

The logo for Montgomery Planning, featuring a blue square icon with a white stylized 'M' and the text 'Montgomery Planning' in a blue sans-serif font.

## CLIMATE ASSESSMENT FOR ZTA 26-08, NONCONFORMING USE - REINSTATEMENT

### PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of master plans and zoning text amendments (ZTAs) on the county's contribution to addressing climate change. These assessments will provide the County Council with a better understanding of the potential climate impacts and implications of proposed master plans and ZTAs, at the county level. The scope of the Climate Assessments is limited to addressing climate change, specifically the effect of land use recommendations in master plans and ZTAs on greenhouse gas (GHG) emissions, sequestration, community resilience and adaptive capacity, and the county's Climate Action Plan (CAP) actions.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed master plans and ZTAs may impact the climate-related considerations mentioned above.

### SUMMARY

The Montgomery County Planning Board anticipates that ZTA 26-08 will have indeterminate impacts on the county's goals of addressing greenhouse gas emissions, carbon sequestration, and ensuring resilience and adaptive capacity of our communities.

### BACKGROUND AND PURPOSE OF ZTA 26-08

ZTA 26-08 will allow the reinstatement of a nonconforming use under certain conditions and will generally amend the zoning code so that the requirements for reinstatement are clearly described. This ZTA will allow uses to be reinstated under certain conditions, and approval by the Hearing Examiner will be required. Currently, if a nonconforming use ceases operations for over 6 months, the use is considered abandoned and may not be reestablished. With this amendment, nonconforming uses throughout Montgomery County will have the potential to be reinstated if granted approval within 5 years of abandonment. This will create the opportunity to reestablish a business or operation in certain scenarios. Comments from the Planning Department and the Department of Permitting Services will also be provided to the Hearing Examiner for nonconforming uses that apply for reinstatement. The Hearing Examiner must find that the reinstatement would not change the nature, character, or intensity of the prior use to an extent that substantial adverse effects on the surrounding neighborhood could be expected, and that the use does not conflict with the most recent master plan for the applications' area.

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## VARIABLES THAT COULD AFFECT THE ASSESSMENT

Climate related variables include the various GHG reduction, sequestration, resilience, and adaptive capacity activities in the March 2025 updated climate assessment checklists (updates of Tables 1 and 8 contained in the *Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County*).

### Climate-Related Variables

#### **Greenhouse Gas Emissions and Sequestration**

- Building Embodied Emissions – Building Life Span

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## ANTICIPATED IMPACTS

The climate-related impact of ZTA 26-08 is indeterminate. Due to the many different types of potential nonconforming uses throughout the County, climate impacts will vary on a case-by-case basis. The impacts associated with reinstatement of abandoned nonconforming uses will be examined through the proposed requirements and will be reviewed by the Hearing Examiner with each case. While the use must not conflict with the relevant master plan for the area, this will not necessarily lead to positive climate impacts.

There is the potential for very minor positive impacts anticipated with ZTA 26-08, as this amendment may encourage buildings in nonconforming use locations to be utilized if reinstated. Even if a nonconforming use is reinstated though, there is still the potential for buildings to be demolished. Therefore, while it is possible that reinstatement of nonconforming uses will support decreased emissions associated with demolition, it is also equally possible that reinstated uses may be demolished over time, additions added, etc.

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## RELATIONSHIP TO GREENHOUSE GAS REDUCTION, SEQUESTRATION, AND OTHER RELEVANT ACTIONS CONTAINED IN THE MONTGOMERY COUNTY CLIMATE ACTION PLAN (CAP)

ZTA 26-08 does not relate directly to any greenhouse gas reduction or sequestration actions contained in the CAP.

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## RECOMMENDED AMENDMENTS

The Climate Assessment Act requires the Planning Board to offer appropriate recommendations such as amendments to the proposed ZTA 26-08, or other mitigating measures that could help counter any identified negative impacts through this Climate Assessment. There were no identified negative impacts with this assessment, and as such there are no recommended amendments to ZTA 26-08.

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## SOURCES OF INFORMATION, ASSUMPTIONS, AND METHODOLOGIES USED

The climate assessment for ZTA 26-08 was prepared using the methodology for ZTAs contained within the *Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County, December 1, 2022*.