

Implementation

The Master Plan for Gaithersburg Vicinity, as approved by the Montgomery County Council and adopted by the Planning Commission, serves as a guide to the area's physical development. Public agencies and officials use the Plan to evaluate planning proposals and to allocate resources. The private sector also refers to the Plan for planning guidance.

Montgomery County has an opportunity to take advantage of the strong market potential for housing and employment in the Gaithersburg area. To do so, it must foster the Plan's recommendations by assuring the timely availability of necessary facilities and by regulating the quality of development. Among the measures available to implement the Plan's proposals and related County policies are the following:

- Sectional Map Amendment
- Zoning Text Amendments
- Capital Improvements Program Code
- Water Supply and Sewerage Systems Plan
- Subdivision Regulations
- Comprehensive Planning Policies (CPP)
- Transfer of Development Rights
- Inter-jurisdictional Issues
- Noise Containment Techniques for Montgomery County Airpark
- Historic Sites Master Plan and Ordinance

SECTIONAL MAP AMENDMENT (SMA)

An SMA is a comprehensive rezoning process which zones all properties within a planning area to correspond with the zoning recommendations in the master plan. The Planning Board files the SMA and the Council, after public hearing, adopts the zoning. Once the rezoning occurs, it is the legal basis for all future local map amendment requests for euclidean zones.

The SMA only implements euclidean (base) zones and those floating zones having the owner's concurrence, and which do not require a development plan at the time of rezoning. The Planned Development (PD) Zone and Mixed-Use (MXPD) Zone require separate applications as local map amendments.

A Sectional Map Amendment for the entire Gaithersburg Vicinity Planning Area will implement this Plan's zoning recommendations.

The Generalized Zoning Plan for Shady Grove West is shown in figure 35. In the Shady Grove West Area, all properties not recommended for development until Stage III will be zoned R-200. Most of the affected properties are already zoned R-200. Rezoning of these parcels must await adoption of a Master Plan Amendment.

All other properties will be zoned in accordance with the base zoning recommendations described in the Land Use and Zoning Recommendations Chapter.

ZONING TEXT AMENDMENTS

During the course of this Plan process, it became evident that modifications to the I-3 (Light Industrial) Zone were needed to accommodate the changing character of research and development firms. The I-3 Zone should be examined and amended prior to or in concert with the adoption of a future Master Plan Amendment.

CAPITAL IMPROVEMENTS PROGRAM (CIP)

The CIP is the County's funding and construction schedule over a six-year period for all public buildings, roads, and other facilities planned by the public agencies. The County Executive is responsible for its yearly preparation. When approved by the County Council, it becomes an important part of the staging mechanism for the Plan.

The Technical Appendix of this Plan identifies projects that are either currently scheduled or which should be included in the future to implement Master Plan recommendations. Those projects currently scheduled are listed as well as those recommended by this Master Plan. The County and state agencies responsible for design and development of each project are indicated.

WATER SUPPLY AND SEWERAGE SYSTEMS PLAN

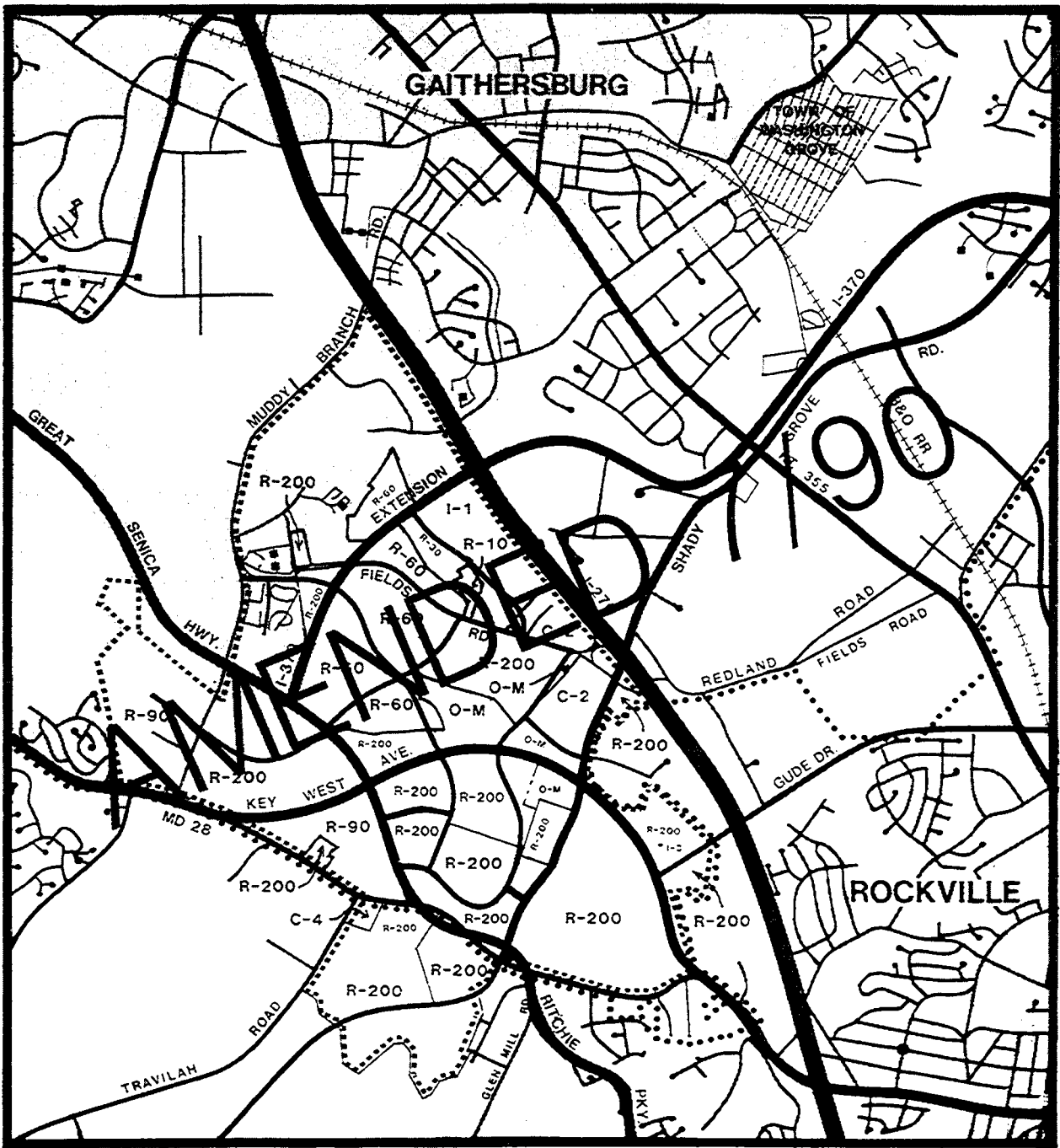
The Comprehensive Ten-Year Water Supply and Sewerage System Plan is the County's program for providing community water and sewerage service. Most of the Gaithersburg area is either currently being served or scheduled to be served in the near future.

The following list describes three levels of sewerage and water distribution priority recommendations used throughout this section:

Priority 1: Designates that service is existing or planned within 6 years.

Priority 2: Designates that service is planned within a 7-10 year period.

Priority 3: Designates that service is not planned within a 10 year period.



**SHADY GROVE WEST AREA -
RECOMMENDED SECTIONAL MAP AMENDMENT ZONING**

- Planning Area Boundary
- Shady Grove West Boundary

* 1-3 Must Be Requested By Property Owner

APPROVED & ADOPTED GAITHERSBURG VICINITY MASTER PLAN
Montgomery County Maryland

January, 1985



Fig. 35

Water Service and Systems Adequacy

New development within most of the study areas would either have water service immediately available or service could be provided without difficulty to any of these areas once service is requested and approved.

Most of the Gaithersburg area lies within the Montgomery County "high pressure zone." The Washington Suburban Sanitary Commission (WSSC) recently analyzed the water storage needs of the "high pressure zone" and concluded that there is an immediate need for additional storage.¹ The WSSC recently completed a facility plan addressing these needs (CIP Project W-37.16) and a design study is underway.

The WSSC analysis also identified the need for a separate pressure zone to serve higher ground elevations in the Airpark area. A facility plan for this area is completed and the most recent CIP includes funds for the construction of an elevated storage tank along the east side of MD 124, about 1800 feet south of Warfield Road (Project W-56.00). A pumping station (Project W-56.01) is being constructed at the intersection of Snouffer School and Strawberry Knoll Roads as part of this project. (Refer to the Technical Appendix for a listing of CIP projects.)

Once the new "high pressure zone" project is completed, finished water storage will be sufficient to provide for the development expected to occur through 1995 under the Planning Board's intermediate growth forecasts. The Airpark facilities will be sized to meet ultimate demands.

Sewer Service and Systems Adequacy

Most of the Gaithersburg area has sewer service readily available and, with the exception of the Gudelsky-Percon area south of MD 28, most of the area north of the Airpark and in Shady Grove West Area could be served in the future by minor extensions of the existing sewer system.² They are in the Priority 1 service category.

To the north of Analysis Area 58 is the Goshen Estates property, for which sewer service is not envisioned. The Plan assigns this parcel "Priority 3."

All other properties in the Airpark Area are shown as "Priority 1," which will enable the property owners to proceed through the subdivision process. (These properties will still be subject to the Adequate Public Facilities Ordinance.)

To help implement the staging recommendations for the Shady Grove West Area, properties which are not recommended for development until Stage III are shown as "Priority 2." The properties affected include the Barts, Thomas, King, Percon, and part of the Brown farms. The "Priority 2" designation will help defer development by deferring the extension of sewer service. A sewer category change

1 Washington Suburban Sanitary Commission. Distribution System Storage Study, Project 6.02, June 1980.

2 WSSC is preparing a Western Montgomery County Facilities Plan which will determine adequacy of the existing system and assess future needs.

for these parcels should not be approved until the Master Plan Amendment, which is to precede Stage III, is completed.

Recommended Sewer Service Priorities are shown in figure 36.

SUBDIVISION REGULATIONS

Subdivision regulations govern the process of dividing land into parcels, blocks, and lots. The Adequate Public Facilities Ordinance (APFO) is an important part of the subdivision regulations. The APFO requires that "public facilities. . . adequate to support and service the proposed subdivision" must be existing or programmed for construction before the Planning Board may grant approval of a preliminary plan of subdivision. The APFO helps assure new development does not proceed unless needed roads are in place or imminent.

At a finer scale, the detailed site plans and optional method of development plans carry out the policies and recommendations of the master plan. As there is flexibility in the layout of buildings and other features on the site, the Planning Board and its staff carefully review the elements with ample room for public input.

COMPREHENSIVE PLANNING POLICIES (CPP)

In 1982, the Board adopted its first annual Comprehensive Planning Policies (CPP) Report. The CPP incorporated a new set of guidelines for the Board to follow in administering the APF Ordinance. Thus, the interrelationship of the various County programs and plans, particularly in terms of the provision of public facilities, is more clearly defined. The CPP is used as a growth management tool. As the Board reviews and updates it yearly, there is the opportunity to re-evaluate whether proposed public facilities are adequate to serve anticipated development.

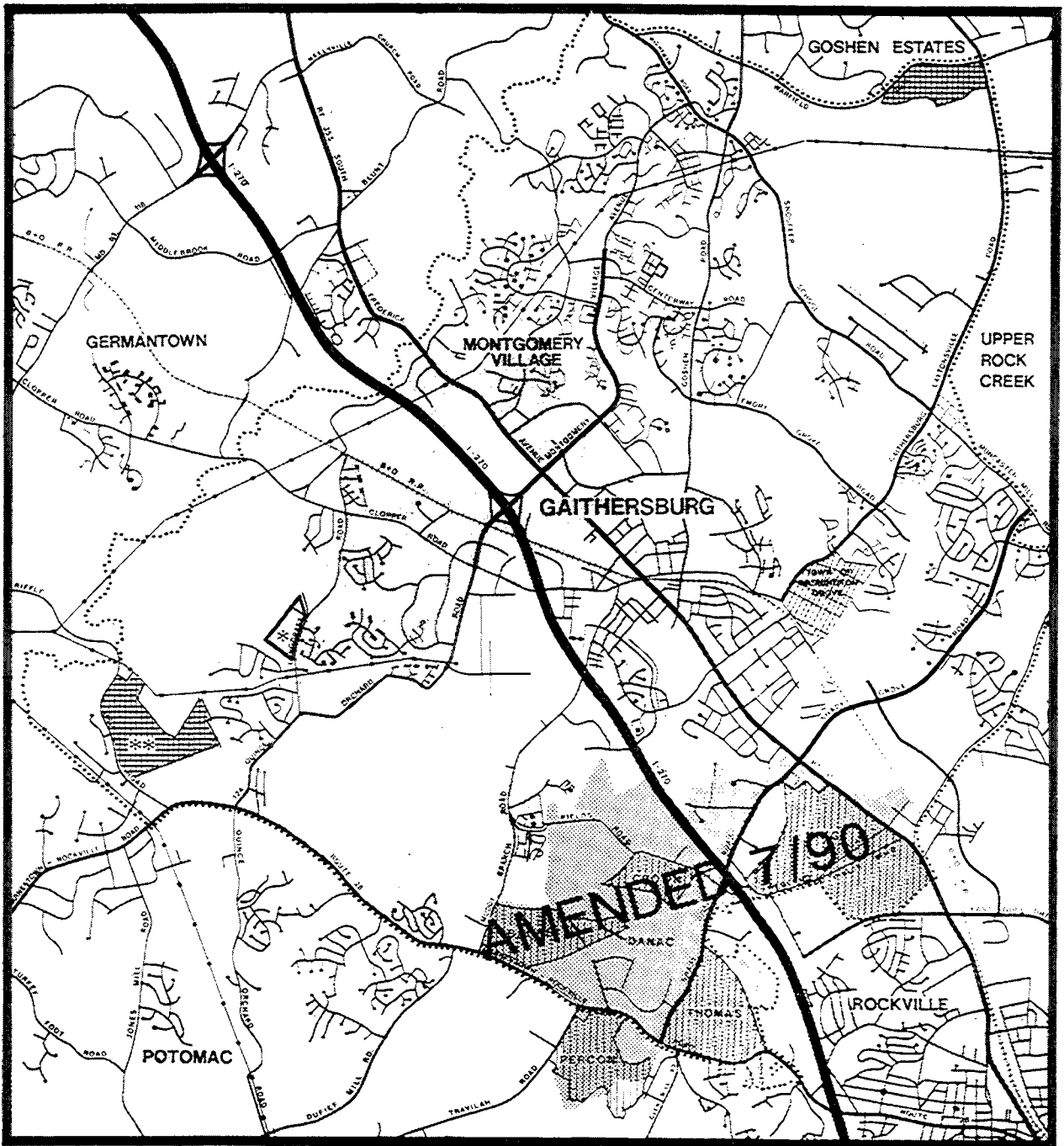
Future CPP reports will incorporate by reference, the staging recommendations of this Master Plan. This will mandate a more rigorous APF test in terms of transportation adequacy. A record plat for a subdivision may be approved only when the major roads used in the traffic analysis are under contract for construction. Although the staging plan identifies which roads are to be considered as staging events, other roads may be required as the result of more detailed traffic studies.

By "under contract for construction," this Plan intends that a contract has been signed for construction of a road.

Figure 22 shows how the Shady Grove West staging plan recommendations will be incorporated into the standard APFO subdivision review process.

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

The Plan recommends the suitability of development on certain properties using the TDR option as part of its plan to preserve agriculture in the County. The goal of the Agricultural Preservation Plan is to retain farmland in the upper portion of the County. To do so, development of certain agricultural lands must be discouraged or prevented. The Agricultural Preservation Plan developed two mechanisms for farmland preservation in the Agricultural Reserve: the first reduces permitted residential development in the Agricultural Reserve to a very low density, and the second creates a mechanism to transfer development rights from the Agricultural Reserve to other parts of the County.



RECOMMENDED SEWER SERVICE PRIORITIES

----- Planning Area Boundary

□ Municipalities

□ PRIORITY ONE
Sewer Exists or is Planned Within 6 Years

▨ PRIORITY TWO
Sewer is Planned Within a 7-10 Year Period

▨ PRIORITY THREE
Sewer is Not Planned Within 10 Years

* This area recommended for Priority One because water pollution problems in Clopper Lake may occur if more septic systems are located in this parcel.

* Priority One recommended upon Planning Board approval of preliminary plan using cluster option.

APPROVED & ADOPTED GAITHERSBURG VICINITY MASTER PLAN
Montgomery County Maryland

January, 1985



Fig. 36

The TDR approach permits development rights to be transferred from parcels in the Agricultural Reserve to designated "receiving areas" in other parts of the County. Receiving areas are those places where development rights are transferred to increase residential density. The TDR process is illustrated in figure 37.

Each master plan, as it is developed, is examined to determine whether it should contain receiving areas and, if so, how many. The location of receiving areas must be consistent with the master plan's limitations on the ability and desirability of development in certain areas. These limits must be within the range of planned public facilities such as roads, utilities, parks, and schools. Receiving areas must be compatible with existing and planned development on adjacent or surrounding areas. They must also meet the County-wide criteria (refer to Montgomery County Zoning Ordinance) established for the designation of receiving areas.

This Plan designates some of the analysis areas in the Shady Grove West and Airpark Study Areas as TDR receiving areas. These areas are recommended to be developed up to the optional TDR density (which does not include the MPDU bonus) indicated for that area, if TDR's are applied. The subject development must have passed the Adequate Public Facilities test and include at least the minimum number of TDR's permitted to be used under the master plan designation.

A 179-acre property in the Airpark Area is recommended for sewerage service only if it is developed at the TDR optional density. (See Analysis Area 58.)

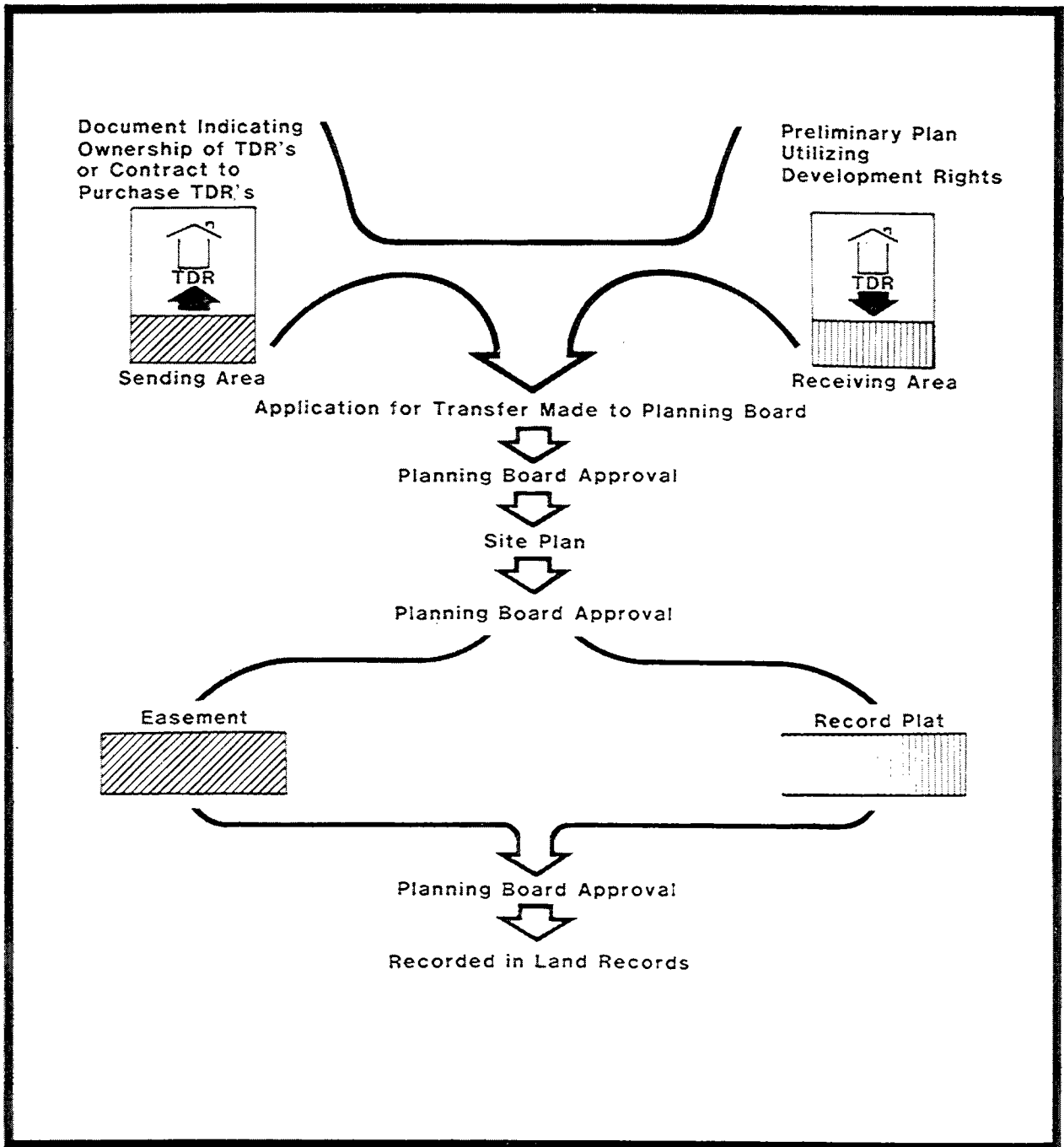
This Plan recommends the use of TDR's on several properties which are located within the expansion limits of the cities of Rockville and Gaithersburg. The Plan recommends that the cities and the County explore mechanisms for the accomplishment of these designations. Requiring the recordation of TDR easement at the time of annexation may be a method of achieving this goal.

INTER-JURISDICTIONAL ISSUES

The cities of Rockville and Gaithersburg and the town of Washington Grove are directly affected by the recommendations of this Plan. Many of the undeveloped parcels border on one of these jurisdictions and a number of them lie within the maximum expansion limits (MEL) established by the two cities.

The concerns of these jurisdictions have been carefully considered throughout the planning process. Two principal sets of issues dominate these inter-jurisdictional considerations: those associated with annexation policies and those related to development scale in the Shady Grove West Study Area.

The only geographic restrictions on annexation are: (1) the property cannot be within the corporate limits of any other municipality, (2) the property must be contiguous to the existing corporate area, and (3) no new enclaves totally encircled by a municipality may be created. The annexation process can be initiated by persons who own land or live in the area to be annexed or by the legislative body of the municipality. The acceptance of an annexation request is at the option of the municipal corporation and is subject to the consent of 25 percent of the registered voters and 25 percent of the property owners in the area to be annexed. It is also subject to a petition to referendum by either 20 percent of registered voters in the area to be annexed or 20 percent of the qualified voters of the municipality. The effect of these provisions is that municipalities cannot, in most cases, compel



TRANSFERABLE DEVELOPMENT RIGHTS PROCESS

This illustration depicts, first, the ownership or contract to purchase development rights from a farmer in the sending area by a developer. The developer files, with the Montgomery County Planning Board, a preliminary plan of subdivision for property in the receiving area using at least two-thirds of the possible development rights transferable to the property. This represents the application for transfer. Once the preliminary plan of subdivision is approved by the Planning Board, the developer then files a detailed site plan for the receiving property for approval by the Planning Board. Following site plan approval, the developer would prepare a record plat. An easement document limiting future residential development in the sending area is prepared, conveying the easement to the county. Upon approval of the easement document and record plat by the Planning Board, the easement and the record plat are recorded in the land records and the transfer of development rights is complete.

annexation for developed areas; conversely, area inhabitants or owners contiguous to a municipality cannot compel annexation by the municipality.

When property is proposed to be annexed, several issues arise. The cities may not, for five years, rezone the property to a different land use or higher intensity than is shown on the County's current master plan unless the County Council consents to such rezoning. The cities, therefore, refer all annexation requests to the Montgomery County Planning Board and County Council for review prior to city action on the request. This provides an opportunity to address any proposed rezoning as well as other concerns, such as the removal of the property from MPDU requirements, the TDR program and the constraints of the Adequate Public Facilities Ordinance.

Annexation Policy Guidelines

During work on this Plan, the two cities proposed an explicit policy agreement on annexation issues. The Plan supports the development of a mutually acceptable agreement on MEL and annexation policy.

The Plan also recommends that any land annexed by either Gaithersburg or Rockville include a staging component in the annexation agreement, similar to that which would be in effect if the tract remained outside the city. Without such a staging component, there could be an imbalance between the land use recommendations and road facilities. The County's attempts to match development with transportation capacity will be frustrated if the County and the cities do not use similar standards for evaluating traffic impact.

Although state law does not require a staging component, such a component may be included if mutually agreed to in the annexation agreement. In those instances, therefore, where the County Council's approval for rezoning is required, that approval shall be granted only if the owner of the subject property and the municipality enter into a staging agreement or, otherwise, guarantee the adequacy of public facilities. The staging agreement should be recorded in the land records of the municipality or provide assurance that it can be enforced by the city.

A number of the areas that lie within the MEL of Gaithersburg and Rockville are identified by the Master Plan as TDR receiving areas. The citizens of the cities share in the benefits of the County's efforts to preserve agricultural and open space. The "wedges and corridor" concept as stated in the General Plan assumes that development in the corridor should be increased as a result of restricting development in the "wedges". The Transfer of Development Rights program is a logical tool to accomplish this objective and should not be limited to corridor areas within the County and not within the cities. The County will, therefore, continue to recommend to the cities that they require the use of TDR's in their annexation agreements when TDR receiving areas are involved. In the absence of such requirement, the Plan recommends that upon annexation of such parcels, the County Council not concur in zoning densities greater than the base density shown in the Master Plan. For purposes of the requirements in Article 23-A, subsection 9(c) of the Maryland Annotated Code, the Master Plan land use shall be considered to be the base density.

A Process for Addressing Areas of Mutual Concern

This Plan recommends that the County and the municipalities of Rockville and Gaithersburg enter into the following two agreements:

1. The cities of Rockville and Gaithersburg, in concert with the County, should agree to adopt a mutually acceptable staging approach for the MD 28 area, and agree to establish a system for the remaining I-270 Corridor area. This staging program can be tailored to each jurisdiction but should be consistent in terms of data and methodology.
2. The cities of Rockville and Gaithersburg and the County should agree to develop a memorandum of understanding on maximum expansion limits and annexation issues. This agreement would provide the policy basis for reviewing all future annexation applications.

NOISE CONTAINMENT TECHNIQUES FOR THE MONTGOMERY COUNTY AIRPARK

The Plan supports the efforts by the Montgomery County Revenue Authority to develop, with the assistance of the State Aviation Administration (SAA), a Noise Abatement Plan. The purpose of the Noise Abatement Plan is to reduce or eliminate the amount of land exposed to noise levels exceeding 60 dBA Ldn, through the application of the best available technology. The operational characteristics of the Airpark will be controlled in terms of such factors as growth of usage, restrictions on noisy maintenance operations, and modifications of the runway and flight path use. The Revenue Authority, as the airport operator, will enforce the provisions of the Noise Abatement Plan.

The Plan also supports the efforts of the SAA to designate a noise zone at the Montgomery County Airpark. The SAA has identified projected noise contours exceeding 60 dBA Ldn around the Airpark. Based on the operational characteristics of the Noise Abatement Plan, the SAA will develop noise contours as projected five years into the future. Once these contours are developed, the SAA will hold a public hearing. After full consideration of the public hearing testimony, the SAA will adopt a noise zone encompassing the noise-impacted area. The County, through its police powers, will then adopt regulations to control land uses within the noise zone.

Notification

The Plan recommends that potential homebuyers be made aware of the presence of the Airpark and its impacts prior to their purchasing a home in the Airpark area. Under the master plan disclosure provisions of the Montgomery County Code, a homebuyer has the opportunity to review the applicable master plan. Thus, the information provided in this Plan will assist in notifying prospective homebuyers of the presence of the Airpark and its impacts. The Plan also recommends that a formal disclosure of the presence of the Airpark be made.

These measures occur late in the home selection process, generally after one has selected a particular home. Therefore, the Plan further recommends that the Revenue Authority place well-designed signs in the area indicating the direction of and distance to the Airpark. These signs will indicate, early in the prospective homebuyer's shopping, that the Airpark is in the vicinity.

HISTORIC SITES MASTER PLAN AND ORDINANCE

There is a variety of historic resources in the County. Some are protected from adverse state or federal actions through identification on the Maryland State Inventory or the National Register of Historic Places. The County, recognizing the

need for additional protection for these sites and for sites of local significance, enacted its own historic preservation legislation in 1979.

Under the Historic Preservation Ordinance, Chapter 24A of the County Code, resources identified on the Locational Atlas and Index of Historic Sites in Montgomery County are afforded limited, interim protection from demolition or substantial alteration. Permits for such actions are withheld by the County until the Planning Board reviews the site to determine whether it will be added to the Master Plan for Historic Preservation. The permit may be issued if the site is not added to the Master Plan.

If included in the Master Plan, the Ordinance provides additional controls over the maintenance, alteration, and demolition of designated resources.

The architectural and historic significance of the Gaithersburg Vicinity resources identified on the Locational Atlas and Index of Historic Sites in Montgomery County were reviewed as part of this Master Plan. (See figure 38.) As a result of this evaluations, the Plan recommends the Master Plan for Historic Preservation be amended to include the following sites:

20/4 Nathan Dickerson Farm

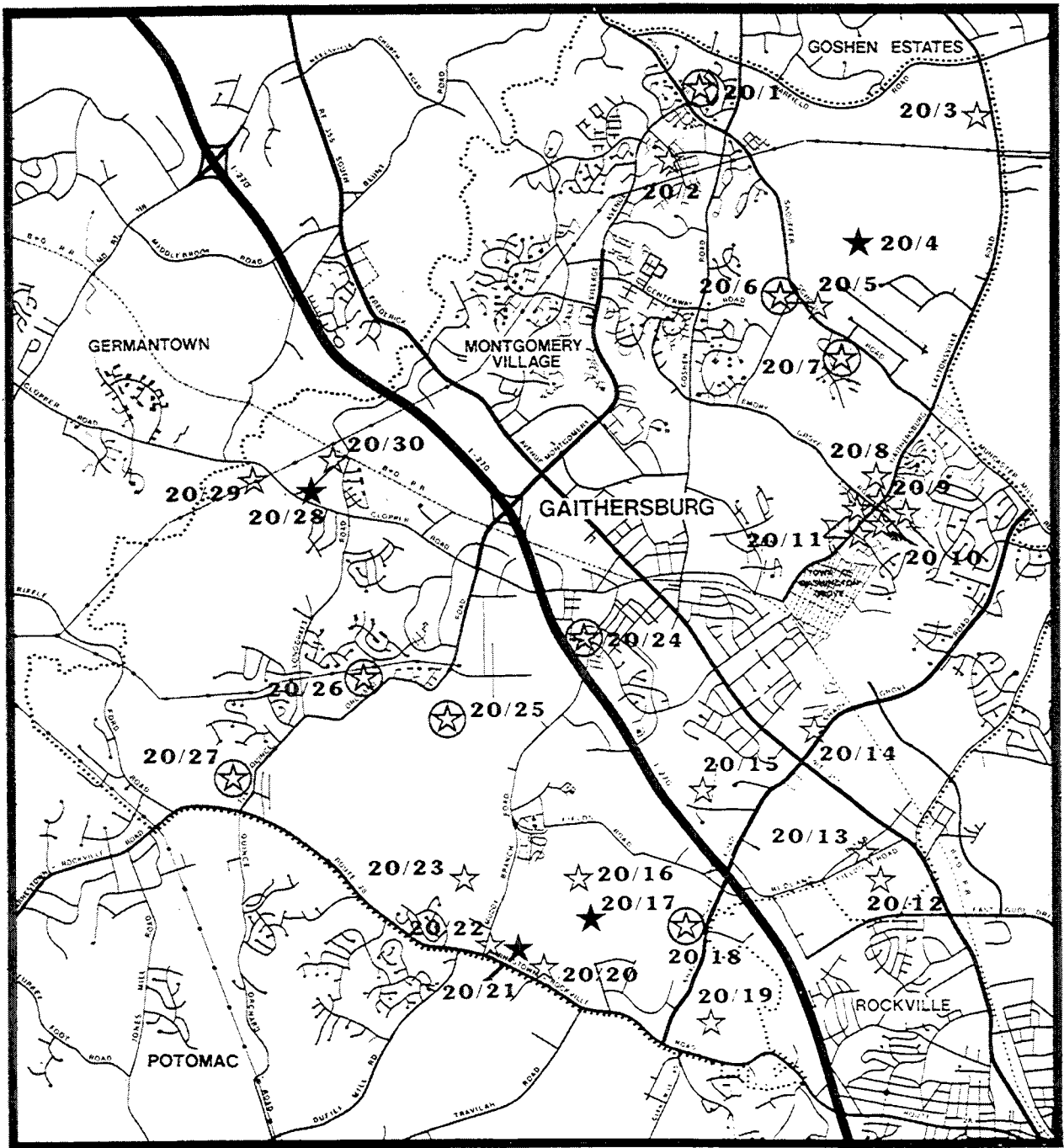
- Excellent example of late Federal style frame farmhouse built around 1836.
- Associated with Nathan Dickerson, prominent citizen and two-time County Commissioner.

20/17 England/Crown Farm

- Victorian style structure with intricate bracket work and cornice along its main facade.
- Typical Maryland farmstead with log tenant house.

20/21 Belward Farm/Ward House

- 1891--Significant as an example of a high style, late 19th century farmstead.
- Queen Anne House exemplifies high style Victorian architecture. This two-story frame house features shingled gables and a two-story porch with turned posts.
- Built by Ignatius B. Ward, farmer, storekeeper, and postmaster for Hunting Hill.
- The environmental setting includes the Queen Anne style house, some representative outbuildings, and the significant shade trees which combine to define the historic farmstead. The setting also includes the tree-lined drive in order to preserve the historic relationship of the farmstead to the road. At the time of development, special attention should be given the siting of structures to provide a view of the house from MD 28.



EVALUATED HISTORIC RESOURCES

- ★ Sites Designated on the Master Plan for Historic Preservation
- ☆ Sites Removed From the Locational Atlas
- ⊛ Sites Removed From Locational Atlas
(associated structures no longer standing)
- ▭ Washington Grove National Register Historic District
(under jurisdiction of the town of Washington Grove)

APPROVED & ADOPTED GAITHERSBURG VICINITY MASTER PLAN
Montgomery County Maryland

January, 1985



Fig. 38

20/28 St. Rose's Church and Cemetery

- Excellent example of 19th Century rural church incorporating significant Gothic Revival architectural elements.
- One of the earliest Catholic parishes in the northern part of the County.

The area sites listed in table 10 were reviewed either as part of this Plan or at previous public hearings and were found not suitable for regulation under the Historic Preservation Ordinance. This Plan recommends their removal from the Locational Atlas. Although removed from the Locational Atlas these sites will remain on the Maryland Historical Trust's Inventory of State Historical Resources.

TABLE 10
SITES TO BE REMOVED FROM THE LOCATIONAL ATLAS
AND INDEX OF HISTORIC SITES

Site	Name	Planning Board Hearing Date
20/1	Remus Dorsey Tenant House**	4/5/83 - 4/6/83
20/2	Dorsey Cemetery	4/5/83 - 4/6/83
20/3	Shaw Cemetery	4/5/83 - 4/6/83
20/5	Snouffer Schoolhouse	4/5/83 - 4/6/83
20/6	Urah Bowman House**	6/17/82
20/7	Day Farm Barns**	9/25/80
20/8	Emory Grove Camp Meeting Grounds	7/5/83 - 7/6/83
20/9	Emory Grove Methodist Episcopal Church	7/5/83 - 7/6/83
20/10	Mineral Spring Houses	4/12/84
20/11	Sylvester Thompson's Store	4/12/84
20/12	Field's King Farm	4/12/84
20/13	Watkins Farmhouse	4/12/84
20/14	Peters House/Monument View Hill	7/22/82
20/15	Gaither/Howes House	4/5/83 - 4/6/83
20/16	Heater/Crown Farm	4/5/83 - 4/6/83
*20/18	Thompson House**	10/9/83
20/19	Windy Knoll Farm	4/5/83 - 4/6/83
20/20	Hunting Hill Church	4/5/83 - 4/6/83
20/22	Hunting Hill Store and Post Office	4/5/83 - 4/6/83
20/23	Ward/Garrett Cemetery	4/5/83 - 4/6/83
*20/24	Mills House**	1/20/83
20/25	Briggs Farm #1**	7/24/80
20/26	Briggs Farm #2**	4/12/84
20/27	Pleasant View Church**	6/17/82
20/29	Woodlands Site and Smokehouse	4/5/83 - 4/6/83
*20/30	Railroad Underpass	4/12/84

* Recommended for designation by the Montgomery County Historic Preservation Commission.

** No longer standing.