

Implementation

The Master Plan for Shady Grove Study Area 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 Shady Grove Study 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:

- Sectional Map Amendment (SMA),
- Zoning Text Amendments,
- Capital Improvements Program (CIP),
- Subdivision Regulations,
- Staging of Development,
- Transfer of Development Rights (TDR), and
- Interjurisdictional Cooperation.

Sectional Map Amendment (SMA)

A Sectional Map Amendment (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, Mixed-Use Planned Development (MXPD) Zone and Transit Station (TS-M, TS-R) Zones require separate applications as local map amendments.

An SMA for the Shady Grove Study Area will implement this Plan's zoning recommendations.

Zoning Text Amendments

To implement the mixed-used neighborhood concept, a new zone may be desirable. This zone would promote a mix of low to moderate intensity employment, residential, and commercial uses on large parcels of land.

Capital Improvements Program (CIP)

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 to implement the Plan's recommendation are listed in Appendix E. The County or State agencies responsible for design and development 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.

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. 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.

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 the Shady Grove Study Area 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 method of development, and the bonus provisions that accompany moderately priced dwelling unit development. These options 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 easement is prepared and the easement conveyed to the M-NCPPC.

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.

Staging of Development

The current Annual Growth Policy (AGP) limitations and rules of procedure are now more stringent in certain ways than the provisions of the 1985 Gaithersburg Vicinity Master Plan. For this reason, this Master Plan Amendment does not recommend a staging approach as detailed as that contained in the 1985 Master Plan. Those properties that are recommended for development in the near term will be subject to the AGP limitations.

This Plan does include zoning recommendations which relate to the programming of construction funds for transit. This approach will help assure that more intense development awaits a commitment to transit operations.

Annual Growth Policy

The Annual Growth Policy 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 Shady Grove Study Area is divided into two policy areas: Gaithersburg East and Gaithersburg West. The alignment of I-270 forms the dividing line between them.

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

- 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 Consolidated Transportation Program 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.

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 can wait until additional traffic capacity becomes available or propose improvements that will create sufficient capacity.

Transferable Development Rights (TDR)

The Plan recommends the suitability of development on certain properties using the TDR density option as part of the intent to preserve agriculture in Montgomery County. The goal of the 1980 Preservation of Agricultural and Rural Open Space Master 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 *Preservation of Agricultural and Rural Open Space Master 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 Master 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 10.1.

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 County-wide 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.

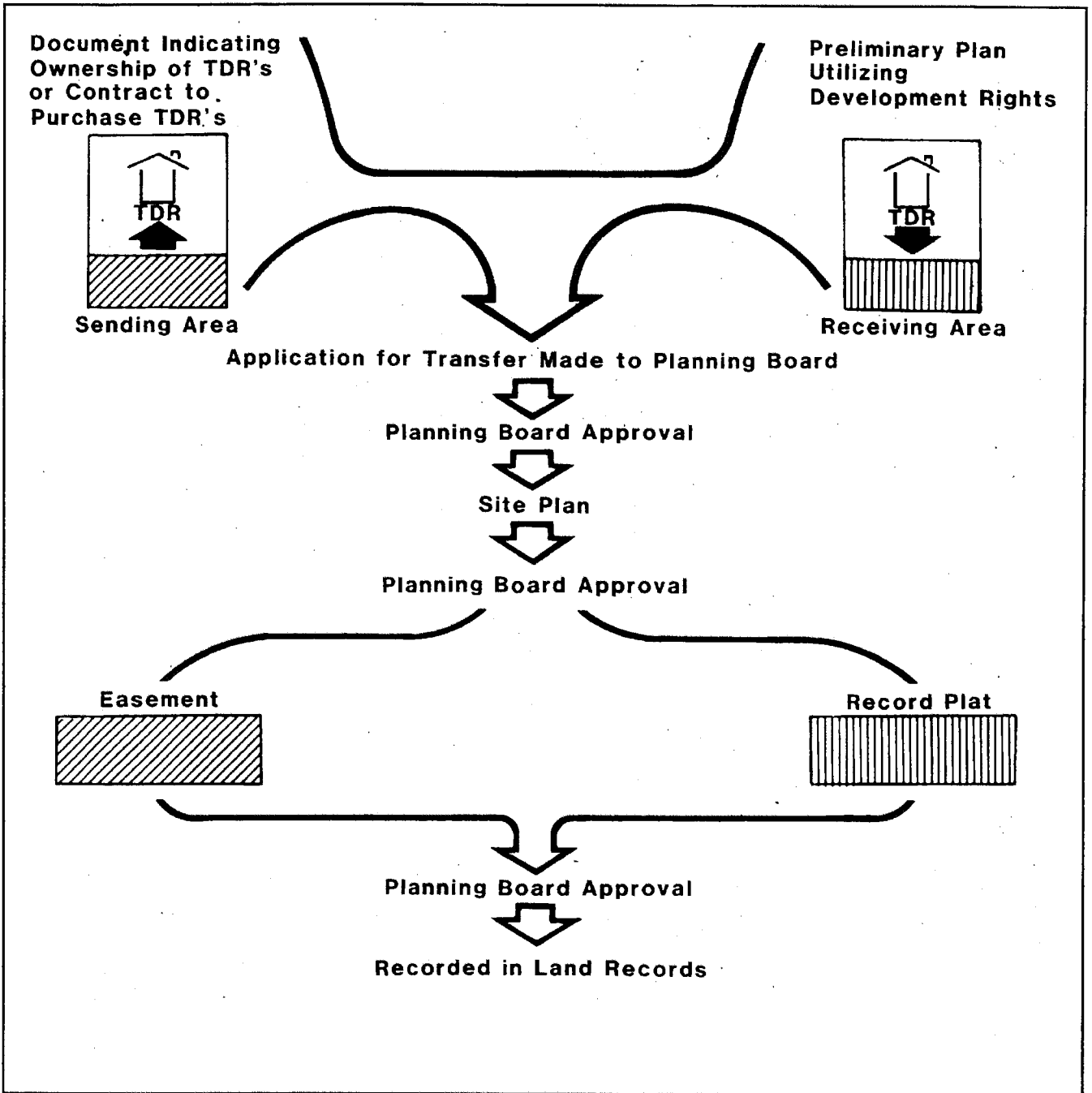
Interjurisdictional Cooperation

This Amendment re-affirms the 1985 *Gaithersburg Vicinity Master Plan* recommendations regarding interjurisdictional issues. They are summarized below:

- Any land annexed by either Gaithersburg or Rockville should include a staging component in the annexation agreement, similar to that which would be in effect if the tract remained outside the city.

Transferable Development Rights Process

Figure 10.1



The illustrations 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.

- The cities should require the use of TDR's in their annexation agreements when TDR receiving areas are involved. In the absence of TDR's, the County Council should not concur in zoning densities greater than the base density shown in the Master Plan.
- 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.