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

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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
COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF THE
MARYLAND-WASINGTON 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:
Sec. 1. Division 59-7 is amended as follows:

Division 7.7. Exemptions and Nonconformities

* * *

Section 7.7.1. Exemptions

* * *

E. Historic Building on County Property

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

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

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council