

APPENDIX C: SELECTED TERMINOLOGY

Annual Growth Policy (AGP): A policy resolution adopted annually by the County Council intended to facilitate and coordinate government's powers in limiting or encouraging growth and development in the County within master plan and zoning limits. It includes criteria and guidance for the administration of the Adequate Public Facilities Ordinance and establishes development capacity Staging Ceilings for each policy area of the County. The overall purpose is to match the timing of private development with the availability of public services.

The AGP is prepared by the Planning Board based on data collected through administration of the Adequate Public Facilities Ordinance and through population and housing projections. It is prepared in close coordination with the Executive's Capital Improvements Program and is transmitted to the County Executive in Final Draft Form. The County Executive submits recommendations in writing to the County Council, and Council, after public hearings, must adopt the AGP by June 30 of each fiscal year.

Critical Lane Volume (CLV): The sum of traffic volumes that cross at one point in an intersection. A technique used to determine the level of service of an intersection in a local area transportation review.

Framework for Action: A document that identifies specific short- and long-term actions necessary to implement a master plan's recommendations.

Level of Service (LOS): A traffic engineering term that describes relative operating conditions and congestion levels on a segment of roadway or at an intersection. There are six levels, ranging from free flowing conditions (level of service "A") to very heavy traffic, extremely unstable flows and long delays (level of service "F").

Master Plan Status Report: A document prepared every other year by planning staff for presentation to the Planning Board and the County Council. This report provides a brief overview of the positive steps that have been taken over the past year to implement master plan recommendations. It highlights those areas, where there has been a lack of progress or where significant community concerns still remain, and highlights those high-priority, short-term measures still needed.

Minor Master Plan Amendment: A process that allows for plans to be modified before a major master plan update is undertaken and also provides for occasional clarifications of previously adopted master plan recommendations. The County Council and the Planning Board have agreed on several broad parameters for this process including that: the minor master plan amendments should address only a limited number of issues, which serve to enhance the spirit and intent of the master plan; and the initiation of minor master plan amendments will be guided by trigger mechanisms in adopted master plans.

Moderately Priced Dwelling Units (MPDU): A dwelling unit which meets lower price levels specified under Chapter 25A of the Montgomery County Code. The levels are adjusted annually by the County Executive. For developments of 50 or more units, at least 12.5 percent of units must be MPDUs.

Municipal Annexations: Certain incorporated municipalities within Montgomery County (e.g., the City of Rockville and the City of Gaithersburg) have their own planning and zoning powers. On occasion, these municipalities may expand their borders through a process known as annexation which may be initiated by

the land owners/residents or by the City. Annexations are bilateral agreements between municipalities and landowners that are regulated by State law. Subsequent changes in zoning are made by those municipalities, not by landowners or the County. According to state law, however, the Montgomery County Council must consent to any annexation where the land is placed by the Mayor and Council in a zone that allows a substantially different land use than that recommended by the current county master plan covering the property. As a matter of law, the issue of density or intensity of use may be considered in judging issues of consistency between the County's Master Plan and the City's proposed zoning. If the County Council does not consent, the property owner may wait five years and then request a change in the zoning, which requires no County review.

Public Projects/Mandatory Referrals: Public agencies at the federal, state, or local levels may implement projects such as schools, libraries, parks, or roads which are considered to be in the public interest. As such, these projects are not subject to the rigid requirements of the Zoning Ordinance. Before being implemented, however, such projects must be reviewed by the Montgomery County Planning Board pursuant to Article 28, #7-112 of the Maryland Code. One of the major purposes of this review authority is to assure that public land acquisition and development are compatible with surrounding development, both existing and planned. Mandatory referral recommendations are not binding on the public agency but do provide an opportunity to encourage the agency to modify its proposals, where necessary, in order to improve their compatibility with the surrounding land uses.

Right-of-Way: A strip of land occupied or intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for other special use. To be shown on a record plat as separate and distinct from the adjoining lots or parcels and not included within their dimensions. Rights-of-way maintained by a public agency shall be dedicated to public use on the plat.

Special Exceptions: Most zoning classifications include a set of "permitted uses" (by matter of right) and a set of "special exception" (or conditional) uses. The latter are uses that, because of the level or nature of the activity associated with them, must be carefully reviewed before being allowed to be developed on land in that zoning classification. In addition, they must satisfy additional standards beyond the basic standards of the zone. In residential areas, for example, special exception uses include, among others, child day-care facilities for more than eight children, medical clinics, and horticultural nurseries. Gas stations are almost always special exception uses in the commercial zones. Special exception uses and the standards for their review are located in Chapter 59-G of the Zoning Ordinance.

Transferrable Development Rights (TDRs): Local law permits development rights to be transferred from one parcel to another in order to achieve specified public policy objectives, such as the preservation of agricultural land and rural open space. In Montgomery County's Agricultural Reserve, property owners may develop one dwelling unit per 25 acres, or transfer their development rights to other designated properties, at a rate of one unit per five acres. If a property owner chooses to convey his development rights elsewhere, this conveyance is recorded in the County's land records to ensure that the property, known as a *sending area*, has been affected accordingly.

Those properties which are designated on a master plan and by zoning to receive transferred development rights are known as *receiving areas*. The addition of development rights permits a higher density of development than that permitted by the base density, but the density may not exceed that recommended in the master plan. Development rights are transferred by easement and the transfer is recorded in the County land records.

Variance: Relief granted by the Board of Appeals to a property owner from the requirements of the Zoning Ordinance regarding frontage, setbacks, and in certain circumstances, building height limits. The property owner must demonstrate that strict application of the zoning regulations would result in unusual practical difficulties or undue hardship because of exceptional conditions of shape, topography, or other situations peculiar to the property.

Zoning: The division of a locality into districts for the purpose of regulating the use of private land. All land in Montgomery County is zoned. Within each zone, the County Zoning Ordinance permits certain uses by right and allows others conditionally through special exception. The Ordinance also excludes certain uses from each zone. These zones are shown on an official atlas which is part of the Zoning Ordinance. Within each of these districts, the text of the Zoning Ordinance specifies the permitted uses, the bulk of buildings, the required yards, the necessary off-street parking, and other prerequisites to obtaining permission to develop. The County Council, acting as the District Council, makes final decisions on the application of both Euclidean and floating zones.

Maryland law permits the use of two types of zones, Euclidean and Floating zones. There are important distinctions between the two that affect the manner in which they can be employed.

- C Euclidean Zones: A Euclidean zone contains fixed standards. Certain uses are permitted in these zones, but they are subject to fixed requirements such as lot size; front, side, and rear yard building setbacks; and maximum height. Application for a Euclidean zone may be made either by the property owner, contract purchaser, or the government, and thus it may be applied by local map amendment or sectional map amendment.
- C Local Map Amendment: A change of zoning, normally sought by a property owner or other person having a proprietary interest. Applications for local map amendments may be filed anytime and are considered according to procedures specified in the Zoning Ordinance. A local map amendment can include more than one tract of land. Land can be combined for the purpose of rezoning. Local governments receive notice of zoning cases abutting their boundaries, but have no veto power. They provide advisory testimony as do other abutting property owners. Approval of a local map amendment normally requires the affirmative vote of a majority (five members) of the County Council. If the proposed rezoning is contrary to the zone recommended in a master plan, however, approval requires an affirmative vote of six Council members, unless the Planning Board has recommended in favor of that approval, in which case a five-vote majority of the Council is sufficient for approval.
- C Sectional Map Amendment: A comprehensive rezoning, initiated by the Planning Board or County Council, covering a section of the County and usually including several tracts of land. It normally follows adoption of a master plan. The County Council must hold a public hearing on a proposed sectional map amendment. Since enactment of a sectional map amendment is considered a legislative action of the government and is intended as a comprehensive implementation of public policy, it does not require, as does a local map amendment, a finding of a change in the character of the neighborhood or a mistake in the original zoning.
- C Floating Zones: A floating zone is more flexible and similar to special exceptions in that the County Council must find that the proposed zone is compatible with the surrounding area and meets the purposes of the zone. Findings of change or mistake, required for granting a Euclidean zone, are not required for a floating zone. Some floating zones require master plan recommendation and are interpreted individually at the time of application.

All floating zones require Planning Board approval of a site plan for development of the property prior to the issuance of a building permit.

