

## ZONING

Although zoning is one of the most basic tools for creating a better community, its usefulness is quite limited until a definite set of planning goals has been agreed upon. The General Plan supplies these goals and zoning thus becomes a powerful tool for carrying out the plan.

The adoption of this General Plan provides a firm and reasonable guide for detailed zoning plans and individual rezoning decisions. It allows zoning decisions to be based upon better criteria than simply "Would this rezoning cause excessive conflict or friction with nearby land uses?" Considerations of need, effect on highways, sewers and other public service facilities, plus functional relationships between land uses throughout the Regional District can be fully explored before zoning changes are made. Zoning can and should be used as one of the most important means of forming the recommended urban pattern and protecting the rural pattern. It can go a long way toward creating efficiency, pleasant living conditions, and a healthy local economy.

An area is grossly "over-zoned" when there is so much land in particular classifications that no more than one-third of it can be used for its highest and best purposes in the next twenty years. This is the situation in the Regional District, especially with respect to residential zoning.

*The most widely employed land-use control today is zoning; it is in fact the work horse of the planning movement in this country.*

—CHARLES M. HARR,  
*Land-Use Planning: A Casebook  
on the Use, Misuse, and Re-Use  
of Urban Land.*

Present residential zoning in Montgomery and Prince George's Counties could accommodate almost 5½ times the present population, or over three million more people. The most realistic forecasts indicate a population increase of about 700,000 by the year 1980. This means that more than three-quarters of the unused land now zoned residential will not be used for residential purposes in the next twenty years. Every time land is rezoned to allow larger numbers of families per acre, this disparity between zoning and fulfillment grows greater.

Residential over-zoning in the Regional District is so pronounced primarily because of the practice of classifying almost all rural land reserves in the R-R zone which permits homesites of 20,000 square feet—less than one-half acre. To make matters worse in Prince George's County, the mere presence of public water connections reduces the minimum size residential lot to less than one-quarter acre.

Over-zoning in these proportions raises false expectations by artificially inflating land values to levels which cannot be realized through development. It substitutes a lottery ticket for an orderly land market, giving the property owner only a gambler's chance of realizing the zoned potential of his land. But most important of all from the public interest point of view, this over-zoning cripples the usefulness of zoning in bringing about the most appropriate use of land throughout the Maryland suburbs.

This degree of over-zoning is a crucial matter. It may be compared to the steering mechanism of an automobile which has has so much "play" that the vehicle cannot be steered by the driver well enough to avoid an accident. The basic purposes of zoning—to give a rational pattern to urban and suburban development—is defeated when the ratio of zoning to foreseeable use is so far out of balance.

# 2000

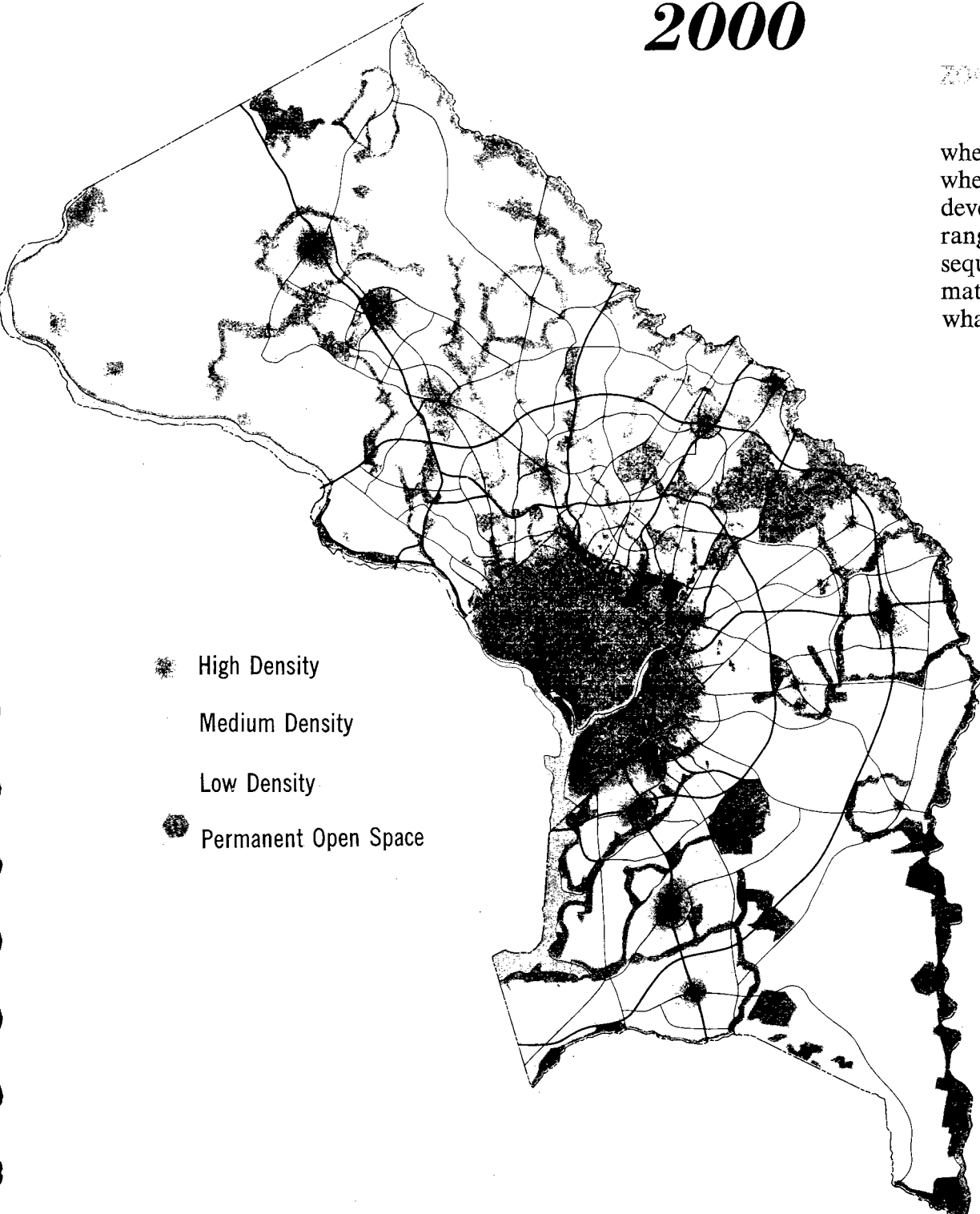
## ZONING BY STAGES

Sequential zoning, or zoning by stages, is a procedure whereby orderly growth of planned areas is permitted when and where the *need* for development arises, reserving other lands for development at a later date and in a fashion consistent with long range planning for the protection of the public interest. Under sequential zoning the private land owner would know approximately when to expect this development to occur, and know what type—or types—of land use are in store for his property.

Under a system of sequential or staged zoning, the areas opened to development would be pre-planned and pre-zoned in accord with detailed master plans. An entire new area would change its zoning at one time as sectional zoning map amendments are adopted, giving all the landowners of the area an equal opportunity to share in orderly growth. Since present R-R zoning was not designed to enhance rural activities, a zoning category similar to or more intensive than the R-A zone (2 acres) used in Montgomery County must be the holding device used to prevent scattered and inefficient, premature, urban type development, and to preserve precious open space.

Once a pattern of sequential zoning is firmly established, applications for rezoning will be more realistically attuned to the actual possibilities of development. Zoning for speculative purposes will be greatly reduced, and the individual home owner will no longer be at the mercy of arbitrary zoning changes made at the behest of neighboring land holders seeking a windfall.

*ATTENTION: The revised map amendments to long range zoning to step 2000, which development is now needed by 2000, should be...*

- 
- High Density
  - Medium Density
  - Low Density
  - Permanent Open Space

The zoning categories now in effect in Montgomery and Prince George's Counties are unequal to the job of shaping and preserving the natural resource wedges. Nowhere in Prince George's are lot sizes of more than 20,000 square feet (one-half acre) required. In Montgomery, two-acre zoning has been adopted for only a few locations, and then primarily for one compelling reason: to protect the Potomac and Patuxent watersheds from pollution and siltation. Even the most restrictive zones are residential, not specifically designed for protection of the rural environment.

With adoption of the General Plan, preservation of the natural resource wedges emerges as a second reason for the adoption of rural zoning—a reason just as compelling as protecting the rivers and watersheds. There are only two ways in which encroachment on the open spaces between the radial corridors can be prevented: the first is public acquisition of all the land between the corridors; the second is to restrict land uses to low-density, multiple-acre, rural ones. The first alternative is obviously both impossible and undesirable. Rural zoning, therefore, becomes a *must*.

The importance of preserving the natural resource wedges cannot be over-emphasized. They serve five essential functions in shaping the future Regional District by:

Preventing the uneconomic scattering of suburban housing in the wedges, and permitting corollary savings and conveniences by concentrating development within the urban corridors.

Giving contrast and interest to the Regional District through the creation of distinctive variations in the character and density of development.

Protecting the rural environment as a source of natural resource business.

Assuring adequate open space for outdoor recreation.

Protecting public water supplies.

In keeping with the above five functions, rural areas should not be thought of as areas devoid of residences and people. Residences will be allowed, but only on large lots individually developed primarily for the use of the people whose livelihood is dependent on the rural area. The exclusion of small lot residential subdivisions will not only preserve the character of the rural areas, but enhance the economic potential of the land for efficient and practical non-urban uses.

The major uses permitted and encouraged in the rural zone should be of four types:

1. Natural resource business, including agriculture, forestry and mineral extraction.
2. Outdoor recreation, including private camps, resorts, golf courses and country clubs, public recreation on private agricultural and forestry lands, wildlife and hunting preserves, water and waterfront recreation, shooting ranges, and public parks, forests, historical and scenic reserves.
3. Conservation, including flood control dams, siltation basins, wetlands, and wildlife refuges.
4. Miscellaneous uses on large sites, including kennels, hospitals, sanitariums, nursing homes, child care homes, public utilities, airports, cemeteries, and institutional uses.

The rural zone should be the dominant zone in the open space wedges between the urban corridors, and should also be used to reserve areas programmed for future development of the new corridor cities.



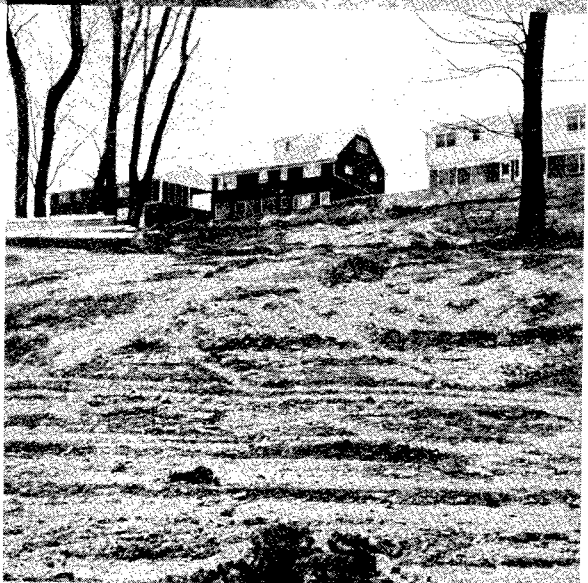


### CONSERVATION ZONING

In certain limited cases outstanding natural resources, and areas where indiscriminate urban development would be against the public interest, occur within the urban pattern. Examples are sand and gravel deposits, steep slopes, and flood plains. To preserve these areas for future extraction or watershed protection, or to avoid unsafe or unhealthful conditions as the result of improper development, it will be necessary to put these urban areas into a conservation zone in which all uses and alterations of the natural terrain and vegetation are subject to special permits approved by the Board of Zoning Appeals.

The locations of this zone will be recommended to the respective District Councils by the Park and Planning Commission on the basis of soil, geologic and topographic information now becoming available. Generally speaking, construction should be prohibited in this zone unless it can be shown to be in accord with the public interest. Specifications for mineral extraction should include regulation of access roads, protective setbacks, methods of operation, and plans for restoration of the land when the venture is terminated. The restoration should be guaranteed by either an adequate performance bond, or by a special use tax applied during the period of operations.

*ACTION: Enact and use conservation zones.*





### RESIDENTIAL ESTATE ZONING

An area as large and diverse as the 1,000-square-mile Regional District obviously requires a fuller range of zoning categories than is now available. As pointed out in the section on overzoning, there is a great deal more land zoned for small lot residential development than can ever be used. Reclassifying much of this land for one, two and five acre single-family residences will be a great help in reducing the amounts of overzoned land to more manageable proportions.

There are presently a number of areas in both Montgomery and Prince George's Counties where the dominant pattern of residential development has been in tracts of one acre or more. (See map on page 41.) It is eminently desirable to encourage a reasonable spread of this pattern and to protect it with consistent zoning.

Estate zoning should be employed wherever the character of the area warrants it. Such action will assure the stability of estate areas and will allow public services to be planned on a proper scale in relation to the low density of population. Finally—and very importantly—estate zoning should be employed in “buffer” areas between the corridor cities and the natural resource wedges to provide a reasonable transition and reduce pressures for the continuation of urban zones beyond their optimum limits.

**ACTION:** Increase the use of residential estate zones.



To make a full range of choices available in multi-family housing and to provide additional tools for creating the new corridor cities, two new residential zones are needed.

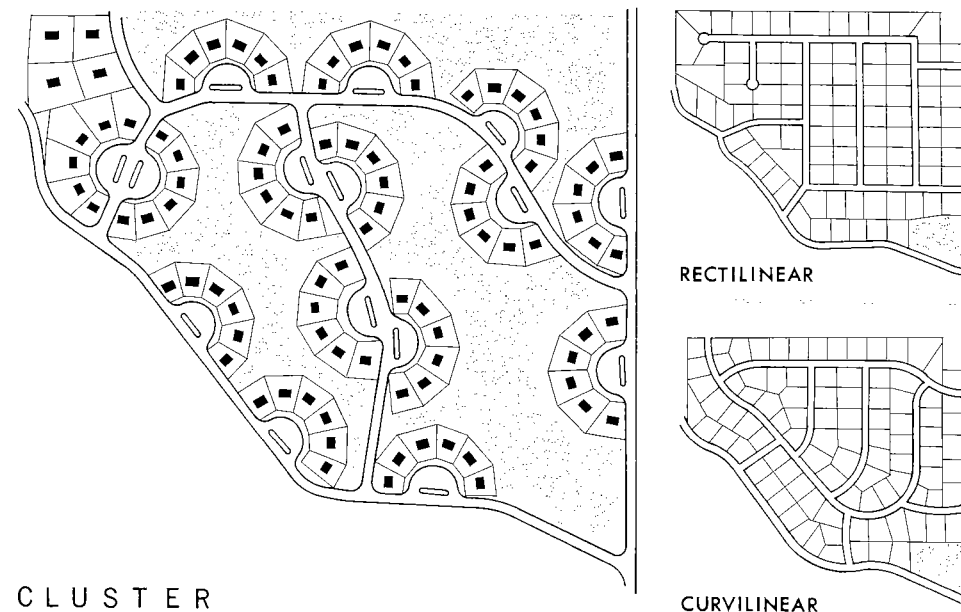
The most important is a very high density apartment zone designed for the core areas of these new cities, within walking distance of employment opportunities and the rapid transit system. The number of apartments allowed might be as high as 60 per acre, compared to the present maximum of 48. Convenience should be the key concept of this zone and its use should be restricted to the core locations which are served by rapid transit. Spaciousness in the core area will be accomplished by judiciously spaced multi-story development, boulevard type thoroughfares, pedestrian malls, and compact commons or parks.

The second zone is for town-houses. Less demanding on the supply of land than single-family housing and having some of the convenience and economy of apartment living, town-houses represent to many people an attractive balance between yard space and yard work. This zone may be useful in some cases for achieving attractive transitions between higher and lower density developments, as well as for satisfying the housing needs of part of the Regional District's population.



The idea of planned community zoning is to promote variety in development and flexibility in urban design. These are valid objectives, but without careful coordination with a comprehensive public plan this type of zoning could lead to a continuation, or even an acceleration of all the unfortunate aspects of haphazard urban sprawl. Planned community zoning should not be used as the excuse for each sizeable piece of property becoming an island unto itself. While this might result in some well designed neighborhoods, the urban pattern as a whole would deteriorate in efficiency, convenience, and usefulness.

There is great danger that planned community zoning will be thought of as fitting in so well with its surroundings that considerations of proper location will be ignored. A planned community with the ultimate in imaginative and inspiring internal design might be proposed in a rural wedge and be accepted because of reluctance to turn down such an outstanding job of architectural and site planning. This occurrence would begin the process of urban sprawl all over again and the General Plan would become useless. The rural environment would not remain productive; the urban corridors would have their development potential siphoned off; the cost of sewer services would climb unnecessarily; rapid transit could not be effective; and freeways would dominate the landscape. It is essential, therefore, that planned community zoning not become a substitute for the General Plan. Only the General Plan can take the over-all view of the Regional District, and only the General Plan can properly determine the location of areas for concentrated development.



Note: These three possible subdivisions of a development tract with ninety-four lots show cluster pattern, left; rectilinear pattern, top right; and curvilinear plan, bottom right. Only 6,000 lineal feet of streets are needed for cluster. Grid calls for 12,000 feet, curvilinear layout needs 11,600 feet. Lots in the cluster plan were reduced from one acre to three-quarters of an acre to provide added privacy and less maintenance expense. The number of lots (94) remains the same as in the other two layouts permitting the "saved" balance, approximately one-half of the area of the tract, to be devoted to open part.

Source: Urban Land Institute, technical buttetin 40

The recently adopted average density residential zones had the same objectives in mind as planned community zoning, but they are not so bold nor so dangerous. A more familiar name for the flexible type of building envisioned under these zones is cluster development, in which dwellings are grouped together on a small portion of the available land while the rest remains open for common recreational use. Planned community zoning would allow a mixture of housing types including both multi- and single-family, and maybe even a little commercial development. But the present average density zones allow only single-family homes. It is perfectly feasible with these and other existing zones to design excellent urban communities. Much monotony of the past has resulted primarily from mass production and lack of imagination rather than poor zoning.

There are many difficult legal and administrative problems to be solved in making planned community zoning effective. A Residential Planned Community (RPC) zone has been tried in Prince George's County for more than a decade and been found unworkable. The intensive uses shown on the approved "community plan" have been built first, and then used as the evidence of a change in character of the neighborhood which can be used in court to justify rezoning of other parts of the same property for more intensive uses contrary to the original plan. There is

also the question of how open spaces, created by this type of flexible zoning, will be cared for if the project is not a rental one. Greater experience is needed to solve these and other problems. At least part of this experience will come with greater use of the average density residential zones.

Five conclusions about planned community zoning are apparent:

- ... The variety and flexibility of urban design envisioned as resulting from it would be desirable.
- ... It should not include any industrial development nor any commercial development other than a strictly limited amount directly serving the planned community.
- ... It should be evolved slowly and carefully.
- ... Average density residential zoning should be encouraged as a first step.
- ... Planned community zoning should be located only within the urban pattern recommended in the General Plan.

## COMMERCIAL AND INDUSTRIAL ZONING

Commercial and industrial zones should exclude residences both because good residential neighborhoods cannot be maintained in such areas, and because business and industry can function more effectively where space allotted them is uninterrupted by housing.

Even within commercial and industrial zones, specialization of uses is desirable. A shopping district with large gaps between shops is uninteresting and functions poorly in comparison with one where shops are continuous. This is equally true whether the gaps are vacant, or used for residences, automobile parking, offices, or some unrelated commercial or industrial activity. On the other hand, an area exclusively for offices becomes a ghost town after working hours. To overcome this disadvantage in the larger commercial centers, ground floors of office buildings should be used for stores, shops, theaters, bowling alleys, and similar uses which would keep the streets alive and interesting. Specialization within industrial zones is necessary so that related services are close to one another and so that activities which would interfere with each other are separated.

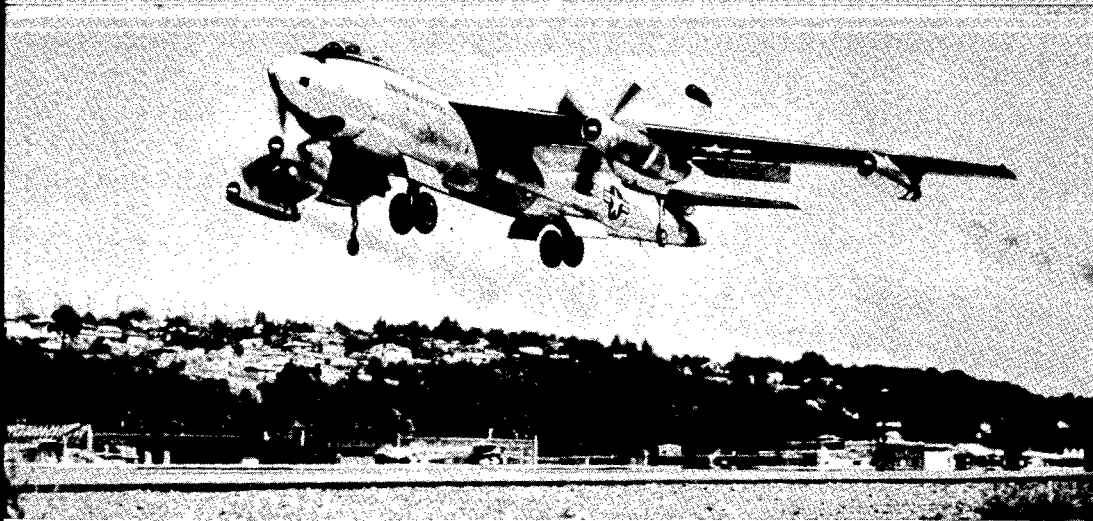
To achieve the most workable and most interesting arrangement of commercial activities in complex business centers and the cores of new corridor cities, it may become necessary to use three dimensional zones in which different uses are permitted at ground level than at higher levels. A typical example might be

stores on the ground floors with offices above. In special cases where compact development around a rapid transit station is desired, this type of zoning might provide for certain types of commercial activity on lower floors with apartments above.

The practice of requiring site plan approval has great potential for improving the appearance and workability of shopping and employment areas. Such a requirement may be employed to develop commercial centers that are more compatible with their surroundings and to mold the cores of new corridor cities into unified and convenient areas around their pedestrian malls and transit stations.

Increased attention should be given to setback and screening requirements where commercial and industrial zones adjoin residential land.

**ACTION:** 1) Exclude residences from all existing commercial and industrial zones. 2) Study the techniques of layered zoning and greater specialization of uses in commercial and industrial zones. 3) Prepare and enact new zones to accommodate complex business centers and the cores of new corridor cities.



### NOISE ABATEMENT

Current zoning provisions regulating building heights in airport flight paths are in need of overhaul and revision. Proper use of rural zones or specially designed zones allowing uses not adversely affected by high noise levels may also be useful in protecting airports from urban encroachment. A model airport zoning ordinance prepared by the Federal Aviation Agency is being studied to determine the best course of action.

### POWER OF THE BOARDS OF APPEAL

The Boards of Appeal have authority to grant special exceptions under the zoning ordinances, and thereby fall heir to an important planning function. Yet they do not have professional staffs familiar with the issues at stake. To insure that special exceptions conform to the concepts of the General Plan, it is imperative that closer liaison be developed between the Boards of Appeal and with the Park and Planning Commission. In order to establish this closer liaison, the Commission must receive not only the notices of special exception hearings, but also complete information and drawings indicating what is being proposed. The Commission will provide staff services to the Boards in cases where such service is needed. Zoning ordinances should be amended to set forth better criteria for use of the Boards in granting special exceptions, and written opinions of the Boards should include enough detail to enable enforcement without reference to hearing transcripts and obscure exhibits.

RECOMMENDATION: Review of incompatible development near airport approach areas and high noise level areas by holistic use of zoning.

RECOMMENDATION: That the county personnel be asked to refer to the Boards of Appeal to make referrals to the Park and Planning Commission regarding information for each application and include Park and Planning Commission's recommendations and comments as part of their official records.

