

ORDINANCE NO. 2024-02

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL
OF WESTMINSTER, AMENDING CHAPTER 164, "ZONING AND SUBDIVISION
OF LAND", OF THE CODE OF THE CITY OF WESTMINSTER, TO AMEND
ARTICLE VIIA, MUI "MIXED USE INFILL ZONE", SECTION 164-39.2; ARTICLE
VIII, "B BUSINESS ZONE", SECTION 164-41; ARTICLE VIIIA, "C-C CENTRAL
COMMERCE ZONE", SECTION 164-45.2; ARTICLE VIIIB, "D-B DOWNTOWN
BUSINESS ZONE", SECTION 164-45.8; AND ARTICLE IX, "C-B CENTRAL
BUSINESS ZONE", SECTION 164-47, TO AMEND EXISTING PERMITTED USES,
DELETE EXISTING USES, AND ADD NEW PERMITTED USES**

WHEREAS, pursuant to Md. Ann. Code, Local Gov't Art., § 5-213, the Mayor and Common Council of Westminster (the "City") has the authority to provide reasonable zoning regulations subject to the referendum of the voters at regular or special elections; and

WHEREAS, pursuant to Sections 11 through 18 of the City Charter, the City has, for the purpose of promoting the health, security, general welfare and morals of the community, the authority to divide the City into zoning districts and to regulate therein the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land, in accordance with a comprehensive plan and for enumerated purposes, which include the control and direction of municipal expansion and development, provided that such regulations are to be made with reasonable consideration of the character of the districts and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the City of Westminster Department of Community Planning and Development reviewed the uses permitted in the Mixed Use Infill Zone, the B Business Zone, the C-C Central Commerce Zone, the D-B Downtown Business Zone and the C-B Central Business Zone and has determined that there are additional uses that are compatible with other uses permitted in these zones that also should be permitted uses in the zones; and

WHEREAS, on or about MARCH 21, 2024, the City Planning and Zoning Commission reviewed the proposed addition of uses such as appliance stores, coffee shops, bookstores, specialty shops, garden shops, fruit and vegetable stores, radio and television studios and certain types of schools (dance, music, trades) to the Mixed Use Infill Zone, the B Business Zone, the C-C Central Commerce Zone, the D-B Downtown Business Zone and the C-B Central Business Zone and recommends the adoption of this Ordinance; and

WHEREAS, after a public hearing, on or about MARCH 25, 2024, the Mayor and Common Council considered the report and recommendation of the Planning and Zoning Commission and determined that given the character of the Mixed Use Infill, Business, Central

Commerce, Downtown Business and Central Business zones the uses proposed to be added to the list of permitted uses in each zone are compatible with the zones and are appropriate uses for the zones, and it is in the best interest of the residents of the City of Westminster to allow the proposed uses in the various zones as set forth in this Ordinance.

SECTION 1. NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MAYOR AND COMMON COUNCIL OF WESTMINSTER, that the Code of the City of Westminster, Chapter 164 “Zoning and Subdivision of Land,” Art. VIIA “Mixed Use Infill Zone,” § 164-39.2 “Uses permitted” shall be and is hereby amended to read as follows:

§ 164-39.2 Uses permitted.

A. No building, structure, or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the uses listed in this Subsection A of this section and one or more of the uses listed in Subsection B of this section.

* * *

(20) Florist OR GARDEN shops.

* * *

(46) APPLIANCE STORES.

(47) FRUIT AND VEGETABLE STORES.

(48) RADIO AND TELEVISION STUDIOS.

(49) SCHOOLS: BUSINESS, DANCE, MUSIC, TRADE OR OTHERS OF A COMMERCIAL NATURE.

(50) SIGN-PAINTING SHOPS.

B. In addition to at least one use listed in Subsection A of this section, at least one office or residential use conforming to the following requirements shall be required.

(1) Professional, business and medical offices are permitted.

(2) Residential uses permitted. Multifamily dwellings are permitted with a maximum density of 25 units per acre. The Planning Commission may approve an increase in density of no more than 20% of the maximum permitted density upon finding that such an increase is consistent with the goals of the Comprehensive Plan and that adequate public facilities exist to service the proposed development.

~~(3) Radio and television studios.~~

~~(4) Artist live/work space.~~

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UNDERLINED SMALL CAPITALS: Underlined small capitals indicate language proposed to be added to the Code of the City of Westminster.

***** Asterisks:** Indicate language in the Code of the City of Westminster that remains unchanged and which is not set forth in the Ordinance.

SECTION 2. NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MAYOR AND COMMON COUNCIL OF WESTMINSTER, that the Code of the City of Westminster, Chapter 164 “Zoning and Subdivision of Land,” Art. VIII “B Business Zone,” § 164-41 “Uses permitted” shall be and is hereby amended to read as follows:

§ 164-41 Uses permitted.

- A. No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained except for one or more of the following uses:

* * *

(27) Furniture ~~and upholstery~~ stores.

* * *

(38) Photographic studios AND PHOTOGRAPHIC SUPPLY STORES.

* * *

(63) AUTO ACCESSORY STORES.

(64) BOOKSTORES.

(65) COFFEE HOUSES.

(66) UPHOLSTERY SHOPS.

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SECTION 3. NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MAYOR AND COMMON COUNCIL OF WESTMINSTER, that the Code of the City of Westminster, Chapter 164 “Zoning and Subdivision of Land,” Art. VIIIA “C-C Central Commerce Zone,” § 164-45.2 “Uses permitted” shall be and is hereby amended to read as follows:

§ 164-45.2 Uses permitted.

- A. No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

(1) Antique/COLLECTIBLE SHOPS and arts and crafts shops.

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* * *

(13) Florist OR GARDEN shops.

* * *

(21) Photographic studios AND PHOTOGRAPHIC SUPPLY STORES.

* * *

(36) APPLIANCE STORES.

(37) AUTO ACCESSORY STORES.

(38) BOOKSTORES.

(39) COFFEE HOUSES.

(40) DANCE OR MUSIC STUDIOS.

(41) HARDWARE STORES.

(42) SCHOOLS: BUSINESS, DANCE, MUSIC, TRADE OR OTHERS OF A COMMERCIAL NATURE.

(43) SIGN-PAINTING SHOPS

(44) SPECIALTY SHOPS.

(45) UPHOLSTERY SHOPS.

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SECTION 4. NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MAYOR AND COMMON COUNCIL OF WESTMINSTER, that the Code of the City of Westminster, Chapter 164 “Zoning and Subdivision of Land,” Art. VIII B “D-B Downtown Business Zone,” § 164-45.8 “Uses permitted” shall be and is hereby amended to read as follows:

§ 164-45.8 Uses permitted.

A. No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

- (1) Accessory uses and buildings customarily incidental to any permitted use in this section.
- (2) Antique/COLLECTIBLE SHOPS and arts and crafts shops.

* * *

(30) Photographic studios AND PHOTOGRAPHIC SUPPLY STORES.

* * *

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- (56) BOOKSTORES.
- (57) COFFEE HOUSES.
- (58) DANCE OR MUSIC STUDIOS
- (59) SPECIALTY SHOPS.

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SECTION 5. NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MAYOR AND COMMON COUNCIL OF WESTMINSTER, that the Code of the City of Westminster, Chapter 164 “Zoning and Subdivision of Land,” Art. IX “C-B Central Business Zone,” § 164-47 “Uses permitted” shall be and is hereby amended to read as follows:

§ 164-47 Uses permitted.

A. No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained except for one or more of the following uses:

- (1) Accessory uses and buildings customarily incidental to any permitted use in this section.
- (2) Antique/COLLECTIBLE SHOPS and arts and crafts shop.

* * *

- (61) AUTO ACCESSORY STORE.
- (62) BOOKSTORES.
- (63) COFFEE HOUSES.
- (64) DANCE OR MUSIC STUDIOS.
- (65) SPECIALTY SHOPS.

* * *

SECTION 6. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

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SECTION 8. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.


AND BE IT FURTHER ORDAINED by The Mayor and Common Council of Westminster that this Ordinance shall take effect (10) ten days after its passage and approval.

INTRODUCED this 12th day of February, 2024.




Douglass A Barber, City Clerk

ADOPTED this 25th day of MARCH, 2024.



Douglass A. Barber, City Clerk

APPROVED this 25th day of MARCH, 2024.



Dr. Mona Becker, Mayor

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY this 26th day of MARCH, 2024



Elissa D Levan, City Attorney

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