
CITY OF WESTMINSTER

P.O. Box 710
Westminster, Maryland 21158



TELEPHONE
Local (410) 848-9000
Baltimore Line (410) 876-1313
Website: www.westgov.com

September 30, 2010

Mr. Thomas Beyard
Zoning Administrator
City of Westminster
56 West Main Street
Westminster, MD 21157

Re: Application for Zoning Text Amendment
Article VIVD – Neighborhood Preservation
Overlay Zone – ZTA #10-3

Dear Tom:

On behalf of the Mayor and Common Council, I hereby file this application to amend the text of Chapter 164 of the Westminster City Code to add a new Article VIVD. The purpose of this text amendment is to create a new zoning category called the “Neighborhood Preservation Overlay Zone”, in keeping with the recommendations included in the City’s 2009 Comprehensive Plan.

The language of the text amendment is contained in the enclosed Ordinance No. 816. This application for text amendment was filed in accordance with the requirements of Section 164-176 of the Westminster City Code.

Please begin the process of consideration of this proposed text amendment as the earliest possible time.

Questions or concerns should be directed to my attention at 410-848-7967.

Very truly yours,

Marge Wolf
City Administrator

TB/
enclosure

Sponsored by: Councilman Greg Pecoraro
Councilman Robert Wack

ORDINANCE NO. 816

AN ORDINANCE AMENDING CHAPTER 164, "ZONING AND SUBDIVISION OF LAND",
OF THE CODE OF THE CITY OF WESTMINSTER, TO ADD ARTICLE VIVD,
"NEIGHBORHOOD PRESERVATION OVERLAY ZONE".

WHEREAS, pursuant to Md. Code Ann., Art. 23A, §2, the Mayor and Common Council of Westminster, Maryland (hereinafter, the "City") has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality and to prevent and remove nuisances; and

WHEREAS, pursuant to Md. Code Ann., Art. 66B, § 4.01, in order to promote the health, safety, morals, or general welfare of the community, the City may regulate and restrict, for trade, industry, residences, and other purposes, the height, number of stories, and size of buildings and other structures, the percentage of a lot that may be occupied, off-street parking, the size of yards, courts, and other open spaces, the density of population, the location and use of buildings, signs, structures and land; and

WHEREAS, Md. Code Ann., Art. 66B, § 4.02 provides that regulations adopted by the City to implement the authority granted by § 4.01 are to be adopted in accordance with the City's comprehensive plan, with reasonable consideration for, among other things, the character of the district and its suitability for particular uses, with a view to conserving the value of buildings and encouraging orderly development and the most appropriate use of land, and are to be designed to control congestion in the streets, secure the public safety, promote health and the general welfare, provide adequate light and air, promote the conservation of natural resources, prevent environmental pollution and avoid undue concentration of population, and facilitate the adequate provision of transportation, water, sewerage, schools, recreation, parks and other public requirements; and

WHEREAS, in the exercise of the aforementioned authority, the City has enacted, and from time to time amended, Chapter 164, "Zoning and Subdivision of Land," of the City Code; and

WHEREAS, the City desires to minimize the impact of commercial development on adjacent residential properties and to preserve the residential character of the existing structures and lots in certain historic single-family neighborhoods in the R-7,500 and R-10,000 Zones, which may from time to time be identified for inclusion in the Neighborhood Preservation Overlay Zone; and

WHEREAS, the City further desires to preserve, improve, or protect the general character and design of the lands and improvements in the Neighborhood Preservation Overlay Zone, as well as the surrounding or adjacent lands and improvements; and

WHEREAS, the City further desires to add to the attractiveness and comfort of its historic single-family residential districts, create a better home environment in the City, and preserve areas that are generally regarded by the public as pleasing to the eye; and

WHEREAS, the City specifically finds that the public health, comfort, order, safety, convenience, morals, and general welfare will be served by creating the Neighborhood Preservation Overlay Zone, which is intended to preserve within the City of Westminster the beautiful, quiet, scenic, traditional and historic character of certain single-family residential neighborhoods in the zone, and to prevent the encroachment of commercial uses thereupon, which commercial uses are likely to impair those neighborhoods due to the adverse impacts of noise, traffic, parking congestion, blight, accumulations of trash, and obstruction of open spaces and views; and

WHEREAS, the City further specifically finds that the creation of the Neighborhood Preservation Overlay Zone will be consistent with the City's comprehensive plan, with reasonable consideration for conservation of the value of buildings and the encouragement of orderly development and the most appropriate use of land in the zone; and

WHEREAS, in order to implement the foregoing purposes, the City deems the public interest to be served by the amendment of Chapter 164 of the City Code to create the Neighborhood Preservation Overlay Zone, as set forth herein.

NOW THEREFORE BE IT ENACTED AND ORDAINED by The Mayor and Common Council of Westminster, that Chapter 164, "Zoning and Subdivision of Land", of the Code of the City of Westminster be and is hereby amended to add Article VIVD, "Neighborhood Preservation Overlay Zone," to read as follows:

ARTICLE VIVD. NEIGHBORHOOD PRESERVATION OVERLAY ZONE (NP ZONE)

164-45.25. INTRODUCTION.

THE NEIGHBORHOOD PRESERVATION OVERLAY ZONE IS INTENDED TO PROVIDE FOR THE PRESERVATION OF THE HISTORIC CHARACTER AND PHYSICAL SETTING OF THE CITY'S TRADITIONAL NEIGHBORHOODS BY PROMOTING RESIDENTIAL USES AND DIRECTING MORE INTENSE USES TO OTHER SUITABLE LOCATIONS. THE NEIGHBORHOOD PRESERVATION OVERLAY ZONE IS A MAPPED ZONE WHICH IS SUPERIMPOSED OVER PROPERTIES INCLUDED IN THE R-7,500 RESIDENTIAL ZONE AND R-10,000 RESIDENTIAL IN CERTAIN TRADITIONAL RESIDENTIAL NEIGHBORHOODS. ONCE PROPERTIES ARE INCLUDED IN THE NEIGHBORHOOD PRESERVATION OVERLAY ZONE, ANY DEVELOPMENT OR USE OF SUCH PROPERTIES ARE SUBJECT TO ITS PROVISIONS.

164-45.26. PURPOSE.

IT IS THE PURPOSE OF THE NEIGHBORHOOD PRESERVATION OVERLAY ZONE TO PROTECT THE HISTORICAL AND ARCHITECTURAL CHARACTER OF THE CITY'S