



Committee: PHED
Committee Review: At a future date
Staff: Livhu Ndou, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #HistoricResources #AdaptiveReuse

AGENDA ITEM #14E
June 14, 2022
Introduction

SUBJECT

Zoning Text Amendment (ZTA) 22-06, Exemptions – Historic Resources – Allowed Uses

Lead Sponsor: Councilmember Rice

Co-Sponsors: Councilmembers Navarro, Katz, and Friedson

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

N/A

DESCRIPTION/ISSUE

ZTA 22-06 will allow certain uses on residentially zoned properties that are designated as a historic site or resource on the Master Plan for Historic Preservation and have frontage along an arterial or higher classified road.

SUMMARY OF KEY DISCUSSION POINTS

- On January 18, 2022, this Council passed ZTA 21-06, which allowed certain uses on properties limited in development by a density transfer.¹ ZTA 22-06 will expand on ZTA 21-06 by allowing those uses on historic sites or resources that have an arterial or higher roadway.
- ZTA 22-06 will also add Eating and Drinking Establishments to the list of allowed uses.
- Site plan approval as well as approval by the Historic Preservation Commission will still be required.
- A public hearing is tentatively scheduled for July 26, 2022.

This report contains:

ZTA 22-06

© 1

Map of Effected Properties

© 5

Alternative format requests for people with disabilities. If you need assistance accessing this report you may [submit alternative format requests](#) to the ADA Compliance Manager. The ADA Compliance Manager can also be reached at 240-777-6197 (TTY 240-777-6196) or at adacompliance@montgomerycountymd.gov

¹ The Staff Report for ZTA 21-06 can be found here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20220118/20220118_13C.pdf

Ordinance No.:
Zoning Text Amendment No.: 22-06
Concerning: Exemptions – Historic
Resources – Allowed
Uses
Draft No. & Date: 1 – 5/25/2022
Introduced: June 14, 2022
Public Hearing:
Adopted:
Effective:

**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: Councilmember Rice
Co-Sponsors: Councilmembers Navarro, Katz, and Friedson

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow certain uses on certain historic properties; and
- generally amend the provisions for historic resources.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 7.7. “Exemptions and Nonconformities”
Section 7.7.1. “Exemptions”

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

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 59-7.7 is amended as follows:

Section 7.7.1. Exemptions

* * *

D. Residential Lots and Parcels

* * *

11. [Density Transfer and]Historic Resources

[Where a lot containing a site, structure, or area of historic significance in a Residential zone is protected from development through a density transfer]On a residentially zoned property that is designated as a historic site or resource on the Master Plan for Historic Preservation and either has a density transfer easement or density transfer deed, or has frontage along an arterial or higher classified roadway, the following provisions apply:

a. The following uses are allowed:

- i. Any use allowed in the underlying zone, subject to the provisions of Section 7.3.1 where applicable;
- ii. Clinic (up to 4 Medical Practitioners);
- iii. Office;
- iv. Retail/Service Establishment;
- v. Eating and Drinking Establishment;
- [v]vi. Rural Antique Shop; and
- [vi]vii. Drive-Thru as an accessory use to any other allowed principal use.

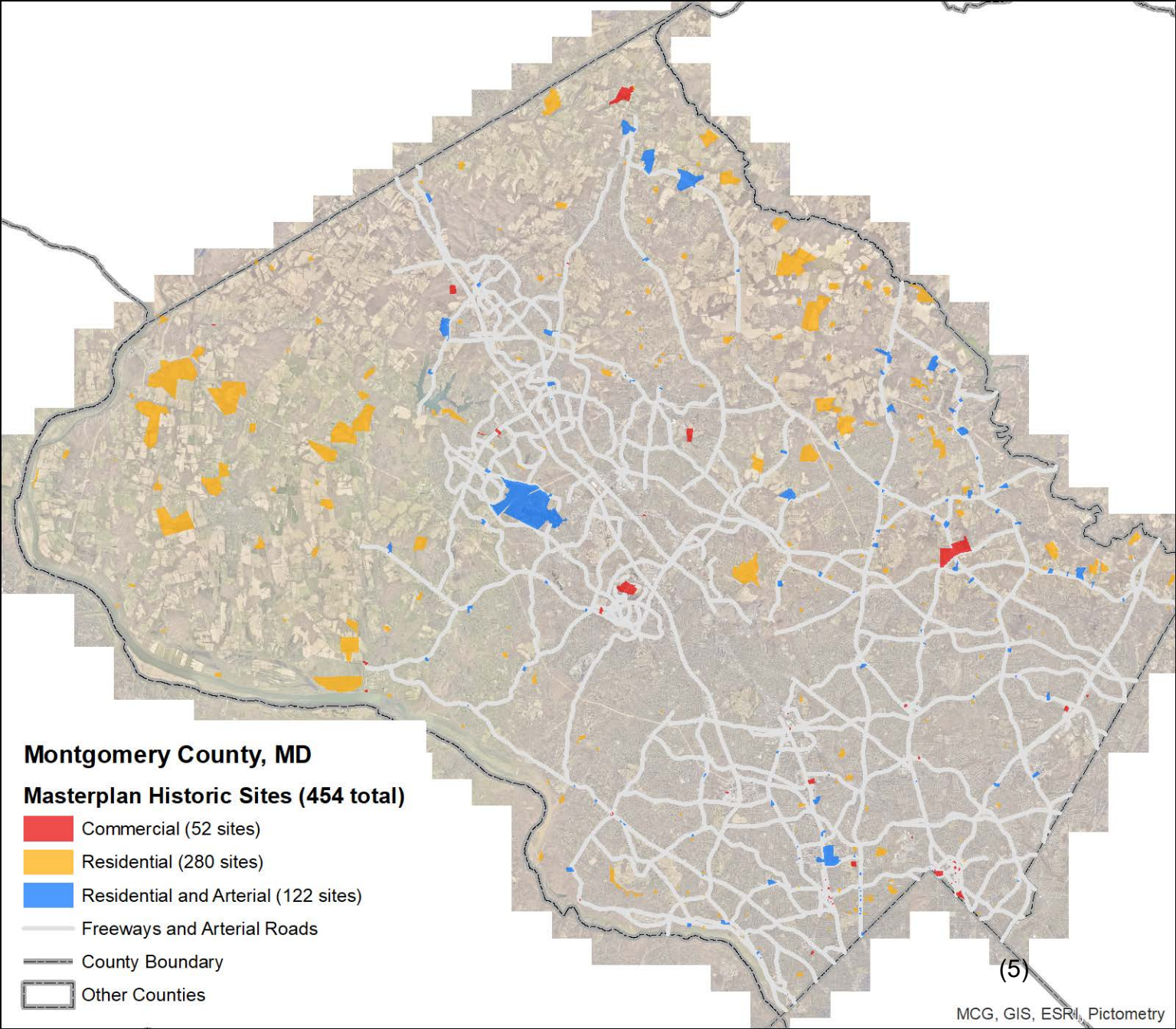
b. Site plan approval is required under Section 7.3.4, except for those uses requiring Conditional Use.

c. The Planning Board and the Historic Preservation Commission must make the following findings:

- i. Any modifications to buildings, structures, or the land must protect the intent of the historic resource and be consistent with Chapter 24A of the County Code; and
- ii. Any operational characteristics must not encroach upon or destroy the historical, archaeological, or architectural character or value of the site.
- d. The project must be recommended for approval by the Historic Preservation Commission prior to approval of the Site Plan by the Planning Board.

* * *

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



Montgomery County, MD

Masterplan Historic Sites (454 total)

- Commercial (52 sites)
- Residential (280 sites)
- Residential and Arterial (122 sites)
- Freeways and Arterial Roads
- County Boundary
- Other Counties