



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

AGENDA ITEM #3A
September 28, 2021
Introduction

SUBJECT

Zoning Text Amendment (ZTA) 21-06, Exemptions – Density Transfer and Historic Resources

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

N/A

DESCRIPTION/ISSUE

ZTA 21-06 would establish a new residential lot exemption for properties containing a historic resource that was protected from development by a density transfer.

SUMMARY OF KEY DISCUSSION POINTS

- This exemption would permit a limited list of commercial uses on the site containing the historic resource.
- A recommendation of approval from the Historic Preservation Commission (HPC) and site plan approval by the Planning Board would be required.
- The HPC and the Planning Board would have three new findings to make, intended to ensure the proposed commercial uses protect rather than detract from the historic resource.

This report contains:

ZTA 21-06

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Zoning Text Amendment No.: 21-06
Concerning: Exemptions – Density
Transfer and Historic
Resources
Draft No. & Date: 1 – 9/20/2021
Introduced:
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: Council President at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- Establish a new Residential Lots and Parcels exemption for Density Transfer and 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”
Section 7.7.1.D.	“Residential Lots and Parcels”

And adding

Section 7.7.1.D.11. “Density Transfer and Historic Resources”

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:

1 **Sec. 1. ARTICLE 59-7 is amended as follows:**

2 **DIVISION 7.7 Exemptions and Nonconformities**

3 **Section 7.7.1. Exemptions**

4 * * *

5 **D. Residential Lots and Parcels**

6 * * *

7 **11. Density Transfer and Historic Resources**

8 Where a lot containing a site, structure, or area of historic significance
9 in a Residential zone is protected from development through a density
10 transfer, the following provisions apply:

11 a. The following uses are allowed:

12 i. Any use permitted in the underlying zone;

13 ii. Clinic (up to 4 Medical Practitioners);

14 iii. Office;

15 iv. Retail/Service Establishment;

16 v. Rural Antique Shop;

17 vi. Drive-Thru as an accessory use to any other allowed
18 principal use; and

19 vii. Uses allowed by Conditional Use, subject to the
20 provisions of Section 7.3.1.

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

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

25 i. Any modifications to buildings, structures, or the land
26 must protect the intent of the historic resource and be
27 consistent with Chapter 24A of the County Code; and

28 ii. Any operational characteristics must not encroach upon
29 or destroy the historical, archaeological, or architectural
30 character or value of the site.

31 d. The project must be recommended for approval by the Historic
32 Preservation Commission prior to approval of the Site Plan by
33 the Planning Board.

34

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

37

38 This is a correct copy of Council action.

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40

41 Selena Mendy Singleton, Esq.
42 Clerk of the Council