



**July 13, 2021**

**MEMORANDUM**

**TO: Historic Preservation Commission**

**FROM: Dan Bruechert, Cultural Resources Planner III**

**SUBJECT: Zoning Text Amendment 22-06 – Expanding historic property use along arterial roads**

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**Staff Recommendation:** The HPC should support the Zoning Text Amendment (ZTA) and recommend the Planning Board and County Council approve its adoption.

**Purpose:** To expand the allowable uses of certain designated historic properties.

**Existing Code 57-7.7.1:** Allows for additional specified uses on historic properties in residential zones that have transferred development rights. In reality, this provision of the Zoning Ordinance only applies to one property, the Locust Grove I (Samuel Magruder House) (Master Plan site #29/16).

**Proposal:** This ZTA, attached as Appendix A, will allow these certain uses (listed below) to individually listed Master Plan sites in residential zones (listed in Appendix B) that front arterial or higher classified roads (see Appendix C for road classifications).

The allowed uses are listed in 59-7.7.1.D.11.a:

- i. Any use allowed in the underlying zone, subject to the provisions of Section 7.3.1 where applicable;
- ii. Clinic (up to 4 Medical Practitioners);
- iii. Office;
- iv. Retail/Service Establishment;
- v. Eating and Drinking Establishment;
- vi. Rural Antique Shop; and
- vii. Drive-Thru as an accessory use to any other allowed principal use.

**Procedural Changes:** Some properties that are subject to this ZTA are currently allowed specific conditional commercial or professional uses in addition to being used as residences because of their underlying zoning. For example, properties in the R-60 zone can be used as an office or medical clinic (up to 4 Medical Practitioners). To change the use, property owners must go through the Conditional Use process which requires a Planning Board review and approval recommendation, followed by review and approval by the Hearing Examiner. Both the Planning Board hearing and the presentation before the Hearing Examiner are public meetings where individuals have the opportunity to speak in

support or opposition of the proposal. If the change in use requires exterior changes to the building or site, applicants frequently come before the Historic Preservation Commission (HPC) for a Preliminary Consultation to ensure the scheme is appropriate before applying to the Planning Board.

Under ZTA 22-06, eligible properties that elect to change their use to one of the uses enumerated in Section 7.7.1.D.11 (identified above) will no longer have to go through the Conditional Use review. Instead, they will need to submit for a Site Plan review by the Planning Board after having received an approval recommendation from the HPC. A Site Plan is a detailed plan that shows proposed development on a site in relation to the immediately adjacent areas and indicates roads, walks, parking areas, buildings, landscaping, open space, recreation facilities, lighting, etc. The Planning Board requires a formal staff report with Planning Staff recommendation and holds a public hearing before voting on the proposal. Any site or building modifications necessary to accommodate the change in use will require the applicant to return to the HPC for a Historic Area Work Permit (HAWP) as required by Section 24A of County Code.

Staff finds that the Site Plan review prescribed in the ZTA would result in a shorter review cycle and be less burdensome to the applicant because there would be no review by the Hearing Examiner, while still affording the public at least two opportunities to provide testimony on the proposal.

**Analysis/Impacts:** There are 123 individually listed Master Plan sites (list attached) covered by ZTA 22-06. This ZTA has the potential to increase the utilization of some of these sites and buildings and will remove impediments to the compatible adaptive reuse of these historic properties.

Adaptive reuse involves making sensitive changes to existing buildings to serve new uses while protecting the historic character of the resource. It is a vital part of any successful historic preservation program and many of these existing buildings or building types cannot continue their historic function. For some buildings, this is due to changed social conditions (such as a church building that no longer has a congregation) and others because of changes to the surrounding built environment (such as a farm site now surrounded by residential development). Putting these buildings into productive use and occupation protects the resources. Occupied buildings are consistently monitored for damage and necessary repairs; whereas, abandoned buildings can often deteriorate over time and lose their historic fabric or, even worse, degrade until they are condemned or collapse. Additionally, because the buildings are bringing in revenue, their owners have a financial incentive to maintain them.

Adaptively reusing historic buildings also has environmental benefits. The National Trust for Historic Preservation's Research & Policy Lab has conducted significant research on the subject and developed recommended policies to improve economic, social, and environmental outcomes. One report by the Research and Policy Lab determined that—depending on building type—reusing an existing building was between 4 and 46 percent more energy efficient (of their measured categories) than new construction. Reusing a historic building instead of constructing new ones prevents large amounts of construction materials from being disposed of in landfills and preserves the embodied energy in the building materials. Historic buildings are also often designed to take advantage of natural light and passive air circulation, and both design strategies can reduce electricity consumption.

Finally, there are economic benefits to rehabilitating and adaptively reusing historic buildings. First, more money stays in the local community. While total rehabilitation costs may be roughly the same as new construction, a higher percentage of the rehabilitation costs are labor. Those labor costs remain in the community. Second, because the buildings are generally more modest in scale the rehabilitated building can act as an incubator for independent small businesses. These small businesses keep a larger share of their income in the local economy compared to national chains (a study conducted by economist Donavan Rypkema found, 60 cents of every dollar at independent businesses remain in the local economy vs. less than 10 cents at national retailers).

Staff has identified several properties where a change in use could likely be accommodated, either because of the resource type or because of the size of the Master Plan Site. The list of Master Plan sites includes thirteen churches, four schools, three stores, and several farm sites. These building types typically have large interior spaces that can accommodate a creative floorplan layout, a desirable feature for many of the identified acceptable uses. The farm sites range from less than an acre, which would require an adaptive re-use of the historic building(s), to more than 100 acres, which could likely accommodate extensive new construction on-site.

The HPC may have concerns about the impacts increased vehicular and foot traffic may have on historic fabric. Additionally, the HPC may be concerned that this ZTA will allow uses that are of potential concern to the surrounding community. Staff finds the HPC will have several opportunities to address these concerns: once during the HPC's portion of the Site Plan Review, then at the Planning Board hearing, and finally if and when the project comes in for a HAWP (Historic Area Work Permit). Each of these reviews allows the Commission to ensure that the proposal will not have a detrimental impact on the character and fabric of the site and gives the HPC an effective voice on the use change (because an HPC approval recommendation is required for the Site Plan review). Additionally, these reviews are open and advertised to the general public, so any public concerns can be addressed during the scheduled HPC meetings and at the Planning Board meeting.

**Recommendation:** HP Staff finds the proposed ZTA will allow more flexibility for property owners, promote the adaptive reuse and protection of historic resources in conformance with the goals of the *Master Plan for Historic Preservation*, and therefore staff recommends that the HPC: 1) support the ZTA; and 2) recommend the Planning Board and County Council approve its final passage.

Ordinance No.:  
Zoning Text Amendment No.: 22-06  
Concerning: Exemptions – Historic  
Resources – Allowed  
Uses  
Draft No. & Date: 1 – 5/25/2022  
Introduced: June 14, 2022  
Public Hearing:  
Adopted:  
Effective:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: Councilmember Rice  
Co-Sponsors: Councilmembers Navarro, Katz, and Friedson

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- allow certain uses on certain historic properties; and
- generally amend the provisions for historic resources.

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

Division 7.7.	“Exemptions and Nonconformities”
Section 7.7.1.	“Exemptions”

**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.*

**OPINION**

*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 59-7.7 is amended as follows:

Section 7.7.1. Exemptions

\* \* \*

D. Residential Lots and Parcels

\* \* \*

11. [Density Transfer and ]Historic [[Resources]] Sites

[Where a lot containing a site, structure, or area of historic significance in a Residential zone is protected from development through a density transfer] On a residentially zoned property that is designated as [[a]] an individual historic site [[or resource]] on the Master Plan for Historic Preservation and either has a density transfer easement or density transfer deed, or has frontage along an arterial or higher classified roadway, the following provisions apply:

a. The following uses are allowed with site plan approval under Section 7.3.4.:

[[i. Any use allowed in the underlying zone, subject to the provisions of Section 7.3.1 where applicable;]]

i[[ii]]. Clinic (up to 4 Medical Practitioners);

ii[[iii]]. Office;

iii[[iv]]. Retail/Service Establishment;

iv[[v]]. Eating and Drinking Establishment;

[v][[vi]]v. Rural Antique Shop; and

[vi][[vii]]vi. Drive-Thru as an accessory use to any other allowed principal use.

b. [[Site plan approval is required under Section 7.3.4, except for those uses requiring Conditional Use.]] Any other use allowed in the underlying zone not listed in section 7.7.1.D.11.a above

is allowed, subject to the provisions of Section 7.3.1 where applicable.

c. The Planning Board and the Historic Preservation Commission must make the following findings:

- i. Any modifications to buildings, structures, or the land must protect the intent of the historic resource and be consistent with Chapter 24A of the County Code; and
- ii. Any operational characteristics must not encroach upon or destroy the historical, archaeological, or architectural character or value of the site.

d. The project must be recommended for approval by the Historic Preservation Commission prior to approval of the Site Plan by the Planning Board.

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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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Judy Rupp  
Clerk of the Council



## Appendix B

**Residential Zones** consist of the 7 Residential Detached zones, the 3 Residential Townhouse zones, and the 3 Residential Multi-Unit zones.

### 1. Residential Detached Zones

#### a. There are 7 Residential Detached zone classifications:

- i. Residential Estate – 2 (RE-2),
- ii. Residential Estate – 2C (RE-2C),
- iii. Residential Estate – 1 (RE-1),
- iv. Residential – 200 (R-200),
- v. Residential – 90 (R-90),
- vi. Residential – 60 (R-60), and
- vii. Residential – 40 (R-40).

### 2. Residential Townhouse Zones

#### a. There are 3 Residential Townhouse zone classifications:

- i. Townhouse Low Density (TLD),
- ii. Townhouse Medium Density (TMD), and
- iii. Townhouse High Density (THD).

### 3. Residential Multi-Unit Zones

#### a. There are 3 Residential Multi-Unit zone classifications:

- i. Residential Multi-Unit Low Density – 30 (R-30),
- ii. Residential Multi-Unit Medium Density – 20 (R-20), and
- iii. Residential Multi-Unit High Density – 10 (R-10).

## Appendix C

### Road Classifications

This ZTA applies to historic properties abutting an arterial road or higher classification (shown in bold). Historic properties abutting less intensely traveled roads are excluded.

Classification	Target Speed	Road/Lane Width	Curbside Width <sup>6</sup>	Bike Lane Width <sup>2</sup>	Sidewalk Width <sup>8</sup>
<b>Freeway</b>	<b>55-65 mph</b>	<b>12' lanes</b>	<b>Variable</b>	<b>none</b>	<b>none</b>
<b>Controlled Major Highway</b>	<b>50 mph</b>	<b>12' lanes</b>	<b>Variable</b>	<b>5'</b>	<b>5'</b>
<b>Parkway</b>	<b>urban: 25 mph</b>	<b>11' lanes</b>	<b>25'</b>	<b>none</b>	<b>none</b>
	<b>suburban: 40 mph</b>				
<b>Major Highway</b>	<b>urban: 25 mph</b>	<b>urban: 10.5' lanes</b>	<b>urban: 10' min.</b>	<b>5'</b>	<b>urban: 15' min.</b>
	<b>suburban: 35-40 mph</b>	<b>suburban: 11' lanes</b>	<b>elsewhere: 15'</b>		<b>elsewhere: 5'</b>
	<b>rural: 45 mph<sup>7</sup></b>	<b>rural: 12' lanes</b>			
<b>Country Arterial</b>	<b>suburban: 40 mph</b>	<b>11' lanes</b>		<b>4'</b>	<b>suburban: 5'</b>
	<b>rural: 40-45 mph<sup>7</sup></b>				<b>rural: none</b>
<b>Arterial</b>	<b>urban: 25 mph</b>	<b>urban: 10' lanes</b>	<b>urban: 15' min.</b>	<b>urban: 4'</b>	<b>urban: 10' min.</b>
	<b>suburban: 35 mph</b>	<b>suburban: 11' lanes</b>	<b>elsewhere: 15'</b>	<b>suburban: 4'</b>	<b>elsewhere: 5'</b>
	<b>rural: 40 mph<sup>7</sup></b>	<b>rural: 12' lanes</b>		<b>rural: 5'</b>	
Minor Arterial	urban: 25 mph	urban: 10' lanes	urban: 15' min.	4'	5'
	suburban: 30 mph	suburban: 10.5' lanes	elsewhere: 15'		
	rural: 35 mph <sup>7</sup>	rural: 11' lanes			
Business District Street	25 mph	urban: 10' lanes	urban: 15' min.	none	10'
		elsewhere: 11' lanes	elsewhere: 15'		
Industrial Street	25 mph	urban: 10' lanes	urban: 15' min.	none	5'
		elsewhere: 11' lanes	elsewhere: 15'		
Country Road	25 mph	20' road		none	suburban: 5'
					rural: none
Primary and Principal Secondary Residential Streets	25 mph		15'	3'	5'
		20' road			
Secondary Residential Streets	20 mph		15'	none	4'
		20' road			
Tertiary Residential Street	20 mph	20' road	12'	none	4'
Alley	15 mph	urban (2-way): 20' road	none	none	none

## Appendix A - ZTA 22-06

		urban (1-way): 16' road			
		suburban: 16' road			

## Appendix D - Master Plan Site Eligible Properties

OBJECTID	RESOURCE_NUMBEI	SITE_NAME	HISTORIC_USE
6	29/007-000A	CAPTAIN JOHN MCDONALD HOUSE	DWELLING
7	36/012-000A	FALKLAND APARTMENTS CUPOLA BUILDING	APARTMENTS
8	23/111-000A	NATHAN SHAW HOUSE/ MUNCASTER MILLER'S HOUSE	DWELLING
11	29/027-000A	MARYLAND MINE	MINE
12	28/011-002A	SHARP STREET CHURCH	CHURCH
13	35/155-000A	SYCAMORE STORE	STORE
19	14/16-4	BRIGHT-WARD HOUSE	
22	30/006-000A	THE RILEY HOUSE	DWELLING
25	23/098-004A	ST. JOHN'S EPISCOPAL CHURCH	CHURCH
26	23/104-000A	BERRY-MACKALL HOUSE	DWELLING
31	35/009-000A	G. F. PETER ESTATE (NIH)	DWELLING
32	35/013-001A	NEWLANDS-CORBY MANSION	DWELLING
33	35/125-000A	MULLOWNY HOUSE	DWELLING
34	35/108-003A	CONSTANTINE LOZUPONE HOUSE	DWELLING
36	35/103-000A	HENDERSON HOUSE	DWELLING
43	33/022-000A	ROBERT B. MORSE COMPLEX (WSSC)	
49	35/029-001A	BALTZLEY CASTLE	DWELLING
54	35/034-007A	NORTH DC/MD BOUNDARY STONE	MARKER STONE
66	29/021-002A	CHARLES S. CASE HOUSE	DWELLING
69	35/020-000A	LOCK HOUSE #10 AND HOUSE	DWELLING/LOCK
73	35/037-000A	CABIN JOHN AQUEDUCT	AQUEDUCT
79	14/16-6	MELVIEN AND ANNIE WOOD HOUSE	
80	35/005-000A	BETHESDA MEETING HOUSE	MEETING HOUSE
83	35/011	CHEVY CHASE LAKE TROLLEY STATION	
91	33/25-1	NAVAL ORDNANCE LABORATORY ADMINISTRATION BUI GOVERNMENT (MILITARY)	
92	20/042-000A	SARAH POSEY HOUSE	
98	29/040-000A	MAGRUDERS BLACKSMITH SHOP	BLACKSMITH
105	23/113-02	NORBECK ROSENWALD CENTER	SCHOOL
117	13/010-000A	CLARKSBURG SCHOOL	SCHOOL
119	13/030-000A	HIGH VIEW/BURDETTE HOTEL	HOTEL
126	22/030-000A	BARNSELY HOUSE	DWELLING
142	35/047-000A	BONFIELD'S GARAGE	GARAGE
151	35/108-001A	STEPHANO LOZUPONE HOUSE	DWELLING
152	22/015-000A	THE RIDGE	DWELLING
158	22/017-000A	FLINT HILL II	DWELLING
162	30/018-000A	MT. ZION CEMETERY	CEMETERY
168	24/013-000A	PLEASANT VIEW ME CHURCH/QUINCE ORCHARD SCHO	CHURCH
177	33/024-000A	COLESVILLE/SMITHVILLE COLORED SCHOOL	SCHOOLHOUSE
178	28/019-000A	PLEASANT VIEW	DWELLING
182	13/019-000A	HOWES FARM	DWELLING
190	13/025-000A	CEPHAS SUMMERS HOUSE	DWELLING
192	19/027-000A	JOHN H. GASSAWAY FARM	DWELLING

## Appendix D - Master Plan Site Eligible Properties

202 23/098-000A	OLNEY HOUSE	DWELLING
213 20/028-000A	ST. ROSE OF LIMA CATHOLIC CHURCH	CHURCH
217 20/041-000A	BENSON HOUSE	
218 20/046-000A	BLACK AND WHITE INN	
230 37/018-000A	DAVIS-WARNER HOUSE	DWELLING
240 33/007-000A	VALLEY MILL HOUSE	DWELLING
241 23/113-001A	MOUNT PLEASANT UNITED METHODIST CHURCH	CHURCH
242 25/014-000A	TOBYTOWN CEMETERY	CEMETERY
256 14/16-5	MILLARD AND JULIA THOMPSON HOUSE	
258 14/016-2	BRIGHT-WATKINS HOUSE	
259 14/016-3	THOMAS AND JESSIE GRIMES HOUSE	
263 35/056-000A	HURLEY/SUTTON HOUSE	DWELLING
266 28/009-000A	CHERRY GROVE	DWELLING
270 35/016-000A	LANSDALE HOUSE/LANDON SCHOOL	DWELLING
273 35/126-000A	EIKER HOUSE	DWELLING
275 35/101-000A	SHELTON HOUSE	DWELLING
278 35/108-002A	FRANK LOZUPONE HOUSE	DWELLING
285 23/121-000A	DR BIRD HOUSE	HOUSE/OFFICE
288 35/008-000A	BETHESDA NAVAL HOSPITAL TOWER	HOSPITAL
292 35/023-000A	CABIN JOHN HOTEL GAS HOUSE	HOTEL
302 28/066-000A	ODD FELLOWS LODGE	LODGE
306 23/106-000A	OAKDALE EMORY METHODIST CHURCH	CHURCH
316 25/002-000A	MAPLE SPRING BARN	DAIRY BARN
321 25/009-000A	HARRISON AND ADA WARD FARM	DWELLING
334 35/029-002A	R. A. CHARLES CASTLE	DWELLING
335 35/043-000A	BETHESDA COMMUNITY STORE	STORE
342 27/017-000A	ASPIN HILL PET CEMETERY	CEMETERY
343 29/006-002A	MARWOOD GATEHOUSE	GATEHOUSE
344 24/019-001A	DARNESTOWN PRESBYTERIAN CHURCH	CHURCH
350 14/053	WIGHTMAN HOUSE [THOMPSON HOUSE]	
352 28/017-000A	LLEWELLYN FIELDS	DWELLING
359 29/045-000A	ELECTRIC TROLLEY POWER STATION	POWER STATION
367 35/099-001A	MIHRAN MESROBIAN HOUSE	DWELLING
375 27/012-000A	JOHN AND ELL CHAMPAYNE HOUSE	DWELLING
376 27/010-000A	LAYHILL METHODIST EPISCOPAL CHURCH SOUTH	CHURCH
392 19/021-000A	CLOPPER'S MILL RUINS	MILL
394 19/005-000A	NEELSVILLE PRESBYTERIAN CHURCH	CHURCH
397 30/013-004A	W. SCOTT MACGILL HOUSE	DWELLING
400 33/004-000A	MILIMAR	DWELLING
401 33/012-000A	COLESVILLE ELEMENTARY SCHOOL	SCHOOL
404 34/002-000A	LIBERTY GROVE METHODIST CHURCH	CHURCH
405 15/075-000A	WILLIAM PHAIR HOUSE	DWELLING
408 19/019-000A	GRUSENDORF LOG HOUSE	DWELLING

## Appendix D - Master Plan Site Eligible Properties

409 29/021-001A	CASE BROTHERS HOUSE	DWELLING
410 19/033-000A	CIDER BARREL	STORE
412 29/015-000A	SCOTLAND AFRICAN M/E ZION CHURCH	CHURCH
414 31/010-000A	JENKINS BROADCASTING STATION	TV STUDIO
418 30/014-000A	LINDEN OAK	DWELLING
423 35/046-000A	WALTER JOHNSON HOUSE	DWELLING
425 35/004-000A	SAMUEL PERRY HOUSE	DWELLING
431 35/057-000A	GILLILAND/BLOOM HOUSE	DWELLING
434 35/124-000A	MACTIER HOUSE	DWELLING
435 28/013-000A	NORWOOD	DWELLING
440 15/052-000A	EDGEWOOD II	DWELLING