



Zoning Text Amendment (ZTA) No. 16-21, Exemptions – Public Historic Buildings

---

- GR Gregory Russ, Planner Coordinator, FP&P, [gregory.russ@montgomeryplanning.org](mailto:gregory.russ@montgomeryplanning.org), 301-495-2174
- PD Pam Dunn Chief, FP&P, [pamela.dunn@montgomeryplanning.org](mailto:pamela.dunn@montgomeryplanning.org), 301-650-5649

Completed: 01/5/17

---

Description

Zoning Text Amendment (ZTA) No. 16-21 would exempt County-owned historic buildings from use and development standards. Specifically, a building designated as a historic resource in the Master Plan for Historic Preservation and located on County-owned property would be exempt from the use and development standards of Chapter 59.

Summary

**Staff recommends approval of ZTA No. 16-21 as modified by staff. The ZTA would exempt County-owned historic buildings from use and development standards. Modifications include a recommendation that a building designated as a historic resource and located on M-NCPPC-owned property also be exempt from the Zoning Code use and development standards. Staff further recommends clarifying that this provision does not exempt the historic structure from complying with the requirements of Chapter 24A (Historic Preservation Ordinance).**

**Background/Analysis**

Architecturally or historically significant sites may be designated on Montgomery County’s Master Plan for Historic Preservation. Historic designation qualifies properties for certain protections under the Historic Preservation Ordinance and may make property owners eligible for various financial incentives for qualified rehabilitation and/or maintenance projects.

In 1976, the Maryland-National Capital Park and Planning Commission (M-NCPPC) created the Locational Atlas & Index of Historic Sites, which identifies resources that are potentially historic. Resources listed on the Atlas are protected from demolition or “substantial alteration” under Chapter 24A of the County Code.

In 1979, the County Council adopted the Master Plan for Historic Preservation and the Historic Preservation Ordinance (Chapter 24A). The Master Plan for Historic Preservation is the County's preservation planning document. It includes the list of all officially designated historic sites and districts. Sites and districts which have been added to the Master Plan have been found to be of special historic or architectural significance and merit protection under the Historic Preservation Ordinance.

ZTA 16-21 would exempt a building designated as a historic resource in the Master Plan for Historic Preservation and located on County-owned property from the use and development standards of Chapter 59.

Staff believes that these properties merit special attention to ensure their preservation. To that end, staff recommends that a building designated as a historic resource and located on M-NCPPC-owned property also be exempt from the Zoning Code use and development standards. Staff further recommends clarifying that this provision does not exempt the historic structure from complying with the requirements of Chapter 24A (Historic Preservation Ordinance). Staff has included these two modifications to the text amendment.

**Attachments**

1. ZTA No. 16-21 as modified by staff

# ATTACHMENT 1

Zoning Text Amendment No.: 16-21  
Concerning: Exemptions – Public  
Historic Buildings  
Draft No. & Date: 1 – 12/8/16  
Introduced: December 13, 2016  
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**

---

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.*

## 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 59-7 is amended as follows:**

2           **Division 7.7. Exemptions and Nonconformities**

3           \*   \*   \*

4           Section 7.7.1. Exemptions

5           \*   \*   \*

6           **E. Historic Building on County Property**

7           A building designated as a historic resource in the Master Plan for Historic  
8           Preservation and located on County-owned property or property owned by  
9           the Maryland-National Capital Park and Planning Commission is exempt  
10          from the use and development standards of Chapter 59. Notwithstanding this  
11          provision, the historic building must comply with the requirements of  
12          Chapter 24A.

13          \*   \*   \*

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

16

17          This is a correct copy of Council action.

18

19          \_\_\_\_\_

20          Linda M. Lauer, Clerk of the Council