Title: Council Bill No. 16-02
Historic Structures and Sites

Request: Recommendation to County Council
Council Members Fitzwater and Donald introduced a
Bill to amend §1-19 of the Frederick County Code,
including: removal of references to specific uses
previously allowed as Special Exception uses in
connection with a historic and site (§1-19-8.600);
and, provide definitions of previously undefined
Special Exceptions uses (§1-19-11.100).

Staff: Steve Horn, Director
Planning & Permitting Division

Jim Gugel, Director
Planning Department

Recommendation: See Staff Report

Exhibits: Bill Synopsis
Council Bill No. 16-02
Supporting Documentation
TO: Frederick County Planning Commission
FROM: Steve Horn, Director, Planning and Permitting Division
Jim Gugel, Director, Department of Planning
DATE: February 2, 2016
SUBJECT: County Council Bill No. 16-02: Special Exception Uses in Connection with Historic Structures and Sites

ISSUE
FCPC consideration and recommendation of Bill No. 16-02, co-sponsored by Council Members Jessica Fitzwater and Jerry Donald, amending Section 1-19-8.600, Historic Structures and Sites, and 1-19-11.100, Definitions, of the Zoning Ordinance.

BACKGROUND
The Bill provides definitions for certain special exception uses permitted under this provision, deletes 'group home use' from the list of allowed uses, and deletes the reference to 'National Register of Historic Places and the Maryland Register of Historic Places' as prerequisites for obtaining a Special Exception from the Board of Zoning Appeals.

County Executive Gardner enacted Executive Order No. 02-2015 (attached) on June 9, 2015. The Executive Order effectively suspended consideration of new applications under Section 1-19-8.600, Historic Structures and Sites, until the Council had an opportunity to review specific provisions contained therein. Executive Order No. 02-2015 expired, without extension, on December 7, 2015.

Bill No. 16-02 was introduced (1st Reading) before the County Council on January 12, 2016. A public hearing (2nd Reading) before the County Council was conducted on February 2, 2016.

ANALYSIS/RECOMMENDATION
Staff has no objection to Bill No. 16-02, as proposed.
FREDERICK COUNTY COUNCIL

BILL SYNOPSIS

<table>
<thead>
<tr>
<th>Bill Title:</th>
<th>Special Exception Uses in Connection with Historic Structures and Sites</th>
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<tbody>
<tr>
<td>Sponsor:</td>
<td>Council Member Jessica Fitzwater</td>
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<tr>
<td>Co-Sponsors:</td>
<td>Council Member Jerry Donald</td>
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<tr>
<td>First Reading Date:</td>
<td>Tuesday, January 5, 2016</td>
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</tbody>
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SYNOPSIS

The Bill proposes to amend Chapter 1-19 of the County Code (the Zoning Ordinance) to provide definitions for certain special exception uses permitted in connection with an historic structure or site; to delete "group home use" as an allowed use; and delete "the National Register of Historic Places and the Maryland Register of Historic Places" for listing of an historic structure or site.

The proposed legislation also creates the following definitions:

INFORMATION CENTER. A structure or site that makes available information relating to the history, culture, development and/or social amenities of Frederick County.

FACILITY FOR FUNCTIONS. A structure or site used to host events and functions such as weddings, corporate retreats, seminars, festivals, cultural or social events or activities of historic interest.
Concerning: Special Exception Uses in connection with Historic Structures and Sites

Bill No. ____________________________

Conceived: __________________________ Draft No. __________________________
Introduced: __________________________
Expires: __________________________
Enacted: __________________________
Executive: __________________________
Effective: __________________________

Frederick County Code, Chapter 19, Section(s) __________
1-19-8.600 and 1-19-11.100

COUNTY COUNCIL
FOR FREDERICK COUNTY, MARYLAND

By: Council Members Jessica Fitzwater (Primary Sponsor) and Jerry Donald (Co-Sponsor)

AN ACT to: Provide definitions for certain special exception uses permitted in connection with a historic structure or site; to delete “group home use” as an allowed use; and delete “the National Register of Historic Places and the Maryland Register of Historic Places” for listing of a historic structure or site.

By amending:
Frederick County Code, Chapter 19, Section(s) 1-19-8.600 and 1-19-11.100
Other:

**Boldface**
**Underlining**
[SINGLE BOLDFACE BRACKETS]
[DOUBLE UNDERLINING]
[[DOUBLE BOLDFACE BRACKETS]]

**Heading or defined term.**
**Added to existing law by original bill.**
**Deleted from existing law by original bill.**
**Added by amendment.**
**Deleted from existing law or the bill by amendment.**
**Existing law unaffected by bill.**
The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend Frederick County Code Section 1-19-8.600 by removing the reference to certain uses permitted as special exception uses in connection with an historic structure site and to provide definitions for those certain special exception uses, to delete "group home use" as an allowable use in connection with an historic structure or site, and to identify the historic listing for which a special exception approval can be granted.

NOW, THEREFORE, BE IT ENACTED, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

Harold F, (Bud) Otis, President
County Council of Frederick County, Maryland
Amend §1-19-8.600 as follows:

§ 1-19-8.600. HISTORIC STRUCTURES OR SITES.

The Board of Appeals may grant a special exception in any zoning district, for the conversion of an existing historic structure or site into a restaurant, inn, antique shop, museum, information center, business or professional office, group home use, or a facility for functions [such as seminars, festivals, cultural or social events, or other similar activities of historic interest], provided that off-street parking requirements of this chapter are met. Such conversion shall not result in any substantial external alteration of the appearance of the historic structure or site. Historic structure or site as used in this section only means a structure or site listed on or eligible for [the National Register of Historic Places, the Maryland Register of Historic Places or] the Frederick County Register of Historic Places. All requests for special exception under this section shall be referred to the Frederick County Historic Preservation Commission for determination of eligibility for placement on the Frederick County Register of Historic Places, and for review and comment. Before the special exception can take effect, the historic structure or site must be listed on the Frederick County Register of Historic Places.

Amend §1-19-11.100 to add new definitions, as follows:

§ 1-19-11.100. DEFINITIONS.

***

INFORMATION CENTER. A structure or site that makes available information relating to the history, culture, development and/or social amenities of Frederick County.

FACILITY FOR FUNCTIONS. A structure or site used to host events and functions such as weddings, corporate retreats, seminars, festivals, cultural or social events or activities of historic interest.

***

Underlining indicates entirely new matter added to existing law by original bill.
[S]ingle boldface brackets] indicates deleting from existing law by original bill.
*** indicates existing law unaffected by bill.
TO: County Council
THROUGH: Jan Gardner, County Executive
FROM: Steve Horn, Division Director, Division of Planning Permitting
DATE: January 6, 2016
SUBJECT: Zoning Text Amendment: Historic Structures and Sites (1-19-8.600)

ISSUE:
Should the Council introduce a bill, sponsored by Councilwoman Jessica Fitzwater, that would amend Section 1-19-8.600, Historic Structures and Sites, of the Zoning Ordinance?

BACKGROUND:
The bill would provide definitions for certain special exception uses permitted under this provision, delete 'group home use' from the list of allowed uses, and delete the reference to 'National Register of Historic Places and the Maryland Register of Historic Places' as prerequisites for obtaining a Special Exception from the Board of Zoning Appeals.

Concerns were raised when a number of applications for listings of properties on the County's Register of Historic Properties were received, including a controversial proposal for a group home use at the Trout Run property (County Register application #CR 14-03).

County Executive Gardner enacted Executive Order No. 02-2015 (attached) on June 9, 2015. The Executive Order effectively suspended consideration of new applications under Section 1-19-8.600, Historic Structures and Sites, until the Council had an opportunity to review specific provisions contained therein.

On September 3, 2015, the Council convened a Work Shop to discuss the processes by which historic properties were considered for inclusion on the County's Register of Historic Properties, as well as the land use allowances available through the Special Exception process to properties, once listed on the register. Members of the Historic Preservation Commission were present and participated in the Work Shop discussion.

On November 6, 2015, Councilwoman Fitzwater convened a briefing with staff to discuss certain provisions of 1-19-8.600, and considered specific changes as a result.

Executive Order No. 02-2015 expired, without extension, on December 7, 2015.
ANALYSIS/RECOMMENDATION:
Staff has no objection to the proposed Bill.

ACTION REQUESTED:
The County Council should consider the Introduction of this bill.

FUNDING INFORMATION:
No funding impacts are anticipated to result from approval of the proposed Zoning Text Amendment.
EXECUTIVE ORDER NO.: 02-2015

EFFECTIVE DATE: June 9, 2015

Temporary Discontinuance of Accepting Petitions for Historic Designation

The Frederick County Council has decided to review the County Zoning laws addressing the conversion or adaptive re-use of historic structures or sites (§1-19-8.600 of the Frederick County Code).

In a June 4, 2015, letter, the Council asked the County Executive to temporarily discontinue the acceptance of new petitions for designation to the County Register of Historic Places to allow the review of these County Code provisions and also to initiate any recommended revisions to the Code.

In adopting the County slogan, "Rich History, Bright Future," the County Executive has highlighted the importance of Frederick County's history.

As stated in the County's Historic Preservation Law, Frederick County Code §1-23-2, the purposes of this law include:

- safeguarding the heritage of the County
- stabilizing and improving property values and strengthening the County's economy
- fostering civic beauty
- developing an awareness of the value of preserving, protecting and restoring areas of historical, archeological or architectural significance.

The County Executive, after careful consideration of the Council's request and while emphasizing the importance of historic preservation in Frederick County, agrees with the request and issues this Executive Order.

NOW, THEREFORE, I, JAN H. GARDNER, COUNTY EXECUTIVE OF FREDERICK COUNTY, MARYLAND, PURSUANT TO THE AUTHORITY VESTED IN ME BY THE CHARTER OF FREDERICK COUNTY, MARYLAND, AND THE LAWS OF MARYLAND, HEREBY ISSUE THIS EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY.

TEMPORARY DISCONTINUANCE OF ACCEPTING PETITIONS FOR HISTORIC DESIGNATION TO THE COUNTY REGISTER OF HISTORIC PLACES
The Frederick County Community Development Division staff is directed to temporarily discontinue accepting petitions for designation to the Frederick County Register of Historic Places.

This Executive Order is issued this 9th day of June, 2015, effective immediately, and shall terminate on December 7, 2015, (the first working day 180 days from today) or until changed by further Executive Order.

Douglas D. Browning  
Chief Administrative Officer

Jay H. Gardner  
Frederick County Executive
June 4, 2015

The Honorable Jan Gardner
Frederick County Executive
Winchester Hall
12 East Church Street
Frederick, Maryland 21701

Dear Executive Gardner,

The Frederick County Council voted at their meeting on Tuesday, June 2, 2015 to formally and respectfully request that you issue a directive in your capacity as the County Executive to the Frederick County Historic Preservation Commission that they cease accepting all new applications for properties seeking a Historic Designation for a period not to exceed 180 days.

This request is being made due to concerns and issues raised with the Frederick County Historic Designation provision in the Frederick County Code. The Frederick County Council has indicated its intent to review §1-19-8.600 Historic Structures or Sites, and would greatly appreciate if you could place a moratorium on new applications for this designation to allow the Council to perform a more thorough review and discuss possible amendments.

Thank you for your consideration on this request.

ON BEHALF OF THE
FREDERICK COUNTY COUNCIL

Bud Otis, President

cc: Frederick County Council
    Doug Brownrigg, Chief Administrative Officer
    John Mathies, County Attorney
    Steve Horn, Division Director, Community Development Division
    Joyce Grossnickle, Administrative Officer