

Implementation

Germantown now has reached a turning point in its growth and development. If the government was to allow development to proceed as it has in the past, Germantown would retain its existing character. To the contrary, this Plan proposes the formation of an effective partnership of private and public interest, new and old ideas, so as to revitalize and sustain Germantown's new community heritage.

This Chapter focuses on the actions which should be taken to implement and supplement the recommendations of the Plan. If Germantown is to develop in an orderly fashion — in the proper places, at the proper times, and in the proper sequence — a series of decisions about zoning, capital improvements, subdivisions and other County policies and programs must be made. Moreover, it will be necessary to establish a continuous process of monitoring development so that these policies and programs can be fine-tuned.

The tools available to implement the Plan's proposals and related County policies are:

- Master Plan
- Sectional Map Amendment (SMA)
- Zoning Text Amendments
- Capital Improvements Program (CIP)
- Water Supply and Sewerage System Plan
- Subdivision Regulations
- Annual Growth Policy (AGP)
- Transfer of Development Rights (TDR)
- Historic Preservation Incentives

Master Plan

A master plan is a guide to the public and private sectors. It sets forth policies and recommendations, but it is not automatically self-fulfilling. The recommendations contained in a master plan must be under-

taken and carried forward by the combined efforts of the public and private sectors. It is the responsibility of the public sector to take the lead in implementation and to guide the direction and pace of the private sector. This Plan recommends the preparation of status reports periodically to monitor the pace of Master Plan implementation.

In order to coordinate private development with the delivery of capital improvements, the 1974 *Master Plan* established a development sequence (staging) plan and designated four development stages to guide the development of Germantown. These stages established linkages between the provision of major capital projects (such as sewer mains and major highways) and the approvals for private development.

The staging approach was established so that land would not be recommended to be rezoned to a higher density through comprehensive rezoning until the designated development stage was reached. The sewer and water service categories of the *Comprehensive Ten-Year Water Supply and Sewerage System Plan* were recommended to be in conformance with the staging recommendations. Further, staging directs that capital improvements projects such as parks and schools should not be programmed for areas in later development stages.

Much of the land in Germantown (approximately 8,400 acres) already has been placed in the current development stages (Stages One and Two). Development in Stage Three would be dependent on increased transportation capacity. Sewer line extensions, which relate to Stage Four, are needed only in Clopper, Kingsview, and Neelsville Villages as the rest of Germantown is served by existing or programmed facilities or is to remain without public sewer service.

The intent of the 1974 *Master Plan* staging recommendations was to coordinate the provision of public

services with private development by way of a Development Sequence Plan. Since the roadway improvements contained in the current Capital Improvements Program and related developer funding agreements would eliminate the master plan staging limitations on much of Germantown, this Plan recommends that the Annual Growth Policy govern the staging of the remaining development of Germantown. The Annual Growth Policy is an effective mid-range staging mechanism. It encompasses the same public facilities considered in the Germantown Development Sequence Plan.

Thus, the master plan will no longer guide the timing of changes to the sewer and water service categories of the Comprehensive Water Supply and Sewerage Systems Plan. It should also be noted that being in service categories 1, 2, or 3 does not assure the ability to receive approval of preliminary subdivision plans, since approval is dependent upon compliance with the Adequate Public Facilities Ordinance.

Sectional Map Amendment (SMA)

This Plan recommends a zoning category for each parcel of land in the planning area. It recommends specific zoning changes for selected non-public properties, totaling 2,235 acres.

The filing of a Sectional Map Amendment (SMA) is recommended following adoption of this Plan. An SMA is a comprehensive rezoning process that zones all properties within the planning area to correspond with the zoning recommendations in the amended master plan. Once the comprehensive rezoning occurs, it becomes a benchmark for measuring "change or mistake" when considering local map amendment requests for euclidean zones.

The proposed changes in zoning recommended by this Plan are intended to implement its objectives:

- achieving a full-cycle community;
- protecting the environment, with special attention to the quality of Little Seneca Creek;
- encouraging retail uses in the Town Center and the Village Centers and discouraging "strip commercial" development; and
- reducing residential density toward the edge of the planning area.

Table 24 illustrates the differences, by zoning classification, between existing zoning and zoning proposed in this Plan. These differences include zoning changes for some areas of greenbelt parkland and a portion of the Germantown Campus of Montgomery College. These changes are recommended in order to make the zoning classifications consistent with that of adjoining private property.

**TABLE 24
ACRES BY ZONE
COMPARISON OF CURRENT ZONING
AND THIS AMENDMENT**

Zone	Current Acreage*	Proposed Acreage by this Amendment
RE-2	417	98
RE-2/TDR	0	130
R-200	4,716**	4,025
R-200/TDR	42	947
R-150	87	157
R-90	438	241
R-60	398	386
RT-6	20	20
RT-8	34	34
RT-12.5	324	283
R-30	71	71
R-20	248	248
R-H	48	48
R-MH	74	74
PD-2	0	173
PD-3	0	45
PD-4	160	190
PD-9	389	389
PD-13	48	48
PD-15	17	17
PD-22	0	69
PD-28	0	51
TS	937	1,002
C-1	50	47
C-2	19	19
C-3	40	30
C-5	0	8
C-O	18	25
C-T	10	15
O-M	27	77
I-1	374	98
I-3	322	422

Note:

* Based on May 1987 Parcel File, Montgomery County Planning Board.

** Much of this acreage was recommended for higher residential densities in the 1974 Land Use Plan but has not been rezoned, as it was in later development stages.

The adoption by County Council of an SMA to implement the zoning recommendations of this Plan, in some cases, will result in a downzoning from previously existing zoning designations.

All lots (other than those in the RE-1 and RE-2 Zones), including lots in subdivisions with approved preliminary plans, for which the final record plat has not been submitted and approved for recordation by the Planning Board, must conform to the development standards of the zone as imposed by the SMA. All new preliminary plans of subdivisions will, as of the date of the SMA, be reviewed by the Planning Board based on the development standards of the zoning imposed by the SMA.

The SMA is used to implement changes to Euclidean (base) zones, but it may also include, at the request of the property owner, floating zones, which do not require a development plan at the time of rezoning. The Planned Development (PD) Zone and the Mixed-Use Planned Development (MXP) Zone require separate applications as local map amendments, as do floating zones accompanied by Schematic Development Plans.

This Plan recommends floating zones for a number of properties in the planning area, either to serve as a transition between residential areas and commercial centers or to provide a superior method of developing particular properties. Approval of a floating zone requires a finding of compatibility as well as site plan review by the Planning Board to assure a fine-grained examination of compatibility.

In order to address issues of compatibility, an owner may voluntarily apply for rezoning under the Optional Method of Application. The applicable zones in Germantown that have this provision are: O-M, C-T, C-3, C-Inn, I-3, and the R-T Zones. Under the Optional Method of Application, the owner files with the rezoning application a Schematic Development Plan which illustrates to what extent the owner will restrict the development standards or use of the property to less than the maximum permitted in the requested zone.

The areas recommended for rezoning as part of the Sectional Map Amendments are indicated on Figure 43 and Table 25.

Zoning Text Amendment

A zoning text amendment is proposed, which is necessary to implement the recommendations of this Master Plan. The need for this amendment became evident during the preparation of this Plan. The conditions identified in Germantown are Countywide in nature and this text amendment will result in a new zone which is appropriate at many locations in the County.

This new zone is in the process of being developed. For current drafts or more information, one

should contact the Development Review Division of the Montgomery County Planning Department.

The Residential Mixed-Use (R-MX) Zone is a proposed new zone intended to accommodate planned retail centers and medium density residential uses, in accordance with recommendations contained in approved and adopted master or sector plans. Specifically, this zone will implement the recommendations of this Plan for the retail shopping mall in Neelsville Village and the Retail and Service Park in the Town Center.

This proposed zone is based on the CBD zoning model, which provides for both standard and optional methods of development. The standard method of development allows residential development under either the R-200 cluster method or R-200 MPDU method of development. There are two higher density optional methods proposed. One is a TDR option that incorporates the uses and standards of the R-200/TDR Zone. The other is a mixed-use option. Under this latter method of development, general commercial uses and medium density residential uses are allowed. Development proposed under the mixed-use option must be shown on a project plan and on a site plan.

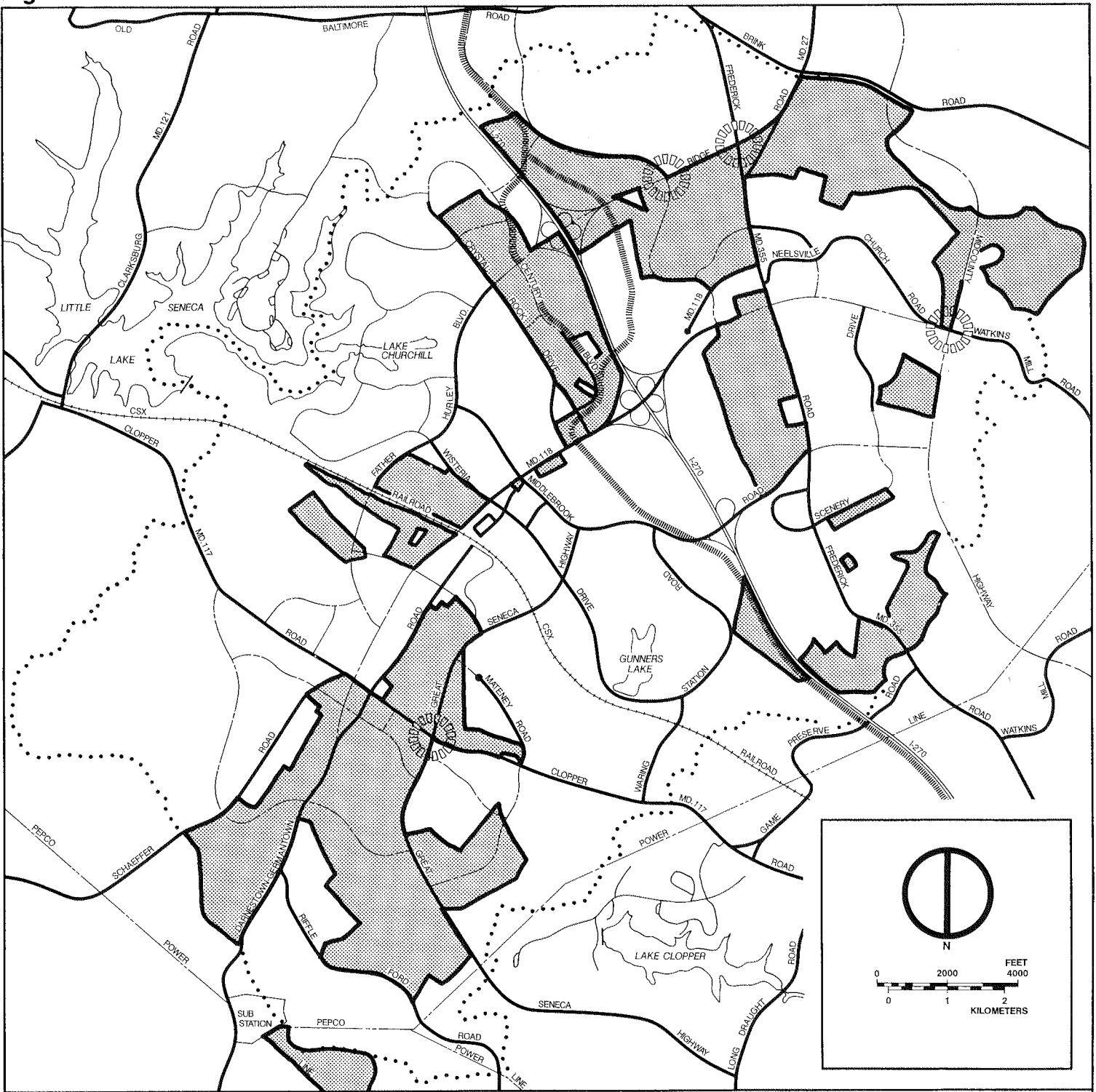
Three categories of planned retail centers are allowed under the mixed-use option of development. The smallest is a convenience center, which must not exceed 200,000 square feet in size. The middle size is a specialty center, which ranges between 200,000 and 600,000 feet in size. The largest category is a regional center, which is over 600,000 square feet in size. The land uses allowed in each category of a retail center are clearly designated in the proposed zone.

Capital Improvements Program (CIP) (See Appendix M)

The Executive Branch of County government is responsible for planning, programming, and budgeting for the County's mid-range needs. It does this through two interrelated six-year programs, which are annually updated. One is the Capital Improvements Program (CIP), which funds construction of all public buildings, roads, and other facilities planned by the County. The other is the Comprehensive Six Year Public Services Program and the Operating Budget, which funds County programs and coordinates them with capital expenditures. The Legislative Branch (the County Council) adopts both the CIP and the Operating Budget.

Projects that are currently scheduled and those which are recommended for future inclusion in the CIP are identified in Appendix M. The County or State agencies responsible for design and develop-

Figure 43



Areas Recommended for Rezoning by Sectional Map Amendment

 **Comprehensive Amendment
to the Master Plan for Germantown**
Montgomery County, Maryland


 The Maryland-National Capital Park and Planning Commission

TABLE 25
ANALYSIS AREAS RECOMMENDED FOR REZONING BY SECTIONAL MAP AMENDMENT

AREAS	SIZE (in acres)	FROM	TO	PENDING ZONING CASES
TC-2	10	I-1	C-5	
TC-3	8	C-3	C-T or C-5	
TC-4	1	C-3	C-T or C-5	
TC-5	76	I-1	R-MX	G-549
EC-2	1	I-1	R-30	
EC-2	69	I-3	R-30	
EC-3	84	I-1	I-3 or R&D	
EC-4	105	I-1	I-3 or R&D	
EC-6	44	I-1	I-3 or R&D	
EC-6	31	R-200	I-3 or R&D	
EC-7	82	R-200	R-30	
EC-7	53	I-1	I-3 or R&D	
EC-7	7	I-1	R&D	
EC-7	16	I-3	R&D	
EC-7	13	R-200	R-200 or R-30**	
EC-7	10	I-3	R-30	
EC-7	16	R-200	I-3 or R&D	
GL-2	37	R-150	RE-1	
CL-3	118	R-200	R-200/TDR	G-552, G-562, G-579
CL-4	12	R-60	R-90	G-562
CL-4	18	RT-12.5	R-90	G-562
CL-4	5	R-200	R-90	
CL-6	50	R-200	R-200/TDR	G-541, G-542
CL-6	2	C-1	R-200	
CL-6	13	R-30	R-200/TDR	
CL-8	195	RE-2	R-200/TDR	
CL-9	122	RE-2	R-200	
CL-10	160	PD-4	R-200	
CL-11	31	RURAL	RDT	
KI-1	35	R-200	R-200/TDR	
KI-3	132	R-200	R-200/TDR	
KI-4	73	R-200	R-200/TDR	
KI-6	13	I-1	R-200	
KI-B	21	R-200	I-3	
MI-2	43	R-90	R-200	
MI-5	*	C-1	R-90	
MI-5	23	RT-12.5	R-90	
MI-6	46	R-60	R-60/TDR	
MI-6	4	R-60	C-4	
MI-6	5	R-200	R-60/TDR	
NE-2 & 3	168	R-200	R-MX	
NE-2 & 3	26	R-200	R-200/TDR	
NE-6	10	R-200 & C-1	R-200/TDR	
NE-8	133	RE-2	RE-2/TDR	
NE-8	24	R-200	R-200/TDR	
NE-8	4	RE-2	R-200/TDR	
Total	2,149			

Note: Some areas of greenbelt parkland and a portion of the Germantown campus of Montgomery College are also recommended to be rezoned to classifications consistent with adjoining private property.

* Less than one acre.

** Zoning for this area will be based on the final alignment of A-19.

ment of each project are indicated in that table. The CIP assures that the projects necessary to fulfill the needs of the community, providing for orderly growth and development, are built at the appropriate time and in the proper location. The timetable for planning and construction of these projects should be coordinated with private development.

In order to provide additional funds for the construction of major highways and thus accelerate their construction, the County has designated Germantown as an Impact Fee District. Under this legislation, all developers of newly constructed projects are required to pay a fee at the time of building permit approval. The aggregate amount of these fees is projected to equal one-half of the cost of the remaining major highways needed to be built in Germantown that were not programmed as of Fiscal Year 1986. The fees are based on the projected number of dwelling units for residential development and the number of square feet of building area and type of use for non-residential development.

The description of each project should respond to the recommendations of this Plan in terms of their scope and nature. The funding should be adequate to provide for all aspects of the projects including landscaping, fencing, grading, and pedestrian and bicycle paths.

The initial CIP description is generally sketchy as to the scope of a project, its cost, and its construction timetable. Each project is reviewed annually by the citizenry and public officials. During this review, projects can be deleted, modified, or added. This procedure allows the flexibility needed to balance available resources and public priorities.

In order to implement several of the recommendations of this Plan, funds need to be provided for the construction and maintenance of special features. These features include community entry signs, special landscaping, and focal point elements (flags, clock towers, fountains, etc.). Many of the features recommended by this Plan will be funded by the Capital Improvements Program. The construction of features related to a particular subdivision should be funded by the developer and maintained by the owner. Others may be funded by local community groups.

The Townscape Design Chapter identifies special features that require additional funding. Based on this identification, estimates of the amount of funding required have been made. This Plan recommends that all available funding sources for such features be identified and explored, such as a developer consortium. If these sources are not adequate, this Plan recommends that either a special taxing district be considered by the County Council or that the Suburban District be expanded to include Germantown. In addition, an

Urban Maintenance District should be evaluated as a mechanism to maintain the amenities in the Town Center.

Water Supply and Sewerage System Plan (Figures 44 and 45)

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

The six water and sewer category designations refer to the number of years until service is scheduled to be provided:

Category 1	Existing Service
Category 2	Service Authorized, Extensions in Final Planning
Category 3	Service Within Two Years
Category 4	Service Programmed for Three Through Six Year Period
Category 5	Service Planned for Seven Through Ten Year Period
Category 6	No Planned Service

Subdivision Regulations

Subdivision regulations govern the process of dividing land into parcels, blocks, and lots. They prescribe specific standards for streets, street connections, open space, and the size and configuration of building lots. In addition, the subdivision regulations describe the filing and procedural requirements that must be followed in securing the approval of the Planning Board. The subdivision regulations are part of the Montgomery County Code. A property must be on a recorded lot in order to receive a building permit. Thus, all of the land in Germantown that is not on a recorded lot or contained within an approved preliminary subdivision must go through the subdivision process in order to develop.

Methods of subdivision development are defined in the County's zoning ordinance. The zoning ordinance also prescribes variations and options to the standard regulations. Such variations include cluster development, optional methods of development, and the bonus provisions that accompany moderately priced dwelling unit development. The purpose of these options is to permit additional flexibility in site development as an incentive to meeting public goals. Cluster provisions permit smaller size lots and less rigid lot configurations in return for providing common open space and site plan controls. These controls provide greater protection for natural land forms,

more usable open space, and more environmentally sensitive patterns of development. During subdivision review the precise delineation of any conservation easements is prepared and the easements conveyed to the M-NCPPC.

Appendix D of the Plan includes proposed modifications to the subdivision regulations that would allow for greater protection of the water quality of streams throughout the County.

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 that new development does not proceed unless needed transportation and other facilities are in place or imminent.

The subdivision regulations were recently amended to require the Montgomery County Planning Board to take the recommendations of the appropriate master plan into account when considering preliminary subdivision plans. This amendment strengthens the recommendations and development guidelines contained in this Plan.

Annual Growth Policy (AGP)

The Annual Growth Policy (AGP) provides guidance for the management of growth in Montgomery County. Under the AGP, the Countywide staging process:

1. Determines the capacity of public facilities to support private development encouraged by master plans and the marketplace; and
2. Permits only the amount of private development that can be accommodated by programmed public facilities.

Staging ceilings are established for both jobs and housing in each of the several policy areas of the County. The Germantown Planning Area is divided into two policy areas: Germantown East and Germantown West. I-270 forms the dividing line between them.

As established in the AGP, the Adequate Public Facilities guidelines are as follows:

- For staging ceilings and local area review, future traffic estimates are based on existing development plus the future development from all subdivisions for which preliminary plans have been approved.
- For staging ceilings, traffic capacity is derived from existing roads and roads in the CIP or CTP for which all construction expenditures

are scheduled in the first four years of the program.

- For local area review (of individual intersections or links), traffic capacity is derived from existing roads and roads in the Approved Road Program, which are roads for which all construction funds are appropriated and which will begin construction within two years.

In order to be approved by the Montgomery County Planning Board, sufficient ceiling capacity and local area capacity must be available to accommodate the traffic from the proposed preliminary subdivision plan, plus all previously approved subdivisions. If the capacity is not sufficient, the applicant must wait until additional traffic capacity becomes available or propose improvements that will create sufficient capacity.

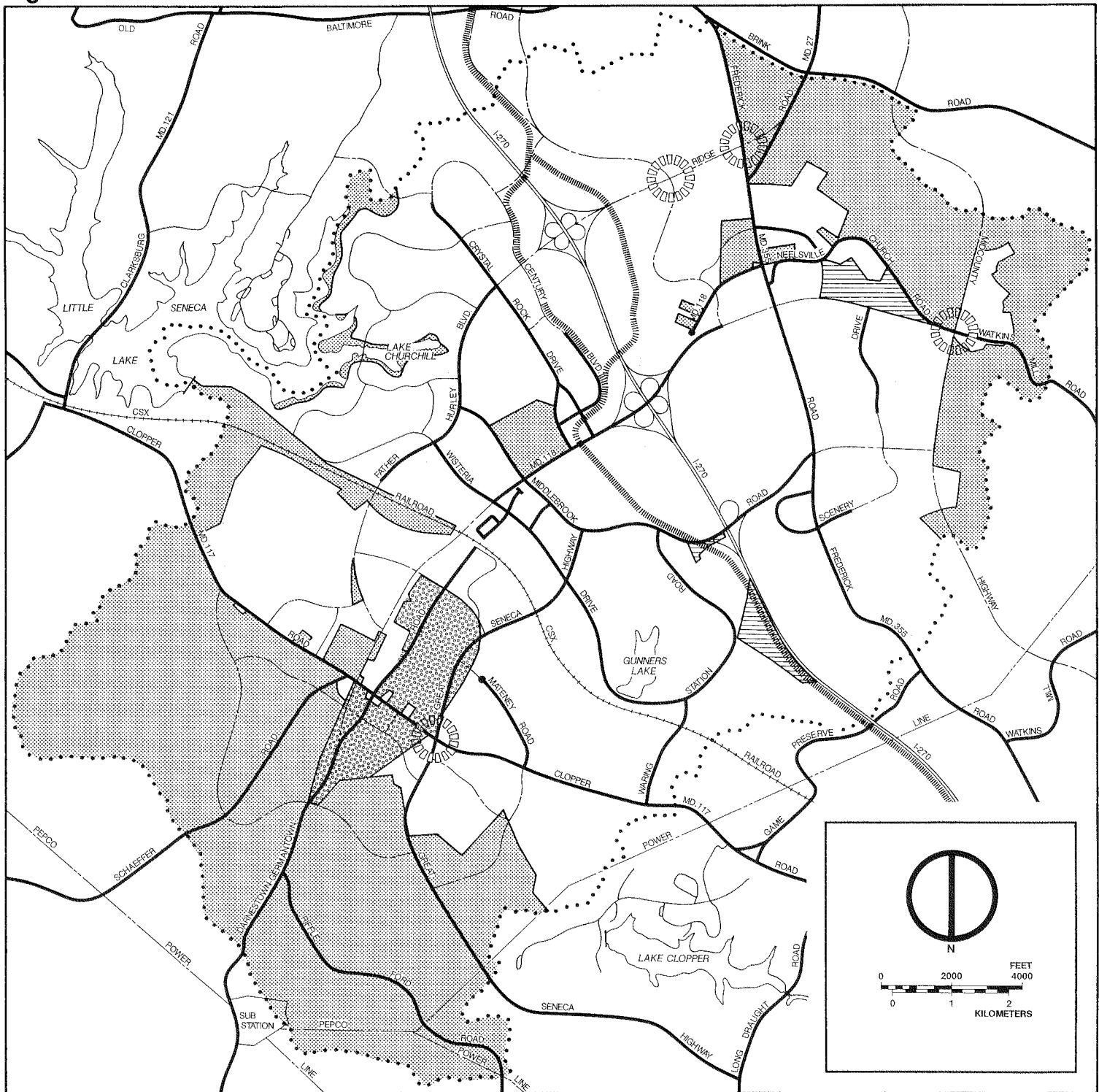
Transfer of Development Rights (TDR)

As part of the intent to preserve agriculture in Montgomery County, the Plan recommends certain properties as suitable for development using the TDR density option. The goal of the 1980 *Agricultural Preservation Plan* is to retain farmland in the upper portion of the County. To do so, allowable development of land 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 density of one dwelling unit per 25 acres, and the second creates a mechanism to transfer development rights from the Agricultural Reserve to other parts of the County.





For property in the Agricultural Reserve that is classified in the Rural Density Transfer (RDT) Zone, the owner may sell transferable development rights equivalent to one development right for each five acres of RDT property. Land designated as appropriate for TDR receiving areas in the Germantown Plan and other master plans may be developed at the higher density shown by the use of TDR's equivalent to the difference between the base density and the increased density. When the TDR's from a particular parcel of RDT land are sold, a perpetual easement is recorded in the office of land records on the RDT land limiting the number of future one-family residences.


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 to which development rights are transferred to increase residential density. The TDR process is illustrated in Figure 46.

Figure 44

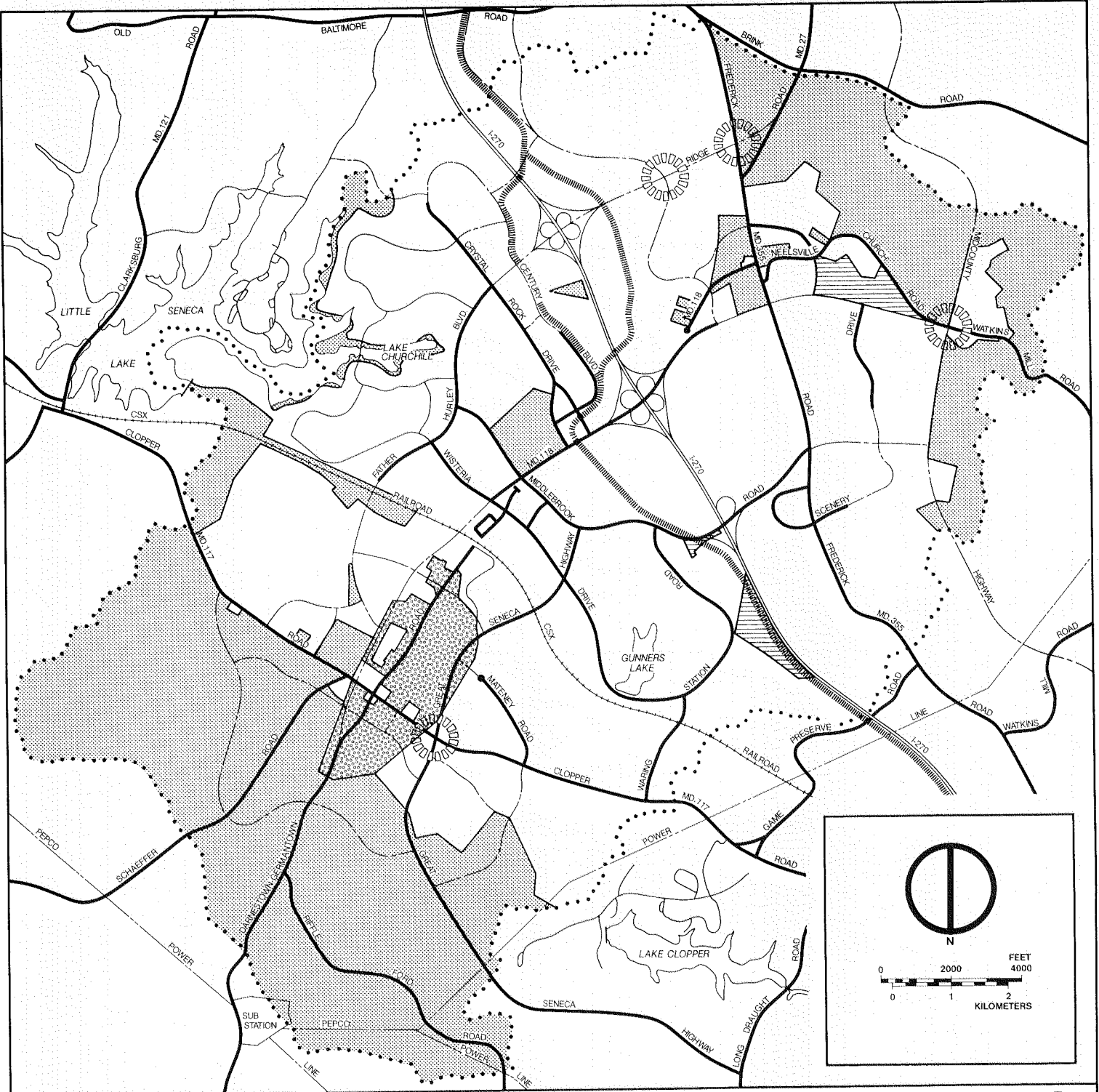


Existing Water Service Categories





- Existing Service or Service within 2 Years (Categories 1,2 and 3) 
- Service Between 3 to 6 Years (Category 4) 
- Service Between 7 to 10 Years (Category 5) 
- Service Beyond 10 Years (Category 6) 

 **Comprehensive Amendment to the Master Plan for Germantown**
Montgomery County, Maryland
The Maryland-National Capital Park and Planning Commission

Note: The Master Plan recommends that public water and sewer service be provided to most of The Planning Area.(SEE TEXT)



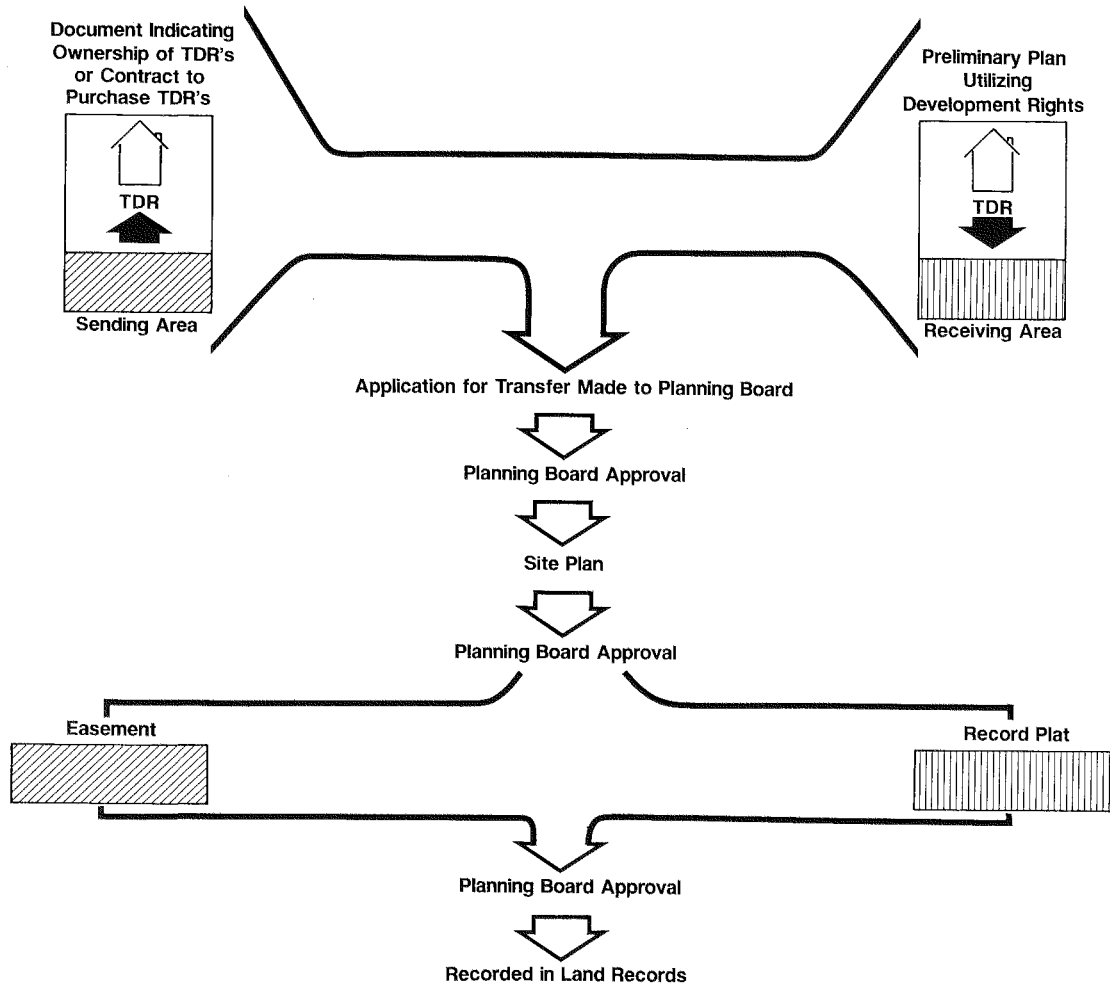
Existing Sewer Service Categories

- Existing Service or Service within 2 Years (Categories 1,2 and 3) 
- Service Between 3 to 6 Years (Category 4) 
- Service Between 7 to 10 Years (Category 5) 
- Service Beyond 10 Years (Category 6) 

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Note: The Master Plan recommends that public water and sewer service be provided to most of The Planning Area.(SEE TEXT)

Figure 46



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.

Transferable Development Rights Process

Each master plan, as it is developed, is examined to determine whether it should contain receiving areas and, if so, how many TDR's would be appropriate. 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. Development in receiving areas must be compatible with existing and planned development on adjacent or surrounding areas. They must also meet the Countywide criteria established for the designation of receiving areas and satisfy the development standards in the *Montgomery County Zoning Ordinance*; they will be included in the Sectional Map Amendment process for this Plan.

This Plan designates selected parcels as TDR receiving areas, and recommends them for the RE-2/TDR and R-200/TDR and R-60/TDR Zones. Without the purchase of TDR's, land classified in a TDR Zone may be developed up to the maximum density permitted in the corresponding non-TDR Zone. For example, land classified R-200/TDR could be developed up to the maximum density of the R-200 Zone (2.0 units per acre, plus a MPDU bonus density) without the purchase of TDR's. When TDR's are used, the maximum density in a TDR Zone is based on the individual zone but may be limited the recommendations of the Master Plan. Such recommendations are stated as the maximum units per acre, exclusive of MPDU bonus, but in several cases a further limitation specifies the maximum total number of units.

Historic Preservation Incentives

The procedures for the designation and preservation of historic resources through the *Master Plan for Historic Preservation* and the Historic Preservation Ordinance, as well as descriptions of the individual resources in Germantown, are included in the Historic Resources chapter.

There are several incentives that encourage the preservation and adaptive reuse of historic resources designated on the *Master Plan for Historic Preservation*:

- A number of federal and state incentives for designated historic properties including tax credits, tax benefits possible through the

granting of easements on historic properties and outright grant or low-interest loan programs are noted in detail in Appendix A of the *Master Plan for Historic Preservation*.

- The Montgomery County Council passed legislation in September 1984 to provide for a tax credit against County real estate property taxes in order to encourage the restoration and preservation of privately owned structures located in the County. The credit applies to properties designated on the *Master Plan for Historic Preservation* either individually or as recognized resources within a designated Historic District. (Chapter 52, Art. VI.)

The Montgomery County Historic Preservation Commission, together with the County's Department of Finance, administers the tax credit. Information concerning the eligibility requirements and application procedures for the credit is available through the Preservation Commission.

- In July of 1988, the Montgomery County Council passed legislation to establish a County historic preservation easement program. An easement may be required on either *Master Plan* or *Locational Atlas* properties and may include provisions to protect and conserve interior features of an historic resource, as well as exterior.

The easement program is administered by the Historic Preservation Commission and additional information is available through the Commission.

- The County encourages preservation by such methods as historic site density transfer, subdivision, development plan and site plan review, planned development zoning, flexible application of the County's building code, sensitive design of public facilities in the vicinity of historic resources, property tax credits, facade and scenic easements, and "recycling" of historic structures through adaptive reuse.

- Public and private developers are strongly encouraged by the Montgomery County Planning Board to use historic names for roadways, schools, parks, shopping areas. These names would include the historic names of the six villages in Germantown.