

ORDINANCE NO. 3706

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP REFERRED TO IN SECTION 25-1 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION) TO CORRECT A LABELING ERROR ON THE ZONING MAP, CLARIFY THE ZONING DESIGNATION APPLICABLE TO, AND REZONE TWENTY-FOUR (24) PARCELS OF RECORD LOCATED ON WILLOWBROOK ROAD IN THE CITY OF CUMBERLAND, ALLEGANY COUNTY, MARYLAND FROM B-H (HIGHWAY BUSINESS) TO R-O (RESIDENTIAL OFFICE)."

WHEREAS, the properties which are the subject of this Ordinance are listed as follows and are hereinafter referred to as the "Subject Properties":

Parcel ID #:	Owner's Name:
0122000985	ALLEGANY COLLEGE OF MD
0122002619	ALLEGANY CO COMMUNITY COLLEGE
0122005219	CUMBERLAND, CITY OF
0122005286	CUMBERLAND, CITY OF
0122005294	CUMBERLAND, CITY OF
0122005502	ALLEGANY COUNTY RENTALS LLC
0122008668	MAYOR & CITY COUNCIL OF CUMBERLAND
0122009079	GORDON, TIMOTHY-REBECCA L
0122009087	LEPLEY, JERRY L-KAREN S
0122009109	STATE OF MD DEPT HEALTH-MENTAL
0122010514	EVITTS, LLC
0122010530	CUMBERLAND MEADOWS LP
0122013998	DURST, CHARLES-VICKI
0122015753	WESTERN MARYLAND HEALTH SYSTEM INC
0122016164	ALLEGANY COUNTY COMMUNITY COLLEGE

0122017055	ALLEGANY CO COMMUNITY COLLEGE
0122017152	ALLEGANY COUNTY COMMISSIONERS
0122017160	WESTERN MD HEALTH SYSTEM INC
0122017179	WESTERN MD HEALTH SYSTEM INC
0122017209	ALLEGANY COUNTY COMMISSIONERS
0122017217	WESTERN MD HEALTH SYSTEM INC
0122017292	ALLEGANY COUNTY COMMISSIONERS
0122017306	WESTERN MD HEALTH SYSTEM INC
0122018590	WESTERN MARYLAND HEALTH SYSTEM INC

WHEREAS, the Subject Properties were annexed into the City pursuant to the "Willowbrook Road Annexation", effective June 13, 1997, (see Annexation Resolution recorded among the Land Records of Allegany County in Deed Liber 651, folio 336) and the "Mitchell Property Annexation", effective August 1, 2003, (see Annexation Resolution recorded among the aforesaid Land Records in Deed Liber 718, folio 429);

WHEREAS, upon their annexation, the Subject Properties were zoned R-0 (Residential-Office) in order to ensure consistency with the manner in which they were zoned by the County prior to their annexation into the City of Cumberland;

WHEREAS, the Subject Properties which were a part of the Willowbrook Road Annexation were zoned R-0 as part of the adoption of the 1998 Zoning Ordinance (see Ordinance

No. 3306, passed September 19, 1998), and the Subject Properties which were a part of the Mitchell Property Annexation were zoned R-O pursuant to Ordinance No. 3541, passed August 23, 2005;

WHEREAS, both of the Ordinances referenced in the preceding paragraph were passed prior to the 2008 comprehensive rezoning, from which the hereinafter-described mapping error emerged;

WHEREAS, an error occurred in preparing the Official Zoning Map following the 2008 comprehensive rezoning in that the Subject Properties were color coded on the Map as being zoned R-O; however, the printed label on the Map stated that the zoning applicable to the Subject Properties was B-H (Business Highway), thereby creating an ambiguity in the zoning designation applicable to the Subject Properties;

WHEREAS, during the course of the process that led to the 2008 comprehensive rezoning, the Planning Commission considered a number of specific zoning changes; however, it did not consider or contemplate any changes to the R-O zoning designation for the Subject Properties as a part of that process;

WHEREAS, the matter of the error on the Official Zoning Map came to the attention of City staff and, as a

result of the discovery of the error and for the purposes of correcting it and clarifying any ambiguities in the zoning applicable to the Subject Properties, the Zoning Administrator filed an application with the Planning Commission, requesting that the Official Zoning Map be amended and that the zoning applicable to the Subject Properties be clarified;

WHEREAS, in anticipation of the proceedings before the Planning Commission, City staff prepared a Cumberland Planning Commission Staff Report dated August 9, 2011 (the "Staff Report"), a copy of which is attached hereto and incorporated by reference herein as Exhibit 1, recommending that the City's Official Zoning Map be amended for the purpose of correcting any ambiguities in the zoning for the Subject Properties and clarifying that they are zoned R-0;

WHEREAS, the Staff Report includes findings relative to the matters addressed previously herein as well as those required by Section 4.05(a)(2)(i) of Article 66B of the Maryland Annotated Code relative to population change, the availability of public utilities, present and future transportation patterns, compatibility with existing and proposed development for the area, and the relationship of the proposed amendment to the local jurisdiction's plan;

WHEREAS, as required by the applicable provisions of Article 66B of the Annotated Code of Maryland, the Planning Commission held a public hearing on the matter of the Zoning Administrator's petition on October 17, 2011;

WHEREAS, at the conclusion of the aforesaid hearing, the Planning Commission, it voted 3-0 to recommend that the petition be granted, that the Official Zoning Map be corrected and that the applicable zoning for the Subject Properties be designated as R-0, the said recommendation being reflected in the Resolution of the Planning Commission dated October 17, 2011;

WHEREAS, as required by Section 15.04.05(1) of the City of Cumberland Zoning Ordinance and the applicable provisions of Article 66B of the Maryland Annotated Code, the Planning Commission forwarded its recommendations relative to the proposed rezoning to the Mayor and City Council for action;

WHEREAS, as required by Md. Code Ann., Art 66B §§ 4.05(c) and 4.04(b)(2) and Section 15.04.06(1) of the City of Cumberland Zoning Ordinance, the Mayor and City Council of Cumberland published notice of the time and place of the public hearing before it on the matter of the rezoning which is the subject of this Ordinance together with a summary of the proposed rezoning in *The Cumberland Times*

News, a newspaper of general circulation in Allegany County and the City of Cumberland, once each week for two successive weeks with the first notice being provided at least fourteen days before the hearing. The notices were published on January 3, 2012 and January 11, 2012.

WHEREAS, as required by Md. Code Ann., Art 66B §4.05(c) and City of Cumberland Zoning Ordinance Section 15.04.07, a public hearing on the proposed rezoning was held before the Mayor and City Council on January 17, 2012, at which public hearing all parties in interest and citizens of the City of Cumberland were permitted to be heard concerning the proposed rezoning.

WHEREAS, having considered the evidence presented, the Mayor and City Council adopted the findings set forth in the Staff Report;

WHEREAS, based upon the foregoing, the Mayor and City Council determined that the application for the rezoning of the Subject Properties should be granted for the reasons set forth in the Staff Report.

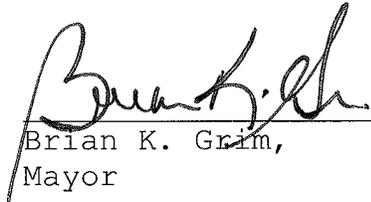
NOW, THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the application of the Zoning Administrator to rezone the Subject Properties from B-H (Highway Business) to R-0 (Residential Office) is granted.

City staff is directed to correct the labeling on the Official Zoning Map to reflect that the Subject Properties are zoned R-0 (Residential Office).

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance shall take effect on the eleventh day following the passage of this Ordinance.

PASSED this 14th day of February, 2012.



Brian K. Grim,
Mayor

ATTEST:



Marjorie A. Eirich
City Clerk

1st Reading: **December 20, 2011**

2nd Reading: **February 14, 2012**

3rd Reading: **February 14, 2012**

Effective Date: **February 25, 2012**

EXHIBIT 1

CUMBERLAND PLANNING COMMISSION STAFF REPORT

ZMA 11-01: Willowbrook Road Zoning Map Correction

August 9, 2011

Overview:

In the process of working with the Maryland Department of Planning to update and revise the City's Development Capacity Analysis for the 2013 Comprehensive Plan, staff identified an unintentional error in the City's Official Zoning Map that was adopted as part of the 2008 Comprehensive Rezoning. This error affects a total of 24 parcels of record on both sides of Willowbrook Road, as specified in the list of property identification numbers from the Allegany County Tax Records below:

Parcel ID #:	Owner's Name:
0122000985	ALLEGANY COLLEGE OF MD
0122002619	ALLEGANY CO COMMUNITY COLLEGE
0122005219	CUMBERLAND, CITY OF
0122005286	CUMBERLAND, CITY OF
0122005294	CUMBERLAND, CITY OF
0122005502	ALLEGANY COUNTY RENTALS LLC
0122008668	MAYOR & CITY COUNCIL OF CUMBERLAND
0122009079	GORDON, TIMOTHY-REBECCA L
0122009087	LEPLEY, JERRY L-KAREN S
0122009109	STATE OF MD DEPT HEALTH-MENTAL
0122010514	EVITTS, LLC
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0122013998	DURST, CHARLES-VICKI
0122015753	WESTERN MARYLAND HEALTH SYSTEM INC
0122016164	ALLEGANY COUNTY COMMUNITY COLLEGE
0122017055	ALLEGANY CO COMMUNITY COLLEGE
0122017152	ALLEGANY COUNTY COMMISSIONERS
0122017160	WESTERN MD HEALTH SYSTEM INC
0122017179	WESTERN MD HEALTH SYSTEM INC
0122017209	ALLEGANY COUNTY COMMISSIONERS
0122017217	WESTERN MD HEALTH SYSTEM INC
0122017292	ALLEGANY COUNTY COMMISSIONERS
0122017306	WESTERN MD HEALTH SYSTEM INC
0122018590	WESTERN MARYLAND HEALTH SYSTEM INC

[Type text]

This area includes the Western Maryland Regional Medical Center, the Allegany County Health Department, Allegany College, and the new Cumberland Meadows project. A copy of the 2008 Zoning Map identifying the district to be rezoned is attached to this report. According to the 2008 Zoning Map this area is color-coded under the R-O (Residential-Office) Zone, but the actual printed label on the map classifies the zoned area as B-H (Highway Business). Staff has researched the zoning history for this area and determined that the intended zoning classification for these properties was R-O (Residential-Office) and is requesting this rezoning to correct the Official Zoning Map.

Procedural Status:

Staff identified the error on August 2, 2011 and began research to determine the cause and the correct zoning for the property. After considerable research and consultation with the City Solicitor, the Zoning Administrator filed a petition for a Zoning Map Amendment (ZMA 11-01) on August 23, 2011. A copy of the Zoning Map Amendment petition is attached to this report. The petition was scheduled for presentation to the Planning Commission at its September 12, 2011 meeting and tentatively scheduled for an initial public hearing before the Planning Commission on October 17, 2011.

Staff Review:

City and Planning Commission records show that affected properties were incorporated into the City as part of two recent annexations – the “Willowbrook Road Annexation” of June 13, 1997 (Book 651, Page 336 of the Allegany County Land Records) and the “Nathan and Beatrice Mitchell Property Annexation” of August 1, 2003 (Book 718, Page 429 of the Allegany County Land Records). The Willowbrook Road Annexation encompassed the current hospital property, Allegany College, and the Allegany Health Department properties. The Mitchell Property Annexation encompassed the new Cumberland Meadows project. Survey maps of the affected properties that were prepared for the respective annexation petitions are attached to the end of this report.

The two annexation areas were zoned by separate actions taken by the City subsequent to annexation. Both areas were originally zoned as R-O (Residential-Office) by the City to ensure consistency with the County’s zoning prior to annexation. The Willowbrook Road Annexation (encompassing Allegany College, the future WMRMC property, and the future Health Department property) was zoned R-O as part of the adoption of the 1998 Zoning Ordinance and Map (Ordinance Number 3306) on September 29, 1998 (see the attached letter to Al Feldstein, dated July 1, 1997 and the subsequent Ordinance #3306). The Mitchell Property Annexation (which now contains the Cumberland Meadows project), was zoned R-O by Ordinance Number 3541, adopted on August 23, 2005 (see the attached copy of the adopted ordinance). Both of these actions were taken prior to the March 2008 Comprehensive Rezoning, from which the mapping error emerged.

In the process that led to the 2008 Comprehensive Rezoning, the Planning Commission considered a number of specific zoning changes. Those zoning changes are listed on the attached copy of the legal ad that was published for that rezoning effort. No changes to the original R-O Zoning for the properties in

[Type text]

question was discussed or contemplated by the Planning Commission. Staff has determined that error in the labeled zoning classification for the map occurred because of a computer labeling error and that the R-O color coding for the subject area was and is correct. Consequently, staff has determined that the B-H zoning label for the affected properties as depicted on the current Official Zoning Map constitutes a “mistake” in the 2008 Comprehensive Rezoning as characterized by Article 66b, Section 4.05 (a) (2) (ii) of the Annotated Code of Maryland, thereby providing adequate legal justification for the requested rezoning to R-O (Residential-Office).

Staff Recommendation:

Since the B-H (Highway Business) zoning label for the aforementioned affected properties as depicted on the City’s Official Zoning Map is inconsistent with the correct color coding of the properties and technically in error with the original intended R-O (Residential Office) zoning of the aforementioned properties, staff recommends that this rezoning petition be adopted by the Mayor and City Council and that staff be instructed to remove the current B-H zoning label on the map and replace it with the correct R-O zoning label.

Based on the findings and documentation referenced in the Staff Review section of this report, staff formally recommends that the Planning Commission recommend and the Mayor and City Council find that the requested rezoning is necessary to correct a technical “mistake” in the official Zoning Map adopted as part of the March 2008 Comprehensive Rezoning (Ordinance Number 3607) for the aforementioned affected properties. Said “mistake” determination is consistent with the requirements of Article 66b, Section 4.05 (a) (2) (ii) of the Annotated Code of Maryland and is a legal requisite for any adopted change in a base zoning classification.

Additionally, under the provisions of Article 66-B of the Maryland Annotated Code, the Mayor and City Council must make a series of specific findings in making its decision regarding the proposed zoning. A recommendation regarding these findings must be made by the Planning Commission. The specific findings are outlined in Section 4.05 (a) (2) (i) of Article 66-B. Staff recommends the following findings be determined with respect to these statutory considerations:

1. **Population change:** The proposed Zoning Map Amendment has been deemed necessary to correct a technical error in the original zoning of the properties. No development has occurred in accordance with the incorrect zoning classification that caused the need for this rezoning. Consequently, the correction of this error will result in no net impact on the City’s population or growth rate.
2. **The availability of public facilities:** All subject properties are currently served by all city services. Consequently, the correction of this zoning error will not affect the availability or adequacy of existing public services and facilities.
3. **Present & future transportation patterns:** Since no development has occurred in the area in accordance with the incorrect zoning classification, staff finds that the proposed correction will not affect present and future transportation patterns in the area.

[Type text]

4. **Compatibility with existing and proposed development for the area:** All development within and on the affected properties conforms to the requested R-O Zoning for the area. The R-O Zoning was determined to be consistent with surrounding properties and the Allegany County Comprehensive Plan when the properties were annexed by the City. Consequently, the proposed R-O zoning is compatible with existing, proposed, and planned development for the area.

5. **Relationship of the proposed amendment to the local jurisdiction's plan:** At the time of annexation for all affected properties, the proposed R-O Zoning was determined to be consistent with the Allegany County Comprehensive Plan, as well as adjoining developed properties in the area and the City's general zoning patterns. City records and the 2004 Comprehensive Plan document that no changes to the original R-O Zoning for the affected properties were contemplated as part of the 2008 Comprehensive Rezoning from which the mapping error arose. The City has also determined that the need for the rezoning was caused by a technical error in the Official Zoning Map that arose from the 2008 Comprehensive Rezoning. Consequently, the City has determined that the proposed R-O Zoning is consistent with the City's and County's adopted local plans.

[Type text]

Planning Commission Action:

[] Recommend adoption of the requested R-O Zoning for the affected Willowbrook Road properties to the Mayor and City Council in accordance with the following findings of fact and recommended conditions:

[] Recommend denial of requested R-O Zoning for the affected Willowbrook Road properties to the Mayor and City Council, based on the following findings:

Motion by: _____

Seconded by: _____

Vote:

In favor of motion: _____ Opposed: _____ Abstained: _____

Number of voting members present: _____

Signed:

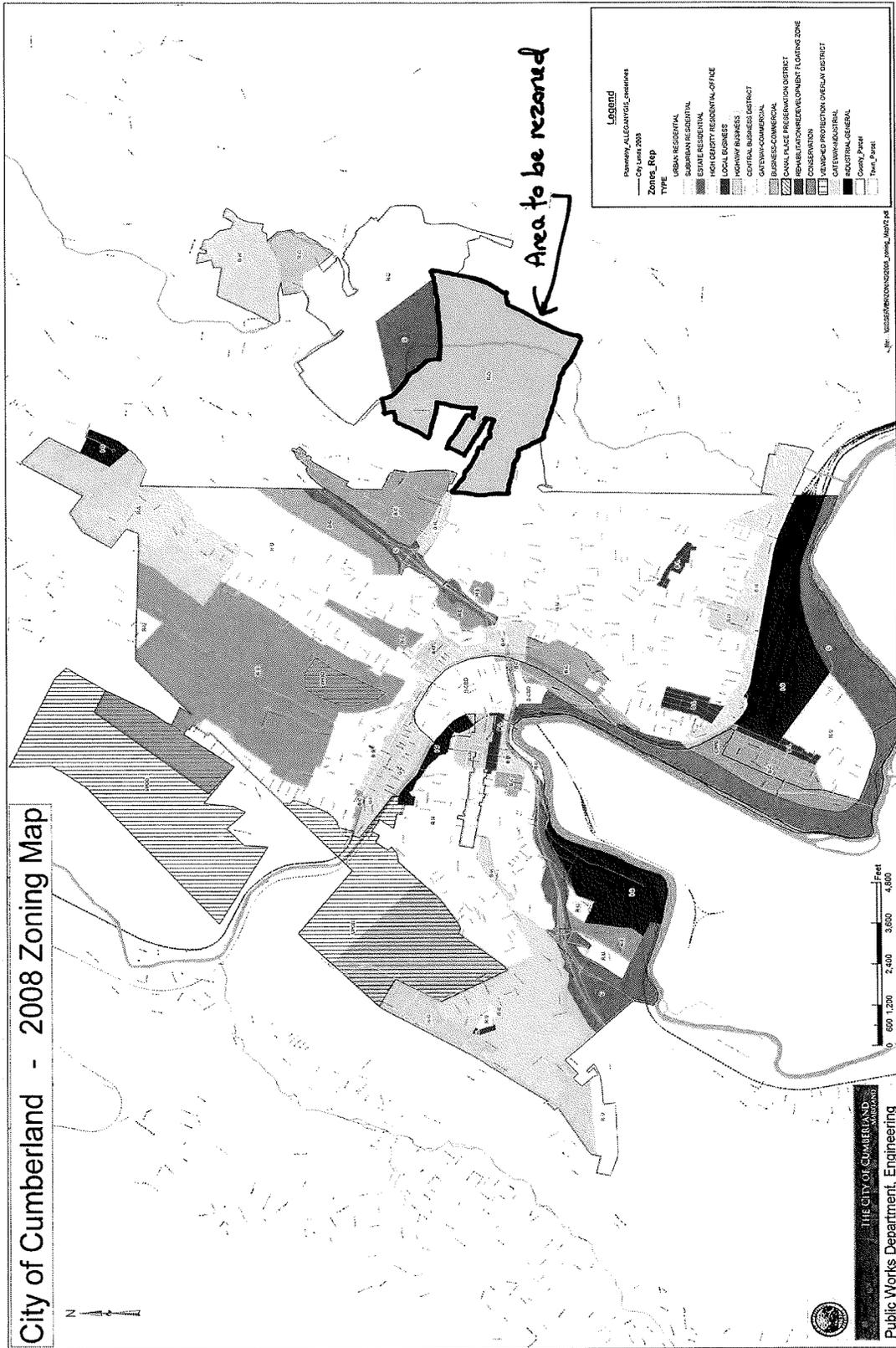
Chair, Cumberland Planning Commission

Date: October 17, 2011

Secretary, Cumberland Planning Commission

Date: October 17, 2011

[Type text]



[Type text]

Venue: CUMB CUMBERLAND PROP NO. NONUMBERS5

PERMIT NO. ZMA 1101

ZONING MAP AMENDMENT

Remarks: The attached information has been submitted for review and approval by the Municipal Planning and Zoning Commission per current zoning ordinance & sub division regulations.

LOCATION: 57 N LIBERTY ST

OWNER: CITY OF CUMBERLAND - CITY

TENANT: CITY OF CUMBERLAND

Applicant

CITY OF CUMBERLAND-CITY PLANNER
57 N. LIBERTY ST
CUMBERLAND MD 21502

CITY OF CUMBERLAND - CITY HALL
57 N LIBERTY ST
CUMBERLAND MD 21501-1702

App Date 8/23/2011

Rezone Parcel # See Below
Current Zone Business Highway B-H
Proposed Zone Resi/Office R-O

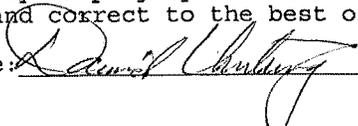
Filing Fee .00

Filing Fee .00
TOTAL AMOUNT: 50.00

The City of Cumberland is requesting a correction to the Zoning Map that will correct an error in the labeling of the following properties from B-H to R-O:

22000985, 22002619, 22005219, 22005286, 22005294, 22005502, 22008668,
22009079, 22009087, 22009109, 22010514, 22010530, 22013998, 22015753,
22016164, 22017055, 22017152, 22017160, 22017179, 22017209, 22017217,
22017292, 22017306, 22018590

Statement: I do solemnly declare under the penalty of perjury the information stated and submitted for this amendment is true and correct to the best of my knowledge, information and belief.

Signature: 

Decision:

Municipal Planning and Zoning Commission Chairman: _____

Date: _____

Willowbrook Road Annexation



CITY OF CUMBERLAND MARYLAND

ENGINEERING DEPARTMENT

TITLE

WILLOWBROOK ROAD ANNEXATION

CITY ENGINEER

NOTES

This drawing, when approved, is a preliminary plan only. It is subject to change without notice. It is not to be used for any other purpose.

NORTH

REVISED

DATE

BY

FOR

PROJECT NO.

DATE

SCALE

DATE

BY

FOR

PROJECT NO.

DATE

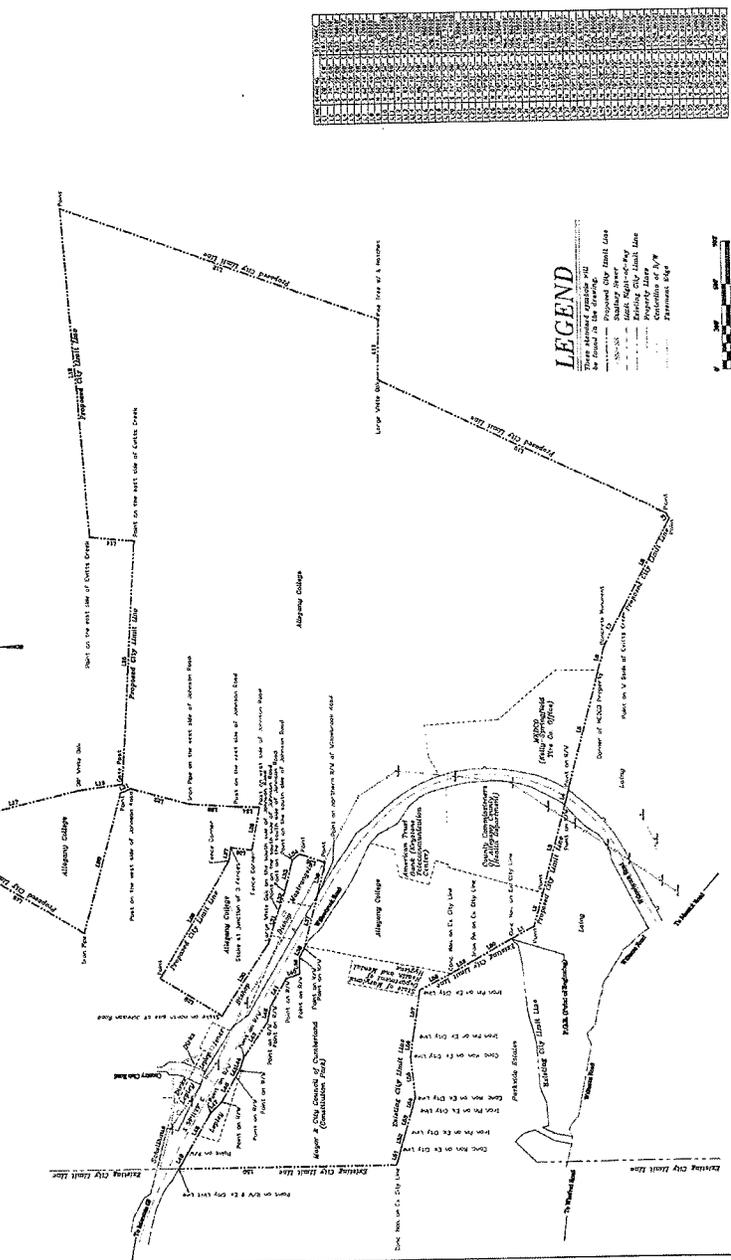
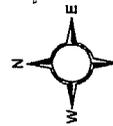
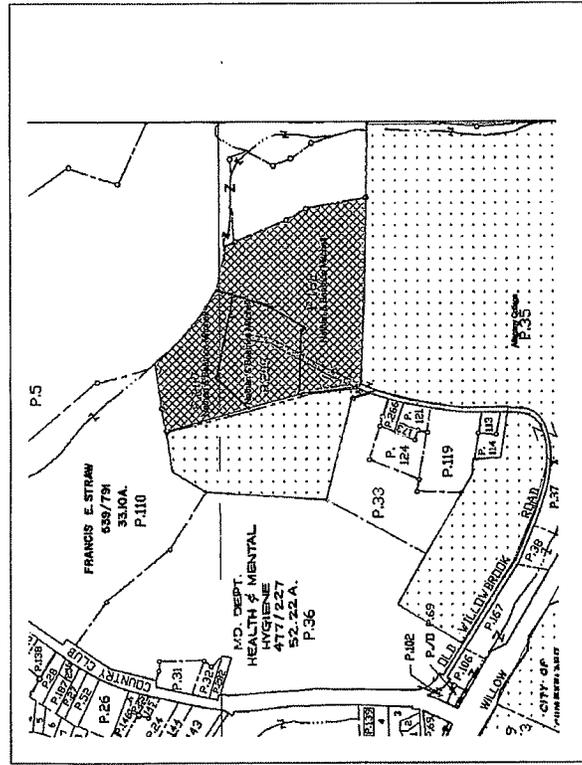


Table with multiple columns and rows, likely a legend or data table.

LEGEND
This drawing is a preliminary plan only. It is subject to change without notice. It is not to be used for any other purpose.



Nathan and Beatrice Mitchell Proposed Annexation of Properties 30 acres +/-



Not to Scale
October 2002

BOOK 712 PAGE 536

Properties proposed to be annexed

[Type text]

Mr. Al Feldstein, MD Office of Planning
Re: Annexation
July 1, 1997
Page 2

The only cost that is expected at the present time would be moneys needed to be spent for the supplying of water service and street lighting to the properties. The cost is expected to be minimal in that most of the properties already receive these services.

Should you have any questions pertaining to this matter, please feel free to contact me.

Respectfully,



Jeffrey E. Repp
CITY ADMINISTRATOR

JER/me

Attachment

cc: John DiFonzo, Director of Engineering
Jerry Goodwin, Director of Community Development
Audrey C. Wolford, City Clerk
H. Jack Price, Jr., City Solicitor

ORDINANCE NO. 3306

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO REPEAL AND REENACT, WITH AMENDMENTS, A ZONING ORDINANCE OF THE CITY OF CUMBERLAND, MARYLAND, INCLUDING A ZONING DISTRICT MAP WHICH SHALL BE A PART OF THE ZONING ORDINANCE, TO PROMOTE THE HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BY REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS, AND OTHER SPACES, THE DENSITY OF POPULATION, AND THE LOCATION AND USE OF BUILDINGS, SIGNS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCES, OR OTHER PURPOSES, IN ACCORDANCE WITH A COMPREHENSIVE PLAN; TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF THE REGULATIONS AND RESTRICTIONS; TO IMPOSE CERTAIN DUTIES AND CONFER POWERS UPON THE BUILDING ENGINEER AND THE BOARD OF APPEALS, WHICH SAID BOARD IS CREATED BY THE PROVISIONS OF THIS ORDINANCE; TO PROVIDE FOR APPEALS; TO PROVIDE PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; TO PROVIDE FOR AMENDMENTS TO THIS ORDINANCE AND TO PROVIDE FOR THE REPEAL OF ALL OTHER LAWS IN CONFLICT WITH THIS ORDINANCE; IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND (1995 EDITION)"

WHEREAS, ARTICLE 66B of the Annotated Code of Maryland (1995 Edition) empowers the City to enact a Zoning Ordinance and to provide for its administration, enforcement; and

SEP 29 1998

SEP 15 1998 *Added per town council*

WHEREAS, the Mayor and City Council deems it necessary for the purpose of promoting the health, safety, morals, or general welfare of the City to enact such an ordinance; and

WHEREAS, the Mayor and City Council, pursuant to the provisions of Article 66B of the Annotated Code of Maryland, has appointed a Municipal Planning and Zoning Commission to recommend the boundaries of the various original zones and appropriate regulations to be enforced therein; and

WHEREAS, the Municipal Planning and Zoning Commission has divided the incorporated areas of the City into zones and has prepared regulations pertaining to such zones in accordance with a comprehensive plan and designed to lesson congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Municipal Planning and Zoning Commission has given reasonable consideration, among other things, to thke character of the zones and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Municipal Planning and Zoning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the Mayor and City Council; and

WHEREAS, the Mayor and City Council has given due public notice of hearings related to zones, regulations, and restrictions and has held such public hearings; and

WHEREAS, all requirements of Article 66B of the Annotated Code of Maryland, with regard to the preparation of the report to the Mayor and City Council, have been met.

NOW, THEREFORE,

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, That Chapter 33 of the Code of the City of Cumberland, as enacted by Ordinance No. 2970, passed on July 9, 1985, and as amended from time to time, be and is hereby repealed.

SECTION 2: AND BE IT FURTHER ORDAINED That there is hereby adopted by the Mayor and City Council of Cumberland, for the purpose of establishing rules and regulations relating to all matters concerning planning and/or zoning, that certain Ordinance recommended by the Municipal Planning and Zoning Ordinance, and all amendments thereto, of which not less than three (3) copies are filed in the office of the City Clerk, including all official zoning maps and appendices thereto, and unless specifically delted from this Chapter, such Ordinance is hereby adopted and incorporated as fully as if set out at length in this Ordinance, and the provisions thereof shall be

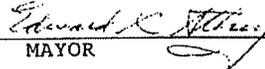
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controlling in connection with all matters regarding planning or zoning, and the administration thereof within the City of Cumberland.

SECTION 3: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect on the date of its passage.

Passed this 29th day of September, 1998.


MAYOR

ATTEST:


CITY CLERK

ORDINANCE NO. 3541

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP REFERRED TO IN SECTION 25-1 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION) FOR THE PURPOSE OF ZONING THAT PROPERTY COMMONLY REFERRED TO AS THE THOMAS W. MITCHELL PROPERTY RECENTLY ANNEXED INTO THE CITY OF CUMBERLAND."

WHEREAS, the Planning and Zoning Commission of the City of Cumberland, in a Resolution forwarded to the Mayor and City Council of Cumberland, has made a recommendation that the official zoning map of the City of Cumberland be amended; and

WHEREAS, the Mayor and City Council of Cumberland did recently annex into the corporate limits of the City of Cumberland an area of land of approximately thirty (30) acres, more or less, commonly referred to as the Thomas W. Mitchell property; and

WHEREAS, in accordance with provisions of Ordinance #3306 of the Mayor and City Council of Cumberland and in accordance with Article 66B of the Annotated Code of Maryland (1957 Edition), the Mayor and City Council gave fifteen (15) days notice of the time and place of a hearing on the proposed changes in the boundaries of the official

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zoning map of the City of Cumberland. Said notice was published in a paper of general circulation of the City of Cumberland; and

WHEREAS, the Mayor and City Council did thereafter conduct a public hearing on the proposed boundary changes, at which public hearing all parties in interest and citizens of Cumberland were permitted to be heard concerning the proposed changes.

NOW, THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the official zoning map referred to in Section 25-1 of the Code of the City of Cumberland (1991 Edition) be and is hereby amended to provide that thirty (30) acres, more or less, of property recently annexed into the City of Cumberland, commonly referred to as the Thomas W. Mitchell property, be zoned residential office (R-O) as specifically delineated on the map attached hereto as Exhibit 1

SECTION 2: BE IT FURTHER ORDAINED, that the said change shall be made on the official zoning map immediately by inserting an entry on said map stating: On August 22, 2005 by official action by the Mayor and City Council of Cumberland, the following changes were made on the official zoning map: