

Ordinance No: 15-29
Zoning Text Amendment No: 04-15
Concerning: Historic Preservation
PD Zone Waivers
Draft No. & Date: 2 - 9/21/04
Introduced: July 27, 2004
Public Hearing: 9/14/04 – 1:30 p.m.
Adopted: September 28, 2004
Effective: October 18, 2004

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

By: Councilmember Perez

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- allowing a waiver of certain Planned Development (PD) zone standards to facilitate the preservation, reuse, or redevelopment of a historic district.

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

DIVISION 59-C-7 “PLANNED UNIT DEVELOPMENT ZONES”
Section 59-C-7.1 “P-D zone—Planned development zone”
Section 59-C-7.15 “Compatibility”

EXPLANATION: ***Boldface** indicates a heading or a defined term.*

Underlining indicates text that is added to existing laws by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by the 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. 04-15 was introduced on July 27, 2004 for the purpose of allowing a waiver of certain Planned Development (PD) zone standards to facilitate the preservation, reuse, or redevelopment of a historic district.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be approved with modifications.

The County Council held a public hearing on September 14, 2004, to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on September 20, 2004 to review the amendment. The Committee recommended that ZTA 04-15 be approved with certain minor wording revisions suggested by the Planning board. It was the position of the Committee that some relief from the setback and height standards of the PD zone would be appropriate to facilitate the redevelopment and preservation of property in a historic district. A waiver of the setback and height standard could be granted by the Planning Board only if the Board finds that the waiver would not adversely affect adjoining properties.

The District Council reviewed Zoning Text Amendment No. 04-15 at a worksession held on September 28, 2004, and agreed with the recommendations of the Planning, Housing, and Economic Development 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. 04-15 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-C-7 is amended as follows:

DIVISION 59-C-7. PLANNED UNIT DEVELOPMENT ZONES.

*** * ***

59-C-7.1 P-D zone—Planned development zone.

*** * ***

59-C-7.15 Compatibility.

*** * ***

(b) In order to assist in accomplishing compatibility for sites that are not within, or in close proximity to a Central Business District or Transit Station Development Area, the following requirements apply where a planned development zone adjoins land for which the area master plan recommends a one-family detached zone:

(1) No building other than a one-family detached residence can be constructed within 100 feet of such adjoining land; and

(2) No building can be constructed to a height greater than its distance from such adjoining land.

(c) A waiver of the requirement of paragraph (b)(1) [above] may be permitted [upon a finding that] if:

(1) The area master plan recommends other than a one-family detached [[zone]] use for the property immediately adjoining the area where the waiver is to occur; and

(2) The immediately adjoining property will not be adversely affected by the waiver for present or future use.

(d) A waiver of [the provisions of] subsection (b) [above] may be permitted if:

(1) [where] [t]The site is within or in close proximity to a central business district or transit station development area and reduced setbacks are recommended by the master or sector plan, and the Planning Board

finds that the reduced setbacks are compatible with existing or proposed development in the adjoining or confronting one-family detached zones~~[[.]]~~; or [The maximum building height under the waiver will not exceed 50 feet.]

(2) The site is within or in close proximity to a historic district and the Planning Board finds that reduced setbacks or increased building height will facilitate the preservation, reuse, or redevelopment of a designated historic district and the immediately adjoining property will not be adversely affected by the waiver.

(3) The maximum building height under this waiver must not exceed 50 feet.

~~[(e)]~~(e) Compliance with these requirements does not, by itself, create a presumption of compatibility.

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

This is a correct copy of Council action.

Mary A. Edgar, CMC
Clerk of the Council