



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # //
03/20/08

DATE: March 10, 2008
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief, Development Review
Ralph Wilson, Zoning Supervisor *RK*
Gregory Russ, Planner/Coordinator *GR*
FROM: Gregory Russ, Planner/Coordinator
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To amend the Zoning Ordinance to provide additional flexibility in regulating individual historic sites and historic properties designated on the Master Plan for Historic Preservation.

TEXT AMENDMENT: No. 08-
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59, the Zoning Ordinance

INTRODUCED BY:
INTRODUCED DATE:

PLANNING BOARD REVIEW: March 20, 2008
PUBLIC HEARING:

STAFF RECOMMENDATION

Transmit Zoning Text Amendment to County Council for introduction. Staff believes that on balance, the proposed ZTA offers a reasonable response to conflicting public policy objectives and should be forwarded to the Council for introduction and public comment. Staff suggests that the ZTA be introduced at the request of the Montgomery County Planning Board and the Historic Preservation Commission.

BACKGROUND

The ZTA would authorize, under certain circumstances, a one-time only addition to any structure in the R-60 zone located on a site designated historic on the Master Plan for Historic Preservation. Under the ZTA, any commercial use of such a structure could be extended throughout the structure, notwithstanding its non-conforming use status. The ZTA includes: (1) a provision that limits the gross feet of the addition, (2) a requirement for an historic area work permit (3) an exemption from non-conforming use provisions,

(4) an exemption from the abandonment of use provisions, and (5) a requirement for site plan review. The ZTA is intended to address a public policy conflict between the Historic Preservation Ordinance and the non-conforming use provisions of the Zoning Ordinance for properties designated historic but not able to expand.

The Bethesda Community Store has existed as a commercial operation at 8804 Old Georgetown Road in Bethesda since it was built in 1924. The store achieved its historic status in June, 1986. The District Council found the store to be an important part of the County's economic, cultural, and social heritage. Because any changes to the site could affect the viability of the store's commercial operation, the entire 0.567 acre parcel was designated as the environmental setting. Features of the setting include the store, the parking area, service delivery area, storage shed, and picnic and lawn area.

The ZTA is seen as providing an incentive for individual owners, such as the owner of the Bethesda Community Store, to renovate existing historic structures and to make these properties economically viable in a way that contributes to the overall historic character of historic sites and districts designated in the Master Plan for Historic Preservation. Staff understands that citizens within the vicinity of the Bethesda Community Store, particularly the Huntington Terrace Citizens Association, have expressed concerns over the potential for an increase in commercial activity in the Old Georgetown Road corridor.

The Historic Preservation Commission supports the core purpose of the ZTA to preserve the continued use and enhancement of historic resources. At its December 5, 2007 worksession, the Commission found the ZTA to be consistent with the goal of maintaining the historic significance of certain designated historic resources, such as the Bethesda Community Store. The Commission believes that exemption of certain historic properties from non-conforming and abandonment provisions of the zoning ordinance is necessary for the preservation of important historic resources.

Staff believes that, on balance, the proposed ZTA offers a reasonable response to conflicting public policy objectives and should be forwarded to the Council for introduction and public comment.

This packet includes:

1. Proposed ZTA concerning expansion of existing historic resources
2. Letter in support of the ZTA from Historic Preservation Commission

ATTACHMENT 1

Zoning Text Amendment No:
Concerning: Historic Commercial
Properties in the R-60 Zone
Draft No. & Date: 4 – 3/10/08
Introduced:
Public Hearing:
Adopted:
Effective:
Ordinance No:

**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: County Council at the request of the Planning Board and Historic
Preservation Commission

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

- Permitting a one-time only addition to any structure in the R-60 located on a site designated historic on the Master Plan for Historic Preservation, under certain circumstances;
- exempting any retail commercial use in the R-60 zone located on a site designated historic on the Master Plan for Historic Preservation from abandonment of use provision; and
- generally amending provisions regulating historic structures, and non-conforming uses, buildings, and structures.

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

DIVISION 59-A-6. “USES PERMITTED IN MORE THAN ONE CLASS OF ZONE”
Section A-6.2. “Historic sites; historic districts”

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.*

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. Division 59-A-6. is amended as follows:**

2 **DIVISION 59-A-6. USES PERMITTED IN MORE THAN ONE CLASS OF**
3 **ZONE.**

4 * * *

5 **59-A-6.2. Historic sites; historic districts**

6
7 **Purpose.** The purpose of this section is to provide additional flexibility in [the
8 treatment of] regulating individual historic sites and historic properties in historic
9 districts [which] that are designated on the Master Plan for Historic Preservation.
10 [The focus is on providing] Flexible regulations provide incentives for individual
11 owners to renovate existing historic structures and to make these properties
12 economically viable in a way [which] that contributes to [and does not detract
13 from] the overall historic character of sites and districts designated in the Master
14 Plan for Historic Preservation.

15 * * *

16 **59-A-6.24. Additions to historic structures in the R-60 Zone .**

- 17 a) Any retail commercial use in the R-60 Zone located in a structure designated
18 historic on the Master Plan for Historic Preservation may continue to operate
19 and be extended throughout any addition to the historic structure
20 notwithstanding its nonconforming use status.
- 21 b) The Historic Preservation Commission, under the procedures for the issuance
22 of a Historic Area Work Permit, may authorize a one-time only addition to
23 any structure in the R-60 zone located on a site designated historic on the
24 Master Plan for Historic Preservation; however, the height of the addition
25 must not exceed the height of the historic structure, and the number of gross
26 square feet of the addition must not be greater than the number of gross

square feet of the historic structure. Any addition to a structure in the R-60 zone located on a site designated historic on the Master Plan for Historic Preservation may be setback a distance equal to the setback established by the historic structure.

c) Site Plan approval under Division 59-D-3 is required before a building permit may be issued for an addition to a structure in the R-60 zone located on a site designated historic on the Master Plan for Historic Preservation.

d) Any non-conforming retail commercial use in the R-60 zone located on a site designated historic on the Master Plan for Historic Preservation is not subject to the abandonment of use provisions of 59-G-4.14.

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



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

To: ✓ Ralph Wilson, Development Review
Greg Russ, Development Review

From: Scott Whipple, Historic Preservation Supervisor *SW*

Date: December 18, 2007

Re: Proposed ZTA, Bethesda Community Store

Historic Preservation section staff presented the proposed ZTA (dated 11/13/07), concerning historic retail commercial properties in the R-60 Zone, to the Historic Preservation Commission at their December 5 worksession.

The HPC concurred with the staff recommendation that the proposed ZTA is consistent with the goal of maintaining the historic significance of certain designated historic resources, such as the Bethesda Community Store. The HPC assented to the proposed ZTA, noting that the provision allowing for a one-time only addition to structures covered by the proposed ZTA would require property owners to seek HPC approval for a HAWP. Further, the HPC noted that the provision exempting from the abandonment-of-use provisions those structures covered by the proposed ZTA would allow otherwise non-conforming historic uses to continue, thereby supporting the retention of a resource's historic significance.

