



To: Planning and Zoning Commission

From: Andrew R. Gray, Comprehensive Planner

cc: Mark A. Depo, Director of Community Planning and Development

Date: October 2, 2020

Re: Ordinance No. 927, amending Chapter 164, "Zoning and Subdivision of Land", of the Westminster City Code, Article IXA, "Historic District Zone", Section 164-51.3, "Creation and composition of Historic District Commission; appointment and term of members; vacancies," to alter the terms and composition of the Historic District Commission and to modify its powers

### **Background**

On October 12, 1992, the Mayor and Common Council approved Ordinance 551, adding new Article IXA, "Historic District Zone", to Chapter 164 of the City Code, ("the Zoning Ordinance"). Article IXA created the Historic District Commission ("HDC"). Over the years, Article IXA was amended by Ordinance 614 and Ordinance 814, approved by the Mayor and Common Council on January 27, 1997 and September 9, 2010, respectively.

Over the course of 2020, the HDC has been reviewing and updating its Rules of Order and Procedure. On July 1, 2020, the HDC approved a version of Rules of Order and Procedure that will require amendments to Article IXA, Section 164-51.3, "Creation and composition of Historic District Commission; appointment and terms of members; vacancies" in order to be effective.

On September 28, 2020, proposed Ordinance No. 927 was introduced to the Council. The Council referred proposed Ordinance No. 927 to the Commission for its review and recommendation.

### **Proposed Amendment**

Among the changes the HDC wishes to make to its Rules of Order and Procedure is a change to Section 2.A., in order to provide that the Commission will consist of "five regular members and one alternate." This change would conflict with the requirement of the Zoning Ordinance, in Section 164-51.3, that the Commission consist of seven regular members. Therefore, the Zoning Ordinance would require amendment to allow the implementation of the change to Section 2.A of the Rules.

In addition, several other changes would be required in order to bring the new Rules into line with the Code. The HDC proposes that the Mayor and Common Council:

- a) reduce the number of Commission members who must be residents of the City from four (4) to three (3);
- b) allow non-resident Commission members to include commercial leaseholders maintaining a physical business presence within the City (currently only owners of real property may be non-resident Commission members);
- c) delete Commission's right to accept and use gifts; and,

d) add alternate Commission member obligations.

**Process**

Pursuant to Section 164-177.A., Text Amendments, “An application for an amendment of the text of this chapter may be filed by an interested party or any officer, department, board, commission or bureau of the City.” Text amendments filed by any interested party or any officer, department, board, commission, or bureau of the City must first be approved via introduction to the Mayor and Common Council. Upon introduction and formal referral by the Mayor and Common Council, the Commission will hold a public meeting to review the proposed text amendment and make recommendations to the Mayor and Common Council, pursuant to the provisions of Zoning Ordinance Article XXIII. Pursuant to Zoning Ordinance Section 164-187 E., members of the Mayor and Common Council may not engage in ex parte or private communication regarding the proposal or the proposed ordinance.

Pursuant to the Planning and Zoning Commission Rules and Regulations related to Zoning Text Amendments:

X. Mayor and Common Council Initiated

A. For text amendments, the PZC will review proposed text amendments and make recommendations to the Mayor and Common Council, after introduction and referral by the Mayor and Common Council, per the provisions of Article XXIII.

B. Upon referral by the Mayor and Common Council, the PZC will hold a public meeting to make its recommendation. Such meeting will be scheduled by the Executive Secretary at the next regularly scheduled meeting date for which the required notice can be given, or as specified by the Mayor and Common Council.

**Recommendation**

Staff recommends that the Planning and Zoning Commission forward a recommendation to approve proposed Ordinance No. 927, as provided in Attachment 1 of this report, to the Mayor and Common Council.

**Attachments**

- Proposed Ordinance No. 927
- HDC Rules of Order and Procedure

**ORDINANCE NO. 927**

**AN ORDINANCE AMENDING CHAPTER 164, “ZONING”,  
OF THE CODE OF THE CITY OF WESTMINSTER,  
ARTICLE IXA, “HISTORIC DISTRICT ZONE”, SECTION 164-51.3,  
“CREATION AND COMPOSITION OF HISTORIC DISTRICT  
COMMISSION; APPOINTMENT AND TERM OF MEMBERS;  
VACANCIES,” TO ALTER THE TERMS AND COMPOSITION OF THE  
HISTORIC DISTRICT COMMISSION AND TO MODIFY ITS POWERS**

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”) 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 suitabilities 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 aforesaid authority and the additional authority contained in Md. Code Annotated, Land Use Article, Division 1, “Single Jurisdiction Planning and Zoning”, Title 4, “Zoning” (formerly, Md. Code Ann., Art. 66B, § 4.01 et seq.), the City has enacted Chapter 164, “Zoning”, of the City Code; and

WHEREAS, pursuant to Chapter 164, § 164-183, the City’s Planning Commission is charged with reviewing proposed amendments to the text of that chapter and submitting a report and recommendation to the Mayor and Common Council with respect to such proposed amendments; and

WHEREAS on or about October 8, 2020, the Planning Commission considered a proposal from the Common Council to amend the zoning ordinance to alter the terms and composition of the Historic District Commission; and

WHEREAS, an amendment to the text of Chapter 164 of the City Code to incorporate the proposal was introduced before the Mayor and Common Council at a regular meeting on or about \_\_\_\_\_, 2020 and a public hearing relating to the aforementioned amendment was held, as required by Section 18 of the City Charter and § 164-186.1 of the City Code; and

WHEREAS, the Mayor and Common Council deem it appropriate to make the amendments set forth herein in the interests of the efficient operation of government and administration of the City’s Zoning Ordinance.

UNDERLINED SMALL CAPS : Indicate matter added to existing law.  
~~Strikethrough~~ : Indicate matter deleted from existing law.  
\*\*\* Asterisks : Indicate matter retained in existing law but omitted herein

Section 1. NOW THEREFORE BE IT ENACTED AND ORDAINED by the Mayor and Common Council of Westminster, that Chapter 164, "Zoning", of the Westminster City Code, Article IXA, "Historic District Zone", Section 154-51.3, "Creation and composition of Historic District Commission; appointment and term of members; vacancies," be and hereby is amended as follows:

**§ 164-51.3. Creation and composition of Historic District Commission; appointment and term of members; vacancies.**

- A. The Historic District Commission is hereby created. It shall consist of ~~[seven]~~ FIVE members AND ONE ALTERNATE MEMBER, ~~all~~ THE MAJORITY of whom are qualified by special interest, knowledge or training in such fields as history, architecture, architectural history, planning, archeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design or related disciplines. The members shall be appointed by the Mayor subject to confirmation by the Common Council. At least ~~four~~ THREE of the members of the Historic District Commission shall be residents of the City. The remainder of the members may be nonresidents, but any members who are not residents of the City shall be the owners of real property in the City OR COMMERCIAL LEASEHOLDERS MAINTAINING A PHYSICAL BUSINESS PRESENCE WITHIN THE CITY. Members shall be appointed for a term of three years. Members shall be eligible for reappointment. Any vacancy on the Historic District Commission shall be filled as set forth herein for the remainder of the unexpired term. ~~The Mayor and Common Council may consult private societies or agencies to request the names of possible members for the Historic District Commission.~~
- B. The Historic District Commission may designate the Maryland Historic Trust to make an analysis of and recommendation concerning the preservation of sites, structures or districts of historic, archeological, architectural or cultural significance within the area served by the Historic District Commission. Such report may include proposed boundaries of sites, structures and districts as well as make recommendations for the identification and designation of particular sites, structures or districts to be preserved.
- C. ~~The Historic District Commission shall have the right to accept AND USE GIFTS FOR THE EXERCISE OF ITS FUNCTIONS AS APPROVED BY THE MAYOR AND COMMON COUNCIL. THE ALTERNATE MEMBER OF THE COMMISSION SHALL HAVE THE SAME OBLIGATION OF ATTENDANCE AT ALL MEETINGS OF THE COMMISSION AS REGULAR MEMBERS. THE ALTERNATE MEMBER SHALL BE ENTITLED TO PARTICIPATE IN MEETINGS OF THE COMMISSION IN THE SAME MANNER AS A REGULAR MEMBER. NOTWITHSTANDING THE FOREGOING, THE ALTERNATE MEMBER SHALL NOT BE ENTITLED TO VOTE UNLESS AT LEAST ONE OF THE REGULAR MEMBERS IS ABSENT AND THE ALTERNATE MEMBER HAS ATTENDED ALL MEETINGS AT WHICH THE MATTER IN QUESTION WAS DISCUSSED OR HAS REVIEWED THE RECORD OF ALL SUCH MEETINGS.~~

Section 2. BE IT FURTHER ORDAINED BY THE MAYOR AND COMMON COUNCIL OF WESTMINSTER that this Ordinance shall take effect ten (10) days after the date of its passage and approval, unless it is returned unsigned by the Mayor at the next meeting of The Mayor and Common Council together with the Mayor's reasons for withholding his signature therefrom, and is not passed thereafter by the votes of four-fifths of the members of the Common Council, and further

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provided that it is posted after adoption for not less than two weeks in some conspicuous location in the City Hall and recorded in a book provided for that purpose.

INTRODUCED this \_\_\_\_ day of September, 2020

\_\_\_\_\_  
Shannon Visocsky, City Clerk

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Shannon Visocsky, City Clerk

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Joe Dominick, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
this \_\_\_\_ day of \_\_\_\_\_, 2020:

\_\_\_\_\_  
Elissa D. Levan, City Attorney

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  - ~~Strikethrough~~ :
  - \*\*\* Asterisks :
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**RULES OF ORDER AND PROCEDURE  
FOR  
THE WESTMINSTER  
HISTORIC DISTRICT COMMISSION  
CITY OF WESTMINSTER, MARYLAND**



Historic District Commission

Ms. Kristen L. McMasters, Chair  
Mr. Dean R. Camlin, AIA, LEED, AP BD+C, Vice-Chair  
Mr. Joshua Ambrose, Commissioner  
Mr. Aaron Burroughs, Commissioner  
Mr. Steven J. Colella, Commissioner  
Mr. L. Kevin Wagman, Commissioner

Department of Community Planning and Development

Mark A. Depo, Director of Community Planning and Development  
Sandy Anderson, Main Street Manager  
Andrea Gerhard, Comprehensive Planner  
Andrew R. Gray, Comprehensive Planner

City Attorney

Elissa Levan

Effective Date: \_\_\_\_\_

# DRAFT

## Contents

Section 1. Authorization .....	3
Section 2. Commissioners and Officers .....	3
Section 3. Meetings .....	4
Section 4. Proceedings.....	5
Section 5. Application Procedures.....	5
Section 6. Order of Presentation .....	6
Section 7. Who May Be Heard .....	6
Section 8. Decisions .....	7
Section 9. Design Guidelines.....	7
Section 10. Special Meeting.....	8
Section 11. Custody of Records .....	8
Section 12. Appeals.....	8

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# DRAFT

## Section 1. Authorization

- A. The Westminster Historic District Commission (Commission) is established by Chapter 164, Article 9A of the City Zoning Ordinance, as authorized by Maryland Code Annotated, Land Use Article, Division 1, Single Jurisdiction Planning and Zoning, Title 8, Historic Preservation.
- B. The Commission has the authority to act on applications for the construction, alteration, reconstruction, moving or demolition of any site or structure within an historic district pursuant to [Section 164-51.4](#) of the City Zoning Ordinance and [Section 56-5](#) of the City Code.
- C. The Commission has the authority to act on applications for the City's Historic Tax Credit program pursuant to [Section 143-5](#) of the City Code and Maryland Code Annotated, Tax-Property Article, Title 9, Property Tax Credits and Property Tax Relief.
- D. These Rules of Order and Procedure are adopted pursuant to [Section 164-51.6. A.](#) of the Charter and Code of the City of Westminster. This document comprises the Rules so adopted. The current version of this document supersedes all others.

## Section 2. Commissioners and Officers

- A. The City Zoning Ordinance provides for five regular members and one alternate.
- B. At its regularly scheduled meeting in the month of May, the Commission will elect from among its members a Chair and Vice-Chair to serve for the term of one year each. A majority vote of the members present is required to elect members as officers. In the event of a resignation of the Chair or Vice-Chair, the remaining members will elect another member to complete the term in question.
- C. The Chair will preside over all meetings of the Commission; call all regular and special meetings as needed ([Section 164-51.6 A.](#)); interpret these Rules and Procedures; and, in general preside over meetings of the Commission while it is in session. The Chair may also represent the Commission at other meetings upon the affirmative majority vote of the members present at a given meeting.
- D. The Chair and Vice-Chair may make motions and vote on any item before the Commission.
- E. The Vice-Chair will have all of the powers, duties and responsibilities of the Chair in the Chair's absence ([Section 164-51.6 A.](#)).
- F. A temporary Chair may be elected by the affirmative majority vote of the members present at the meeting of the Commission to serve for a single meeting or as may be necessary during any absence of both the Chair and Vice-Chair.

## DRAFT

- G. The Director of Community Planning and Development or the Director's designee will act as the Secretary to the Commission. The Secretary will notify Commission members of meetings, both regularly scheduled and special; prepare any required notice; and, maintain the required records of meetings for the Commission.
- H. The Legal Advisor will be the City Attorney and/or another legal professional as designated by the City Attorney. The Legal Advisor may attend and participate in the meetings of the Commission, as may be deemed necessary by the City Attorney or upon the request of the City Administrator or the Director of Community Planning and Development.
- I. No member of the Commission with a personal, financial or equity interest in the outcome of a decision on an application may speak or vote on the matter during the Commission's deliberations. Members absent from meetings due to recusal will be considered as excused.
- J. Except as may otherwise be provided by law or these Rules, a member of the Commission may not engage in ex-parte communications with any party with respect to the subject of any pending or potential application.
- K. Commissioners shall conduct themselves in a fair, understanding, kind, and gracious manner. Commissioners shall seek to be considerate of all persons, attitudes, and differences of opinion involved in all Commission business.

### **Section 3. Meetings**

- A. The Commission meets the first Wednesday of each month unless the date of the meeting is altered by the affirmative majority vote of the Commission or, in an emergency by the Chair, or unless the meeting is canceled pursuant to subsection B of this Section.
- B. If there are no items on the agenda, the Chair will determine whether to hold the regularly scheduled monthly meeting ([Section 164-51.6.A.](#)).
- C. No vote shall occur without a quorum. A quorum shall be three voting members ([Section 164-51.3.A.](#)). If it is determined by staff that a quorum will not be available for a scheduled Commission meeting, the Chair may cancel the meeting and any applicants will be notified as soon as possible. No applications may be reviewed in the absence of a quorum.

Link to the Agenda Center - <http://westminstermd.gov/agendacenter>

# DRAFT

## Section 4. Proceedings

- A. The following configuration shall be the normal order of the Commission Agenda:
1. Call to Order
  2. Approval of Minutes
  3. Old Business
  4. New Business
  5. Historic District Commission Comments
  6. Staff Comments
  7. Public Comments
  8. Adjournment

## Section 5. Application Procedures

- A. Any applications to be reviewed by the Historic District Commission must be submitted to staff, with all required information, no less than fifteen days prior to a regularly scheduled monthly Commission meeting.
- B. An application is deemed to be complete when it has been accepted as such by the Commission at a meeting ([Section 164-51.7](#)).
- C. The Commission will review all materials in the application and all materials presented before and during the meeting before it makes any decision.
- D. The applicant or the applicant's authorized agent must appear at all meetings at which the application is scheduled to be considered. In the absence of any personal appearance on behalf of the applicant, the Commission will either continue the application until the next regularly scheduled meeting or deny the application. Any continuance required by the absence of the applicant or the applicant's representative will not count towards the time stipulated in [Section 164-51.7](#) of the City Zoning Ordinance.
- E. If the applicant or the applicant's authorized agent is absent for two consecutive meetings, the application will be considered withdrawn and another application, together with any applicable review fee, will be required for consideration of the matter.

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## Section 6. Order of Presentation

- A. The following is the order for the presentation of an item before the Commission:
1. Government officials and agency representatives
  2. Applicant or petitioners
  3. Other supporting testimony
  4. Organizations or groups opposing the application
  5. Individuals opposing the application
  6. Rebuttal
  7. Sub-rebuttal
  8. Closing statements by applicant or petitioners
  9. Closing statements by Government officials and agency representatives
- B. Members of the Commission may ask questions of any person speaking on a current agenda item at any time during the presentation of said item is before the Commission.
- C. The Commission may require witnesses to testify under oath or affirmation. The Chair shall administer any oath or affirmation.

*“Do you solemnly swear or affirm that the responses given and statements made in this hearing before the Westminster Historic District Commission will be the whole truth and nothing but the truth? If so, answer, I do”.*

## Section 7. Who May Be Heard

- A. Any interested person may be heard by the Commission before it reaches any decision on any matter ([Section 164-51.6 B.](#))
- B. Any person wishing to be heard before the Commission shall clearly state the following:
1. His or her full legal name
  2. His or her full legal address

## DRAFT

C. The Chair shall enforce time limits for all persons wishing to speak at any meeting.

1. Applicant initial presentation 15 minutes
2. Applicant rebuttal presentation 10 minutes
3. Individual public testimony 5 minutes
4. Group public testimony 10 minutes

### **Section 8. Decisions**

- A. After the conclusion of the meeting, the Historic District Commission shall file with the Zoning Administrator a written decision indicating its approval, modification or rejection of the applications and plans submitted to it for review ([Section 164-51.7](#)). The decision shall include findings of fact and conclusions of law. No work shall commence on any project until after the Zoning Administrator has received confirmation from the Commission that the application was approved.
- B. The Commission shall advise the applicant of any proposed modifications that should be considered for later approval. The applicant can make these modifications and resubmit to the Commission for approval ([Section 164-51.7](#)).
- C. The failure of the Commission to act upon a completed application within 45 days shall be deemed to constitute automatic approval unless an extension of this forty-five-day period is agreed upon mutually by the applicant and the Commission or the application has been withdrawn ([Section 164-51.7](#)).

### **Section 9. Design Guidelines**

- A. The Historic District Commission shall adopt rehabilitation and new construction or design guidelines for designated sites, structures and districts that are consistent with those generally recognized by the Maryland Historical Trust, which may include design characteristics intended to meet the needs of particular types of sites, structures and districts. These design guidelines are subject to the review and approval by resolution of the Mayor and Common Council of Westminster ([Section 164-51.5](#)).
- B. 1. The Commission shall use the Standards for Renovation Westminster to review applications. Adopted by Resolution No. \_\_\_\_\_

Link to the Standards for Renovation Westminster:

<http://www.westminstermd.gov/documentcenter/view/34>

## DRAFT

- C. The Commission shall use the Commission Design Guidelines to review applications. Adopted by Resolution No. 94-4

Link to the Commission Design Guidelines:

<http://westminstermd.gov/DocumentCenter/View/3346/Westminster-Historic-District-Commission-Design-Guidelines-Standards>

- D. The Commission shall use the Adopted 2016 Development Design Preferences manual to review applications. Adopted by Resolution No. 16-08

Link to the Adopted 2016 Development Design Preferences:

<https://www.westminstermd.gov/DocumentCenter/View/28>

### **Section 10. Special Meeting**

- A. Under unusual circumstances, the Chair may call a special meeting of the Commission for it to discharge its responsibilities under [Article IXA](#) and [Section 143-5](#) of the City Code ([Section 164-51.6.A](#)).
- B. For special meetings, an agenda will be posted on the City webpage at least twenty-four hours prior to the meeting. The agenda will include the date, time, place of the meeting, a list of items to be reviewed, and the date the agenda was posted.

### **Section 11. Custody of Records**

The Department of Community Planning and Development shall maintain the records of the Commission pursuant to [Section 164-51.6. B.](#) of the City Zoning Ordinance.

### **Section 12. Appeals**

An appeal from the Commission's decision may be taken to the Circuit Court for Carroll County and shall be in accordance with the Maryland Rules of Procedure as set forth in Chapter 200 of Title 7 ([Section 164-51.10](#))

These Rules of Procedure relating to The Historic District Commission have been adopted this \_\_\_\_ day of \_\_\_\_\_, 2020, by the Historic District Commission of the City of Westminster.

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Kristen L. McMasters, Chair  
Historic District Commission of the City of Westminster