

**Everything you  
always wanted to  
know about...**

**PLANNING  
ZONING &  
SUBDIVISION**  
in  
montgomery  
county  
maryland



**BUT WERE AFRAID TO ASK**



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Montgomery County  
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**4th edition  
March 1991**

**MONTGOMERY COUNTY PLANNING BOARD  
The Maryland-National Capital Park and Planning Commission  
Montgomery County Regional Office  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760**

# FOREWORD

Montgomery County citizens care about our community. We want assurance that our residential neighborhoods will remain stable and attractive communities with convenient parks and recreation opportunities, adequate libraries, schools, roads and other public facilities. We are concerned about compatibility between different housing types as well as compatibility between residential and commercial development. We are concerned about the future.

The widespread interest in these matters has resulted in active public participation in the land use planning and development processes of the County. It has prompted the development of the County's sophisticated growth management system.

One of the essential requirements for effective public participation is a clear understanding of the processes, procedures and timetables for government action on issues of concern. To serve that purpose this handbook was first prepared in 1973, outlining the basic legal framework and procedures currently governing planning, zoning and subdivision. It was reissued with revisions in 1978, in 1986 and has now been further revised in 1991 to reflect additional changes.

The handbook is published by the Montgomery County Planning Board out of a conviction that an alert and informed public is essential to the proper functioning of the land use planning process and is the best guarantee of proper land use planning for the health of the community. The handbook gives a quick overview of the basic procedures and practices. It is intended to provide the reader with a ready introductory picture of how such matters are handled and to answer some of the basic and most frequently asked questions about the process.

It must be understood that land use planning and development regulations are dynamic areas of public policy, subject to frequent change to take into account new circumstances or better understanding of environ-

mental and economic conditions. The handbook will become out-of-date with regard to some specific details but it should serve as a continuing valuable reference document. Anyone who needs more detailed information on the subjects treated here should consult basic source materials, including:

- The Regional District Act. (Recodified Chapter 780, Acts of the General Assembly of Maryland) Article 28 of the Annotated Code of Maryland.
- Charter of Montgomery County, Maryland.
- The General Plan “. . . on wedges and corridors”.
- Comprehensive Master Plans and Sector Plans for the various planning areas of the County.
- Montgomery County Zoning Ordinance (Chapter 59, Montgomery County Code).
- Montgomery County Subdivision Regulations (Chapter 50, Montgomery County Code).
- Site Plan Review Guidelines.
- Annual Growth Policy.
- Capital Improvements Program.
- Ten-Year Comprehensive Water Supply and Sewerage Systems Plan.

All of the above are found at the Planning Board's regional office except for the last two documents, available at the Office of the Montgomery County Executive in Rockville.

We publish this handbook with the hope that it will prove useful to the citizens of Montgomery County and with the full knowledge that it will raise some questions as well as answer others.



GUS BAUMAN, *Chairman*  
*Montgomery County Planning Board*  
*The Maryland-National Capital Park*  
*and Planning Commission*

*March 1991*

# TABLE OF CONTENTS

1. What is the Maryland-National Capital Park and Planning Commission (M-NCPPC)? .....	1
2. What is the Montgomery County Planning Board? ...	2
3. What is the Montgomery County Park Commission? ..	4
4. What are the powers of the Montgomery County Council and the County Executive? .....	5
5. What is the General Plan? .....	6
6. What are local area master plans, sector plans and functional master plans? .....	7
7. What do master plans and sector plans cover? .....	8
8. What does a functional master plan cover? .....	10
9. How is a master or sector plan prepared and adopted?	10
10. How are master or sector plans implemented? .....	14
11. What legal standing does an adopted master or sector plan have? .....	15
12. How can citizens express their views on master or sector plans? .....	16
13. How does the zoning process differ from the planning process? .....	17
14. What types of land uses are permitted under the Zoning Ordinance? .....	17
15. What is the difference between Euclidian zones and floating zones? .....	18
16. What is a Zoning Ordinance text amendment? .....	21
17. What is rezoning by local map amendment or sectional map amendment? .....	22
18. What are the criteria for judging a request for rezoning by local map amendment? .....	23
19. What are the procedures for rezoning by local map amendment? .....	24

20. What is meant by <i>ex parte</i> communications? .....	29
21. How is downzoning accomplished? .....	30
22. What is the Agricultural Preservation Program in Montgomery County? .....	32
23. What is the Transferable Development Rights Program (TDR)? .....	32
24. What are overlay zones? .....	33
25. What are the Planned Development (PD) Zones? .....	34
26. What is the Mixed-Use Planned Development (MXPD) Zone? .....	35
27. Where are mobile or manufactured homes allowed?..	36
28. What are Transit Station Areas (TSA) and TSA Zones?	36
29. What are Central Business Districts (CBD) and CBD Zones? .....	37
30. What are Standard and Optional Methods of Development? .....	38
31. What are setbacks? .....	41
32. What is floor area ratio (FAR)? .....	42
33. What are public facilities and amenities? .....	43
34. What is public use space? .....	43
35. What are parking requirements for development? ....	44
36. What are parking districts? .....	44
37. What environmental safeguards are provided through the planning and development process? .....	45
38. What steps are required in the subdivision process?..	48
39. What is resubdivision? .....	53
40. What is the Adequate Public Facilities Ordinance (APFO)? .....	54
41. What is the Annual Growth Policy (AGP)? .....	55
42. What terms are currently used in the Annual Growth Policy? .....	58
43. What is the Capital Improvements Program (CIP)?..	59

44. How is the density of development calculated in residential subdivisions under conventional zoning?	60
45. What is a cluster subdivision? .....	61
46. What is the Moderately Priced Dwelling Unit (MPDU) Ordinance? .....	62
47. What is site plan review? .....	64
48. How are site plans enforced? .....	66
49. What is meant by availability of sewer or sewer commitment? .....	66
50. What are the requirements for preservation of historic sites and districts? .....	68
51. What is the Board of Appeals? .....	69
52. What is a special exception? .....	69
53. What is an accessory apartment? .....	70
54. What is a variance? .....	71
55. What is Mandatory Referral? .....	71
56. What further assistance is available to the public on these questions? .....	72

## 1. WHAT IS THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION (M-NCPPC)?

The Maryland-National Capital Park and Planning Commission (M-NCPPC) was created by the Maryland General Assembly in 1927 to protect open space and control development in parts of the Maryland suburbs next to the District of Columbia. The early law gave the Commission authority to plan for the physical development of the bi-county area of Montgomery and Prince George's Counties through a general plan, to acquire land to implement plans for parks, to determine the location of highways, to exercise subdivision control and to implement zoning regulations.

In 1939, the Maryland State Legislature enacted the Regional District Act (Article 28 of the Maryland Code) that provides the basic planning and zoning authority for the Maryland-National Capital Park and Planning Commission. By virtue of this authority, the M-NCPPC and the "District Councils" for each County exercise their various planning and zoning powers. It is the Regional District Act that enables the elected County Councils to act as the "District Councils" for their respective Counties.

The Commission's responsibility includes acquisition, development and maintenance of the park system within the two Counties. In Prince George's County only, the county-wide recreation program is also a responsibility of the M-NCPPC. The Metropolitan District (referring to parks) and the Regional District (referring to planning, zoning and subdivision) are defined for tax purposes. Together they embrace almost all of Montgomery and Prince George's Counties (approximately 1,000 square miles). Not covered are the municipalities of Gaithersburg, Rockville, Barnesville, Brookeville, Laytonsville, Poolesville and Washington Grove in Montgomery County, and Laurel in Prince George's County, all of which have their own planning and parks authority. In the City of Greenbelt in Prince George's County, the Commission exercises planning authority but not parks authority.





The Maryland-National Capital Park and Planning Commission consists of ten Commissioners, five appointed by Montgomery County and five by Prince George's County. The five members of the Commission from each County serve as a separate Planning Board to facilitate, review and administer the matters affecting only their respective Counties. To carry out their functions, the County Planning Boards meet at least once a week. The County Councils set priorities for the Planning Boards' park and planning work programs through annual review and determination of their operating and capital improvements budgets.

The Commission meets once a month to deal with regional planning or parks matters and administrative matters of interest to both Counties. The Chairs of each Board serve full time and act as Chair and Vice Chair of the Commission on a rotating basis. (*See Chart 1.*)

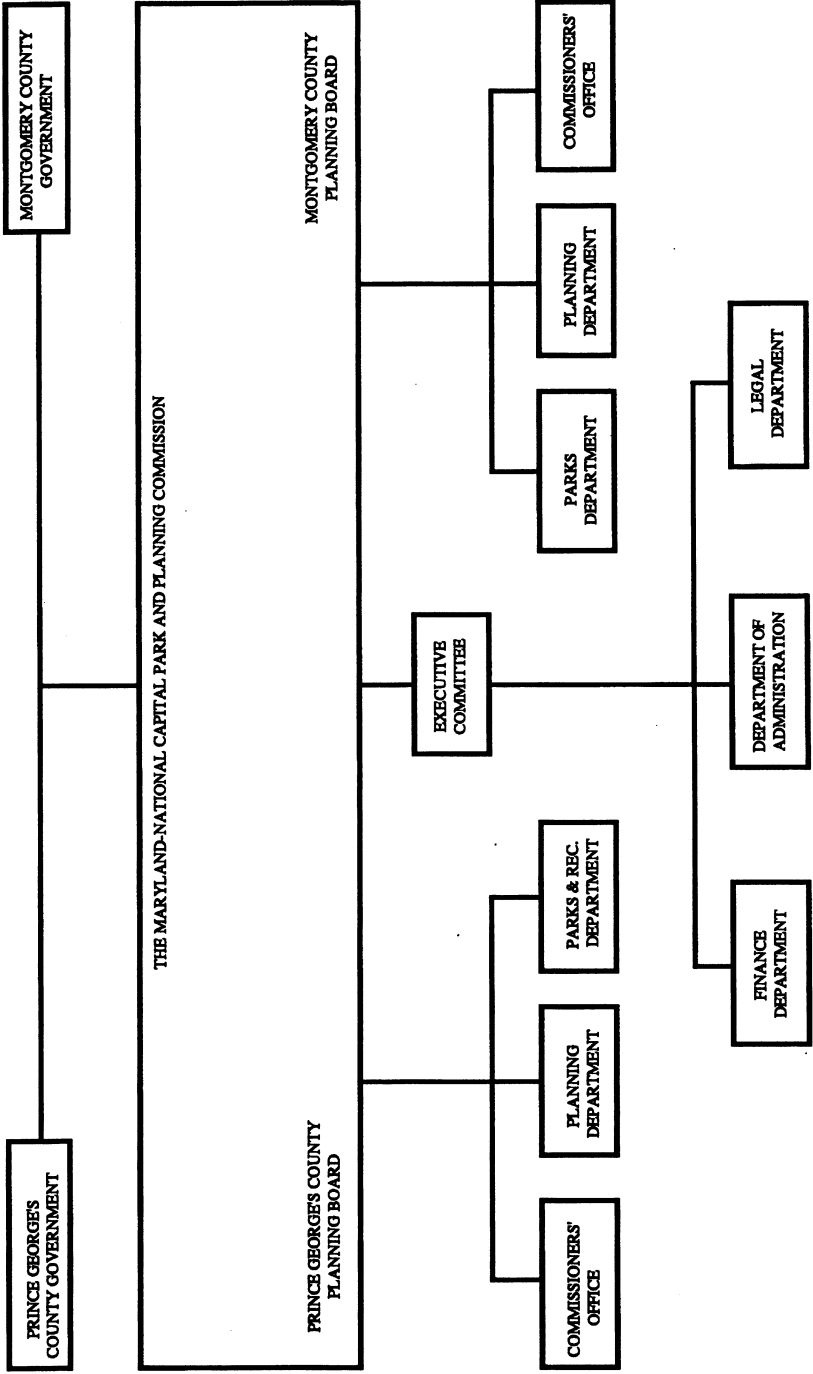
## **2. WHAT IS THE MONTGOMERY COUNTY PLANNING BOARD?**

The Montgomery County Planning Board, one half of the Park and Planning Commission, is a five-member board responsible to the Montgomery County Council to advise and assist the Council in planning, zoning and subdivision, and to exercise authority granted by the Regional District Act. The Board, acting as the Park Commission, also plans, acquires, maintains and operates the parks system of the County.

Planning Board members are appointed for staggered four-year terms. No more than three members may belong to the same political party. Three members of the Board (including the Chair) are appointed by the Montgomery County Council and confirmed by the Executive. Two members are appointed by the County Executive and confirmed by the Council. In Montgomery County, a Board member may not serve more than two consecutive terms.

**2** The Planning Board prepares master plans for Executive review and County Council consideration and approval, advises the Council on ordinance text amendments and makes recommendations to the County Hearing

ORGANIZATION CHART



Examiner on applications for zoning map amendments. It also makes recommendations to the Board of Appeals on applications for special exceptions. The Board has regulatory authority (not subject to review by the County Council) for administering the Subdivision Ordinance in Montgomery County, the site plan process and Central Business District (CBD) development projects. (*See Question 29.*)

The County Council sets priorities for the Planning Board's research and planning operations through its annual determination of the Board's operating budget and work program. The County Executive also reviews the budget and work program as part of an overall budget review. The Council conducts a quarterly review of the work program and may revise priorities to meet current needs or changing requirements.

The Planning Board meets in open session every Thursday to take action on the business before it, and at such other times as may be necessary. Copies of the weekly agenda are mailed to all County citizens/civic and homeowners associations listed with the Board, and any other group or individual who requests that its name be placed on the mailing list. The agenda mailing list is coordinated by the Community Relations Office of the Planning Board.

Interested parties are encouraged to appear before the Board on items that may affect them.

### **3. WHAT IS THE MONTGOMERY COUNTY PARK COMMISSION?**

The Montgomery County Planning Board is also responsible for park planning, acquisition, development, maintenance and operation of the County park system through the Montgomery County Department of Parks. To emphasize this responsibility, the Board sits as the Park Commission on park matters.

**4** The Montgomery County park system encompasses over 27,000 acres of park land in the form of stream valley parks, regional parks, local and neighborhood parks, urban parks, special facility parks, conservation areas and open space. A policy that requires that two-thirds of all regional

parcs be left undeveloped and in their natural state, together with conservation and stream valley parks, provides a significant amount of undisturbed natural area for public enjoyment.

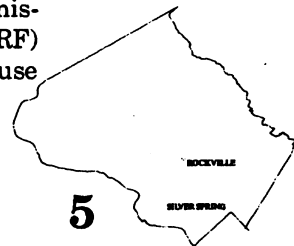
Within the system are a variety of facilities: golf courses, individual and group picnic areas, children's play areas, hiker/biker trails, equestrian and pedestrian trails, ice skating rinks, tennis courts, ballfields (including soccer, football, softball and basketball), nature centers, recreation centers, conference and meeting centers, riding stables, the nationally recognized Brookside Gardens, and campgrounds providing both tent camping and recreational vehicle accommodations at Little Bennett Regional Park. The Agricultural History Farm Park, added in 1988, provides coordinated office and activity space for many agricultural organizations. The Farm Park also allows the public to see and experience early farm practices and products.

The Maryland-National Capital Park Police are responsible for keeping order and preventing crime within the park system and on park roads. The Park Police have an equestrian mounted unit and several other special operations units, all of which work closely with the Montgomery County Police Department.

Park planning is closely coordinated with master planning and the subdivision process through the Parks, Recreation and Open Space Master Plan (PROS). Through this process decisions are made well in advance as to land appropriate for parks to meet the recreational demands of the County. Park land is frequently dedicated as a requirement of the subdivision process or through some other form of land contribution. The Commission-administered Advanced Land Acquisition Revolving Fund (ALARF) is critical in protecting sites needed for future public use from imminent development.

#### **4. WHAT ARE THE POWERS OF THE MONTGOMERY COUNTY COUNCIL AND THE COUNTY EXECUTIVE?**

*County Council:* All legislative powers which may be exercised by Montgomery County under the Constitution



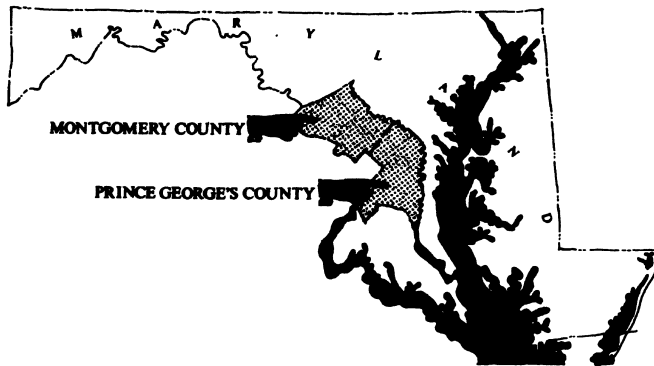
and Laws of Maryland, including those planning and zoning powers conferred by the Regional District Act, are vested in the Montgomery County Council. These powers were specifically delegated to the "District Councils" (the elected County Councils) in 1939 by the Regional District Act, Article 28 of the Maryland Code. Article 1 of the Montgomery County Charter defines the authority and powers, composition and election of the Legislative Branch.

The nine-member County Council is made up of four at-large and five Councilmanic district representatives. The four at-large members are elected by voters throughout the County, while the five district members must reside in the district they represent and are elected only by the voters in their Councilmanic district.

*County Executive:* Article 2 describes the Executive Branch and vests executive power in a County Executive, elected by the voters of the entire County. Provisions for the Executive's role in the planning, zoning and subdivision process are included in the Regional District Act. They are described elsewhere in this booklet. (See Questions 9, 13, 16, 40, 41 and 43.)

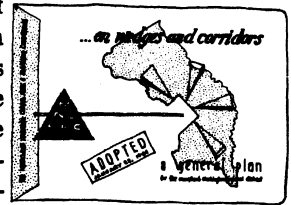
## 5. WHAT IS THE GENERAL PLAN?

*"...on wedges and corridors," the General Plan for The Maryland-Washington Regional District, is a comprehensive plan for future development covering both Montgom-*



ery and Prince George's Counties. It establishes broad policy guidelines for land use, transportation and circulation, conservation, open space, water and sewer systems, employment and housing. The Plan was adopted in 1964 and reviewed and updated in 1969 to reflect changes and to enunciate more specific development goals and objectives. The updated Plan was approved by the County Council in 1970.

The "wedges and corridors" concept calls for development to be concentrated along the major "corridors" of growth radiating out from the District of Columbia on major transportation spines. In Montgomery County, this includes Interstate 270 and the Washington-Baltimore corridor, part of which lies in the eastern portion of the County along U.S. 29. The "wedges" are the spaces between the corridors, for which the Plan proposes predominantly low density and rural-type development, with the exception of certain "satellite" towns such as Damascus and Olney.



## 6. WHAT ARE LOCAL AREA MASTER PLANS, SECTOR PLANS AND FUNCTIONAL MASTER PLANS?

The General Plan indicates in broad terms those areas suitable for residential purposes, business or industry, agriculture, open space, transportation, recreation and community facilities. More detailed and specific land use recommendations are contained in local area master plans which deal with smaller portions of the County. Even more detailed guidelines may be put forth in sector plans which cover particular localities such as Central Business Districts or areas in the immediate vicinity of a rapid transit station. (See Questions 28 and 29.) An adopted area master plan or sector plan is incorporated as an amendment to the General Plan.

Functional master plans supplement and are also incorporated into the General Plan. These plans cover such functions as overall circulation systems (highways, mass transit, airports, bikeways), parks and recreation, environmental systems (watershed protection, storm water

management), agricultural preservation and such public services as fire and police stations and libraries.

Area master plans, sector plans, functional master plans and amendments follow identical procedures for preparation and adoption. They are prepared by the Planning Board in cooperation with appropriate agencies and in consultation with the County Executive and citizens; approved, after public hearings, by the County Council; and adopted by the Planning Commission. (*See Question 9.*)

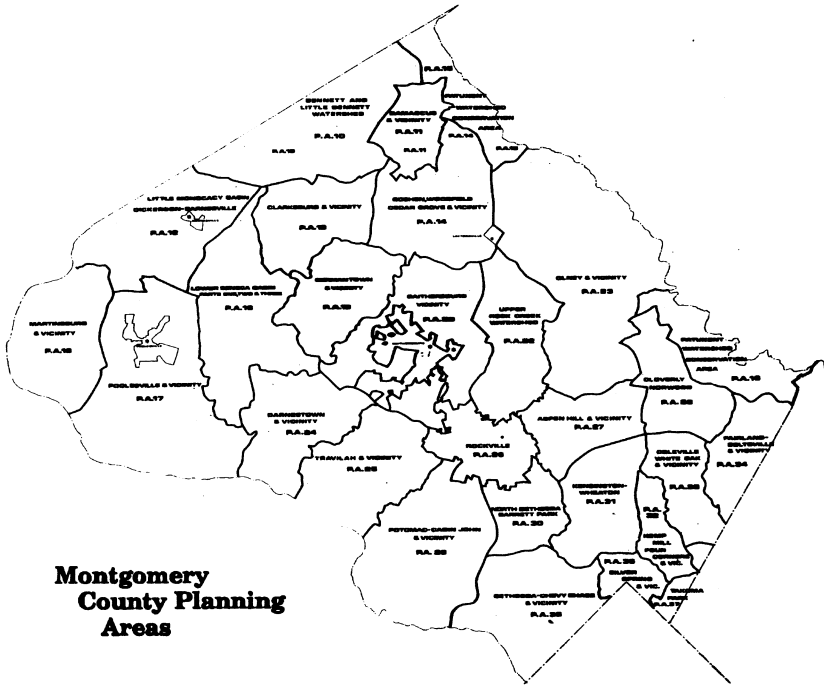
Water and sewer and solid waste disposal plans are prepared by the County Executive and approved by the County Council.

## **7. WHAT DO MASTER PLANS AND SECTOR PLANS COVER?**

*Master Plans:* Montgomery County is divided into 27 planning areas (including Gaithersburg and Rockville, each having its own planning authority), each area forming a fairly cohesive district bounded by a major highway or natural border such as a stream valley. Boundaries of planning areas are determined by legislative action of the County Council. Some master plans cover portions of more than one planning area.

An area master plan normally includes a statement of planning policies, goals and objectives, and a description of the planning area. Plans also include maps outlining recommended land uses, zoning, transportation facilities (mass transit, roads and other facilities), and recommended general locations for such public facilities as schools, parks, libraries, fire and police stations. Master plans may include recommendations for scheduling of publicly financed capital improvements.

8 The land use and zoning section of a master plan may include recommendations for sites appropriate as receiving areas for development rights transferred from farm land in the agricultural reserve. This practice is part of the Agricultural Preservation Program. (*See Question 23.*) The plan may show recommended pedestrian and trail



**Montgomery  
County Planning  
Areas**

systems, and also deals with matters involving housing, storm water management, preservation of historic sites, and such environmental factors as air, water and noise pollution, all as they relate to land use.

*Sector Plans:* A sector plan is a comprehensive plan for a portion of a master plan area, including all of the elements of a master plan as described above. It describes the relationship of the various land uses to transportation, services and amenities within the area of the sector plan and, where appropriate, to other areas. The sector plan may include maps, graphics, text and design guidelines. It may be adopted either as a part of a new area master plan or as an amendment to an existing master plan. For example, all central business districts and rapid transit (Metro) stations in Montgomery County are covered by sector plans.

## **8. WHAT DOES A FUNCTIONAL MASTER PLAN COVER?**

A functional master plan covers a specific "system". For example, the Master Plan of Highways indicates the alignments of all of the major highways in the County which have been approved or are being planned for in the State or County Capital Improvements Programs. A Watershed Protection Plan identifies environmental issues and problems within the area that drains to the body of water (lake, river, stream) to be protected. It recommends measures for protection that may involve changes in land uses or mitigation programs to protect wetlands, sensitive areas, flood plains, steep slopes, etc.

## **9. HOW IS A MASTER OR SECTOR PLAN PREPARED AND ADOPTED?**

Procedures for preparing and adopting area master plans are set forth in the Montgomery County Code and the Regional District Act. A plan is developed through a number of steps, with provision for citizens to express their views at various stages. Preparation and adoption of master plan amendments follow the same procedure that governs the preparation and adoption of a master plan. *(See Chart 2.)*

- A. **INITIATING A PLAN:** The Planning Board begins work on a plan at the direction of the County Council, which approves the Board's annual work program.
- B. **ISSUES REPORT:** This report is prepared by planning staff in consultation with affected and interested citizens of the area under study. Frequently a master plan citizens advisory committee is appointed to advise and assist staff in identifying and understanding major issues and concerns of the area. These issues may be limited in scope at the discretion of the Planning Board. Detailed investigation by staff and community input through an advisory committee and other citizen participation programs provide the basis for development of the Staff Draft Plan.

## CHART 2

### **Montgomery County Master Plan Development Process**

Planning Board submits,  
Executive recommends,  
and Council approves:

#### **Annual Work Program**

Planning staff prepares,  
with Executive staff review:

#### **Issues Report**

Planning staff initiates community participation,  
solicitation of Executive staff ideas,  
and then prepares:

#### **Staff Draft Plan**

Planning Board reviews Staff Draft,  
and , with modification,  
sends to public hearing:

#### **Preliminary Draft Plan Public Hearing**

Planning Board reviews public hearing testimony,  
receives Executive comments at Board worksessions,  
and adjusts Preliminary Draft to become:

#### **Final Draft Plan**

Executive reviews Final Draft and  
forwards to County Council:

#### **Final Draft Plan With Executive's Recommended Revisions**

Council holds public hearing and worksessions  
and approves, disapproves, or amends  
Final Draft with Executive Revisions  
(Executive may veto and Council may override veto),  
which is forwarded to M-NCPPC to become:

#### **Approved and Adopted Master Plan**

- C. **STAFF DRAFT PLAN:** This document is prepared by planning staff for presentation to the Montgomery County Planning Board. It identifies the major issues addressed by the proposed master plan or amendment. Alternative courses of action and specific recommendations may be presented. The public may be given the opportunity to comment on the Staff Draft prior to final Planning Board changes which result in the Preliminary Draft Master Plan. The Board may adopt the Staff Draft Plan as the Preliminary Draft for the purpose of establishing a public hearing date.
- D. **PRELIMINARY DRAFT PLAN:** This document is a formal proposal approved by the Montgomery County Planning Board as a revision or adoption of the Staff Draft Plan. It should include comprehensive guidelines for the area's development and proposed policies and recommendations for transportation, land use, protection of the environment, and public facilities including parks.
- E. **PLANNING BOARD PUBLIC HEARING:** The Planning Board must hold a public hearing before proceeding to publish a Final Draft Plan. The public hearing must be advertised in a newspaper of general circulation, not less than 30 days or more than 60 days before the public hearing date, and include the time, place and subject matter of the hearing. Copies of the Plan are sent to the County Executive and to all municipalities and made available to the public. Anyone may testify either orally or in writing.
- After the close of the record of the public hearing, the Planning Board holds open worksessions to review the testimony and to determine whether to make any revisions to the Preliminary Draft before publishing the Final Draft.
- F. **FINAL DRAFT PLAN:** This document contains the Planning Board's final recommendations. It is transmitted to the County Executive, who must review it and forward it to the County Council within 60 days, with any revisions clearly indicated. If the County Execu-

tive makes no revisions to the Final Draft Plan or fails to submit revisions within 60 days after receipt of the Plan, the Final Draft as submitted goes to the County Council. If the Council does not wish to make changes, the Council may approve the Planning Board's Final Draft without holding a public hearing.

- G. APPROVAL BY THE COUNCIL:** If the Executive does make revisions, or if the Council wishes to consider any revisions, the Council must hold a public hearing. The hearing date must be established within 45 days of the Council's receipt of the Executive Recommended Final Draft Plan and must be advertised not less than 30 days or more than 60 days from the hearing date in a newspaper of general circulation. Anyone may testify either orally or in writing.

After the close of record of the public hearing, the Council or a Council Committee holds open worksessions to review the testimony. The County Council has 180 days to adopt a resolution approving, modifying or disapproving the plan once it has been submitted by the County Executive.

The Council's resolution must be sent to the County Executive for approval or disapproval. The Executive has 10 days to act, either to approve or disapprove the Council action. If the Plan is vetoed by the County Executive, the Council may override the veto by the affirmative vote of six members.

- H. ADOPTION BY THE PLANNING COMMISSION:** Within 60 days of Council action, the approved Plan must be forwarded to The Maryland-National Capital Park and Planning Commission for formal adoption in the form approved by the County Council. The Adopted Plan is certified by the Commission and incorporated as an amendment to the General Plan, which officially amends the various Master Plans cited in the Resolution of Adoption. It is published and made available to the public.

The adopted plan remains in force until it is superseded or amended in accordance with the above procedures.

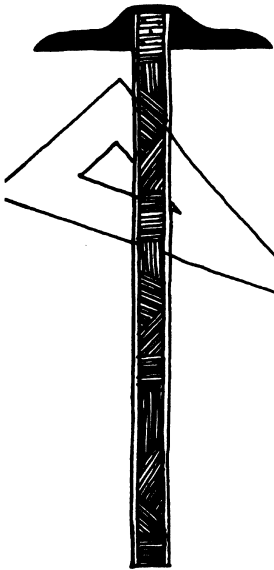
Initiation, preparation, approval and adoption of master plan, sector plan or functional plan amendments follow the same procedures as outlined above.

## 10. HOW ARE MASTER OR SECTOR PLANS IMPLEMENTED?

Implementation of master plan proposals for land use and public facilities requires a variety of actions by numerous public agencies and private individuals.

**ZONING:** The plan may recommend zoning classifications that differ from those existing in the area. Any change in zoning to meet the plan's recommendations requires a separate legislative action by the County Council. Such rezoning is frequently initiated by the Planning Board and Council as a comprehensive Sectional Map Amendment implementing a master plan. Alternatively, a landowner or contract purchaser may apply for a Local Map Amendment for a specific property. (*See Question 17.*)

**PUBLIC FACILITIES:** A plan may indicate the need for certain public facilities, recommend general locations and propose a schedule for construction. Most public facilities (e.g., roads, schools, libraries, fire stations) can be funded and built only by action of the appropriate government agency. Public facilities that are the responsibility of Montgomery County are authorized in the County's Six-Year Capital Improvements Program (CIP) with funds provided in the annual County Capital Budget. (*See Question 43.*) Some projects (e.g., major highways and schools) may require funding and action by state or federal agencies. M-NCPPC acquires and develops parks, WMATA (Washington Metropolitan Area Transit Authority) is responsible for Metrorail and Metrobus system facilities, and WSSC (Washington Suburban Sanitary Commission) builds and operates water and sewer services. (In certain areas of the County covered by master plans adopted since 1970, the Council has specified that sewer service may not be provided unless the property is zoned in accordance with the adopted master plan.)



SUBDIVISION: Some public facilities (e.g., local streets, park and school sites) may be provided by private developers through land dedication required by the Planning Board at the time of subdivision. Also at the time of Planning Board review, subdivisions and site plans must be found to be in conformance with the adopted master plan. *(See Question 38.)*

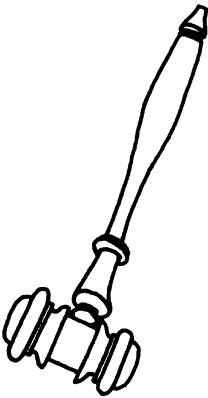
#### **11. WHAT LEGAL STANDING DOES AN ADOPTED MASTER OR SECTOR PLAN HAVE?**

A master plan, duly approved by the County Council and adopted by the Planning Commission, provides a comprehensive guide for the physical development of the area. It does not take the place of existing comprehensive zoning nor does it compel either the grant or denial of requested rezoning. The master plan embodies a set of publicly adopted guidelines and policies regarding land use and public facilities that are considered by the County Council (District Council) in the process of making planning and zoning decisions.

The fact that a particular category of zoning may be recommended in a master plan for a particular area or tract does not assure that the zoning will be applied. It does not relieve an applicant for rezoning of the burden of proof to justify the proposed rezoning. Planning and zoning decisions do not depend solely upon the recommendations of a master plan. While it must be considered as an important guideline, other important facts and circumstances that may have occurred since the adoption of the master plan must also be considered. Strict adherence to zoning recommendations in master plans is not legally required.

In most cases, following the adoption of a master or sector plan the Planning Board files a sectional map amendment. This provides for a comprehensive rezoning by the County Council of the properties recommended for change in the master plan. Every affected property owner is notified, and the County Council holds a public hearing to make sure everyone is aware of the proposed rezonings and to allow public testimony. *(See Question 17.)*

If a rezoning is requested that is contrary to that proposed in an adopted master plan, approval requires the affirmative vote of six members of the nine-member County Council rather than the normal five-vote majority. However, if the Planning Board has recommended in favor of such rezoning, the five-vote majority of the Council is sufficient to approve.



## **12. HOW CAN CITIZENS EXPRESS THEIR VIEWS ON MASTER OR SECTOR PLANS?**

Every master plan, sector plan, functional plan or plan amendment is submitted to full public hearing at which anyone may testify either orally or in writing or both. (*See Question 9.*)

In most cases, the Planning Board appoints a citizens advisory committee to assist in preparing a master plan or sector plan. The advisory committee, reflecting a broad spectrum of neighborhood, civic and economic interests in the County, brings information on community concerns and attitudes to the Planning Board and its staff to help in producing plans that are sensitive to community needs and interests. The committee works with staff through the Staff Draft Plan in open meetings, and then meets with the Board when the Draft is presented by the staff. Advisory committee members are encouraged to testify either as individuals or as a group at the public hearing. The committee's role is advisory, however, and the Planning Board bears full legal responsibility for all master plan recommendations.

In addition to working with advisory committees, planning staff will arrange for workshops at which interested citizens can exchange ideas with the Board and staff, hold public forums or briefings for the general public, or meet with interested groups to encourage public discussion. All advisory committee meetings as well as other meetings are open and interested parties are encouraged to attend. Assistance to the public in understanding the planning process is provided in a variety of ways. (*See Question 56.*)

### **13. HOW DOES THE ZONING PROCESS DIFFER FROM THE PLANNING PROCESS?**

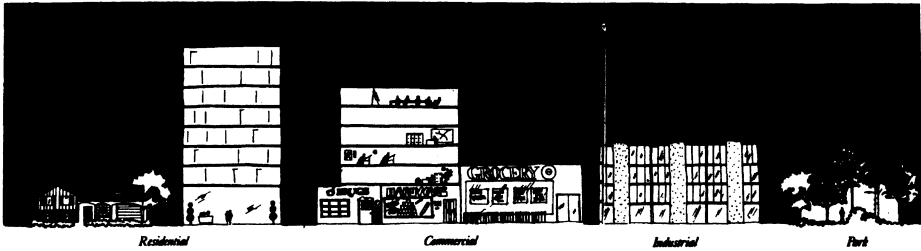
It is important to distinguish between the zoning process and the planning process. A master plan or sector plan may recommend the type and density of land use or propose a specific zone as desirable for a particular area or for a particular tract of land. These recommendations can be implemented only through the zoning process. It requires a separate legislative act of the County Council to place the recommended zone or zones on the land.

The power to zone land is derived from the police powers of the state and is delegated to the Montgomery County Council under the terms of the Regional District Act. Zoning is a legislative action which can be taken only by the County Council. Zoning involves the imposition of specified conditions regulating the development and use of a particular parcel or parcels of land. The Montgomery County Zoning Ordinance, adopted by the County Council, defines and describes various zones which can be applied and specifies detailed procedures governing a change of zoning. (*See Questions 16 and 17.*)

Amendments to the text of the Zoning Ordinance are subject to Executive veto, which may be overridden by the affirmative vote of six members of the County Council. Zoning map amendments (rezoning) are not subject to this veto. The Zoning Ordinance is Chapter 59 of the Montgomery County Code. It is available, however, as a separately printed volume.

### **14. WHAT TYPES OF LAND USES ARE PERMITTED UNDER THE ZONING ORDINANCE?**

The Zoning Ordinance establishes a number of zones which permit either agricultural, residential (single-family or multi-family), commercial or industrial uses or a mixture of residential and commercial uses, at varying densities. The Ordinance also enumerates the uses permitted by right or by special exception. Provided certain condi-



tions are met, special exceptions may be approved on a case-by-case basis by the County Board of Appeals. (*See Questions 51 and 52.*)

The Ordinance also sets standards for permitted density of development, location of structures, building heights, setbacks, acreage requirements, etc. for each zone. A brief tabular summary of the major characteristics of existing zones is available from the Information/Publications counter at M-NCPPC. Users should check the County Council Office or the Planning Board's Development Review Division for changes made after the tabulation was printed.

### 15. WHAT IS THE DIFFERENCE BETWEEN EUCLIDIAN ZONES AND FLOATING ZONES?

Maryland law permits the use of two types of zones, *Euclidian* and *floating* zones. There are important distinctions between the two that affect the manner in which they can be employed. The tabular summary of the Zoning Ordinance indicates which are Euclidian and which are floating zones.

A **EUCLIDIAN ZONE** is a zone that is applied to a specific geographic area on the zoning map. Certain uses are permitted in this zone, but they are subject to rigid requirements such as lot size; front, side and rear setbacks; and height limits. Euclidian zoning is the oldest type of zoning. (It received its name from the town of Euclid, Ohio, which had the nation's first comprehensive zoning ordinance upheld by the U.S. Supreme Court in the case of *Village of Euclid vs. Ambler Realty Company*, 1926.)

Euclidian zones may be applied for either by an individual property owner or they may be applied over a larger area by the government through the sectional map amendment process. (*See Question 17.*)

Maryland law states that an individual (local map amendment) rezoning to a Euclidian zone is permissible only if there has been a "change" in the character of the neighborhood or a "mistake" in the application of original zoning by the government authority. The change or mistake rule in zoning has been established by the Maryland Courts through actions on individual zoning cases. (*See Question 18.*)

A FLOATING ZONE is part of a newer, more flexible approach to zoning regulation. Floating zones are considered to be similar to a special exception in that the County Council must find the proposed rezoning to be compatible with surrounding uses and in accord with the expressed purposes and other requirements of the zone. While all floating zones have site plan review by the Planning Board, not all Euclidian zones do. The traditional finding of change or mistake required for the grant of a Euclidian zone is not required for a floating zone.

There are many types of floating zones in the Montgomery County Zoning Ordinance that require varying levels of commitment by the applicant prior to receiving final permission to develop. They are basically divided into two types: a) Development plan zones and b) Non-development plan zones.

a.) *Development plan floating zones:* These are the more complex floating zones, which allow mixed use development on a single site, i.e., Town Sector (TS) or Planned Residential Development Zones (PD). These zones can only be approved through the local map amendment process and require a development plan to be submitted along with the rezoning application.

A development plan requires the applicant to show the general location of various types of uses on the site, the internal road network and all the necessary public facilities. At the time the Council acts on the local zoning

application for the development plan floating zone, it must also take a separate action on the proposed development plan. Floating zones which require a development plan usually have more flexible density standards and development requirements than those which do not require a development plan.

The following zones are Floating Zones:			
RT-6	O-M	I-3	TS-R
RT-8	C-T	TS	TS-M
RT-10	C-I Country Inn	PN	MXPDP
RT-12.5	C-3	H-M	R-MH
R-H	C-P	PD	PCC
PRC			MRR

b.) *Non-development plan floating zones:* Other floating zones do not require submission of a development plan at the time of rezoning. These zones can be applied by local map amendment or by sectional map amendment if requested by the property owner. These floating zones may also be applied for under a provision of the Zoning Ordinance called the "Optional Method of Application" (not to be confused with the "optional method of development" in Euclidian CBD zones). This method permits the applicant to voluntarily limit the scale of development or use of the property more strictly than required by the standards of the zone. The limitation is stated through the provision of a schematic development plan which is part of the application. It must be approved by the Planning Board and Council at the time of rezoning. At that time, the limitation is also recorded in the form of a covenant in the County's official land records. It remains in effect unless and until the property is again rezoned, or an amended schematic development plan is approved by the Council. Once approved, the limitations are binding on the use and development of the site and are therefore no longer optional.

## **16. WHAT IS A ZONING ORDINANCE TEXT AMENDMENT?**

The Zoning Ordinance is a local law subject to review and amendment by the County Council according to procedures spelled out in the Ordinance and in Council Resolutions. In legal terms, it has two parts: the *zoning maps*, which graphically display the zoning on each property, and *the text*, referred to as the Zoning Ordinance. The Council may amend the text of the Ordinance to create new zones or delete existing ones, or to change standards governing the use of particular zones. While changes in the Zoning Ordinance may have narrow applications, many are of far-reaching significance.

Any interested individual, organization or governmental agency, including the Planning Board, may request introduction of a proposed text amendment. The party requesting the amendment must submit an explanation outlining the purposes, need and anticipated effect of the proposed amendment. The County Council considers such requests and determines whether the proposed amendment should be introduced for consideration.

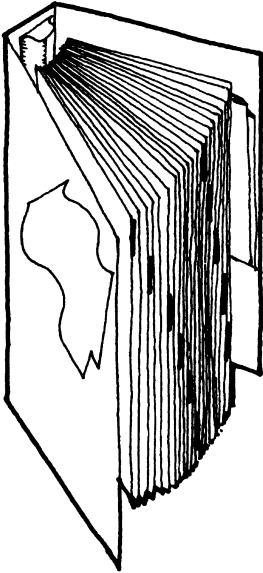
A Zoning Ordinance Text Amendment may be introduced at any time by the Council or by an individual member of the Council. Amending the Zoning Ordinance is a legislative proceeding that requires a public hearing and approval or disapproval by a majority of the Council.

If a text amendment is not acted on by the Council within two years of its public hearing or before October 31 in the final year of the Council's term, whichever occurs first, it is void. In order to be reconsidered, it must be reintroduced as a new text amendment.

The County Executive has the authority to veto a zoning text amendment. If the Council overrides a veto by a majority of six votes, the amendment becomes law in 10 days following Council action. Otherwise, the amendment becomes law in 20 days after Council action.

## 17. WHAT IS REZONING BY LOCAL MAP AMENDMENT OR SECTIONAL MAP AMENDMENT?

A change of zoning may be accomplished in two ways: through a local map amendment sought by the owner or contract purchaser of a particular property; or through means of a comprehensive sectional map amendment covering more than one tract, which can be initiated only by the County Council or the Planning Board.



### A. LOCAL MAP AMENDMENT:

Applications for local map amendments may be filed only during the months of February, May, August or November, and are considered according to criteria and procedures specified in the Zoning Ordinance. (*See Question 19.*) A local map amendment covers a single tract, all portions of which are proposed for classification in the same zone or in one of two alternative zones. Approval of a local map amendment normally requires the affirmative vote of a majority (five) of the County Council. However, if the proposed rezoning is contrary to the zone recommended in an adopted area master plan, approval requires the affirmative vote of six Council members rather than the normal five-vote majority. If the Planning Board has recommended in favor of the rezoning, however, a five-vote majority of the Council is sufficient for approval.

### B. SECTIONAL MAP AMENDMENT (SMA):

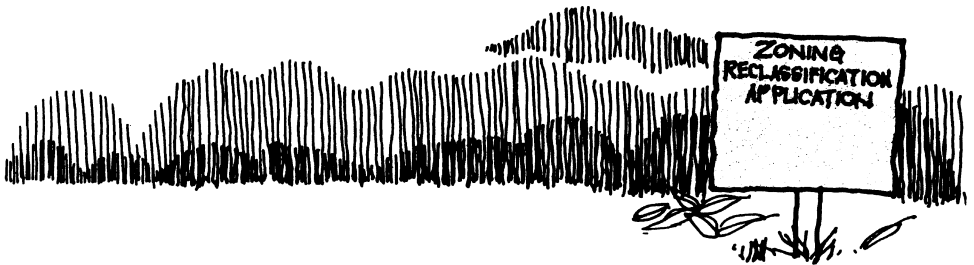
A sectional map amendment may be filed at any time on the initiative of the Council or the Planning Board. Customarily, it is the culmination and implementation of a master plan study. It is a comprehensive action covering a section of the Regional District (County) usually including several tracts, and it may propose various zones to be applied to various individual tracts. The County Council holds a public hearing on a proposed sectional map amendment and notifies individually all property owners affected by any recommended change in zoning.

Since enactment of a sectional map amendment is considered a truly legislative function of the government and

is intended as a comprehensive implementation of public policy, it does not require the findings applicable to a local map amendment. Approval is by majority vote of the Council.

**18. WHAT ARE THE CRITERIA FOR JUDGING A REQUEST FOR REZONING BY LOCAL MAP AMENDMENT?**

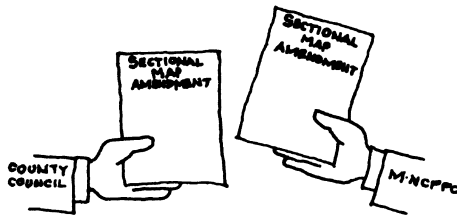
In considering a proposed rezoning, the County Council weighs a number of factors, including the land use recommended for the tract by an adopted area master plan, the General Plan, sector plan or other policy statement; the character of the neighborhood; traffic to be generated by development under the proposed rezoning; and the impact on adjacent properties, the surrounding neighborhood and public facilities. The latter refers to the ability of existing or programmed public facilities to support and service the proposed development, including adequacy of existing or programmed road and other transportation facilities, water and sewer service, schools, and recreation and storm water facilities.



On applications for Euclidian zones, the Council must consider whether there has been a change in the character of the neighborhood since the last comprehensive zoning. For a floating zone application, on the other hand, the Council considers compatibility with existing and proposed development for the area and whether the proposed zoning meets the standards and purposes of the zone as set forth in the Zoning Ordinance.

In the case of a floating zone application filed under the optional method of application, the Council evaluates the schematic development plan and limitations proposed by the applicant on a case-by-case basis. For a development plan zone, the Council also approves (or disapproves) the required development plan according to the criteria specified by the Ordinance at the time it grants the zoning.

In short, the Council must judge all facts developed in the record on the case, including the recommendations of the Planning Board's technical staff, of the Planning Board, and the findings and recommendations of the County Hearing Examiner. Although these are carefully considered, the Council is not obliged to follow the recommendations. It has full authority and bears full responsibility for the final determination of the application.



## 19. WHAT ARE THE PROCEDURES FOR REZONING BY LOCAL MAP AMENDMENT?

The Zoning Ordinance establishes procedures for full public hearings on local map amendment applications, to be conducted by a County Hearing Examiner in the Office of Zoning and Administrative Hearings. The County Council appoints the hearing examiner. Interested parties may request information on applications, etc. through the above office.

The Planning Board and its technical staff review and make written recommendations to the Hearing Examiner, judging each application for its conformance with the General Plan, area master plans and other planning policies, as well as its compliance with the applicable zoning criteria. Findings and recommendations of the

Hearing Examiner go to the County Council, which may approve, disapprove, remand for further information, dismiss, or allow the application to be withdrawn, with or without prejudice. Approval normally requires the affirmative vote of a majority (five) of the Council. If the requested rezoning is contrary to the zoning recommended by an adopted master plan, Council approval requires an affirmative vote of six members. However, if the Planning Board has recommended the rezoning, a five-vote majority of the Council is sufficient for approval.

Applications for local map amendments proceed through a sequence of steps specified by law as follows:

- A. **FILING:** Applicants for zoning map amendments are permitted to file their applications only four times a year, during the months of February, May, August and November. Applications are filed with the County Hearing Examiner who requires signs to be posted by the applicant on the affected properties, notifies adjacent property owners by mail and forwards copies of the applications to the Planning Board.

The County Office of Zoning and Administrative Hearings is the official custodian of all zoning files and maintains a complete file on each case. At this stage in the proceedings, correspondence on the case may be sent directly to the Hearing Examiner to be placed in the case file. Correspondence addressed to members of the Council is also transmitted to the Hearing Examiner for inclusion in the record of the case.

- B. **SCHEDULING PUBLIC HEARINGS:** The Hearing Examiner sets up a proposed hearing schedule for a six-month period and is required to give public notice of each hearing at least 30 days in advance of the hearing date.
- C. **PRE-HEARING SUBMISSIONS:** Thirty days prior to the hearing, the applicant must submit a written statement to the Hearing Examiner generally outlining the case to be made and naming the witnesses to be presented. Those who wish to appear in opposition must

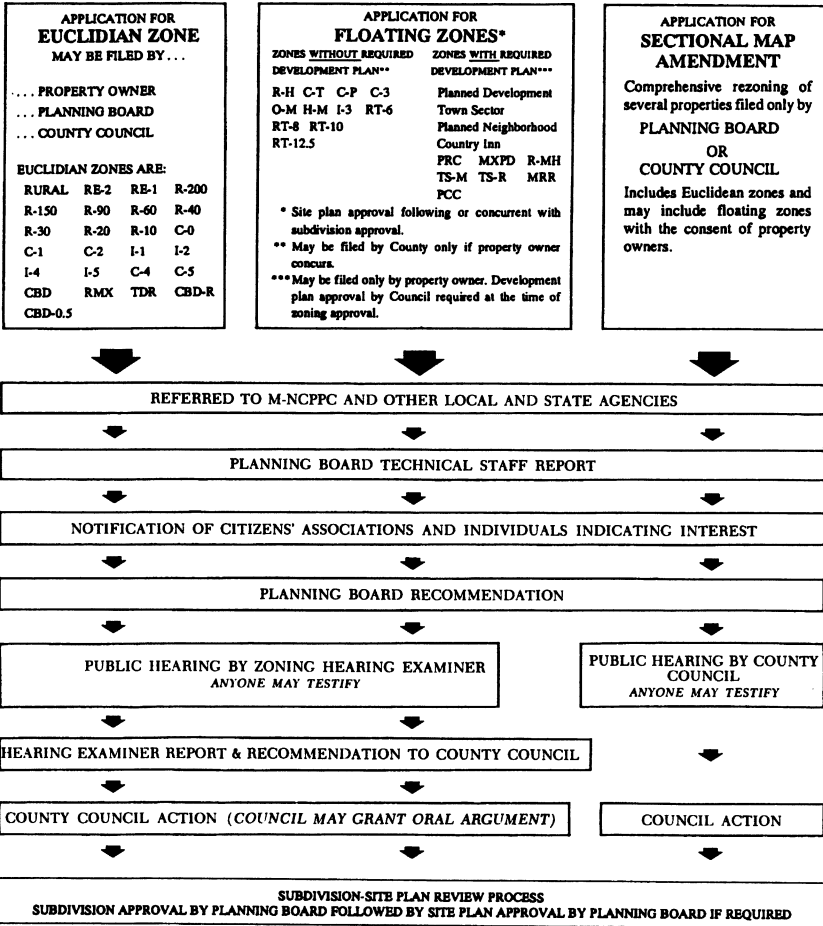


submit similar information not less than ten days before the hearing. Both parties can elaborate upon these general statements at the hearing. Any interested person has the right to submit oral or written testimony.

- D. **PLANNING BOARD TECHNICAL STAFF REPORT AND RECOMMENDATIONS:** The Planning Board technical staff is required to prepare an analysis and recommendation on every rezoning application for presentation to the Planning Board and submission to the Hearing Examiner for the official record in the case. The technical staff report is forwarded in its entirety to the Hearing Examiner regardless of the position taken by the Planning Board.
- E. **PLANNING BOARD ACTION:** The Planning Board does not conduct a formal public hearing on rezoning applications but it considers them at public meetings at which citizens may express their opinions. The Board may concur with the technical staff or it may take a different position. If the Board's recommendation differs from that proposed by the staff, its written statement must outline the reasons for its action. The Zoning Ordinance requires the Planning Board to transmit the staff report and its own written recommendations to the Hearing Examiner for inclusion in the record of the public hearing. The Board is required to act, regardless of whether a master plan for the area is currently in preparation or actively under review, although it may recommend that the Council defer action for that reason.
- F. **PUBLIC HEARING:** The Hearing Examiner acts on behalf of the Council and has broad powers to conduct the hearing. He or she receives oral and written testimony both pro and con. The Examiner has the power to subpoena witnesses, to administer oaths and cross-examine witnesses, to call witnesses and introduce documentary evidence, to rule upon the admissibility of evidence, and to dispose of procedural matters. A full transcript of the hearing and all written exhibits must be compiled and kept on file. During the time

## CHART 3

### FILE APPLICATION WITH DISTRICT COUNCIL



that the record is open before the Hearing Examiner, correspondence from the public may be sent directly to the Hearing Examiner but may not be directed to members of the County Council. (See Question 20.)

- G. **HEARING EXAMINER'S REPORT AND RECOMMENDATIONS:** The close of a hearing may be postponed by the Examiner to a specified date. However, within 45 days after the closing of the record on any application, the Examiner must forward to the County Council a written report setting forth the findings and recommendations (approval, denial or any other disposition of the application), including a detailed statement of the reasons for the recommendation. The Council, by Resolution, may extend the time for submission of this report beyond the 45-day period. Concurrently with transmittal to the Council, copies of the Examiner's report are mailed to the applicant, the Planning Board and all persons who participated in the hearing.

Once the Hearing Examiner's record in the case has been closed, correspondence on the case may not be received by the County Council, since such communications would be *ex parte*, that is, outside the record. The Council is required to decide each case strictly upon the basis of the formal record developed in the case. (See Question 20.)

- H. **REQUEST FOR ORAL ARGUMENT:** Within ten days of the issuance of the Hearing Examiner's report, any person who participated in the public hearing or any person who would be aggrieved by any decision of the County Council in the case may request an oral argument before the Council. The Council may grant or deny such request at its own discretion. It may also require oral argument on its own initiative. If oral argument is granted, it is restricted to the issues and information developed in the public record before the Hearing Examiner; no new testimony not considered by the Hearing Examiner may be introduced at this stage. Proponents and opponents are granted equal

time to present their views and Council may ask questions.

- I. **COUNTY COUNCIL ACTION:** The case is placed on a Council agenda for disposition. Council may grant the proposed rezoning, deny the application either on its merits or for lack of the necessary affirmative votes, remand it to the Hearing Examiner or the Planning Board for further evidence, dismiss it for lack of procedural compliance, or allow it to be withdrawn with or without prejudice.

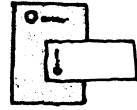
Council approval of rezoning requires an affirmative vote by five members of the nine-member Council. If the requested rezoning is contrary to the recommendation of an adopted master plan for the area in question, an affirmative vote of six members is required. However, if the Planning Board recommends the rezoning a five-vote majority is sufficient for approval.

- J. **LIMITATIONS ON RE-FILING:** To prevent harassment by repeated applications for rezoning of the same property, and to forestall frivolous applications, the Ordinance requires a waiting period of 18 to 36 months (waiting time varies according to the circumstances of the case) before an applicant is permitted to file for rezoning if a previous request has been denied on the merits.

- K. **RIGHT OF APPEAL:** The Council's action may be appealed to the courts. Circuit Court has initial jurisdiction.

## 20. **WHAT IS MEANT BY *EX PARTE* COMMUNICATIONS?**

Black's Law Dictionary defines *ex parte* as meaning "on one side only; by or for one party; done for, in behalf of, or on the application of, one party only." *Ex parte* communications mean communications made by one party to a proceeding directed to a public official off the record and out of the presence of other parties to the proceeding.



The Montgomery County Zoning Ordinance states that an application for rezoning "shall be decided on the basis of the evidence of record; provided that any application heard by a Hearing Examiner may be decided solely on the basis of the Hearing Examiner's report." The Council members are thus barred from considering *ex parte* communications in determining a rezoning application.

The Montgomery County Code of Ethics further provides that an official shall not consider an *ex parte* or private communication from any person, whether oral or written, which may be intended to influence a decision that is required by law to be made on a record after a public hearing.

The Planning Board is subject to *ex parte* provisions when exercising its regulatory authority in regard to subdivision plans, site plans and project plans in CBD zones.

Because of these provisions, citizens wishing to express their views on issues subject to *ex parte* rules should not attempt to communicate directly with members of the County Council or the Planning Board, but should submit oral or written testimony for the public record at the appropriate hearing before the Hearing Examiner and/or the Planning Board.

An official who receives any such *ex parte* communication must disclose that information for the record. (*See County Council publication, "Before You Say Another Word."*)

## 21. HOW IS DOWNZONING ACCOMPLISHED?

Downzoning is the popular term for an action which changes existing zoning to a lower density category, in effect limiting development to less intense uses than those permitted under the previously existing zoning.

Since a landowner seldom applies for a lower density use for his own property, downzoning is usually initiated by action of the local authorities (Planning Board or County Council) following a comprehensive review of a master plan and the existing zoning for an area. Whether the action affects a single property or is applied to a number of tracts through a comprehensive rezoning by sectional map amendment, it must be in accordance with adopted procedures and it must be reasonable and intended to promote the health, welfare and safety of the community.



There is a strong legal presumption that a legislative action, including existing zoning or a comprehensive rezoning by sectional map amendment, is a valid act. The courts have been reluctant to substitute their judgment for that of the zoning authorities (the County Council) as to the appropriateness of a zoning action. If a zoning decision is challenged, the court reviews the case to ascertain if all required procedures were duly followed and to determine whether the decision was arbitrary, unreasonable, discriminatory or capricious. The burden to overcome the presumption of validity falls on those persons challenging the correctness of the decision. A property owner challenging a downzoning must be able to show that the action was either 1) not in accordance with required legal procedures, 2) not in the general public interest or welfare, 3) not based upon sufficient evidence and therefore arbitrary and capricious or 4) confiscates the property by depriving the owner of any reasonable use of the property (i.e., producing a situation in which the property could not be used for any of the uses permitted in the zoning classification applied to it).

Property owners have no vested right to continuance of the zoning status of their own or a neighboring property, but they do have the right to rely on the rule that any change must meet the test of reasonableness and must be in the general public interest.

## **22. WHAT IS THE AGRICULTURAL PRESERVATION PROGRAM IN MONTGOMERY COUNTY?**

The County Council has determined that preservation of agriculture in Montgomery County is a high priority. More than 100,000 of the County's 316,800 acres are still being farmed. The County's agricultural preservation goals are: a) to conserve farmland for future food and fiber production, b) to ensure continued high quality food supply for citizens, and c) to preserve agricultural industry and rural communities.

Four separate land preservation programs are available in the County. Each of the programs place an easement on the property which prevents future commercial, residential or industrial development of the land. They include:

1. Montgomery County Agricultural Easement Program (AEP)
2. Maryland Agricultural Land Preservation Foundation (MALPF)
3. Maryland Environmental Trust (MET) and other private trust organizations
4. Montgomery County Transferable Development Rights Program (TDR).

Because of its importance in the planning process, only the Transferable Development Rights Program will be covered in this handbook. This program was proposed by the Planning Board and was adopted by the Council in 1980 as an adjunct to the *Master Plan for Preservation of Agriculture and Rural Open Space*. The other three programs are administered by the County's Office of Economic Development and described in its publication "Farmland Preservation Programs in Montgomery County."

## **23. WHAT IS THE TRANSFERABLE DEVELOPMENT RIGHTS PROGRAM (TDR)?**

**32**

Under the *Master Plan for Preservation of Agriculture...* the Council adopted a basic zoning restriction of one dwelling unit per 25 acres (Rural Density Transfer Zone,

RDT) for specific areas in the County designated "Agricultural Reserve" consisting of prime farm land. In order to provide equity to owners of this land who had been previously entitled to develop at the density of one unit per five acres, the Council instituted a system giving property owners "development rights" at the higher density. These rights are called "transferable development rights" or "TDRs" and can be sold to owners of property in "receiving areas" of the County that are designated on a master plan. The buyers or holders of TDRs are permitted to develop their land at a density greater than the base density of the receiving area in return for the purchase of the development rights. The agricultural reserve, from which the TDRs are purchased, is called a "sending area."

The "receiving area" must be zoned in a TDR zone and shown on an approved and adopted master plan. It must also be in an area determined to have the public services necessary for additional development. (This process is fully explained in the M-NCPPC booklet, *Plowing New Ground*, available at M-NCPPC.)

## **24. WHAT ARE OVERLAY ZONES?**

An overlay zone is a mapped district, shown on the official zoning map, that imposes requirements or restrictions in addition to, or in place of, those of the underlying zoning classification. The County Zoning Ordinance was amended in 1990 to add procedures for these zones. In theory, an overlay zone can be either more restrictive or less restrictive than the standards and requirements of the underlying zoning classification. For example, the Retail Preservation Overlay Zone implemented in the Wheaton Central Business District (CBD) Sector Plan is more restrictive than the underlying CBD Zones. The Zoning Ordinance outlines specific procedures and regulations for overlay zones.

Overlay zones are only appropriate where there is a special public policy interest that cannot be met by either the standards of the underlying zone or a rezoning to a different zone. An overlay district may only be mapped

where recommended on an approved and adopted master or sector plan. It would be applied by the County Council through the Sectional Map Amendment (SMA) process. The specific standards and requirements for individual overlay zones may be added to the Zoning Ordinance as separate sections within the general description of overlay districts.

## **25. WHAT ARE THE PLANNED DEVELOPMENT (PD) ZONES?**

The Planned Development (PD) Zones are intended to encourage attractive new communities that offer a variety of housing types and uses. They are intended primarily for use on large tracts in developing areas and must be consistent with the recommendations of the General Plan and adopted area master plans.

The PD Zones provide for a range of densities and permit a variety of housing types (single and multi-family) to accommodate families of varying size and income level. They allow a balanced and coordinated mix of residential and limited commercial uses and related public and private facilities compatible with the planned community and the surrounding area. By requiring design in harmony with the site and topography, the zones help protect stream valleys, wooded areas and other natural features. They require provision of open space, including playgrounds and community centers, and pedestrian walkways affording safe and easy access to shops, schools and other local facilities.

An applicant requesting a PD Zone must submit a detailed development plan for Planning Board review and County Council approval at the time of application for rezoning. In the MXPB Zone, the applicant must also provide a concept plan that shows the general development of the entire site. (*See Question 26.*)

**34** A development plan specifies proposed types and locations of housing, commercial facilities, schools, parks, playgrounds, roadways, parking areas, pedestrian walks and other features. It must be approved as an integral feature

of the proposed rezoning, thus assuring the public that the proposed facilities will be provided, but not at public expense.

The development plan approved by the Council in conjunction with its approval of a PD Zone or other zone requiring such a plan (i.e., TS-R,R-MH) is *absolutely* binding unless or until the Council approves an amendment essentially following these same procedures. The County Hearing Examiner certifies the final plan and makes copies available to the public. Subsequent subdivision and site plans must be consistent with the certified development plan.

## **26. WHAT IS THE MIXED-USE PLANNED DEVELOPMENT (MXPD) ZONE?**

The MXPD Zone is designed to encourage a mixture of commercial, industrial and residential uses on tracts of land that are designated on a master plan for mixed-use development.

The MXPD Zone contains comprehensive development standards that provide flexibility in the design and development of large scale, multi-use centers located outside of central business districts and transit station areas. A mixed-use planned development is primarily employment oriented, with residential development, supporting commercial services, open space and other recreational amenities.

In order to encourage orderly staged development of well planned mixed-use centers, the zone requires developers to submit a concept plan showing generalized development for an entire site, with the development plans for portions of the site submitted sequentially, as identified in the overall concept plan.

The uses allowed in the MXPD Zone include those uses that are permitted in the C-2, H-M and I-3 Zones. Any form of residential development is allowed, but it must conform to the recommendations of the appropriate master or sector plan.

## 27. WHERE ARE MOBILE OR MANUFACTURED HOMES ALLOWED?

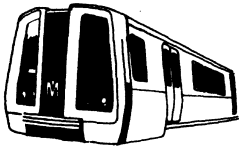
There are several provisions in the Zoning Ordinance regarding mobile homes, also known as manufactured housing. (Modular homes are treated exactly like conventional, site-built houses.) The R-MH, Planned Mobile Home Zone permits single or multi-section mobile homes in planned subdivisions or parks similar to developments permitted in PD Zones. Multi-section (double-wide) mobile homes installed on permanent foundations are permitted by right in the R-60, R-90, R-150, R-200, RE-1, RE-2, RE-2C, RMH-200 and the three agricultural zones. The RMH-200 Zone also permits single-wide mobile homes by special exception. Building permits are required as they are for conventional housing. Previously illegal mobile homes in rural areas were legalized on an individual and one-time basis in 1978.

## 28. WHAT ARE TRANSIT STATION AREAS (TSA) AND TSA ZONES?

Areas surrounding transit stations that are not located in the CBDs are called Transit Station Areas or TSAs. Individual sector plans have been prepared for TSAs adjacent to Metro stations at Takoma Park, Forest Glen, Glenmont, Grosvenor, White Flint, Twinbrook and Shady Grove. Zones applicable to these areas are described below.

There are two TSA zones, Transit Station Residential (TS-R) and Transit Station Mixed (TS-M). These zones are used in Transit Station Development areas designated on an approved and adopted master plan or sector plan *not* located within a central business district. They are floating zones that can be applied for only by the property owner or someone having a proprietary interest in the land. (*See Question 15.*)

The TS-R Zone may be used in areas *adjacent* to central business districts and within 1500 feet of a Metro station. It is intended for locations where multiple-family residential development already exists, or where such develop-



ment is recommended by an approved and adopted master plan.

The TS-M Zone is intended for locations where substantial commercial or office uses already exist or where such uses are recommended by an approved and adopted master plan.

In order to facilitate and encourage innovative and creative design and desirable patterns of land use, many of the specific restrictions (such as those regulating height, bulk, arrangement of buildings and the location of various land uses) have been eliminated in these zones. As a substitute, all development is required to be in accordance with a comprehensive plan of development approved by the County Council when it grants an application for zoning. These zones are also subject to site plan review prior to issuance of a building permit. The site plan, which must be in accordance with the approved development plan, is a much more specific and detailed plan.

## **29. WHAT ARE CENTRAL BUSINESS DISTRICTS (CBD) AND CBD ZONES?**

The Zoning Ordinance designates four commercial centers (Bethesda, Friendship Heights, Silver Spring and Wheaton) which are specifically designated as "Central Business Districts" (CBDs). Maps showing these boundaries are available with the Ordinance.

Planning for the four CBDs as major business centers served by Metro rapid transit is particularly important to the development of the County. Detailed sector plans for all four areas have been approved and adopted.

The CBD Zones, CBD-1, CBD-2, CBD-3, CBD-0.5 and CBD-R, are intended to encourage residential and commercial development at densities which can be supported by public facilities and which are compatible with the surrounding areas. They are designed to encourage provision of open space and other amenities and to promote better pedestrian and vehicular circulation.

These zones can be applied only within the central business district boundaries of Bethesda, Friendship

Heights, Silver Spring and Wheaton, and only if they conform with an approved and adopted sector plan. Each zone permits residential or non-residential uses, or a mixture of residential and commercial uses in the same structure; and each zone allows for development by a "Standard Method" or an "Optional Method" of development. Although the CBD Zones may be applied by local map amendment, they have been applied primarily by sectional map amendment, i.e., at the initiative of the County Council, not the property owner.

CBD-3 permits the greatest density and is generally designed for land immediately adjacent to a transit station where such densities could be supported. Although residential uses are encouraged, CBD-3 would normally be developed primarily with offices, and with restaurants and shops at pedestrian level. Some central business districts might not have any land zoned CBD-3.

CBD-2 allows moderate density and would normally be used around the core area of the CBD; its standards are designed to encourage residential and mixed-use apartment/office developments.

CBD-1, the lowest density, is intended for CBD land that is not recommended for higher density because of its location on the periphery of the business district, or because of its relationship to the total plan of development. The adequacy of public facilities or compatibility with adjacent land uses are also factors to be considered.

CBD-0.5 and CBD-R are two additional zones which allow for low density commercial and residential development, respectively.

### **30. WHAT ARE STANDARD AND OPTIONAL METHODS OF DEVELOPMENT?**

There are two methods of development under the CBD Zones and under the RMX Zone, Standard and Optional Method:

**38**

#### **A. DEVELOPMENT BY THE STANDARD METHOD**

Any landowner whose property has been zoned in the CBD or Residential Mixed-Use Zone (RMX) category has the right to develop under the Standard Method

according to the standards written into the respective zone. The development must conform to the approved master or sector plan and subdivision regulations. Zoning standards include building height, open space, coverage and setback requirements.

**B. DEVELOPMENT BY THE OPTIONAL METHOD**

Fragmentation of land holdings has been a major obstacle to attractive and coherent development of the CBDs. Thus the CBD Zones permit property owners who meet a minimum acreage requirement (22,000 square feet) to elect an alternative Optional Method of development. In the CBD Zones this method encourages land assembly that permits more cohesive development. The Optional Method allows the developer considerably higher density than under the Standard Method but requires significant public use space and more facilities and amenities to support the additional density. The developer must also agree to build according to strict standards established by the Planning Board and enforced through the process of detailed site plan review and approval. The additional gross floor area allowed under the Optional Method is intended to encourage developers to elect this method.

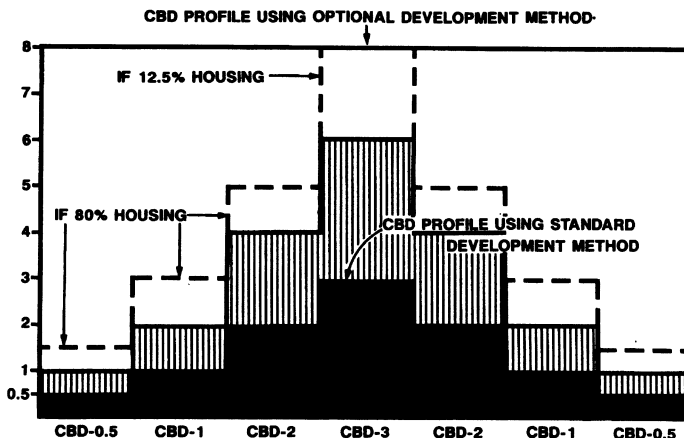
In the RMX Zone development under the Optional Method allows mixed residential, retail commercial and office commercial uses at a higher density on the same site. The Standard Method in the RMX Zone allows only lower density residential uses to be developed on site.

The application for development under the Optional Method is called a Project Plan and must include the following procedures:

**1. Project Plan application to the Planning Board:**

The application includes a detailed statement (with copies available to the public) of the proposed project with text, maps and other information clearly describing the existing site and its relationship to the surrounding neighborhood. It must also include a statement describing how the devel-





*This sketch illustrates the difference in floor area ratio or bulk of buildings that will be permitted under the CBD Zones. The solid area represents the maximum bulk of buildings developed under the CBD-0.5, CBD-1, CBD-2, or CBD-3 Zone Standard Method of Development.*

*The patterned area illustrates the maximum floor area ratio that could be achieved by using CBD-0.5, CBD-1, CBD-2, or CBD-3 Zone Optional Method of Development.*

*Dotted lines indicate the maximum floor area ratio that could be achieved if housing is included in the Optional Method of Development, as shown.*

opment conforms to the approved sector plan or master plan and the purposes of the zone.

2. Notification: The applicant must erect a sign on the property, and within two weeks of filing, must notify by registered mail all adjacent property owners and appropriate civic and business associations.
3. Public Hearing: The Planning Board must hold a full public hearing on the application. The technical staff report and recommendations must be available at least 15 days before the public hearing and *ex parte* rules apply.
4. Determination and Finding: The Planning Board shall act by majority vote of those present and

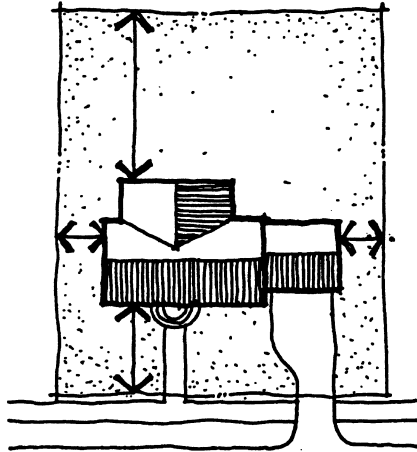
voting to approve, approve with modifications and conditions, or disapprove an Optional Method application within 30 days of the close of the public hearing record. The decision must be based on the evidence and testimony contained in the record.

The Board must make specific findings as to the adequacy of the application, which are detailed in the Zoning Ordinance. These findings must be stated in writing and the Board's action is final. Appeal of the Board's decision can be made to Circuit Court.

5. **Modifications:** Any change in an approved application is subject to the same procedures as govern a new Optional Method application.
6. **Time Limitation:** An approved Optional Method application remains valid for 12 months following expiration of the applicable appeal period or the date of any Court decision on an appeal. After that, unless construction has begun or a site plan has been filed or the Planning Board has granted an extension, the Project Plan is considered void and a new plan must be submitted.
7. **Revocation:** If the Planning Board finds (on its own motion or pursuant to a complaint filed by others) that the applicant fails to meet the terms or conditions of the approved Optional Method application, the Planning Board is authorized, after due notice and opportunity for a public hearing, to suspend or revoke its approval or take such other action necessary to assure compliance.

### **31. WHAT ARE SETBACKS?**

Setback requirements specify the distance between a proposed structure and the property lines. This is expressed in terms either of linear feet or as a relationship between the height of the building and the required distance from the property line. Euclidian zones and some floating zones normally specify front, side, and rear yard



**Setbacks . . .** *The arrows indicate the distance that the structure is set back from the property line.*

setbacks, and the percentage of the total lot area which can be covered by structures.

### **32. WHAT IS FLOOR AREA RATIO (FAR)?**

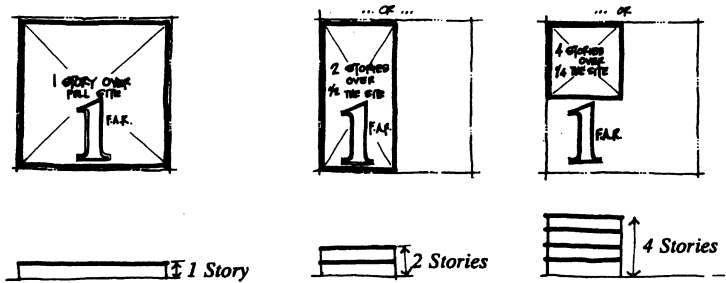
In some zones, the size of a building is limited only by specific restrictions on height, building coverage and setbacks from the property lines. Any size building could be built as long as it meets these minimum requirements. A way of more precisely establishing the maximum size of a building is the Floor Area Ratio (FAR) system. Under this method, the building size is controlled by specifying a mathematical ratio between the total amount of gross floor space that can be built and the total land area. This is intended to permit greater flexibility in design.

For example, FAR 2 would theoretically allow a two-story building covering 100 per cent of the land area, a four-story building covering 50 per cent of the land area, or an eight-story building covering 25 per cent of the land area. Setbacks from the property line and height limitations are still imposed.

**FAR . . . FLOOR AREA RATIO**, the ratio of gross area of the building to the gross square footage of the site.

For example . . .

**FAR 1** would permit any design in which the gross area of the building is equal to the gross floor area of the site, this could be either . . .



### 33. WHAT ARE PUBLIC FACILITIES AND AMENITIES?

This term refers to those facilities and amenities that will provide an appropriate environment or satisfy public needs generated by a particular CBD or RMX Optional Method project. Facilities and amenities may include green areas or open space which exceed the minimum required, with appropriate landscaping and pedestrian circulation; streetscaping such as street plantings, street furniture and lighting; provision of space committed to public performances and events, vending and recreation. Also included are dedicated uses open to the public such as museums, art galleries, cultural arts centers, community rooms, recreation areas and child or elderly day care. Facilities and amenities may be identified or recommended on an approved and adopted master or sector plan, which must then be provided by the developer of the relevant project plan.

### 34. WHAT IS PUBLIC USE SPACE?

Public use space required in the CBD and RMX Zones is private property devoted to use and enjoyment by the

public. It must be easily and readily accessible. It may include such things as green areas, gardens, malls, plazas, walls, pathways, promenades, arcades, lawns, fountains, decorative plantings and passive or active recreational areas. Such space shall not include parking or maneuvering areas for vehicles.

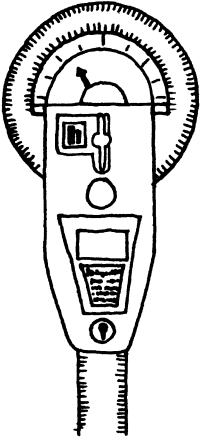
In areas where pedestrian walkways are shown on an approved and adopted master plan or sector plan, a portion of the public use space, when necessary, may be devoted to the provision of pedestrian walkways or paths for the general public.

### **35. WHAT ARE PARKING REQUIREMENTS FOR DEVELOPMENT?**

The minimum amount of parking required for each land use is specified in the Zoning Ordinance. In residential zones it is usually expressed in terms of the number of parking spaces required per dwelling unit. In office and commercial zones it is usually described in terms of the number of parking spaces per gross square footage of office or retail space. Fewer parking spaces are required if a development is located near a Metro station or other public transportation, or if shared parking is available.

### **36. WHAT ARE PARKING DISTRICTS?**

These are special taxing areas created by the County Council to provide for construction of off-street public parking. The boundaries of the districts are defined on maps included in the Montgomery County Code. Within a Parking District, a business enterprise that does not provide the required minimum parking on site pays a special tax to the Parking District to acquire and build the necessary parking facilities. Currently there are Parking Districts in the Bethesda, Silver Spring and Wheaton CBDs and in Montgomery Hills.



### **37. WHAT ENVIRONMENTAL SAFEGUARDS ARE PROVIDED THROUGH THE PLANNING AND DEVELOPMENT PROCESS?**

Environmental constraints and safeguards are carefully considered throughout the planning and development process. The "Guidelines for Environmental Management" used by staff contain specific recommendations necessary to protect environmentally sensitive areas such as stream valleys, wetlands, flood plains, wooded areas, etc. They also address air quality, noise, water quality and quantity, conservation, parks and open space. The Guidelines are applied to projects and specific properties as they are reviewed in the regulatory process and are also designed to reduce the effects of construction such as clearing and grading, loss of trees, development in flood plains and storm water management. Mitigation techniques such as avoidance of destruction of vegetation and replacement are frequently required.

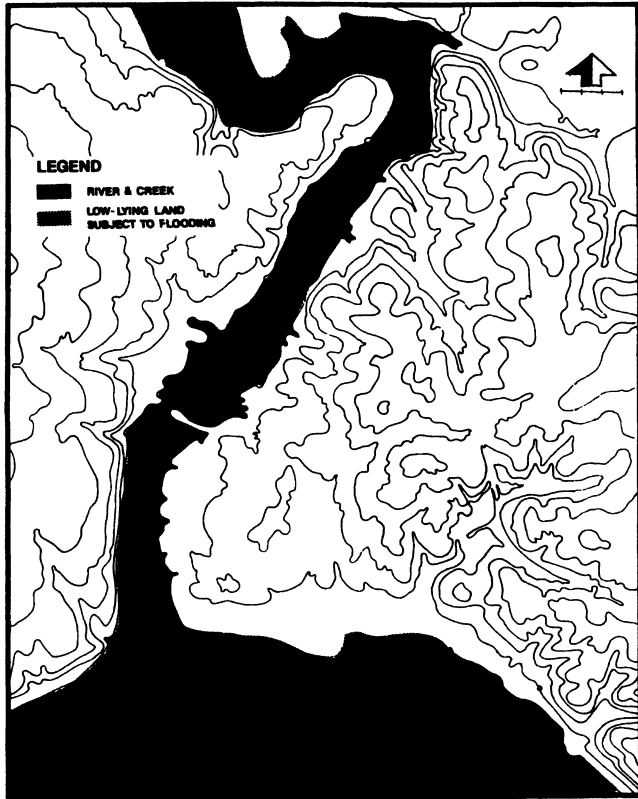
Master Plans also include environmental policy statements and frequently identify specific critical areas of concern.

The following terms and descriptions highlight these environmental elements:

- A. **FLOOD PLAIN:** Montgomery County Subdivision Regulations define a 100-year flood plain. It is the area that would be inundated by storm water runoff equivalent to what occurs an average of once every one hundred years (based on total development of the watershed). Building in such areas is considered unsafe and is therefore prohibited, except for roads or other transportation facilities which in some cases must be constructed across flood plains.

The Planning Department has prepared flood plain maps for most of the major streams in the County. In some instances maps prepared by the Federal Emergency Management Agency (FEMA) may cover additional areas.

- B. **STREAM BUFFER:** This is an undisturbed strip of natural vegetation along stream banks that maintains and enhances environmental quality.



*... Flood Plain*

- C. **WETLAND:** A wetland is an area that is frequently inundated or saturated by surface water or ground water long enough to support vegetation typically adapted for life in saturated soil conditions (commonly known as hydrophytic vegetation). Wetlands are very important in preserving natural ecological systems and drainage areas.

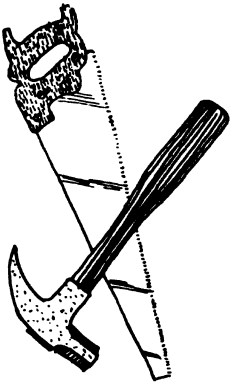
**46**

- D. **WATER USE CLASSES:** The Maryland Department of the Environment applies seven distinct water use classes to surface waters of the State, each having its own set of standards. Water use classes I, IP, III, IIIP, IV

and IVP are found in Montgomery County. The "P" designation is for streams tributary to a public water supply. Class III waters are of the highest quality, requiring the most stringent development controls. These classes rank streams in terms of water quality and the measures which must be taken to protect them. Class III streams are followed by Class IV and Class I streams, respectively.

- E. SOUND MEASUREMENT, dBA/LDN: A dBA is a widely accepted unit for measuring sound which approximates the frequency response of the human ear. Twenty-four hour average noise levels, with a penalty for nighttime noise, are symbolized as "LDN." For transportation impacts on residential uses, an acceptable range is between 60dBA and 65dBA. In reviewing development proposals, efforts are made to mitigate the impact of existing and potential sources of noise.
- F. CONSERVATION EASEMENTS: A conservation easement is a restriction placed on the land to protect natural features. Conservation easements usually follow natural drainage channels and flood plains but they may be used to protect other environmentally sensitive areas such as steep slopes, poorly drained soils and significant stands of trees.
- G. TREE PRESERVATION: The benefits of tree preservation are many and until recently not fully understood. Trees help to moderate the impacts of urbanization in several ways, including: enhancement of air and water quality, moderating temperatures and reducing the energy needs and costs of cooling and heating, conserving soil resources, providing wildlife habitat, providing visual relief in an urban setting and providing for recreational opportunities. Successful conservation of trees begins at the conception of master plans and continues through the development and construction plan stage. (*See "Trees — A Homeowners Guide to Tree Protection" available at M-NCPPC.*)

H. **STORM WATER MANAGEMENT:** Storm water management is the process of controlling both the quantity and quality of runoff from the landscape. Proper management of storm water runoff can help control flooding, maintain water quality and reduce soil erosion and sedimentation. Storm water running off the land carries sediments and other pollutants into local streams. Most urban and agricultural land uses have the potential for greatly increasing this sediment and pollutant load beyond that occurring under natural conditions. The M-NCPPC is actively involved in storm water management at various stages of the planning and development process. General storm water management concepts are identified at the master plan level. More site specific storm water control techniques are incorporated into development and construction plans by the Montgomery County Department of Environmental Protection. The Planning Board is bound by DEP's decisions in these situations.

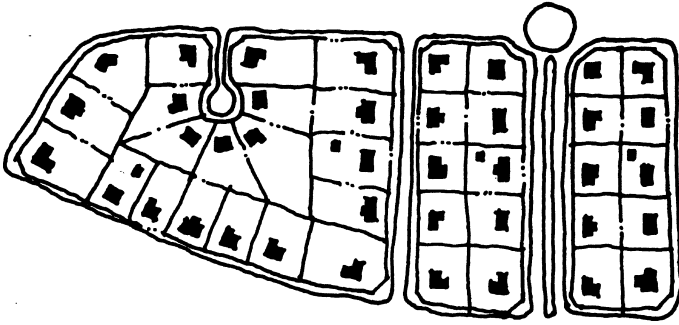


### **38. WHAT STEPS ARE REQUIRED IN THE SUBDIVISION PROCESS?**

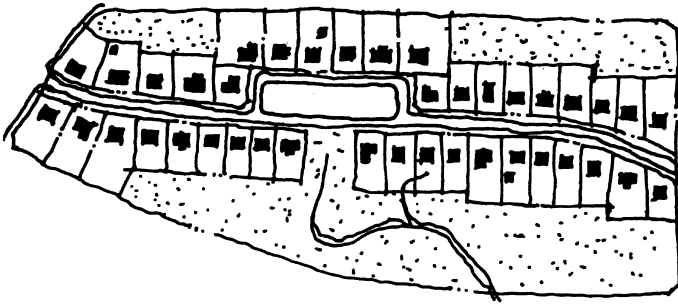
All land in Montgomery County is zoned. The type and density of potential development are regulated by the terms of the various zoning categories. Before a land owner or developer can actually begin construction on his property, however, he or she must obtain approval of a plan of subdivision, record individual lots that comply with provisions of the Subdivision Regulations for Montgomery County and obtain the necessary building permits.

The Planning Board has full and final authority for administering the Subdivision Regulations. To obtain Planning Board approval at various stages, the developer must meet all standards and requirements and obtain necessary permits issued by other administrative and operating agencies.

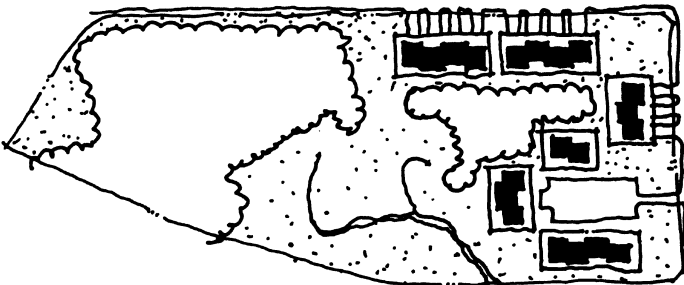
To assure that all the requirements have been satisfied, the technical staff of the Planning Board convenes a



*Conventional Subdivision*



*Single-Family Detached Cluster Subdivision*



*Townhouse Cluster Subdivision*

**“Subdivision Review Committee.”** The Committee includes staff from the Washington Suburban Sanitary Commission (WSSC), Montgomery County Department of Transportation (MCDOT), Department of Environmental Protection (DEP), Montgomery County Board of Education (BOE), Soil Conservation District (SCD), Montgomery County and Maryland State Health Departments, State Highway Administration and other agencies or departments as needed.

The subdivision process involves the following major steps:

- A. Pre-Preliminary Plan (optional)
- B. Preliminary Plan
- C. Site Plan (when required)
- D. Approval of Request for Water and Sewer Service
- E. Street Grade Approval
- F. Record Plat.

Once these steps are completed and the requirements satisfied, the developer can apply for a building permit.

The following is a brief outline of the subdivision process. For details see the Subdivision Regulations for the Maryland-Washington Regional District within Montgomery County, Chapter 50 of the Montgomery County Code.



- A. **PRE-PRELIMINARY PLAN:** A pre-preliminary plan may be submitted at the option of an applicant to determine whether the proposed site is suitable for development. Notice to adjoining property owners is required. The Planning Board will hold a public hearing if requested by the applicant. The pre-preliminary plan shows the location of the property in question, its relationship to adjoining properties and a general plan of proposed development, including layout of proposed roadways, structures, open spaces, etc.
- B. **PRELIMINARY PLAN:** The developer must submit an application to the technical staff of the Planning Board including a general scheme of the proposed development showing location of the property and access to it; existing topography, utilities and rights-of-way; proposed layout of roads, streets, parking areas; structures; school, park or utility sites; open spaces; provisions for storm water management, and in some cases a traffic study. The applicant must notify all adjacent property owners of the application. Appropriate citizens or homeowners associations are notified by planning staff.

Technical staff of the Planning Board and other interested agencies review the proposal and make recommendations to the Planning Board regarding how the project conforms with the Zoning Ordinance, existing and proposed area master plans, the Master Plan of Highways, pending zoning changes or Sectional Map Amendments, availability of water and sewer services, storm drainage measures, school or park sites, adequacy of public facilities, road access requirements and relationships to adjacent properties.

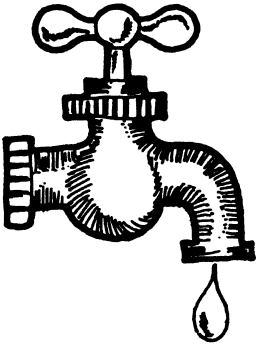
Before submitting a preliminary plan to the Planning Board for approval, an applicant must prepare and apply for approval of a concept plan or a waiver of on-site storm water management facilities for the property in question from the County Department of Environmental Protection (DEP) in Rockville. The Planning Board and staff must abide by the decision

of DEP in this instance. The decision may be appealed to the Director of DEP.

For larger plans, the planning staff prepares a report indicating whether existing and programmed public facilities are adequate to support and service the proposed subdivision. (*See Questions 40 and 41.*)

Preliminary plans are considered by the Planning Board at its regular meetings. The Board must act within specified time limits to approve the proposal as submitted, approve subject to specified conditions or disapprove. At this stage in the subdivision process, the Board can require dedication of land for public purposes such as schools or park sites.

Once approved, a preliminary plan is valid for three years. If at the end of that time the applicant has not recorded all plats included on the approved preliminary plan, the Planning Board may grant, at the applicant's request, a two-year extension.



- C. **SITE PLAN:** Site plan review is required in all floating zones and some other zones. It provides a detailed look at the layout of the plan, natural features, circulation, lighting, compatibility, etc. (*See Question 47.*)
- D. **APPROVAL OF REQUEST FOR WATER AND SEWER SERVICE:** After approval of a preliminary plan, the applicant requests water and sewer service. WSSC determines what water and sewer extensions are necessary and under what conditions they will be constructed. In order to qualify for the next step (record plat), the applicant must obtain WSSC's commitment for water and/or sewer services. (*See Question 49.*)
- E. **STREET GRADE APPROVAL:** The Montgomery County Department of Transportation (and under certain circumstances, WSSC) must approve proposed street grades for all subdivision streets before a record plat can be approved. (State Highway Administration approval for subdivision streets intersecting state highways is required as a condition of approval of the preliminary plan.)

**F. RECORD PLAT:** The applicant submits to the Planning Board a proposed record plat showing all boundaries, street lines and lot lines; properties numbered in numerical order; exact locations and width of all streets, alleys, crosswalks, easements or rights-of-way for public services or utilities; outlines of areas to be reserved for common use by subdivision residents or for general public use; building restriction lines, etc. Applicant must show road and street profile plans approved by appropriate agencies, water and sewer service approvals by WSSC and/or the Montgomery County Health Officer, and storm drainage construction plans approved by the County Department of Transportation.

The technical staff reviews proposed plats with staff of other interested government agencies to assure that the record plat conforms to the Zoning Ordinance and Subdivision Regulations and meets the conditions imposed by the approved preliminary plan and site plan (if required). This review also assures that all necessary dedications for highways, streets, parks or schools, etc. have been included.

The Planning Board considers record plats at its regular meetings. The Board must act within specific time limits to approve or disapprove the proposed plat. Failure to act constitutes approval.

Building permits are issued by the County Department of Environmental Protection. Applications for permits are referred to the Planning Board for review, and DEP does not issue any permits until the Planning Board certifies that the request conforms to all requirements of the Zoning Ordinance, Subdivision Regulations, approved preliminary plan, site plan and record plat, and that structures do not lie within the future rights-of-way of any highway or rapid transit line shown on an adopted master plan.

### **39. WHAT IS RESUBDIVISION?**

Resubdivision refers to the subdividing of existing recorded lots or the combining of two or more lots. It is

allowed under the Subdivision Regulations, Section 50-29 (b) (2) of the Zoning Ordinance. Resubdivision frequently occurs in neighborhoods where property owners developed only part of their lot at less than the full density allowed, or purchased extra lots and later wish to build on the unused area.

The Board looks at specific criteria: street frontage, alignment, size, shape, width, area and suitability for residential use compared to other lots within the existing block, neighborhood or subdivision, to assure compatibility with the existing development in the area.

#### **40. WHAT IS THE ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO)?**

The Adequate Public Facilities Ordinance (APFO), adopted in 1973, is a tool to promote orderly growth by synchronizing development with the availability of the public facilities (roads, schools, sewer, water service, etc.) needed to support it. The Montgomery County Planning Board administers the APFO, which is part of the Subdivision Regulations. Since establishment in 1986 of the Annual Growth Policy (AGP), the County Council has used the AGP to direct the Planning Board's administration of the APFO. (*See Question 41.*)

The Subdivision Regulations require that public facilities must be existing or programmed for construction within a defined time period before the Planning Board can grant approval of a preliminary plan of subdivision. The necessary public facilities and services include: transportation facilities (bus, rail or other form of mass transportation) and/or roads (federal, state or County) adequate to carry the anticipated traffic generated by the proposed development; public water and sewer service or private systems meeting the standards of the State and County Departments of Health and other agencies; schools; police stations; fire houses; and health services.

**54**

In administering the APFO, the Planning Board determines the adequacy of the public facilities and services on the basis of information submitted by the County Executive, and by various agencies responsible for building the

required facilities or supplying the necessary services (WSSC, Board of Education, State Department of Transportation, etc.). This information is included in the staff report provided for the public hearing on a subdivision before the Planning Board.

#### **41. WHAT IS THE ANNUAL GROWTH POLICY (AGP)?**

The Annual Growth Policy legislation in 1986 established a process by which the Montgomery County Council can give policy guidance to the various agencies of government on matters concerning growth management. This policy continues growth management planning strategies developed by the Planning Board from 1974 through 1986.

The purpose of the Annual Growth Policy is to help County officials match the timing of private development with the availability of public facilities through the Adequate Public Facilities Ordinance. It has two components:

1. Identifying the need for public facilities to support private development; and
2. Constraining the amount of private subdivision approvals to those which can be accommodated by the existing and programmed public facilities that the County and other levels of government can produce in a given time frame.

The key words are "in a given time frame." The Annual Growth Policy is designed to affect the *timing* or staging of development, not the total amount, type or mix of development. These latter issues are dealt with in the master and sector plans and in the General Plan.

The Annual Growth Policy and the APFO test four types of facilities:

- Transportation
- Schools
- Water and Sewerage Facilities, and
- Police, Fire and Health Services.

The Annual Growth Policy is drafted by the Planning Board, transmitted to the County Executive for comments

and recommendations, then submitted to the County Council for public hearing and action. The following is the required schedule:

- October 15 - The Planning Department staff prepares a Staff Draft AGP, showing alternative scenarios and staging ceilings.

- December 1 - The Planning Board prepares a Final Draft AGP and submits it to the County Executive, who uses it in preparing the recommended Capital Improvements Program (CIP).

- January 1 - The County Executive submits a recommended AGP to the County Council.

- June 30 - The County Council has until this date to act on the AGP. The Council holds a public hearing at least 30 days prior to June 30. Once adopted, the Annual Growth Policy provides guidelines for determining the adequacy of public facilities and sets the development ceilings for each year by policy area.

In recent years the availability of transportation facilities has been the major limiting element in the AGP and APFO.

The transportation test in the AGP includes two aspects: Policy Area Transportation Review and Local Area Transportation Review.

*Policy Area Transportation Review:* The County currently is divided into 17 policy areas plus the rural areas. The policy areas are used as subsections of the County to measure transportation capacity. The policy area boundaries are based on physical features such as rivers, parks and freeways and on the similarity of their transportation characteristics. The transportation test looks at both the upstream and downstream traffic impacts of existing development plus approved but unbuilt new development. An average level of service (LOS) standard is assigned to each policy area. The standard permits greater traffic congestion in areas where more transit is available as an alternative to the automobile. The analysis is used to determine whether there is sufficient capacity to accommodate any new development in the policy area.

*The staging ceilings* for the Annual Growth Policy (the

number of jobs and housing units that can be accommodated) are derived from the above analyses for each transportation policy area. In order to approve new development, the necessary County-financed transportation facilities must either be existing or programmed in the first four years of the adopted six-year CIP for 100 per cent of construction funds. Required State roads would have to be included in the State Highway Administration's adopted Five-Year Construction Program.

*Local Area Transportation Review:* This test determines if the proposed subdivision plan will cause unacceptable local traffic congestion problems at nearby critical intersections. This review is required only for subdivisions which would generate 50 or more peak hour automobile trips.

To be considered in local area review analysis, transportation projects must be included in the most recent edition of the County Executive's Approved Road Program (ARP). This document shows programmed roads for which construction will begin within two years, and for which 100 per cent of the expenditures for contracts have been appropriated in the County CIP.

If a road improvement that is needed to pass local area review is not in the ARP, the developer may elect to build the improvement rather than wait for the County to provide it.

Other facilities tested: *Water and sewer facilities* are considered adequate if the subdivision is located within an area in which water and sewer service is presently available, under construction or designated by the County Council for extension within the first two years of a currently approved Ten-Year Water and Sewerage Plan.

*School capacity* under the APFO is based on the 21 administrative or high school clusters delineated by the Montgomery County Public Schools. Each of the three grade levels — elementary, junior/intermediate/middle, and senior — are assessed separately. Capacity must be available within or adjacent to the administrative cluster in question. School capacity for each fiscal year must be projected out to the fourth year of the programmed CIP.

**42. WHAT TERMS ARE CURRENTLY USED IN THE ANNUAL GROWTH POLICY?**

- A. POLICY AREA AND POLICY AREA TRANSPORTATION REVIEW
- B. LOCAL AREA TRANSPORTATION REVIEW (LATR)  
(For explanation of the above terms, see Question 41.)
- C. PEAK HOUR LEVEL OF SERVICE (LOS)

This is a measure of traffic congestion at specific critical intersections in the County, as opposed to level of service standards assigned to policy areas. Levels of service include A through F, with A as the least congested and F at close to gridlock. Intersections are defined according to their capacity to handle the amount of traffic projected to pass through them during morning and evening peak traffic hours, as defined for the policy area in question (i.e., usually 7-9:00 a.m. and 4-6:00 p.m.).

- D. STAGING CEILING MORATORIUM

The *staging ceiling* is defined in the AGP as the maximum amount of development, in jobs and housing units, that can be accommodated by existing and programmed transportation facilities serving a policy area. The assigned level of roadway congestion (level of service standard) for the policy area is a key part of the equation.

A moratorium on new subdivision approvals in a policy area exists when the amount of existing and approved development for jobs and/or housing exceeds the staging ceiling set by the Council. The level of roadway congestion in this situation, once all approved development is built, will exceed the standard set by the Council for that policy area. The Planning Board may not approve any new preliminary subdivision plans for jobs and/or housing under these circumstances.

Certain exemptions to this rule are allowed under special conditions to balance the County's growth management policies with other County policies and concerns. These include houses of worship, affordable housing certified by the County Housing Opportunities Commission (HOC) (which still must pass

LATR), and previously recorded lots or “loophole” properties.

**E. LOOPHOLE PROPERTIES**

Due to increasing concern that those lots approved prior to 1982 had less stringent APFO tests or possibly none at all, and could be built with little or no restrictions on traffic impacts, the Council passed “loophole” legislation in 1989. This requires non-residential lots approved prior to 1982 to pass local area transportation review prior to building permit, but exempts them from policy area transportation review until July 2001. To qualify for the exemption, however, they must have registered with the Planning Board before July 1, 1990. There are approximately 1,340 “loophole” properties covered by the law. Previously recorded residential lots continue to be exempt from APFO controls.

**43. WHAT IS THE CAPITAL IMPROVEMENTS PROGRAM (CIP)?**

The Montgomery County Charter requires the County Executive to submit to the County Council a comprehensive Six-Year Capital Improvements Program by each January 1st. The CIP must include a statement of the objectives of capital programs and their relationship to the County’s long-range development plans. It must also include recommendations for various capital projects with cost estimates and proposed construction schedules, a statement of anticipated revenue sources, and an estimate of the impact of the program on County revenues and the operating budget.

The CIP includes all capital projects and programs of all agencies for which the County sets tax rates or approves budgets or programs. The County Executive prepares recommendations on the basis of requests from the various agencies and departments and the public. Projects proposed for the first year of the CIP constitute the County Executive’s recommended Capital Budget for that fiscal year (July 1 through June 30). The CIP must be coordinated with the Annual Growth Policy, through which the

County Council gives guidance to the various agencies of government and the public on growth and development.

Thus the CIP is the tool through which locally funded public facilities such as sewers, local roads, storm drains, schools, libraries and parks can be scheduled and coordinated with the recommendations in the General Plan and area master plans. The Planning Board reviews the CIP annually to assure that proposed projects conform to adopted plans.

The County Council holds extensive public hearings on the proposed Capital Budget and CIP. The Council may add, delete or modify items in the Capital Budget, and must approve the Budget not later than May 15. The County Executive may, within a specified time, disapprove or reduce any item in the Budget with a written explanation of the reasons for such action. The County Council may, by affirmative vote of five members, restore the item over the Executive's veto. The Council must, by June 30, levy the taxes necessary to fund the Capital Budget. (The Charter also provides for supplemental and emergency appropriations under certain circumstances.)

#### **44. HOW IS THE DENSITY OF DEVELOPMENT CALCULATED IN RESIDENTIAL SUBDIVISIONS UNDER CONVENTIONAL ZONING?**

Conventional residential zones specify minimum lot sizes and setback requirements that apply to every lot in the subdivision — R-90 may yield an average of three units per acre and R-60 an average of four. The actual number of dwellings per acre in such subdivisions varies according to the location, size, shape and topography of the tract of land being developed.

In designing a subdivision, the developer must set aside from the total acreage land needed for all streets, parks, schools or other required public facilities. Within the remaining area of developable land, the proposed lots must be designed so that each lot meets the minimum area and setback requirements of the zone. Thus, there may be variations in the actual number of units that might be

developed per acre, but the average figures are a convenient guideline to estimate approximate densities of development in the various residential zones. Other options, such as cluster, MPDU and TDR Zones also affect the number of units per acre finally achieved.

#### **45. WHAT IS A CLUSTER SUBDIVISION?**

The cluster provisions of the Zoning Ordinance are intended to promote flexibility and variety of housing types in residential communities without sacrificing existing densities or changing the character of the neighborhood. Clustering also encourages the preservation of existing topography while providing more community green or open space.

Development under the conventional method of subdivision requiring specified minimum lot sizes and uniform setbacks tends to produce monotonous look-alike communities and often fails to take full advantage of topography and other natural features. Clustering allows the community to be subdivided into lots of varying shapes and sizes, some smaller than the minimum permitted in a conventional subdivision developed under the same zone. It also permits variations in setbacks.

Clustering is permitted in the RE-2C, RE-1, R-200, R-150, R-90 and R-60 Zones, with Planning Board approval. Site plan approval is required if townhouses are included and may be required for detached homes. For each zone, the Ordinance specifies a minimum cluster lot size (smaller than the minimum for that zone under conventional subdivision), and a maximum number of dwelling units permitted per acre of usable area. The usable area is calculated by deducting from the gross tract area all land designated for proposed rights-of-way for major highways and all areas lying within a 100-year flood plain that, in the opinion of the Planning Board, would constitute an excessively high percentage of the total tract. (The latter provision allows the Planning Board discretion in determining the extent of flood plain areas to be deducted from the gross acreage only for purposes of computing total

usable area. No structures are permitted in the flood plain in any case, although roadways and paths may be allowed.)

The number of dwelling units per acre developed under cluster development is normally slightly higher than the maximum density achievable in conventional subdivision. In R-90 and R-60 Zones, clustering permits townhouses as well as single-family detached units. In the RE-2C, RE-1, R-200 and R-150 Zones, only single-family detached homes are allowed in cluster developments, unless MPDUs are provided, in which case a limited number of single-family attached homes may be permitted. (*See Question 46.*)

The procedure for obtaining approval of cluster subdivision is as follows: the developer must apply to the Planning Board for permission to use the cluster method of development as part of the subdivision application, and is required to post a sign on the property notifying the public that "Cluster Development is Requested." The Planning Board holds a public hearing on the preliminary plan for cluster development, and approves or disapproves the use of the cluster method at the time of the preliminary plan hearing. Site plan review is required in certain cases and requires an additional hearing before the Board.

An optional method of subdivision, density control (similar to cluster), was formerly permitted in the R-200, R-150 and R-90 Zones, but this has been deleted from the Zoning Ordinance. Existing subdivisions under this option have been grandfathered.

#### **46. WHAT IS THE MODERATELY PRICED DWELLING UNIT ORDINANCE (MPDU)?**

The County's Moderately Priced Dwelling Unit Ordinance (Chapter 25A of the Code) was significantly revised effective March 1989. Originally enacted in 1973, it produced more than 7,500 MPDUs by mid-1990. The law applies to any new development of 50 or more dwelling units in residential zones, including townhouse zones, where the minimum lot size is a half-acre or less. It also

applies to development plan zones such as PD and Town Sector and to residential development in the CBDs.

In these developments, from 12.5 per cent to 15.0 per cent of the total number of dwelling units approved for a given development must be MPDUs. The actual percentage depends on the level of density increase achieved on the site. For example, if the maximum 22 per cent bonus is feasible, the applicant must make 15 per cent of the total units MPDUs. This density increase or "MPDU bonus" is allowed to compensate developers for providing below market priced housing. The bonus may be no more than 22 per cent above the normal density of the zone.

Special optional MPDU development standards are described in the Zoning Ordinance. In some zones, these standards also allow smaller lot sizes and dwelling types that would not be allowed if MPDUs were not included. Developments using the optional standards must go through site plan review.

To illustrate: the density of a subdivision in the R-200 Zone is normally two units per acre, the minimum lot size is 20,000 square feet, and only one-family detached houses are permitted. In a subdivision developed according to MPDU standards, the maximum density may be as high as 2.44 units per acre. The lot size for a detached house may be as small as 6,000 square feet, and some units may be townhouses or other types of attached units. In development plan zones, the method of calculating the bonus and requirement is different, but the effect is the same. In all cases, the final decision on the total number of units in an MPDU subdivision rests with the Planning Board at the time of subdivision and site plan approval.

The prices of MPDUs are controlled. Both buyers and renters are subject to maximum income limits. Executive regulations administered by the County Department of Housing and Community Development (DHCD) determine the specific prices and income limits in accordance with the policies prescribed by the MPDU Ordinance. Such limits are adjusted from time to time for inflation. Resale prices for MPDUs are controlled for ten years, and a portion of the profit on resales during the subsequent

ten years is subject to recapture by the County as a payment to the Housing Initiative Fund, which is administered by the County Department of Housing and Community Development. Rent limits are controlled for twenty years. MPDUs in a subdivision must be sold to individual purchasers; they cannot be rented out during the control period by the developer. A portion of them, however, may be purchased by the Housing Opportunities Commission or a nonprofit organization for rental to low or moderate income households, and can be expected to remain in the program indefinitely.

In limited circumstances, a developer may be allowed to contribute land or build the MPDUs at another location. Alternatively, a contribution to the Housing Initiative Fund administered by DHCD may be allowed instead of on-site construction. Each such case must be approved by the Director of the Department of Housing and Community Development.

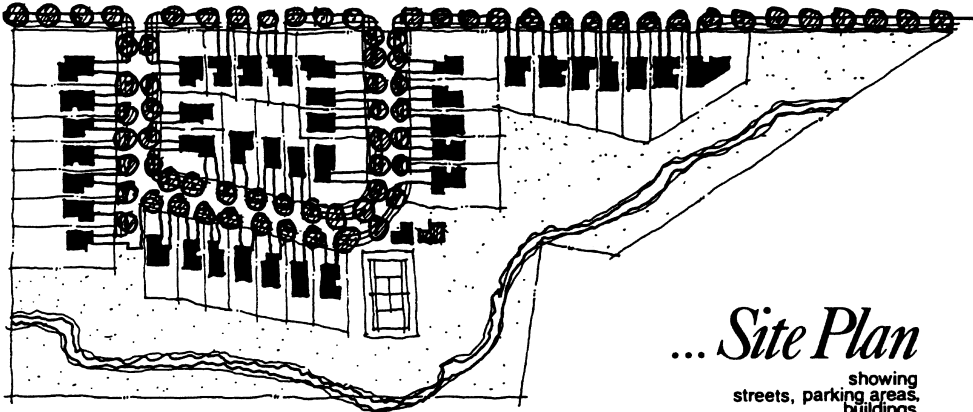
#### **47. WHAT IS SITE PLAN REVIEW?**

Site plan review is a detailed review by the technical staff and the Planning Board of a proposed development. It is required in all floating zones, in Euclidian zones developed under the cluster, MPDU or TDR options, and in the CBD and RMX Zones when the Optional Method of Development is used.

Site plan review assures that a development meets the stated purposes and standards of the zone; provides for adequate, safe, and efficient vehicular and pedestrian circulation; and protects and preserves natural features, trees, and adjacent properties through appropriate siting of structures, open space and landscaping.

A site plan shows the proposed development in relation to immediately adjacent areas and indicates natural features such as existing trees, wetlands, proposed grading and topography, storm water facilities, road access, layout of proposed internal roads, pedestrian ways, parking areas, buildings, landscaping, open space, recreational facilities and lighting.

In zones where site plan review and approval is required, plats cannot be recorded and building permits



... *Site Plan*

showing  
streets, parking areas,  
buildings,  
landscaping

cannot be issued until a detailed site plan is approved by the Planning Board. All construction and landscaping must meet the terms of the approved site plan.

The Board must be satisfied that the plan meets all the requirements of the zone and the relevant portions of the Zoning and Subdivision Ordinances and is compatible and attractive before the Board will approve the site plan. The site plan review process benefits the public because of the many protections and considerations of compatibility it provides.

Adjoining property owners and relevant citizens and homeowners associations must be notified by the applicant that a site plan has been filed and must be notified by staff of the Planning Board hearing. Citizens who have indicated an interest in a particular project are also notified and have an opportunity to work with staff and to comment before the Planning Board when it considers the site plan on its regular agenda.

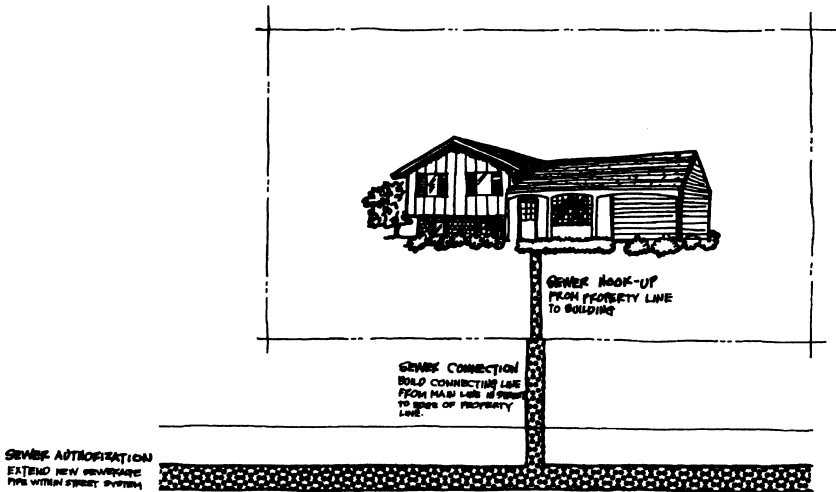
#### 48. HOW ARE SITE PLANS ENFORCED?

A site plan is binding on the applicant and its successors. The applicant must sign an agreement to that effect with the Planning Board. The Board has enforcement authority and may, following a hearing, revoke the site plan for noncompliance. Site plan approval is void after 18 months unless construction has begun or the Planning Board has granted an extension.

Site plan inspections are handled by Planning Department staff, who inspect all site plans for conformance with Planning Board conditions. Staff will also investigate violations or suspected violations on request.

#### 49. WHAT IS MEANT BY AVAILABILITY OF SEWER OR SEWER COMMITMENT?

The Washington Suburban Sanitary Commission (WSSC), a bi-county agency serving both Montgomery and Prince George's Counties, determines what sewer



line extensions may be necessary to service a particular development, and under what conditions any needed extensions will be built or sewer connections or hook-ups authorized.

Before water or sewer lines can be extended to a property, and before the Planning Board approves a subdivision utilizing WSSC water or sewer, the property must be designated in category 1, 2 or 3 in the County's Ten-Year Water Supply and Sewerage Systems Plan.

The Plan includes six categories of service — existing, under construction, planned for 0-2 years, 2-6 years, 6-10 years, and no planned service. Most requests for a category change must be approved by the County Council.

There are three basic types of sewer service permits depending upon the location and situation of the site in relation to the existing sewerage system.

A SEWER AUTHORIZATION is the first requirement for a developer whose property is not served by an existing sewerage line. The sewer authorization is a commitment by WSSC to build a new sewerage line from the closest existing line to the location of the new development site, and to size that line so that it will accommodate the estimated volume of sewage flow to be generated by the proposed development.

A SEWER CONNECTION is the next requirement. It is a WSSC permit committing WSSC to build a connecting line from the main sewerage line in the street to the edge of the property line of the proposed structure. Approval of both the sewer connection and a sewer authorization implies that subsequent approvals will be granted so long as the developer meets established engineering standards and there is capacity in the system.

A SEWER HOOK-UP is the final step needed to allow sewage to flow from the building into the WSSC sewerage system. It permits the developer to connect the plumbing in the building with the sewer line built by WSSC to the edge of the owner's property.

## 50. WHAT ARE THE REQUIREMENTS FOR PRESERVATION OF HISTORIC SITES AND DISTRICTS?

In July 1979, the County moved to establish permanent tools for protecting and preserving its historic and architectural heritage by adopting a *Master Plan for Historic Preservation* and enacting a Historic Preservation Ordinance, Chapter 24A of the County Code.

The Ordinance created the Montgomery County Historic Preservation Commission (HPC) and charged it with the responsibility of researching and evaluating historic resources and historic districts according to criteria specified. The Commission is composed of nine members from varied backgrounds, appointed by the County Executive and confirmed by the County Council.

Following its own evaluation, the Historic Preservation Commission recommends those resources or districts worthy of preservation to the Montgomery County Planning Board for inclusion in the *Master Plan for Historic Preservation* and subsequent protection under the Ordinance. The Planning Board then starts the process to amend this Master Plan to include the recommended resources or districts, following the regular procedures for all master plans and amendments. (*See Question 9.*)

Once a site or district is designated on the Master Plan, substantial changes to the exterior of structures or to the environmental settings of the site or district must be reviewed by the Historic Preservation Commission. Any changes must receive a historic area work permit. The Ordinance also empowers the County's Department of Environmental Protection (DEP) and the Historic Preservation Commission to prevent the demolition of historic buildings through neglect.

Major sources of information on designated historic sites and districts and potential resources needing evaluation are the *Locational Atlas and Index of Historic Sites and Districts*, and the *Master Plan for Historic Preservation* as amended. For further information regarding the HPC and historic preservation procedures, call the Planning Board's historic preservation staff at 495-4570.

## **51. WHAT IS THE BOARD OF APPEALS?**

The Board of Appeals (BOA) is a five-member board appointed by the County Council for staggered three-year terms. No more than three members may belong to the same political party. The BOA holds public hearings and rules on all applications for special exceptions and variances. (*See Questions 52 and 54.*) The BOA also hears and decides appeals regarding the issuance or denial of building permits and licenses.

The Zoning Ordinance defines the authority and powers of the Board of Appeals, spells out requirements for public notice of all petitions for special exceptions and variances, and provides for public hearings on all such requests.

## **52. WHAT IS A SPECIAL EXCEPTION?**

A special exception is a use allowed in a given zone only if certain conditions are met. Each zoning category specifies certain uses of property which are permitted as a matter of right in that zone, e.g., a single-family residence in the R-60 Zone, or drug and variety stores in the C-1 Convenience Commercial Zone. In addition, the Zoning Ordinance lists certain other uses which may be allowed in a particular zone as a special exception, subject to specific standards and a request for permission and grant of approval by the Montgomery County Board of Appeals. The County Hearing Examiner and County Council also hear and decide on a limited number of special exception uses.

Approval of a special exception or extension of time to implement a special exception requires the affirmative vote of four members of the BOA. The special exception use, if granted, is valid only for the applicant who sought the permission and cannot be transferred to succeeding owners except at the discretion of the Board of Appeals. (Zoning, in contrast, remains in force when property changes hands unless a rezoning is granted.)



For certain categories of special exceptions that involve new construction, uses and/or densities that may have important implications for planning, the Planning Board's technical staff reviews the application and the Planning Board and staff submit recommendations to the Board of Appeals following a public meeting by the Planning Board.

A special exception may be granted when the Board of Appeals finds on the basis of the evidence on record that the proposed use complies with the Zoning Ordinance and is consistent with the General Plan including any duly adopted master plan affecting the property; that the proposed special exception use is in harmony with the character of the neighborhood considering population, design, intensity, character, traffic and number of similar uses; that it will not be detrimental to the use, value and enjoyment of other properties; that it will not adversely affect traffic, cause objectionable noise, vibrations, odors and glare; that it will not adversely affect the health, safety, security, morals or welfare of area residents, visitors or workers; that it will not overburden existing public services or facilities; and that it meets the definition and specific standards set forth for such use. The BOA may also impose operating conditions on an individual special exception.

Interested parties may find it useful to appear and comment on special exception requests before the Planning Board; however, the Board of Appeals makes the final decision and efforts to support or oppose an application should be concentrated there.

### **53. WHAT IS AN ACCESSORY APARTMENT?**

An accessory apartment is allowed by special exception in one-family residential zones. It is a separate dwelling unit in an existing one-family dwelling. Because a special exception is granted to a specific applicant and may be revoked under certain circumstances, an accessory apartment is not a permanent use that "runs with the land" and its approval does not create a two-family dwelling.

The house in which an accessory apartment is located must be at least five years old. The applicant must have

owned the house for at least a year and must continue to live there after the special exception is granted. An accessory apartment must also be licensed by the County's Office of Landlord-Tenant Affairs. Applicants should consult that office and the Zoning Ordinance for additional regulations.

#### **54. WHAT IS A VARIANCE?**

The Board of Appeals has the authority to grant variances relieving a property owner from the strict application of the requirements of the Zoning Ordinance regarding area, frontage, setbacks, and in certain circumstances, building height limits.

Variances from the Zoning Ordinance requirements may be granted only if the Board of Appeals finds, based on the facts of record at a public hearing, that there are exceptional conditions of shape, topography, or other extraordinary situations or conditions peculiar to the specific property which, under strict application of the zoning regulations, would result in peculiar or unusual practical difficulties, or exceptional or undue hardship to the property owner; that the variance requested is the minimum reasonably necessary to overcome the aforesaid exceptional conditions; that the proposed variance will not be detrimental to the use and development of adjoining or neighboring properties or otherwise be detrimental to the public welfare.

The BOA must also find that the variance will not cause substantial impairment to the intent, purpose and integrity of any duly adopted master plan applicable to the subject property. The Ordinance specifies that these provisions shall not be construed to permit the Board of Appeals, under the guise of a variance, to authorize a use of land not otherwise permitted.

#### **55. WHAT IS MANDATORY REFERRAL?**

All development and construction projects proposed by local, state or federal authorities, or private entities on County public lands, are subject to Planning Board review under the mandatory referral process (e.g., roadway

improvements, schools, public buildings). Although advisory, the Board's review encompasses its interest in conformance with standard development regulations and master plans while recognizing the public nature of the project. The Planning Board reviews these projects in public session and interested citizens may comment.

#### **56. WHAT FURTHER ASSISTANCE IS AVAILABLE TO THE PUBLIC ON THESE QUESTIONS?**

The Montgomery County Planning Board and its staff encourage public participation in the planning and regulatory processes. General information and referral services are available through the Community Relations Office, 495-4600. Any individual or group may receive the Planning Board's weekly agenda, which includes Park Commission meetings, by calling the Community Relations Office. A Planning Board Hotline is available for information on meetings and Planning Board agendas. Call 495-1333 on a 24-hour basis. For Parks Department information and permits, call 495-2525 during office hours.

A Land Use Information Specialist assists interested members of the public in obtaining in-depth information on various aspects of land development in Montgomery County, including explanation and interpretation of complex issues, State and County laws and regulations, administrative and review procedures, etc. A centralized interagency referral network of resources in the County involved in planning-related activities is available. In addition, an automated tracking system which locates the status of particular projects in the development process can be interpreted for the public.

Parties interested in any of the many processes described in this handbook are urged to be aware of public hearings and meetings and early opportunities to comment on issues as described. Communication with and among staff, residents, developers, citizens associations and others is most effective early in the process of planning and development. In addition to the formal methods of citizen participation, consistent efforts are made to

involve the public through other effective methods — these include citizens advisory committees, or technical work groups, public workshops, discussion groups, mailings, forums, appearances at organization meetings or simply talking with staff about a particular project. A list of helpful telephone numbers is provided at the end of this handbook.

Formal public hearings, which normally require at least 30 days notice, are required at various stages in the planning process, particularly in regard to master plan and zoning map amendments. Less time for notice is required for regulatory items, subdivision and site plan hearings (usually 10 days). Notice is required to be given to adjacent property owners and civic and homeowners associations at the time of application and before the item is heard. These opportunities are detailed in this handbook under the relevant questions.

Hearings on both the CIP and operating budgets are held by the County Executive and County Council, usually during January, February and March. Anyone may receive the County Council agenda on request, and all County Council meetings are currently broadcast live on Montgomery Cable Channel 55, the government channel. Planning Board master plan public hearings and worksessions are frequently video-taped for playback at a later date.

The Planning Board's Community Relations Office maintains a County-wide map showing the boundaries of all citizens and homeowners associations that are listed with the office, and an index of current presidents or contact persons for these associations. All are included in the weekly agenda mailing. Registration is voluntary, but associations are urged to register so that they may be informed about development activities in their neighborhood. This map is used extensively by planning staff to identify associations to be notified of subdivision and site plan applications, and also by other agencies in order to keep citizens informed of activities in their communities. It is available for sale to the public.

The M-NCPPC's Information and Publications Counter provides master plan zoning information, record plats, topographic maps and other information. All Commission publications (master and sector plans, etc.) are sold or made available at this counter.

The Research and Information Systems Division provides a wide variety of demographic and census data, population and housing forecasts and an automated tracking system for subdivision approvals. "Montgomery County at a Glance" is a useful brochure highlighting important statistics about the County.

We hope this handbook has been helpful.



The following are telephone numbers for the M-NCPPC and other agencies.

**M-NCPPC:**

Community Relations — 495-4600  
Planning Board Hotline — 495-1333  
Information/Publications — 495-4610  
Development Review/Subdivision — 495-4585  
Land Use Information Specialist — 495-4585  
Research and Information Systems — 495-4700  
Park Information & Permits — 495-2525

**Other Agencies:**

Montgomery County Council — 217-7900  
Montgomery County Executive — 217-2500  
Montgomery County Government Directory  
Assistance — 217-1000  
Montgomery County Information  
and Referral — 217-6500  
Montgomery County Department of  
Environmental Protection — 217-2400  
Montgomery County Department of Housing and  
Community Development — 217-3600  
Montgomery County Department of Transportation  
Office of the Director — 217-2170  
Planning and Project Development  
Office — 217-2145  
Montgomery County Office of Planning  
Policies — 217-2430  
Board of Appeals of Montgomery County — 217-6600  
Housing Opportunities Commission of  
Montgomery County — 933-9750  
Office of Zoning and Administrative Hearings  
(Hearing Examiner) — 217-6660  
  
Washington Suburban Sanitary Commission  
(WSSC) — 699-4000

# INDEX

- Accessory apartments, 70
- Adequate Public Facilities Ordinance, 23, 54, 55
  - See also* Annual Growth Policy.
- Advisory Committees, 10, 16
- Agricultural preservation, 32, 33
  - See also* Transferable Development Rights.
- AGP. *See* Annual Growth Policy.
- Agricultural reserve. *See* Agricultural preservation.
- Amendments. *See* Local map amend.; Master plans, amend.; Sectional map amend.
- Amenities, 37, 43
  - See also* Optional Method.
- Annual Growth Policy, 54, 55-57, 58
- APFO. *See* Adequate Public Facilities Ordinance.
- Bikeways. *See* Functional Plan; Montgomery County Park Commission.
- Board of Appeals, 69-71
- Building permits. *See* Site plan review; subdivision.
- Capital Improvements Program, 59
  - See also* Master plans, implementation; Annual Growth Policy.
- CBD. *See* Central business districts.
- Central business districts, 37
  - definition, 37
  - zones, 37-38
  - See also* Sector plan; Standard and Optional Method of development.
- CIP. *See* Capital Improvements Program.
- Citizen participation, 10, 16
  - advisory committee, 10, 16
  - hearings, 24-29
  - master plan, 10-13
- Cluster subdivision, 61, 62
- Conservation, 4, 45
  - easements, 47
- County Council. *See* Montgomery County Council.
- Density control. *See* Cluster Subdivision.

**Development**

cluster, 61

density, 60

moderately priced dwelling units, 62

Optional Method, 39

Standard Method, 38

transferable development rights, 32

*See also* Subdivision; Adequate Public Facilities

Ordinance; Annual Growth Policy;

environmental safeguards; zones; zoning.

Development plan zones. *See* Zones, floating.

Development rights. *See* Agricultural preservation.

District Council. *See* Maryland-National Capital Park

and Planning Commission; Montgomery County

Council.

Downzoning, 30

*See also* Zoning.

Environmental safeguards, 45-47

Euclidian zones, 18

*See also* Zones, chart, 27

*Ex parte* communications, 29, 40

FAR. *See* Floor area ratio.

Final Draft Plan. *See* Master plans.

Floating zones, 18-20, 27

*See also* Zones, floating, planned development.

Flood plain, 45, 46

Floor area ratio (FAR), 42, 43

*See also* Optional Method of development.

Functional plan, 7, 10

*See also* Master plans.

General Plan, 6-7

Hearing Examiner, 24-29

Historic district. *See* Historic preservation.

Historic Preservation Commission, 68

Historic preservation, 68

Ordinance, 68

resources, sites, 68

Housing. *See* Accessory apartments; Mobile homes;

Moderately priced dwelling units.

HPC. *See* Historic Preservation Commission.

Plans. *See* Functional plan; Master plans; Preliminary Draft Plan; Project plan; Schematic development plan; Sector plan; Subdivision, preliminary plan.

Policy area. *See* Annual Growth Policy.

Policy area transportation review. *See* Annual Growth Policy.

Preliminary Draft Plan. *See* Master plans.

Preservation. *See* Agricultural preservation; Historic Preservation Commission.

Project Plan. *See* Optional Method of development.

Public facilities. *See* Capital Improvements Program; Mandatory Referral; Adequate Public Facilities Ordinance; Annual Growth Policy.

Public use space, 43

Record plat, 48, 53

Regional District Act, 1, 2, 5-7

Residential Mixed-Use Zone (RMX), 27, 38  
*See also* Optional Method of development.

Resubdivision, 53

Rezoning. *See* Local map amendment; Sectional map amendment; Zoning.

Schematic development plan, 20

Sectional map amendment, 22

Sector plan, 7-9, 10-15  
*See also* Central business districts.

Setbacks, 41

Sewer service, 51, 54, 57, 67

Site plan review, 64  
approval, 65  
enforcement, 66

Sound measurement, 47

Special exceptions, 69  
accessory apartments, 70

Staging ceiling, 58  
*See also* Annual Growth Policy.

Standard Method of development, 38

Storm water management, 48  
*See also* Environmental safeguards.

Stream buffer, 45

Street grades. *See* Subdivision.

Subdivision, 48-54  
    cluster, 61  
    density control, 62  
    process, 48  
        building permits, 53  
        hearings, 51  
        pre-preliminary plan, 51  
        preliminary plan, 51  
        record plat, 53  
        resubdivision, 53  
        site plan review, 52, 64  
        street grades, 52  
        water and sewer services, 52  
TDRs. *See* Transferable development rights.  
Text amendment. *See* Zoning.  
Transferable development rights, 32  
    *See also* Agricultural preservation.  
Transit station area, 36  
    zones, 36  
Tree preservation, 45, 47  
TSA. *See* Transit station area.  
TSA Zone. *See* Zones, transit station area.  
Washington Suburban Sanitary Commission, 52, 67  
Water service. *See* Sewer service; Washington  
    Suburban Sanitary Commission.  
Water use classes, 46  
Wetlands, 46  
WSSC. *See* Washington Suburban Sanitary Commission.  
Zones, 17-22  
    central business district, 37-39  
    chart, 27  
    Euclidian, 18  
        setbacks, 18, 41  
    floating, 18-20  
        development plan, 19  
        non-development plan, 20  
        site plan review, 19, 64  
    mixed-use planned development, 35  
    overlay, 33  
    planned development, 34, 35

- planned mobile home, 36
- residential mixed-use (RMX), 27, 38-40
- transit station area, 36
- Zoning, 17**
  - downzoning, 30
  - process, 24-29, process chart, 27
  - rezoning, 22-29
  - local map amendment process, 23-29
    - appeals, 29
    - Council action, 22, 23, 29
    - filing, 22, 25
    - hearing examiner's report, 23
    - oral argument, 28
    - Planning Board action, 26
    - pre-hearing submissions, 25
    - public hearings, 24-26
    - re-file application, 29
    - planning staff report, 26
  - text amendment, 21
- Zoning and Administrative Hearings. *See* Hearing Examiner.**
- Zoning Ordinance. *See* Montgomery County Zoning Ordinance.**





MONTGOMERY COUNTY PLANNING BOARD  
The Maryland-National Capital Park and Planning Commission