gay Street and southwest of the old railroad spur. This area is close to downtown, and the current businesses offer job opportunities for residents in surrounding neighborhoods.

The objective of the MI district was to allow the properties to change over time to residential use in response to market demand. However, since 2010, there has been little interest in new residential development in the Mixed Industrial district. The limited development that has taken place in the district has been primarily commercial. Only five older residences remain, all but one of which was built before 1940. A number of the parcels are vacant or are improved with structures no longer in use.

Since 2010 the Town has received several inquiries about commercial or mixed industrial/commercial uses not currently permitted in the district. While the Town remains committed to encouraging residential uses in this area, adding other appropriate, limited commercial uses is more responsive to changing market conditions and presents an opportunity to encourage infill and redevelopment of vacant and underutilized properties. In addition, the Town believes an appropriate mix of residential and nonresidential uses can coexist here by controlling such things as scale, intensity, appearance, and offsite impacts of nonresidential uses.

In the comprehensive rezoning process following the adoption of this comprehensive plan, the Town should consider adding additional commercial categories to the permitted uses in the district. In addition, to continue to support adaption to changing economic conditions and the apparent shift from industrial to mixed-use development, property owners in the adjacent Industrial district should be given the option of being included in the MI district if desired.

SECTION 2: If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Denton Town Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 3: In accordance with § C3-12 of the Town Charter, this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect seven (7) days from and after the date of its final passage and adoption.

ADOPTED THIS _____ DAY OF _____, 2022.

DENTON TOWN COUNCIL:

Abigail McNinch, Mayor

Dallas Lister, Councilperson

Lester L. Branson, Councilperson

Walter Keith Johnson, Councilperson

Doncella Wilson, Councilperson

ATTEST:

Karen L. Monteith, Clerk-Treasurer

Approved for legal sufficiency this _____ day of _____, 2022.

Christopher F. Drummond, Town Attorney

Date Introduced _____
Date Amendments Introduced _____
Date Passed _____
Effective Date _____

Text that is stricken reflects language omitted from the Town Code
Text in **bold** and *italicized* reflects additions to the Town Code