

Ordinance No.: 18-23
Zoning Text Amendment No.: 16-21
Concerning: Exemptions – Public
Historic Buildings
Draft No. & Date: 1 – 12/8/16
Introduced: December 13, 2016
Public Hearing: January 17, 2017
Adopted: January 31, 2017
Effective: February 20, 2017

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF THE
MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN MONTGOMERY
COUNTY, MARYLAND**

Lead Sponsor: Council President Berliner at the request of the County Executive

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- exempt County-owned historic buildings from use and development standards

By adding the following section to the Montgomery County Zoning Ordinance,
Chapter 59 of the Montgomery County Code:

Division 7.7. “Exemptions and Non-Conformities”
Section 7.7.1.E. “Historic Building on County Property”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment No. 16-21 was introduced on December 13, 2016 to exempt historic buildings located on County property from the use and development standards of the zoning code. Council President Berliner sponsored ZTA 16-21 at the request of the County Executive.

Although the provision of ZTA 16-21 would apply to all similarly situated historic buildings, the County Executive proposed ZTA 16-21 with a particular purpose in mind. The Community Paint and Hardware Store is a historic resource designated in the County Master Plan for Historic Preservation. A developer of the building's current site (the redeveloper of the APEX building) obtained a Historic Area Work Permit from the Historic Preservation Commission. The County, through the approval of the Bethesda Parking Lot District, agreed to accept the building on its Lot 41 with a condition. The condition is the Council's approval for non-residential uses for the building. ZTA 16-21 would satisfy that condition if approved and made effective in a timely manner.

In its report to the Council, the Montgomery County Planning Board recommended approval of ZTA 16-21 with a revision to include historic buildings on Maryland-National Capital Park and Planning Commission owned land. That identical recommendation was made by Planning staff.

The Council conducted a public hearing on January 17, 2017. There was no opposition to the ZTA.

On January 23, 2017, the Committee (3-0) recommended approval of ZTA 16-21 with a revision. The Committee believed the opportunity to exclude historic buildings from zoning use and development standards should apply to all publicly owned property, not just County owned property. As a general matter, ZTA 16-21 as amended is consistent with the Council's past actions to ease the zoning burdens on resources designated as historic in the Master Plan for Historic Preservation.

On January 31, 2017, the Council agreed with the recommendations of the Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 16-21 will be approved as amended.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Division 59-7 is amended as follows:

Division 7.7. Exemptions and Nonconformities

* * *

Section 7.7.1. Exemptions

* * *

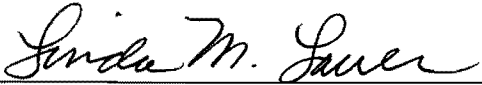
E. Historic Building on County Property

A building designated as a historic resource in the Master Plan for Historic Preservation and located on [[County-owned]] publicly-owned property is exempt from the use and development standards of Chapter 59.

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Sec. 2. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council