

**ORDINANCE NO. 2024-05**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL  
APPROVING LOCAL ZONING MAP AMENDMENT LMA 24-01 AMENDING  
THE COMPREHENSIVE ZONING MAP OF THE CITY OF WESTMINSTER,  
WITH RESPECT TO A CERTAIN PARCEL KNOWN AS PARCEL “F-1B”  
LOCATED EAST OF LITTLESTOWN PIKE SOUTH OF THE INTERSECTION  
OF MEADOWN BRANCH ROAD AND MARYLAND ROUTE 97 WITHIN  
THE CITY LIMITS AND CURRENTLY ZONED I-R INDUSTRIAL  
RESTRICTED ZONE TO THE B BUSINESS ZONE.**

**WHEREAS**, pursuant to the Local Government Article of the Annotated Code of Maryland, §5-213, the Mayor and Common Council of Westminster, Maryland (the “City”) have 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**, pursuant to the aforestated authority and the additional authority contained in Md. Code Annotated, Land Use Article, Division 1, “Single Jurisdiction Planning and Zoning,” Title 4, “Zoning”, the City has adopted a comprehensive zoning map on or about October 25, 2010, CMA 10-1, through Ordinance No. 819; and

**WHEREAS**, pursuant to the Land Use Article of the Annotated Code of Maryland, §4-204(2), the City has the authority to grant an amendment to the zoning classification of a property based on a finding that there was: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification; and

**WHEREAS**, pursuant to Chapter 164, § 164-183, the City’s Planning and Zoning Commission is charged with reviewing proposed amendments to the comprehensive zoning map and submitting a report and recommendation to the Mayor and Common Council with respect to such proposed amendments; and

**WHEREAS**, an application for a piecemeal local map amendment (Local Zoning Map Amendment LMA 24-01) to alter the zoning on Parcel F-1B, of the Carroll County Department of Public Works Amended Plat of Parcels “F-1” & “C-1”, recorded in the Carroll County land records in Plat Book 54, Page 248 (the “Property”), as shown on the Dale L. Feeser & Debra D. Ellis

Property Rezoning Plat attached as Exhibit A hereto, located east of Littlestown Pike (MD Route 97) approximately three hundred and twenty (320) feet south of the intersection of Meadow Branch Road and MD Route 97 and owned by Dale L. Feesser and Debra D. Ellis was submitted on October 23, 2023; and

**WHEREAS**, on March 21, 2024, the City’s Planning and Zoning Commission conducted a public hearing and reviewed the proposed amendment and has submitted a Report and Recommendation, attached hereto as Exhibit B, approving the request to rezone the property and amend the zoning classification from Industrial Restricted Zone (I-R) to Business Zone (B); and

**WHEREAS**, an applicant for a piecemeal rezoning amendment in Maryland must demonstrate either that there has been a mistake in the original zoning or that there has been a substantial change in the character of the neighborhood (the “change-mistake rule”); and

**WHEREAS**, the applicant in this case has submitted documentation in support of the Rezoning the Property, attached hereto as Exhibit C, which includes a Petition for Zoning Map Amendment and March 14, 2024, and email from the applicant’s counsel providing support for the rezoning request (jointly “Memorandum in Support of Rezoning”); and

**WHEREAS**, the Mayor and Common Council find the applicant’s justifications as set forth in Exhibit C to be persuasive in demonstrating that mistakes were made at the time of the annexation and original zoning of the Property and the comprehensive rezoning and that the decision made by the City at those times to zone the subject property Industrial Restricted Zone (I-R) was in error for the reasons set forth therein; and

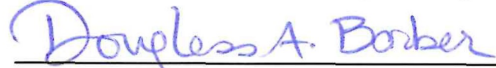
**WHEREAS**, the City has determined that the public interest, including the goal of fostering business development in the relevant zone, will be best served by the implementation of the recommendation of the Planning Commission to rezone the Property to Business (B).

**Section 1. NOW THEREFORE BE IT ENACTED AND ORDAINED** by the Mayor and Common Council of Westminster, that the Report and Recommendation of the Planning Commission and the Memorandum in Support of Rezoning are hereby adopted and incorporated by reference as the decision of the City with respect to the question of whether a mistake was made with respect to the zoning of the subject Property.

**Section 2. AND BE IT FURTHER ENACTED AND ORDAINED BY THE MAYOR AND COMMON COUNCIL OF WESTMINSTER** that Annexation No. 19 – Phase I Air Business Center, as adopted in Resolution No. R85-1 and the Comprehensive Zoning Map Amendment shall be and is hereby amended to confer upon the Property the zoning designation of Business (B).

**Section 3 AND BE IT FURTHER ENACTED AND 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 13th day of May, 2024.



Douglass A. Barber, City Clerk

ADOPTED this 10<sup>th</sup> day of June,  
2024.




Douglas A. Barber, City Clerk

APPROVED this 10<sup>th</sup> day of June,  
2024.



Dr. Mona Becker, Mayor

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY this 10<sup>th</sup> day of June, 2024

  
Elissa D. Levan, City Attorney