

ZONING

Although zoning is one of the most basic tools for creating a better community, its usefulness is quite limited until a definite set of planning goals has been agreed upon. The General Plan supplies these goals and zoning thus becomes a powerful tool for carrying out the plan.

The adoption of this General Plan provides a firm and reasonable guide for detailed zoning plans and individual rezoning decisions. It allows zoning decisions to be based upon better criteria than simply "Would this rezoning cause excessive conflict or friction with nearby land uses?" Considerations of need, effect on highways, sewers and other public service facilities, plus functional relationships between land uses throughout the Regional District can be fully explored before zoning changes are made. Zoning can and should be used as one of the most important means of forming the recommended urban pattern and protecting the rural pattern. It can go a long way toward creating efficiency, pleasant living conditions, and a healthy local economy.

An area is grossly "over-zoned" when there is so much land in particular classifications that no more than one-third of it can be used for its highest and best purposes in the next twenty years. This is the situation in the Regional District, especially with respect to residential zoning.

The most widely employed land-use control today is zoning; it is in fact the work horse of the planning movement in this country.

—CHARLES M. HARR,
*Land-Use Planning: A Casebook
on the Use, Misuse, and Re-Use
of Urban Land.*

Present residential zoning in Montgomery and Prince George's Counties could accommodate almost 5½ times the present population, or over three million more people. The most realistic forecasts indicate a population increase of about 700,000 by the year 1980. This means that more than three-quarters of the unused land now zoned residential will not be used for residential purposes in the next twenty years. Every time land is rezoned to allow larger numbers of families per acre, this disparity between zoning and fulfillment grows greater.

Residential over-zoning in the Regional District is so pronounced primarily because of the practice of classifying almost all rural land reserves in the R-R zone which permits homesites of 20,000 square feet—less than one-half acre. To make matters worse in Prince George's County, the mere presence of public water connections reduces the minimum size residential lot to less than one-quarter acre.

Over-zoning in these proportions raises false expectations by artificially inflating land values to levels which cannot be realized through development. It substitutes a lottery ticket for an orderly land market, giving the property owner only a gambler's chance of realizing the zoned potential of his land. But most important of all from the public interest point of view, this over-zoning cripples the usefulness of zoning in bringing about the most appropriate use of land throughout the Maryland suburbs.

This degree of over-zoning is a crucial matter. It may be compared to the steering mechanism of an automobile which has has so much "play" that the vehicle cannot be steered by the driver well enough to avoid an accident. The basic purposes of zoning—to give a rational pattern to urban and suburban development—is defeated when the ratio of zoning to foreseeable use is so far out of balance.

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ZONING BY STAGES

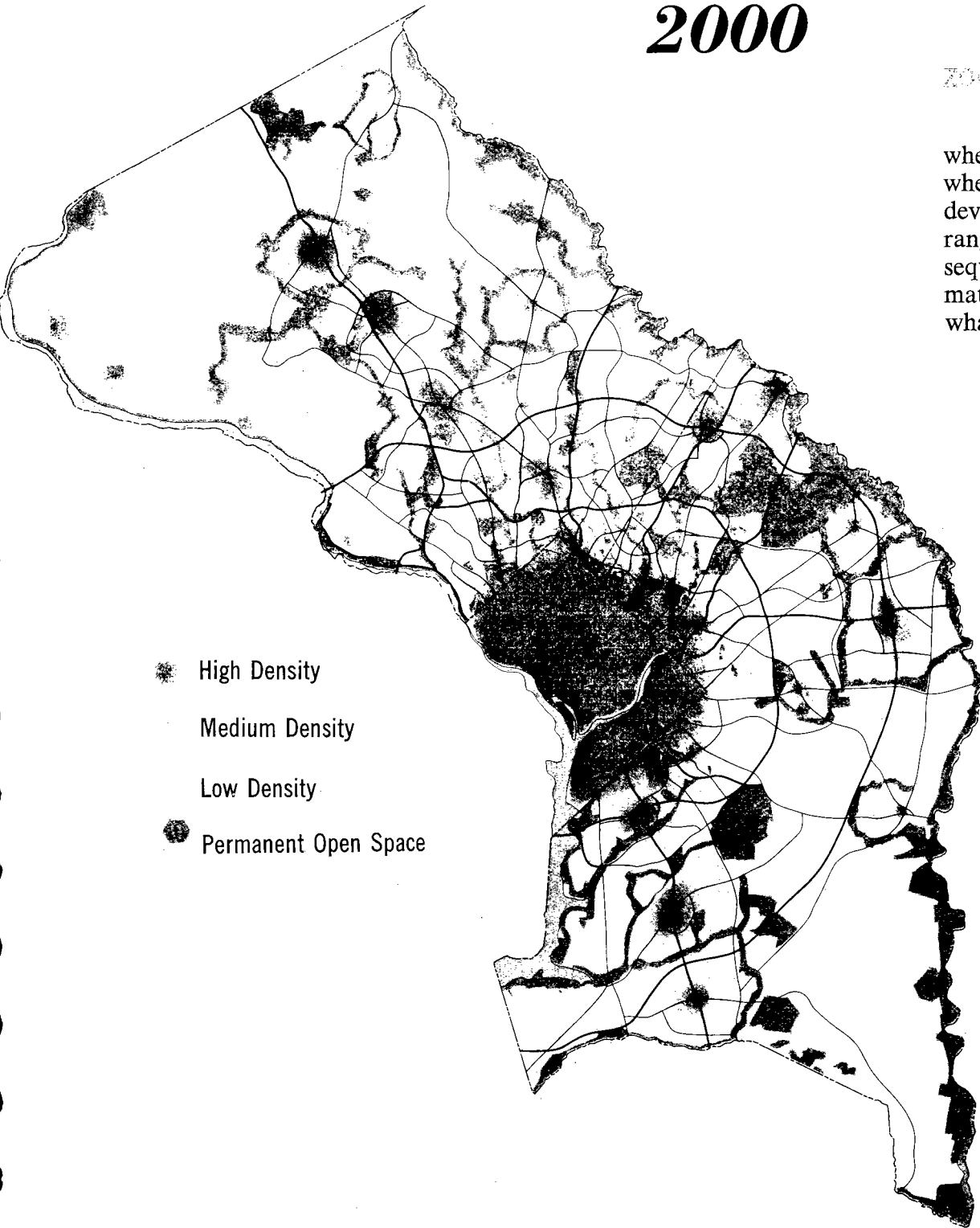
Sequential zoning, or zoning by stages, is a procedure whereby orderly growth of planned areas is permitted when and where the *need* for development arises, reserving other lands for development at a later date and in a fashion consistent with long range planning for the protection of the public interest. Under sequential zoning the private land owner would know approximately when to expect this development to occur, and know what type—or types—of land use are in store for his property.

Under a system of sequential or staged zoning, the areas opened to development would be pre-planned and pre-zoned in accord with detailed master plans. An entire new area would change its zoning at one time as sectional zoning map amendments are adopted, giving all the land-owners of the area an equal opportunity to share in orderly growth. Since present R-R zoning was not designed to enhance rural activities, a zoning category similar to or more intensive than the R-A zone (2 acres) used in Montgomery County must be the holding device used to prevent scattered and inefficient, premature, urban type development, and to preserve precious open space.

Once a pattern of sequential zoning is firmly established, applications for rezoning will be more realistically attuned to the actual possibilities of development. Zoning for speculative purposes will be greatly reduced, and the individual home owner will no longer be at the mercy of arbitrary zoning changes made at the behest of neighboring land holders seeking a windfall.

ACTION: The regional map amendments to long-range planning to the extent that development is needed by the Second Plan.

- High Density
- Medium Density
- Low Density
- Permanent Open Space



The zoning categories now in effect in Montgomery and Prince George's Counties are unequal to the job of shaping and preserving the natural resource wedges. Nowhere in Prince George's are lot sizes of more than 20,000 square feet (one-half acre) required. In Montgomery, two-acre zoning has been adopted for only a few locations, and then primarily for one compelling reason: to protect the Potomac and Patuxent watersheds from pollution and siltation. Even the most restrictive zones are residential, not specifically designed for protection of the rural environment.

With adoption of the General Plan, preservation of the natural resource wedges emerges as a second reason for the adoption of rural zoning—a reason just as compelling as protecting the rivers and watersheds. There are only two ways in which encroachment on the open spaces between the radial corridors can be prevented: the first is public acquisition of all the land between the corridors; the second is to restrict land uses to low-density, multiple-acre, rural ones. The first alternative is obviously both impossible and undesirable. Rural zoning, therefore, becomes a *must*.

The importance of preserving the natural resource wedges cannot be over-emphasized. They serve five essential functions in shaping the future Regional District by:

Preventing the uneconomic scattering of suburban housing in the wedges, and permitting corollary savings and conveniences by concentrating development within the urban corridors.

Giving contrast and interest to the Regional District through the creation of distinctive variations in the character and density of development.

Protecting the rural environment as a source of natural resource business.

Assuring adequate open space for outdoor recreation.

Protecting public water supplies.

In keeping with the above five functions, rural areas should not be thought of as areas devoid of residences and people. Residences will be allowed, but only on large lots individually developed primarily for the use of the people whose livelihood is dependent on the rural area. The exclusion of small lot residential subdivisions will not only preserve the character of the rural areas, but enhance the economic potential of the land for efficient and practical non-urban uses.

The major uses permitted and encouraged in the rural zone should be of four types:

1. Natural resource business, including agriculture, forestry and mineral extraction.
2. Outdoor recreation, including private camps, resorts, golf courses and country clubs, public recreation on private agricultural and forestry lands, wildlife and hunting preserves, water and waterfront recreation, shooting ranges, and public parks, forests, historical and scenic reserves.
3. Conservation, including flood control dams, siltation basins, wetlands, and wildlife refuges.
4. Miscellaneous uses on large sites, including kennels, hospitals, sanitariums, nursing homes, child care homes, public utilities, airports, cemeteries, and institutional uses.

The rural zone should be the dominant zone in the open space wedges between the urban corridors, and should also be used to reserve areas programmed for future development of the new corridor cities.



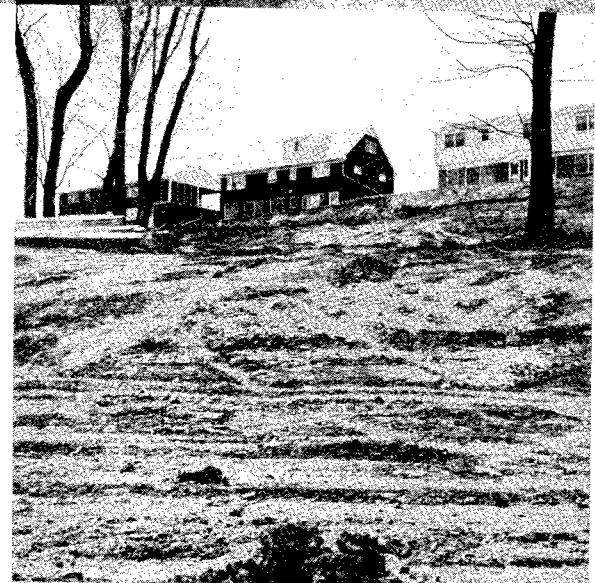


CONSERVATION ZONING

In certain limited cases outstanding natural resources, and areas where indiscriminate urban development would be against the public interest, occur within the urban pattern. Examples are sand and gravel deposits, steep slopes, and flood plains. To preserve these areas for future extraction or watershed protection, or to avoid unsafe or unhealthful conditions as the result of improper development, it will be necessary to put these urban areas into a conservation zone in which all uses and alterations of the natural terrain and vegetation are subject to special permits approved by the Board of Zoning Appeals.

The locations of this zone will be recommended to the respective District Councils by the Park and Planning Commission on the basis of soil, geologic and topographic information now becoming available. Generally speaking, construction should be prohibited in this zone unless it can be shown to be in accord with the public interest. Specifications for mineral extraction should include regulation of access roads, protective setbacks, methods of operation, and plans for restoration of the land when the venture is terminated. The restoration should be guaranteed by either an adequate performance bond, or by a special use tax applied during the period of operations.

ACTION: Enact and use conservation zones.





RESIDENTIAL ESTATE ZONING

An area as large and diverse as the 1,000-square-mile Regional District obviously requires a fuller range of zoning categories than is now available. As pointed out in the section on overzoning, there is a great deal more land zoned for small lot residential development than can ever be used. Reclassifying much of this land for one, two and five acre single-family residences will be a great help in reducing the amounts of overzoned land to more manageable proportions.

There are presently a number of areas in both Montgomery and Prince George's Counties where the dominant pattern of residential development has been in tracts of one acre or more. (See map on page 41.) It is eminently desirable to encourage a reasonable spread of this pattern and to protect it with consistent zoning.

Estate zoning should be employed wherever the character of the area warrants it. Such action will assure the stability of estate areas and will allow public services to be planned on a proper scale in relation to the low density of population. Finally—and very importantly—estate zoning should be employed in “buffer” areas between the corridor cities and the natural resource wedges to provide a reasonable transition and reduce pressures for the continuation of urban zones beyond their optimum limits.

ACTION: Increase the use of residential estate zones.



To make a full range of choices available in multi-family housing and to provide additional tools for creating the new corridor cities, two new residential zones are needed.

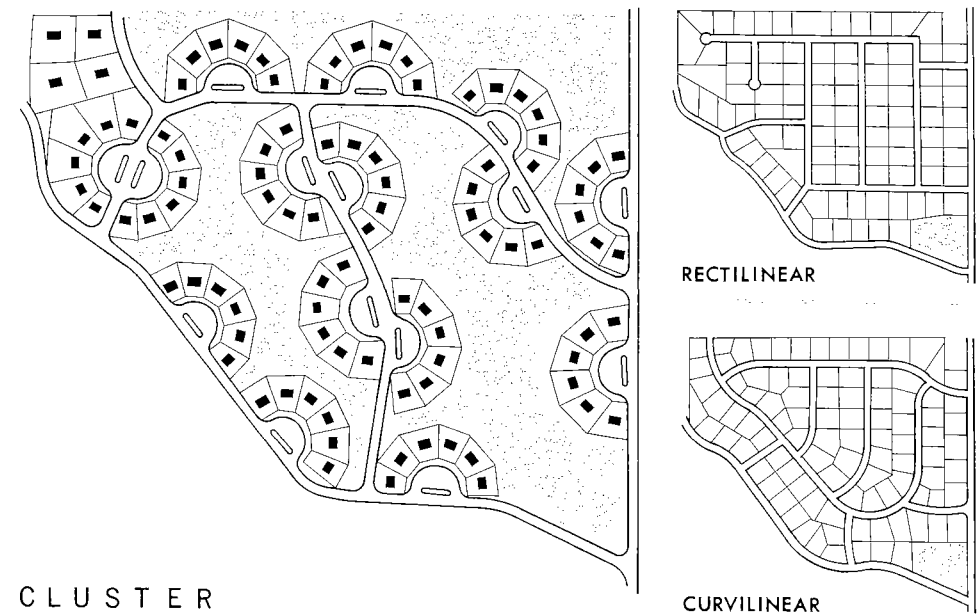
The most important is a very high density apartment zone designed for the core areas of these new cities, within walking distance of employment opportunities and the rapid transit system. The number of apartments allowed might be as high as 60 per acre, compared to the present maximum of 48. Convenience should be the key concept of this zone and its use should be restricted to the core locations which are served by rapid transit. Spaciousness in the core area will be accomplished by judiciously spaced multi-story development, boulevard type thoroughfares, pedestrian malls, and compact commons or parks.

The second zone is for town-houses. Less demanding on the supply of land than single-family housing and having some of the convenience and economy of apartment living, town-houses represent to many people an attractive balance between yard space and yard work. This zone may be useful in some cases for achieving attractive transitions between higher and lower density developments, as well as for satisfying the housing needs of part of the Regional District's population.



The idea of planned community zoning is to promote variety in development and flexibility in urban design. These are valid objectives, but without careful coordination with a comprehensive public plan this type of zoning could lead to a continuation, or even an acceleration of all the unfortunate aspects of haphazard urban sprawl. Planned community zoning should not be used as the excuse for each sizeable piece of property becoming an island unto itself. While this might result in some well designed neighborhoods, the urban pattern as a whole would deteriorate in efficiency, convenience, and usefulness.

There is great danger that planned community zoning will be thought of as fitting in so well with its surroundings that considerations of proper location will be ignored. A planned community with the ultimate in imaginative and inspiring internal design might be proposed in a rural wedge and be accepted because of reluctance to turn down such an outstanding job of architectural and site planning. This occurrence would begin the process of urban sprawl all over again and the General Plan would become useless. The rural environment would not remain productive; the urban corridors would have their development potential siphoned off; the cost of sewer services would climb unnecessarily; rapid transit could not be effective; and freeways would dominate the landscape. It is essential, therefore, that planned community zoning not become a substitute for the General Plan. Only the General Plan can take the over-all view of the Regional District, and only the General Plan can properly determine the location of areas for concentrated development.



Note: These three possible subdivisions of a development tract with ninety-four lots show cluster pattern, left; rectilinear pattern, top right; and curvilinear plan, bottom right. Only 6,000 lineal feet of streets are needed for cluster. Grid calls for 12,000 feet, curvilinear layout needs 11,600 feet. Lots in the cluster plan were reduced from one acre to three-quarters of an acre to provide added privacy and less maintenance expense. The number of lots (94) remains the same as in the other two layouts permitting the "saved" balance, approximately one-half of the area of the tract, to be devoted to open part.

Source: Urban Land Institute, technical buttetin 40

The recently adopted average density residential zones had the same objectives in mind as planned community zoning, but they are not so bold nor so dangerous. A more familiar name for the flexible type of building envisioned under these zones is cluster development, in which dwellings are grouped together on a small portion of the available land while the rest remains open for common recreational use. Planned community zoning would allow a mixture of housing types including both multi- and single-family, and maybe even a little commercial development. But the present average density zones allow only single-family homes. It is perfectly feasible with these and other existing zones to design excellent urban communities. Much monotony of the past has resulted primarily from mass production and lack of imagination rather than poor zoning.

There are many difficult legal and administrative problems to be solved in making planned community zoning effective. A Residential Planned Community (RPC) zone has been tried in Prince George's County for more than a decade and been found unworkable. The intensive uses shown on the approved "community plan" have been built first, and then used as the evidence of a change in character of the neighborhood which can be used in court to justify rezoning of other parts of the same property for more intensive uses contrary to the original plan. There is

also the question of how open spaces, created by this type of flexible zoning, will be cared for if the project is not a rental one. Greater experience is needed to solve these and other problems. At least part of this experience will come with greater use of the average density residential zones.

Five conclusions about planned community zoning are apparent:

- ... The variety and flexibility of urban design envisioned as resulting from it would be desirable.
- ... It should not include any industrial development nor any commercial development other than a strictly limited amount directly serving the planned community.
- ... It should be evolved slowly and carefully.
- ... Average density residential zoning should be encouraged as a first step.
- ... Planned community zoning should be located only within the urban pattern recommended in the General Plan.

COMMERCIAL AND INDUSTRIAL ZONING

Commercial and industrial zones should exclude residences both because good residential neighborhoods cannot be maintained in such areas, and because business and industry can function more effectively where space allotted them is uninterrupted by housing.

Even within commercial and industrial zones, specialization of uses is desirable. A shopping district with large gaps between shops is uninteresting and functions poorly in comparison with one where shops are continuous. This is equally true whether the gaps are vacant, or used for residences, automobile parking, offices, or some unrelated commercial or industrial activity. On the other hand, an area exclusively for offices becomes a ghost town after working hours. To overcome this disadvantage in the larger commercial centers, ground floors of office buildings should be used for stores, shops, theaters, bowling alleys, and similar uses which would keep the streets alive and interesting. Specialization within industrial zones is necessary so that related services are close to one another and so that activities which would interfere with each other are separated.

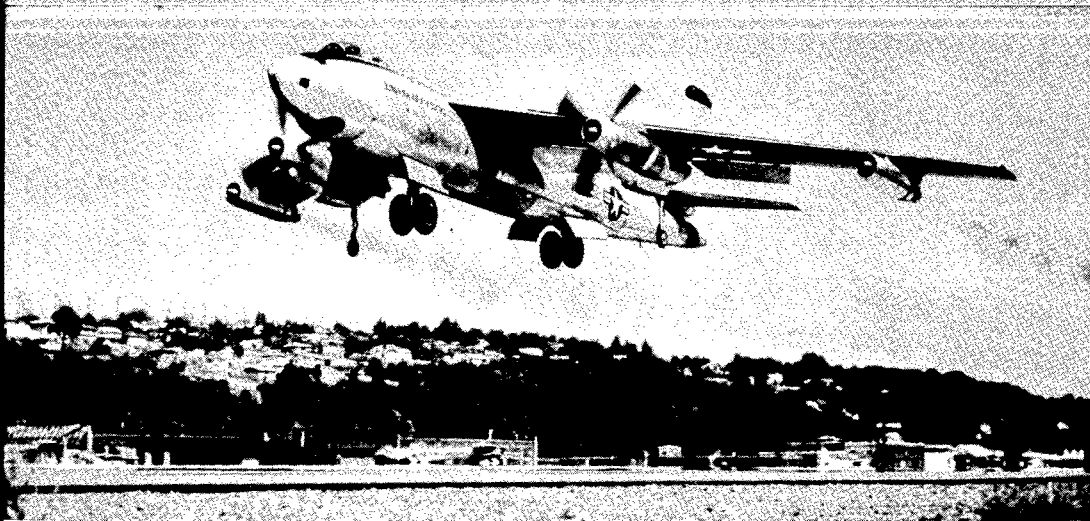
To achieve the most workable and most interesting arrangement of commercial activities in complex business centers and the cores of new corridor cities, it may become necessary to use three dimensional zones in which different uses are permitted at ground level than at higher levels. A typical example might be

stores on the ground floors with offices above. In special cases where compact development around a rapid transit station is desired, this type of zoning might provide for certain types of commercial activity on lower floors with apartments above.

The practice of requiring site plan approval has great potential for improving the appearance and workability of shopping and employment areas. Such a requirement may be employed to develop commercial centers that are more compatible with their surroundings and to mold the cores of new corridor cities into unified and convenient areas around their pedestrian malls and transit stations.

Increased attention should be given to setback and screening requirements where commercial and industrial zones adjoin residential land.

ACTION: 1) Exclude residences from all existing commercial and industrial zones. 2) Study the techniques of layered zoning and greater specialization of uses in commercial and industrial zones. 3) Prepare and enact new zones to accommodate complex business centers and the cores of new corridor cities.



NOISE EXPOSURE

Current zoning provisions regulating building heights in airport flight paths are in need of overhaul and revision. Proper use of rural zones or specially designed zones allowing uses not adversely affected by high noise levels may also be useful in protecting airports from urban encroachment. A model airport zoning ordinance prepared by the Federal Aviation Agency is being studied to determine the best course of action.

RELATIONSHIP BETWEEN THE BOARD OF APPEAL

The Boards of Appeal have authority to grant special exceptions under the zoning ordinances, and thereby fall heir to an important planning function. Yet they do not have professional staffs familiar with the issues at stake. To insure that special exceptions conform to the concepts of the General Plan, it is imperative that closer liaison be developed between the Boards of Appeal and with the Park and Planning Commission. In order to establish this closer liaison, the Commission must receive not only the notices of special exception hearings, but also complete information and drawings indicating what is being proposed. The Commission will provide staff services to the Boards in cases where such service is needed. Zoning ordinances should be amended to set forth better criteria for use of the Boards in granting special exceptions, and written opinions of the Boards should include enough detail to enable enforcement without reference to hearing transcripts and obscure exhibits.

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A substantial reform of the tax systems is essential, whether public expenditures must be increased or can be reduced.

*—President's Commission on
National Goals*

Public planning policies affect land values and land values affect the private development of the Regional District. Therefore, the success of any General Plan is largely dependent upon keeping public policies, land values, and development in proper relation to each other. Establishing real estate tax assessment procedures which recognize public planning policies will go far toward doing this. Zoning restrictions, and the preferential treatment of certain land uses which are to be encouraged, should be reflected in assessments.

It may be argued that taxation should be used only for producing revenue and not for influencing private real estate development, but no matter what the intent, any real estate tax will have some effect on development. The purpose here is to assure that this effect is favorable to General Plan objectives rather than harmful.

RELATING LAND ASSESSMENTS TO ZONING

There can be no other equitable basis for assessing land than its fair market value. Up to the present this basic rule has been imperfectly applied in the Regional District, in that zoning categories have been considered to affect market values only in terms of the three major classifications: residential, commercial, and industrial. This is an over-simplified rule of thumb which fails to reflect true conditions.

It is well known to all who understand local real estate that the market value of land varies materially for each of the sub-classifications of zoning in Montgomery and Prince George's Counties. These differences in value should be reflected in the real estate tax that each owner is required to pay. Otherwise, those who secure zoning changes for speculative advantage are being subsidized, while property owners in low density zones are carrying an inequitable share of the tax burden.

County tax assessment officers should increase their staffs as necessary to avoid a backlog of assessment inequities, to capture revenues which are now lost, and to take better account of adopted zoning.

Equitable and prompt realty reassessments, following immediately on the heels of rezoning approvals, will do much to discourage purely speculative rezoning requests based upon overly optimistic estimates of the need for land in intensive classifications. Property owners will not be very eager to pay higher taxes when they are aware that the odds against making windfall profits are slim.

ACTION: Establish administrative procedures to more fully recognize the relationship of zoning to assessed values of real estate.

RELATING PREFERENTIAL ASSESSMENTS TO LAND USE

Educational and religious uses of land have traditionally been exempted from real estate taxes in Maryland. In 1960 farm lands were also given preferential treatment whereby they are to be assessed only in relation to their value for agricultural uses so long as they are being farmed. Special tax treatment is in order when it can be shown to be in the public interest. The public interest is clear in the case of educational and religious uses, but it is not so clear in the case of agricultural uses. We need to take a second look at privileged agricultural assessments.

Agricultural Assessments

Preserving rural incomes and encouraging farms to remain important providers of open space in the metropolitan scheme of things are legitimate justifications for preferential tax treatment of farm land. The 1960 statute giving a privileged assessment status to lands actively devoted to agriculture is based on a determination of whether or not a *bona fide* farm exists. On the surface this measure sounds laudable, but the specific wording of the Act has often had the effect of subsidizing land speculators and urban developers, encouraging urban sprawl contrary to the principles of this General Plan.

The Act states, in effect, that any land used as farm land must be taxed as farm land if the owner requests preferential treatment. Under this present wording, the courts have already held that even when an owner has had his land rezoned for commercial use, he may still enjoy the privilege of the low farm assessment. It has also been held that the actual filing of a subdivision plat on the land, dividing it into building lots, is no cause for revoking the privileged assessment. In either case, all

the ex-farmer needs to do to reap his tax privilege is to keep a crop in the ground as a holding operation up to the moment he is ready to cash in on his excess profits. This state of things obviously discourages the *bona fide* farmer, and tends to convert him into a land speculator.

The basic difficulty with the existing law is that the privileged farm assessment is not tied to zoning. The law should require that farms, to qualify for the low assessment, must be in a rural zone or, if such zone has not been enacted, the qualifying farm should be in the largest lot residential zone. This provision would close the loophole in the existing law and make it a truly effective means of aiding farmers and preserving metropolitan open space in the form of agricultural lands. The privileged assessment and resulting low tax bill should be considered the public's payment to maintain a highly desirable type of open space.

Other devices for preserving farm land as open space may have to be tried if the preferential assessment procedure cannot be made to work properly. Two possible devices are deferred taxation payable when the farm is sold, and a capital gains tax on the sale of farm land. Although these tax collections might have the desired effect of decreasing land speculation with farms that should remain rural, they present numerous administrative difficulties.

ACTION: Amend the state Agricultural Assessment Act to require rural or large lot residential zoning, in addition to agricultural use, on land receiving preferential tax treatment.



Entrance to Inverness Campgrounds

Agriculture is only one of the planned uses of land in the open space wedges separating the urban corridors. A whole concert of uses must be encouraged to maintain both the character and the viability of the rural and conservation zones. Many of these uses serve the same important function as the farm—to keep the open space open. Consequently, preferential tax treatment to encourage them may also be justifiable.

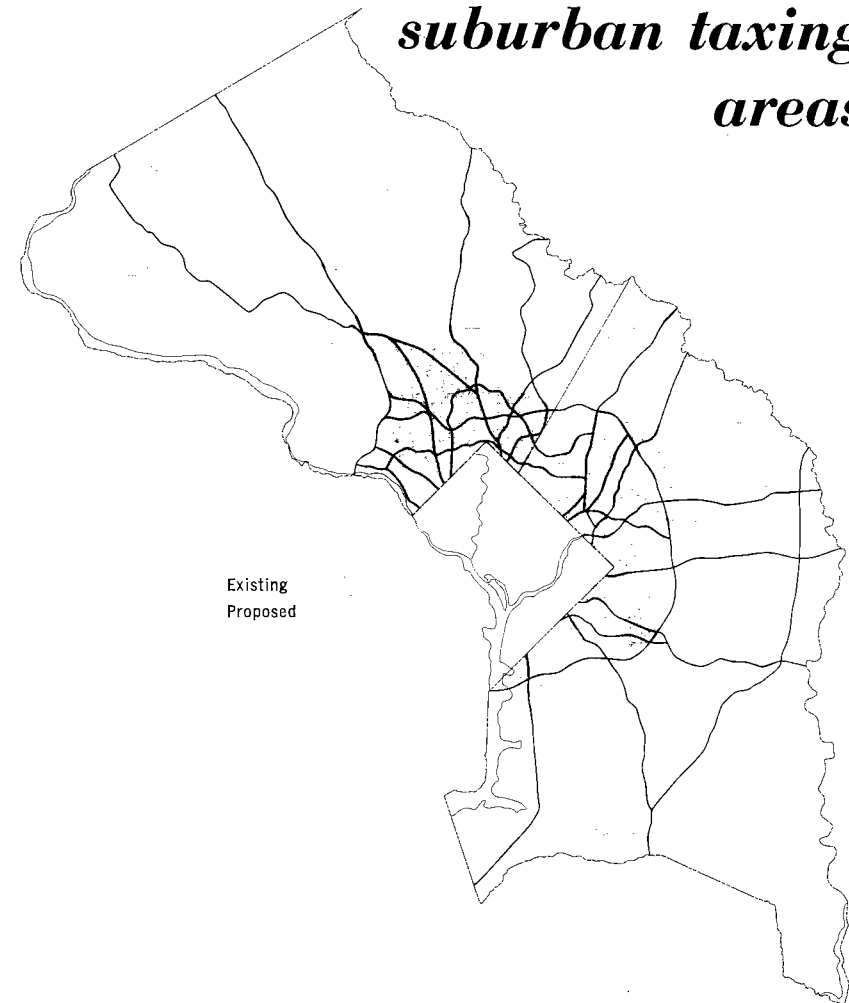
The 1960 amendment to Article 15 of the Declaration of Rights of the Maryland Constitution appears to permit preferential tax assessment of all open space uses. Therefore it is recommended that implementing legislation be enacted by the State Legislature to apply preferential assessments to lands used for such purposes as country clubs, golf courses, and community swimming pools.

Article 15 of the State Constitution provides preferential tax treatment to three conservation and recreation uses of land which provide preservation of an open space.

suburban taxing areas

In order to collect adequate revenues to provide for street cleaning and maintenance, street lighting, storm drainage and other urban services, special tax districts are established in urban parts of the counties and additional taxes are collected. The largest such district is the Suburban District in Montgomery County. As the urban pattern recommended by the General Plan develops, this district should be expanded to coincide with it. The many small and scattered Special Improvement Districts in Prince George's County should be consolidated into a single district covering all unincorporated portions of the suburban area. Sectional zoning map amendments opening new areas to intensive urbanization in accordance with sequential zoning procedures, mentioned in the preceding chapter, should be followed immediately by an expansion of the appropriate county's suburban tax district to include these new areas of high service costs.

If average lot size and planned community developments become more widely used, open spaces for recreational use in connection with them will become numerous and the maintenance cost will become great. Owners' associations may manage some of these open spaces but the public may fall heir to others. Public costs of this kind should be defrayed, at least in part, by either a tax resembling front foot benefit charges or by putting cluster developments into special tax districts for maintenance charges.



SUBDIVISION CONTROLS

Zoning alone, which deals essentially with lot sizes, building sizes and locations, and the types of activity to be permitted in certain areas, cannot be expected to guarantee pleasant development. Other tools must be called on for the creation of living environments possessing charm and character.

Take the hypothetical case of yourself and a friend of yours, and assume that you both bought houses in the suburbs ten years ago. There was little difference between the houses you bought: both were in sparsely built-up areas, the zoning was identical, the houses were in the same price range and built of comparable materials. No one could say that one was a better buy than the other . . . at that time. Today it is all too obvious who got a bargain and who got stung.

The environs of your friend's house are still substantially wooded; the neighboring residences are attractively landscaped, well spaced, and barely visible from the road; a nearby stream valley has become a park. Whereas your house sits starkly in the middle of a treeless plain; rows of monotonously similar houses stretch out on both sides of you; the stream that once meandered pleasantly past your back lawn is a muddy, eroded ditch. Was your friend a wiser buyer than you, or what happened?

What happened was that your friend was lucky in the sub-

No plat of any subdivision of land within the Regional District shall be admitted to the land records of either Montgomery or Prince George's County, or received or recorded by the clerks of the courts of said counties, until the plat shall have been submitted to and approved by the Commission and such approval be endorsed in writing on the plat by its Chairman and Secretary. The filing or recordation of a plat of a subdivision without the approval of the Commission is void.

—Regional District Act

urban roulette game and you weren't. In your friend's case, individuals with an appreciation for the landscape bought the nearby properties; in your case developers with their earth-moving equipment got there first. All you could do was watch the destruction from your picture window and wish there was someone to sue. There wasn't, because no zoning ordinances were violated, and in this hypothetical case there were no subdivision regulations to back-up the zoning.

Subdivision controls are concerned with the *quality* of individual developments, taking up where zoning leaves off. They can go far towards protecting the money and personal efforts that go into the making of an attractive home. Subdivision regulations require that a registered professional engineer take the responsibility for laying out the new lots and streets in accordance with publicly adopted master plans, zoning regulations, and sound engineering practices. Various governmental agencies including the Park and Planning Commission check the plans to see that all necessary utilities are available, and that all public regulations have been complied with. Proper street widths, street grades, drainageways, pedestrian walkways and reservations for public parks or buildings are required. Streets must intersect at safe angles. Excessive numbers of intersections and through streets in residential neighborhoods are discouraged. Thus the quality of development is raised.

But even with the present subdivision regulations, high quality development is not guaranteed. Much land is being divided into lots prematurely, without adequate reservations or dedications of land for public purpose, and with too little regard for conservation practices. Public agencies too often disregard subdivision regulations altogether in cases involving their own properties. Pedestrian walkways are not always adequately provided, and developers attempt to lay out lots too close to airfields. These deficiencies need attention now.

PREMATURE SUBDIVISIONS

The review of subdivision plans should occur shortly before development of the property in question. Too often in the past subdivision plans have been approved regardless of whether the subdivider could start construction, right away, ten years later, or never, and the approval cannot be rescinded at a later date. As a result, the eventual use of the idle property is frozen, even though surrounding lands may have been developed in an entirely different manner. Obviously, approval of the plans as near as possible to the actual time of development is necessary to prevent developments that are grossly out of keeping with their surroundings.

A start toward eliminating premature subdivision of land has been made in Montgomery County with the recent adoption of a requirement for the posting of performance bonds before subdivision plats become officially recorded. This guarantees that development is imminent, that a financially able developer is on the job, and that all public improvements such as streets and sewers required for the protection and welfare of home buyers will be constructed. A similar requirement has been recommended to the Prince George's County Commissioners.

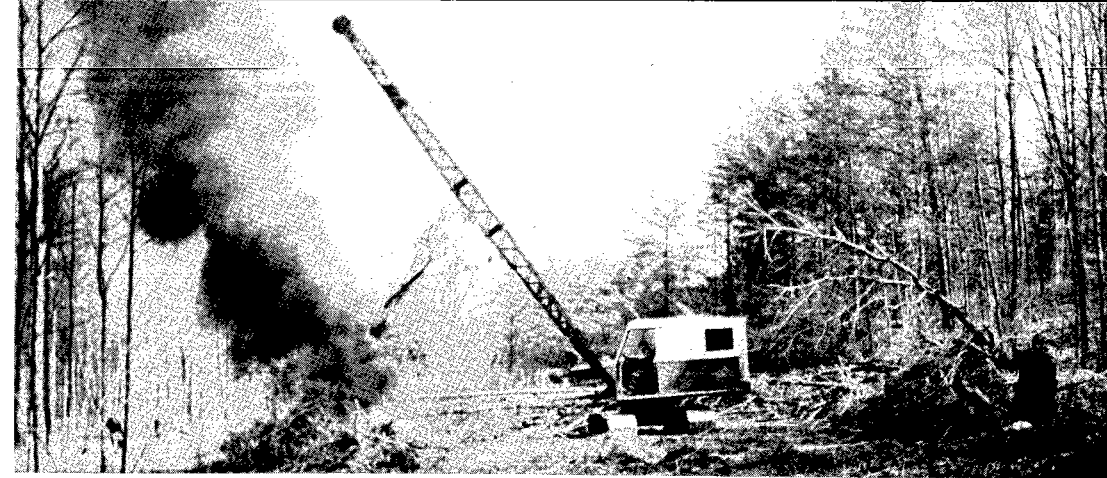
Zoning adopted in conformance with this General Plan, and in accordance with the staged procedures recommended, will avoid premature subdivisions by making large scale subdivisions uneconomical in the rural zoned areas.

The State enabling act gives the Planning Commission, with cooperation from the governing bodies of Montgomery and Prince George's Counties who must adopt the local regulations, the right to control subdivisions in order to provide for:

The avoidance of such scattered or premature subdivision as would involve danger or injury to health, safety, or welfare by reason of the lack of water supply, drainage, transportation, or other public services or necessitate an excessive expenditure of public funds for the supply of such services . . .

These provisions clearly enable the denial of premature subdivisions, and would have particularly wide application where the subdivisions would "necessitate an excessive expenditure of public funds . . ." This provision can become an important tool in accomplishing one of the major goals of the General Plan: to concentrate developments and public services within the urban corridors, while keeping the rest of the countryside open or only sparsely developed. The authority and intention of using this power to deny premature subdivisions should be explicitly spelled out in the locally adopted subdivision regulations.

ACTION: 1) Adopt a requirement for performance bonds in the Prince George's County subdivision regulations. 2) Clarify the wording of subdivision regulations in both counties, indicating the intention and ability to deny premature subdivisions.



The same Maryland law quoted above authorizes the enactment of regulations to reserve land from proposed subdivisions for schools, public buildings, parks, playgrounds, and other public purposes. Such reservations have in fact been applied to subdivisions in the Regional District.

Under present limitations, however, the regulations are not operative until after the developer has filed his subdivision plan for approval. In the meantime, serious damage may have been done to the required public sites. A potential developer can do practically anything he wishes with his land, short of building on it, as soon as he takes title. No permit is required to remove all the trees and regrade the land before filing an application for a subdivision. The damage is often irreparable.

Several things should be done to remedy this deplorable situation. Initially, action should be taken by the respective counties to enact and use ordinances to regulate large scale clearing and grading of land.

A corollary tool will be the "Park and Conservation Plans" adopted as elements of future detailed master plans. These plans will identify areas of unusual conservation importance and propose measures for preservation and proper development.

The Planning Commission needs legislation allowing it to initiate reservation plats in cases where greater certainty of control is required for lands designated for public use on adopted master plans.

The present three-year time limit on reservation plats has proved too short to assure public purchase within that time. As things now stand, a reserved piece of land not bought by the public within three years can be reclaimed and used by the private owner contrary to the public interest. An extension of the time limit should be sought from the State Legislature and all government agencies for whom land is reserved should take steps to provide adequate land acquisition funds for this program. Affected agencies are primarily the County governments, the State Roads Commission, the National Capital Transportation Agency, the Park and Planning Commission, and the School Boards.

Reservations of land for future rapid transit facilities and rights-of-way should be specifically among the purposes stated in the State enabling act and the local subdivision regulations so that no possible question can be raised on this point.

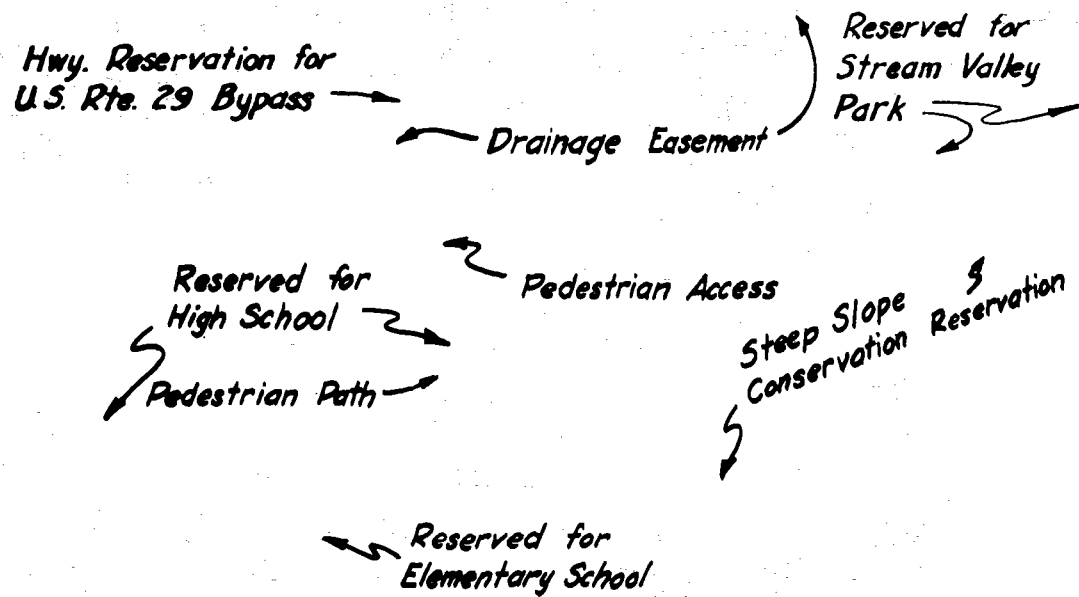
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Local streets, pedestrian walkways, conservation areas, and occasionally parks traditionally have been required to be dedicated for public use. The need for these facilities is directly related to the new development and there is no question of who benefits. Unusually large subdivisions have been required to dedicate school sites because only this one subdivision would benefit from the school. A series of small subdivisions, however, can produce just as much need for public land as a single large one. Yet none of the small subdivisions is large enough to contribute anything except its part of the street system.

In some states, fees are charged for subdivisions when the area to be developed is too small for the dedication of lands needed for schools, playgrounds, and other public purposes. This provision is eminently fair since the residents of the new subdivision will have to use schools and other public facilities which must be located on other land, acquired from other owners. Obviously the subdividers of such tracts have an obligation to shoulder their share of the burden. In some cases the small subdivision may be located so that it can dedicate a portion of the land needed for public use; in other cases, the obligation would be met entirely by means of fees in lieu of such dedication. The fees should be made proportional to the number of dwelling units constructed, and should be paid by the developer. These fees should be spent for improvements to the local area where they are collected.

Present enabling acts do not provide for such fees. A revision of State law providing power to require fees in lieu of dedication of public lands should be sought as a means of providing revenue for land acquisition without constantly increasing the burden on the taxpayer.





In cases where conservation measures need to be developed or applied to protect the public interest, the required clearing, grading, seeding, landscaping, and other improvements should be included in the subdivision performance bond guarantee. This is especially true for land to be turned over for public maintenance. The park and conservation element of detailed master plans will be a great help in determining the proper treatment for individual parcels of land.

Natural stream beds, steep slopes and flood plains can be protected and turned into assets through the use of subdivision controls. Buildings can be kept off unsuitable portions of land by the establishment of building restriction lines. Stream valleys can be turned into dedicated or reserved storm drainage and recreational facilities. The street layout can be required to take the routes requiring least bulldozing and disruption to natural features of the land and natural vegetation.

The maintenance of conservation areas turned over to the public could be financed by special district taxes or benefit charges.

In the past, awkward situations have arisen because some public agencies have failed to record their properties through the regular subdivision procedures. These procedures are designed to provide the service of checking properties for conformance to highway and other plans affecting the proper location of buildings and to establish record plats clearly showing correct property and building lines. It is not only a convenient way to avoid conflicts, it is also an important aid to coordinating the location of public services in accordance with the General Plan. The subdivision regulations should be amended to unmistakably require subdivision approval of all public building sites as one step in complying with the long accepted practice making it mandatory that all public land and construction projects be referred to the Park and Planning Commission for coordination with adopted plans.

The Outdoor Recreation Resources Review Commission has identified walking for pleasure as an outdoor recreation activity second only to driving for pleasure in terms of popular participation. And it is a growing activity. Walking also remains an important means of transportation, especially for school children.

However, pedestrian traffic does not mix well with automobile traffic. It is largely up to subdivision controls to provide adequate walkways. This may be done by including extra widths for sidewalks in street rights-of-way, by requiring special walkway dedications where streets do not exist, and by providing for pedestrians in reserved or dedicated conservation and park areas.

Akin to pedestrian traffic is bicycle traffic. The same methods may be used in providing for both.

Airport flight paths and noise areas, in this day of large planes and powerful jet engines, become even less suitable for human occupancy than flood plains, swamps, and steep slopes. The Federal Housing Administration has recognized this by refusing to insure housing mortgages in such areas. Even the

United States Supreme Court has spoken on the subject, saying that damages in these areas are such as to make airport owners liable for them.

Local subdivision regulations should recognize flight path and noise areas as unsuitable for residential construction. The Federal Aviation Agency is cooperating in the task of defining the precise areas affected. When airport areas unsuitable for subdivision are adequately identified they should be mapped and zoned for protection of the public health, safety and welfare. Meanwhile, subdivisions in questionable areas should be denied subject to reapplication when the problem areas are clearly defined. The General Plan map shows the approach zones within which development should be discouraged.

Some areas that are already subdivided and developed may have to be bought and abandoned under urban renewal or similar programs.

PARK AND OPEN SPACE ACQUISITION

The park and open space acquisition program has the primary purpose of providing land to meet the outdoor recreation needs of our growing and increasingly recreation-minded population. In addition to providing out-of-doors enjoyment, the outdoor recreation areas contribute to the mental health, physical fitness, and nature education of people using them. They also provide a source of income for land owners and concessionaires, and can contribute to the conservation and multiple use of the Regional District's land and water resources.

At the same time the park and open space acquisition program is a key element in separating urban and rural areas, encouraging rural uses to prosper and urban uses to cluster together efficiently. While many small parks and open spaces will be needed inside the urban areas to lend quality and convenience, most of the large parks and open spaces will be located at the edges of the urban pattern.

Many different acquisition methods will be needed to establish the desired park and open space system.

Outright purchase of park land is the surest way to provide recreation facilities and help form the transition between urban

... vast as the demand for outdoor recreation presently is, it pales beside what may be expected in future years.

*President's Outdoor Recreation
Resources Review Commission*

corridors and natural resource wedges. But since the amount of land that can be purchased is limited by available funds, it is of utmost importance to concentrate on acquiring park lands where they will have maximum effect and usefulness.

The present park plan for 1980 proposes to expand public holdings from the present 6,500 acres to 40,000 acres. Costs of this park system in the next 20 years are estimated at \$25.5 million.

Park purchases have been accelerated in recent years, resulting in more than a 50% expansion of the system since the beginning of 1958. Over two-thirds of the present park land is in stream valleys, but both local and regional parks outside the stream valley system are now receiving greater attention. The stepped-up pace of acquisition should be maintained and even increased.

The park acquisition program is reviewed every year to show specific plans for each of the next five years and a long term summary for lands to be acquired in later years. The annual review presents an excellent opportunity for bringing the acquisition program into closer conformance with the General Plan. Special attention will be given to the strategic location of large regional parks where urban corridors meet rural wedges.

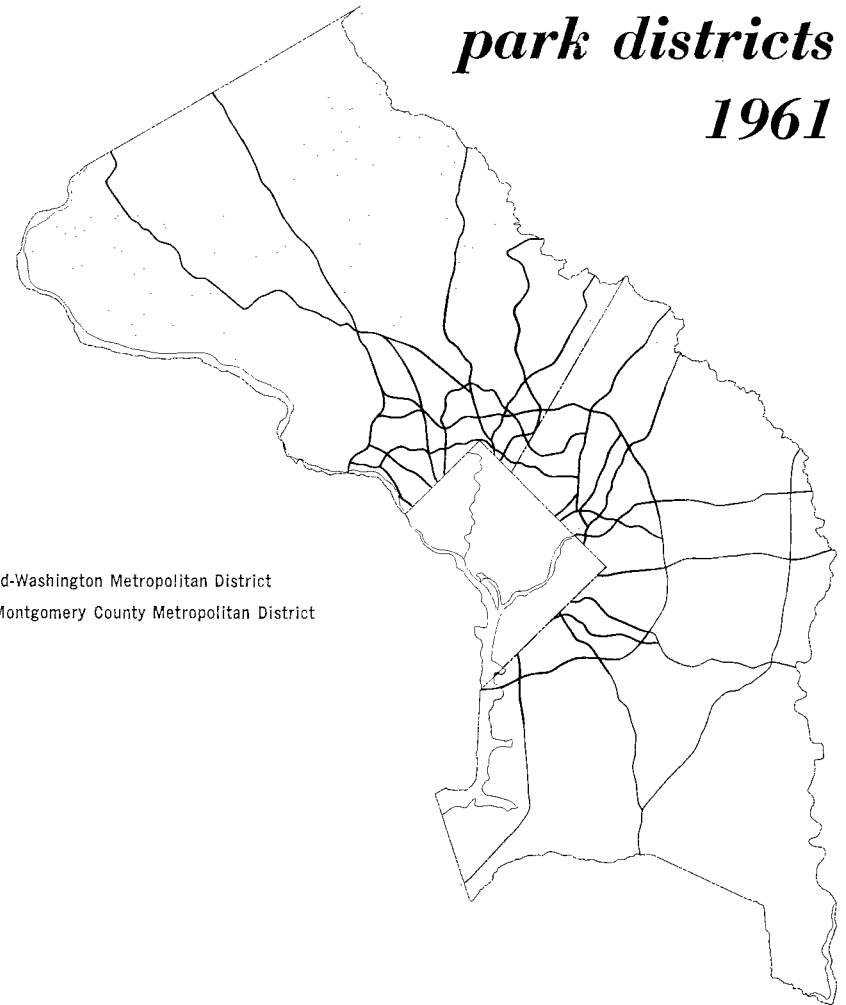
park districts *1961*

Lands to be acquired for parks in conformance with the General Plan can be reserved in the public interest through the subdivision regulations. There is great need not only to reserve park sites for later acquisition, but also to protect the sites from harmful destruction of trees and earthmoving. Reservation laws should be strengthened to assure this protection.

Park and open space acquisition is basically financed by local real estate taxes collected for the Park and Planning Commission with the approval of State and County legislation. Nearly 70% of the park system is in lower Montgomery County where the tax rate has been highest. The park tax was raised not long ago in suburban Prince George's County and the first regional park in the County has been acquired near Clinton. A small park tax is also levied in upper Montgomery County where some large parks are being acquired. In addition, it would be only fair to seek a small park tax from rural Prince George's County. The difference in tax rates—higher in urban areas and lower in rural—is justified by the fact that public parks and open spaces are needed mostly to satisfy the needs of the urban population.

Park district boundaries for urban rates should periodically be expanded to include new areas of urban development. This can best be done by local authorities at the time sectional map amendments to the zoning ordinance are granted in accordance with sequential zoning procedures explained in Chapter 5. The same method of expansion was suggested in Chapter 6 for the "suburban districts". The urban park tax districts should coincide with the suburban districts.

A secondary source of local park and open space revenue based on user fees could be tapped in the future if necessary.



All park and open space revenues will be spent in accordance with adopted master plans upon which the public and the County governments will have had an opportunity to comment. The park purchase and park development programs will continue to be carried out within the orderly framework of a long-range capital improvement budget.

Federal Aid. Since 1930 the Federal government has been stretching local park revenues in the Washington area by supplying one-third the land cost of stream valley parks. At present there is a new open space program under which up to 30% of open space acquisition costs can be paid for by the Housing and Home Finance Agency. Programs for converting farm land to recreational and conservation uses are being developed by the Department of Agriculture, and the Department of Interior has just established a new Bureau of Outdoor Recreation dedicated to expanding the opportunities for outdoor recreation with more national parks and aid to local park systems.

The Park and Planning Commission is taking fullest possible advantage of stream valley aid under the Capper-Cramton Act and has recently applied to the Housing and Home Finance Agency for aid under the open space program. Aid under other Federal programs will be applied for as it becomes available.

The new Federal open space program provides greater aid to agencies which are following comprehensive metropolitan plans. The Commission has qualified for the maximum 30% aid, based on its bi-county authority, its close cooperation with the National Capital Regional Planning Council in preparing this General Plan, and its participation in an interstate agreement pledging cooperation with Virginia portions of the Metropolitan Area.

The Commission is in complete accord with the recommendation of the Outdoor Recreation Resources Review Commission that "*Surplus Federal land suitable for outdoor recreation purposes should be made available to State and local governments at no cost . . .*"* Federal aid in maintaining the Beltsville

Agricultural Research Center as a major open space is particularly important.

State Aid. The State of Maryland is acquiring a new park along Seneca Creek in Montgomery County, and already owns the Cedarville State Forest in southern Prince George's and Charles Counties. The State has also agreed to match the Commission's funds on a 50-50 basis for acquisition of park lands along the Patuxent River. Such activities as these should continue with increased emphasis.

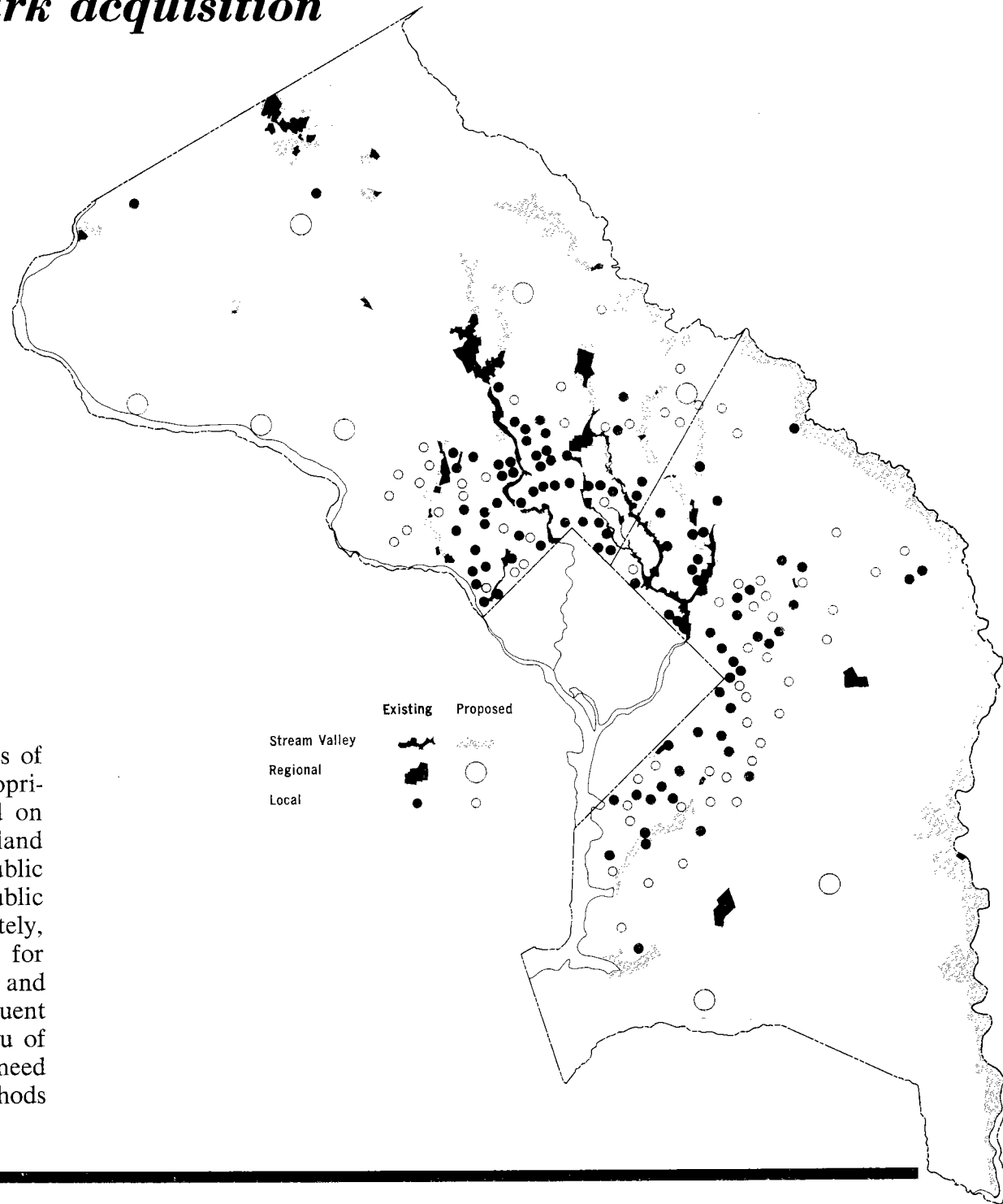
Installment Buying. The Commission's program of buying farms for future recreational needs, by paying certain prescribed amounts each year over a number of years until the complete price is met, is proving very successful. By allowing the farmer to continue living on his farm and operate as usual until the last payment is made, the Commission gets a lower price. This program can probably be continued and expanded to everyone's benefit.

Multiple Use Arrangements. Many kinds of recreation and open space enjoyment such as hunting, fishing, camping, hiking, and nature study can be practiced by the public without full public ownership of the land and without excluding other private uses, such as agriculture and forestry. By acquiring only partial rights to lands suitable for multiple use, the outdoor recreation program can be greatly expanded at relatively small cost. These possibilities should be studied thoroughly and the Commission should be given the authority, which it now lacks, to purchase partial rights to land.

* *Outdoor Recreation for America*, p. 134.

park acquisition

Other Methods. Several other methods of acquiring needed open space may be appropriate in certain cases to reduce the demand on park funds. Possibilities include gifts of land from philanthropic citizens, leasing out public lands for limited purposes when full public rights do not need to be exercised immediately, land transferred from excess acquisition for other public purposes such as highways, and transfer to the Commission of tax delinquent land. Required dedications and fees in lieu of dedication, as suggested in Chapter 7, also need serious study as potentially important methods of local park acquisition.



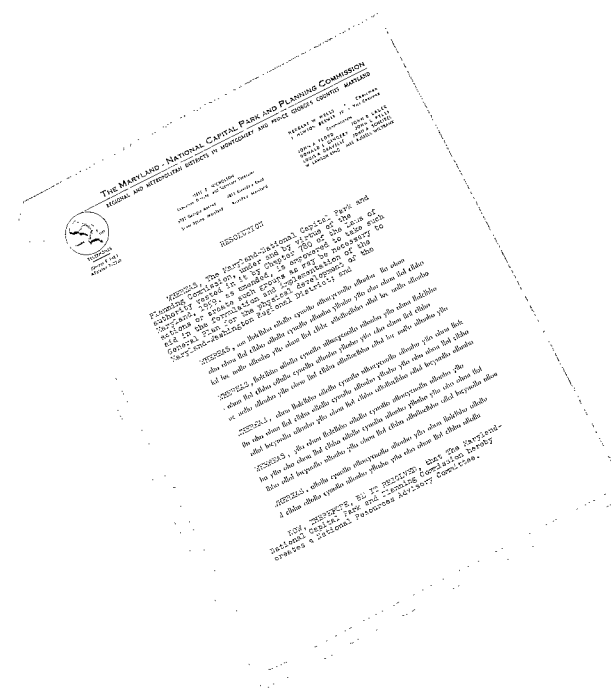
NATURAL RESOURCES ADVISORY COMMITTEE

To help carry out the rural features of the General Plan, the Park and Planning Commission needs the help of a Natural Resource Advisory Committee. This Committee's role would be to advise the Commission on all resource subjects, expressing the needs of natural resource businesses and helping to formulate equitable means of regulating harmful or objectionable activities. The Committee will have Commission staff assigned to it to help it define resource potentials in rural areas, promote resource development in accordance with the General Plan, and supervise resource use. The Committee should also be extremely valuable in bringing about closer intergovernmental cooperation and action, and in providing convenient information services in the field of natural resource development. Its activities should be designed to inform the residents of the open space wedges about the complete range of assistance programs available to them, and help them to make the most of their natural resources.

Members of the Natural Resource Advisory Committee will include professional farmers and members of State and local agencies concerned with agricultural, forestry, conservation, mineral extraction, and recreational uses of land and water in the Regional District, and will report directly to the Commission. The Committee's assigned staff will provide professional planning skills in the field of natural resource protection and development. In addition to assisting the Resource Committee, this staff will assist in the preparation of detailed master plans, working very closely with County Agricultural Agents; Soil Conservation Districts; the State Departments of Forests and Parks, Game and

Our nation, looking toward a future of continuing economic progress, is well advised to take stock of its natural resources.

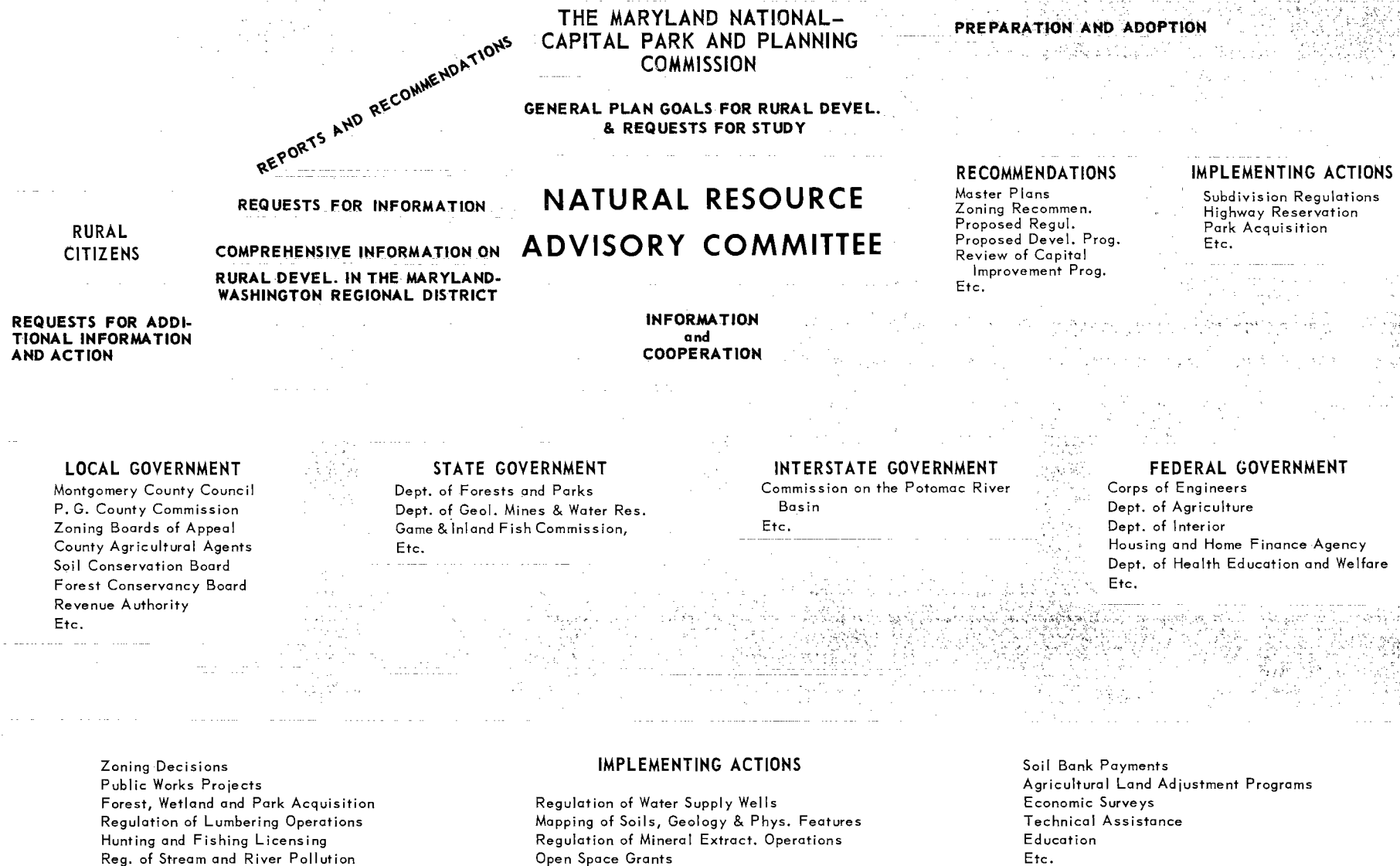
—Twentieth Century Fund



Inland Fish, Geology, Mines and Water Resources; the Interstate Commission on the Potomac River Basin; the U. S. Army Corps of Engineers; and the Natural Resources Institute at the University of Maryland.

ANNEX: State of Maryland and the Commission's Natural Resources Advisory Committee. The Natural Resources Institute at the University of Maryland. The Natural Resources Institute at the University of Maryland.

ROLE OF THE NATURAL RESOURCE ADVISORY COMMITTEE IN PROMOTING RURAL DEVELOPMENT



Miserable and disreputable housing conditions may do more than spread disease and crime and immorality. They may also suffocate the spirit by reducing the people who live there to the status of cattle. They may indeed make living an almost insufferable burden. They may also be an ugly sore, a blight on the community which robs it of charm, which makes it a place from which men turn. The misery of housing may despoil a community as an open sewer may ruin a river.

—U. S. Supreme Court

Urban renewal is one of the most powerful tools available for carrying out the General Plan recommendations, especially in the older sections of the urban area. It is a comprehensive program stressing prevention of urban blight as well as rehabilitation and rebuilding. Federal financing is available to defray as much as two-thirds of project costs.

Following a Maryland amendment in 1960, the State Legislature gave urban renewal authority to Montgomery County and the cities of Rockville and Takoma Park. The 1962 session of the General Assembly granted the same authority to Prince George's County and to the cities of College Park, Hyattsville, Mt. Rainier, Laurel and Glen Arden.

Several parts of the Regional District are now in need of rebuilding. Some of the deteriorated areas, close to commercial centers, have attracted private investors who are replacing the old buildings with apartment houses and commercial and industrial developments. Other blighted spots, which either cannot be acquired without the public power of eminent domain or which

are unsuitably located for profitable private redevelopment, will require public renewal programs. Public urban renewal may also be required to make proper adjustments around new rapid transit stations and freeways in the already built-up areas.

In addition, the broader problems of preventing deterioration and blight, in the Regional District as a whole, will need community-wide attention by public agencies. Typical concerns should be for:

- Bringing deficient public facilities up to standard.
- Solving isolated land use problems, especially on land inflated in value and by-passed by developers, or on land along transitions between zoning districts.
- Removing non-conforming uses and correcting past zoning mistakes.
- Strengthening the enforcement of building, housing, health, and zoning ordinances.

In order to carry out these public responsibilities intelligently and efficiently, it will be necessary to keep a running inventory of neighborhood and community characteristics which can be used to identify areas needing urgent attention. By this method, a comprehensive program of renewal can be prepared and dovetailed with the various capital improvement and related programs of government. The Planning Commission's established experience with land use, zoning, and similar information for the Regional District will be made available for urban renewal studies. The coordination of urban renewal programs with the General Plan and detailed master plans for local areas, and coordination with the review of public capital improvement programs, will also be provided by the Commission.

To assure that the Commission's recognized planning authority and unique experience is used to assist urban renewal programs, the Commission should be specifically designated in State enabling legislation as the official planning agency for all urban renewal projects undertaken by public agencies in the Regional District. The General Plan will have substantially greater chances of being realized if this is done.

ACTION: Enact State legislation making the Park and Planning Commission the official planning authority for all public urban renewal projects undertaken in the Regional District.



COMMUNITY APPEARANCE ADVISORY COMMITTEE

By far the major portion of urban development in the Regional District has been and will continue to be privately conceived and carried out. While it is true that local officials can regulate this development in order to protect the public health, safety and welfare, it is also true that imaginative design cannot be legislated. Excellent architecture and landscaping are the products of private architects, engineers, and landscape architects doing their best work for enlightened clients under a favorable climate of public opinion.

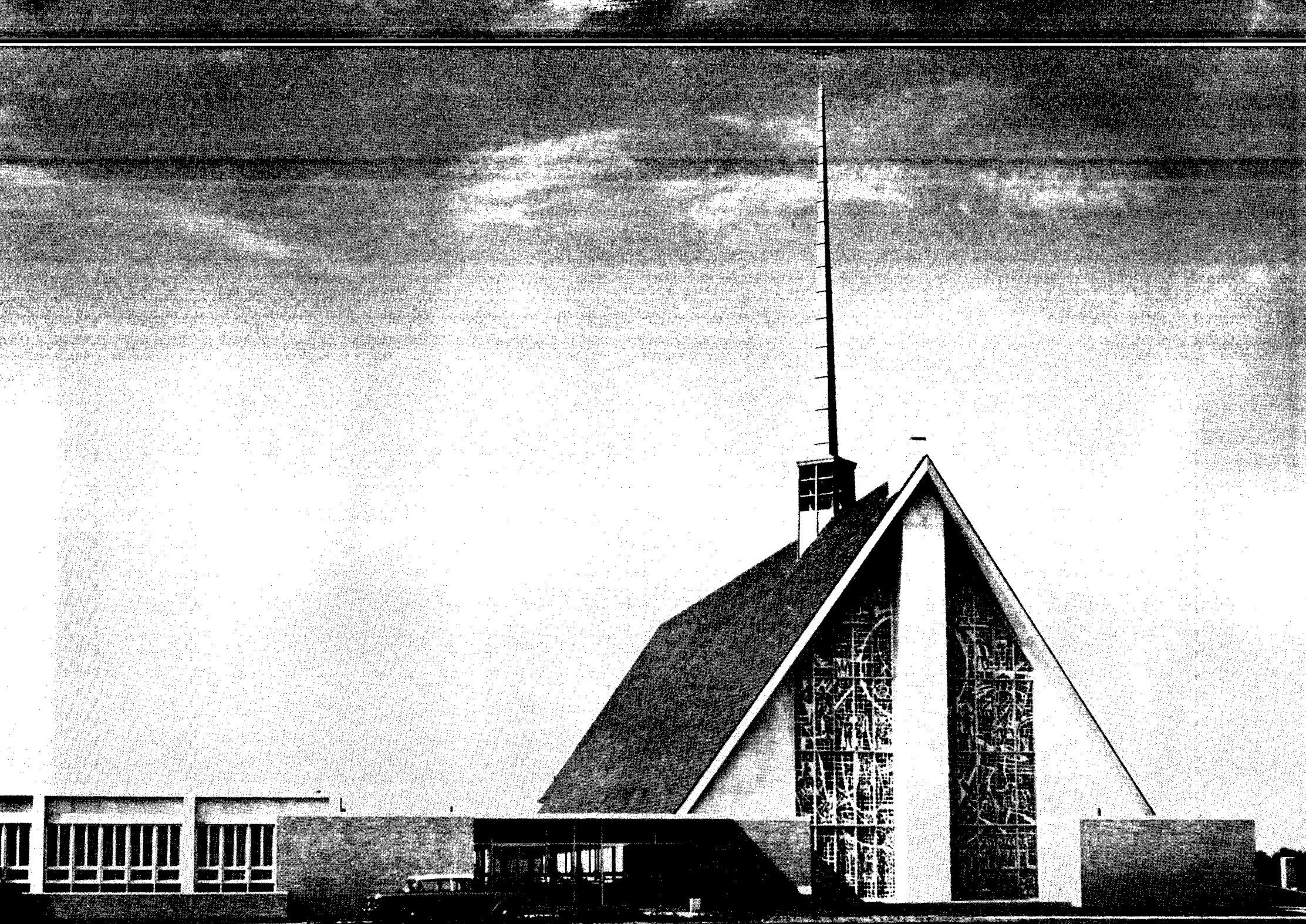
A Community Appearance Advisory Committee, made up of outstanding civic leaders, architects, engineers, and landscape architects, should be established to give advice on trends in architectural style, on the preservation of worthy historical buildings and sites, on ways of improving the unity, contrast, and accent of private building design, to keep a watchful eye on the enforcement of building, housing and zoning ordinances, to sponsor competitions for annual awards recognizing excellent urban design, and generally to fill the gap where legislative control does not apply. The Committee would become, in effect, a community conscience prodding developers and public agencies alike toward excellence in city building.

Subdivision design as well as building and landscape design would benefit. The use of flexible zoning and subdivision controls for aesthetic gains rather than simply economic gain would be encouraged.

It seems to us that aesthetic considerations are relative in their nature. With the passing of time social standards conform to new ideas. As a race our sensibilities are becoming more refined, and that which formerly did not offend cannot now be endured. That which the common law did not condemn as a nuisance is now frequently outlawed as such by the written law. This is not because the subject outlawed is of a different nature, but because our sensibilities have become more refined and our ideals more exacting. Nauseous smells have always come under the ban of the law but ugly sights and discordant surroundings may be just as distressing to keener sensibilities. The rights of property should not be sacrificed to the pleasure of an ultra-aesthetic taste. But whether they should be permitted to plague the average or dominant human sensibilities well may be pondered.

—Supreme Court of Wisconsin

REPORT Report of Community Appearance
Advisory Committee for the Regional District



UNIFYING GOVERNMENT AFFAIRS

The principle by which all public policies are coordinated into a concert of action designed to implement the General Plan is an indispensable one. It is the unifying catalyst in the program for making the Plan work.

The importance of this concept becomes apparent when the present, complex structure of governmental administration in the two Counties is examined. This structure includes several relatively independent agencies, the most important of which are the County governments, the Washington Suburban Sanitary Commission, the Park and Planning Commission, the Boards of Education, the State Roads Commission, the National Capital Transportation Agency, and the Maryland Department of Forests and Parks. Secondly, there are a number of small towns and cities with varying degrees of independence. Direct Federal interests in agricultural subsidies, conservation practices, water supply for the District of Columbia, and the location of airports, employment centers, and parks are additional factors affecting the development of the region.

Adjoining the Regional District similar aggregations of governmental decision agencies exist in Virginia, the District of Columbia, and in Howard, Anne Arundel, Charles, and Frederick Counties, Maryland.

Related to all of these governmental decision agencies are

... the problems of governmental structure, organization, planning, and cooperation in the metropolitan areas are so urgent and critical as to require the ushering-in of an "era of reciprocal forbearance" among the units of government concerned.

*—Advisory Commission on
Intergovernmental Relations*

the privately owned electric power, telephone, and gas utilities.

The existence of so many public and semi-public decision-makers could become the biggest obstacle to developing a concert of public policies based upon the General Plan. In order to make the plan a meaningful guide for development, there must be a single agency at each level of decision making (metropolitan and local) which exercises the responsibility of judging all physical development policies in relation to general development plans. The proper agency at the metropolitan level is the National Capital Regional Planning Council, while the proper agency at the local level in Maryland is the Maryland-National Capital Park and Planning Commission. Both agencies were set up precisely for the purpose of developing and promulgating general development plans and have legislative authority to do so. Both agencies are stepping-up their programs for carrying out their responsibilities and are seeking to acquire much closer ties with other governmental agencies.

The natural tendency toward indiscriminate proliferation of overlapping and competing independent agencies must be resisted if the concert of policies necessary to carry out an efficient and desirable pattern of development in the Washington Metropolitan Area and the Maryland-Washington Regional District is to be achieved.

State Court Upholds Acts Of Area Park Agency

After being in business 36 years, the Maryland-National Capital Park and Planning Commission has been assured by the State's highest court that what it has been doing is legal.

The Maryland Court of Appeals rejected a Laurel build-er's contention that the Gen-eral Assembly violated two sections of the State Constitu-tion when it created the plan-ning agency in 1927. The rul- ing upheld a Prince Georges Circuit Court decision.

At stake in the suit, filed by Samuel G. Middleman, was the legality of several million dollars worth of bonds issued by the Commission for park acquisition and development. In addition, the legality of all previous Commission deci-sions was involved in the con-stitutional issue, the first of its kind to confront the agency.

The Court of Appeals ob-served that "it may be con-tended that if the Commis-sion was not validly created, all of its acts . . . were void and unsupportable."

Middleman argued that the special act creating the Com-mission violated a section of the Constitution which pro-hibits the General Assembly from passing special laws "in any case for which provision has been made by an existing general law."

The Appeals Court dis-missed this contention be-cause it ignored the complex problem "presented by the desirability of uniform zoning and planning in a metropoli-tan area embracing parts of two counties."

The Washington Post July 20 1963

STOP EROSION OF COMPREHENSIVE PLANNING

Some recent circumstances are symptoms of a dangerous trend away from comprehensive planning. One example is the increasing amount of municipal annexation. Such annexations, in some instances, are evident attempts to establish and expand rival planning agencies with their own plans and planners. Not only is this inefficient, it more importantly indicates the delusion that everything will be fine once local control is firmly entrenched. Somehow it is hoped that if regionwide problems are ignored they will go away. ***Withdrawing from the Regional District, into provincialism, will solve no one's basic problems.***

The trend toward fragmentation of planning powers in Montgomery and Prince George's Counties should be reversed, and replaced by much closer working relationships between the Park and Planning Commission and the County governments, school boards, municipalities, and Sanitary Commission.

ACTION: Enact State legislation to leave all sub-sequently annexed areas under the jurisdiction of the Park and Planning Commission.

A number of events in the past five years have set the stage for increased County participation in planning. Planning Commissioners are now appointed directly by the County governing bodies, and the Commission's planning and park taxes must be approved by the Counties. Both Counties also review the Sanitary Commission's capital improvement programs for sewer and water projects which have such far-reaching effects upon planning, but only in Montgomery County is there a veto power—which, in the absence of a General Plan for up-county areas, has not yet been applied comprehensively.

The stage is set but the play is just beginning. Prince George's County needs to acquire the veto power over trunk sewers. Both Counties need to have more frequent meetings with the Planning Commission. Both County governments also need to help resolve conflicts between the General Plan and Sanitary Commission plans, using persuasion where possible and the veto power where necessary, and insisting upon the use of limited access sewers when trunks must traverse rural areas. The psychology of competition between legislators and planners needs to be changed into one of mutual understanding and cooperation toward common goals.

Objectives of the General Plan are broad. They affect nearly every agency of government in the Regional District, and in turn are affected by nearly every one of these agencies. If the General Plan goals become generally accepted they should guide government activities of many kinds. Each activity so guided will lend strength to the plan and bring its goals closer to realization.

The General Plan will give new emphasis to some programs, while adding new functions to others. An example of new emphasis is found in the discussion of tax assessment procedures (Chapter 6). An example of new functions might very well appear in the case of revenue authorities. Montgomery County, for instance, has a somewhat general purpose revenue authority which can own and manage properties acquired through bond issues paid off with revenues from the properties themselves. So far a golf course to increase recreational opportunities in the county and an airport to increase commerce have been acquired. If the corridor city concept of this General Plan is accepted, the Revenue Authority might very well be called upon to buy land in the core areas for later resale. This new role for the Revenue Authority would prevent premature construction and assure the proper type of development after resale. The success of urban redevelopment projects indicates that a program such as this could work very satisfactorily.

Many elements of the concert of policies necessary to implement the General Plan eventually express themselves as construction programs and budget items. The most important of these show up in documents such as the Washington Suburban Sanitary Commission's five-year sewer and water programs, the Montgomery County capital improvement budget, the 12-year construction program of the State Roads Commission, Board of Education construction and site acquisition budgets, and the Park and Planning Commission's own five-year park acquisition and development program. If the items in these budgets appear in an orderly sequence directly related to the stages of development expected on the basis of the General Plan, it will be possible to finance the advance site acquisition and construction activities required to provide all the essential and desirable public services for the urban communities at the time they are needed.

The capital budgeting process is such that it can result in properly sequenced facilities only when it can be based upon a firmly adopted General Plan. In the absence of such a plan the only way to make a budget is to include items after the need has been brought about by private developments. After-the-fact

budgeting of this sort leads to crash programs aimed at catching up and patching up. Double-shift schools, over-crowded highways and similar symptoms which have been common in the past are characteristic of unguided urbanization.

In the past the Park and Planning Commission has exercised its right to comment upon many of the capital improvement budgets mentioned above. With the adoption of this General Plan, however, the capital programming process will become so important that it will be the Commission's policy to prepare detailed comments covering the relationship of the General Plan to each and every capital budget that outlines public programs for the physical development of the Regional District. All agencies making significant capital expenditures will be encouraged and assisted in preparing adequate long-range capital improvement budgets. Agencies not now preparing such budgets to cover their capital expenditures should be required to do so. All capital budgets will be combined and published by the Commission on an annual basis with appropriate comments. For the first time this publication will make available a comprehensive review of all capital improvement expenditures, showing how well they are coordinated and whether one program is growing at the expense of another.

STRENGTHEN MANDATORY REFERRAL PROCEDURES

The mandatory referral law requires that all public agencies and utilities submit plans for new facilities to the Planning Commission before an acquisition or construction project is undertaken. This provision is for the primary purpose of checking the location of these facilities against adopted development plans to make sure that possible conflicts are identified. This reduces the chance of having projects at cross purposes with each other. Such review by the Planning Commission provides a valuable service to land acquisition and construction agencies as well as protection for the objectives of the General Plan. Unfortunately, some projects have been submitted only after land acquisition and other commitments have been made. At that stage a mandatory referral is useless except under very extreme circumstances.

Violations of the mandatory referral law do not appear to be considered serious by those who commit them. Obviously the law needs to be strengthened. This can be done by clearly designating violations as grounds for conviction under the penalties of a misdemeanor. The difficult task of enforcement remains, but the inclination to disregard referral procedures can be substantially reduced by restricting the present practice that requires one public agency to pay the costs of moving another's existing facilities when a new project would conflict. This requirement makes sense only if the existing facilities were originally located in accordance with a comprehensive plan designed to minimize conflicts. A public agency or utility establishing a new facility should not be required to pay for the relocation

of conflicting facilities established by another agency contrary to the recommendation of the Park and Planning Commission. Restricting the liability for relocation payments to cases of unavoidable conflict will place the full responsibility for overruling the Commission's recommendation directly on the agency doing the overruling.

The mandatory referral process is closely allied to capital programming and should be done in concert with it. This General Plan provides a firm basis upon which to judge all mandatory referrals. Public agencies and utilities overruling Planning Commission recommendations based on the General Plan should be required to make a public statement in writing, giving the reasons.

ACTION: 1) Amend the Regional District Act to clearly designate violations of mandatory referral provisions as misdemeanors, and to require public statements in writing from the responsible government agency or utility company giving the reasons for projects undertaken contrary to Park and Planning Commission recommendations. 2) Amend appropriate State legislation to require all costs for the relocation of projects undertaken without the approval of the Park and Planning Commission to be paid by the agency or utility responsible for the undertaking.

The small staff and budget of the National Capital Regional Planning Council do not enable it to meet its full responsibilities. The Council is financed only by direct appropriations from Congress, with no provision for local cost sharing or participation in the various Federal programs of planning aid. This state of affairs leaves metropolitan planning fragmented between Federal interests in the National Capital Planning Commission; the transportation interests in the National Capital Transportation Agency, the various highway departments, and the transit regulatory commission; plus the sewer interests in the Regional Sanitary Board and the water supply interests in the U. S. Army Corps of Engineers and Interstate Commission on the Potomac River.

Since the Federal interest in the Washington area is so large, it is very necessary to have better information about plans for new government installations. These plans must be metropolitan in scope and tied closely to transportation, sewerage, and other regional plans. The Regional Council needs to take a more active role in coordinating Federal and local interests. This is only one example of how metropolitan planning needs to be strengthened.

A more appropriate method of financing the Regional Planning Council must be found in order for it to adequately coordinate metropolitan planning in the Washington Area. Without sound, comprehensive metropolitan planning, many of the Regional District's problems cannot be solved.



A VIGOROUS PLANNING PROGRAM

The General Plan should be considered as a dynamic instrument rather than a finished product. Its goals and its major patterns are firm, but its details must evolve and develop to meet the emerging needs of the people who will be served by the Plan. It is neither possible nor desirable to spell out each zoning line, every street and highway, or every public park and building site that will be needed between now and the turn of the next century. People's needs are not that rigidly predictable.

A vigorous planning program continues to be needed, staging development in proper sequence and adding specific details in accordance with future circumstances. Detailed planning activities will be reviewed annually in the Five-Year Planning Program which has become part of the Commission's regular budget.

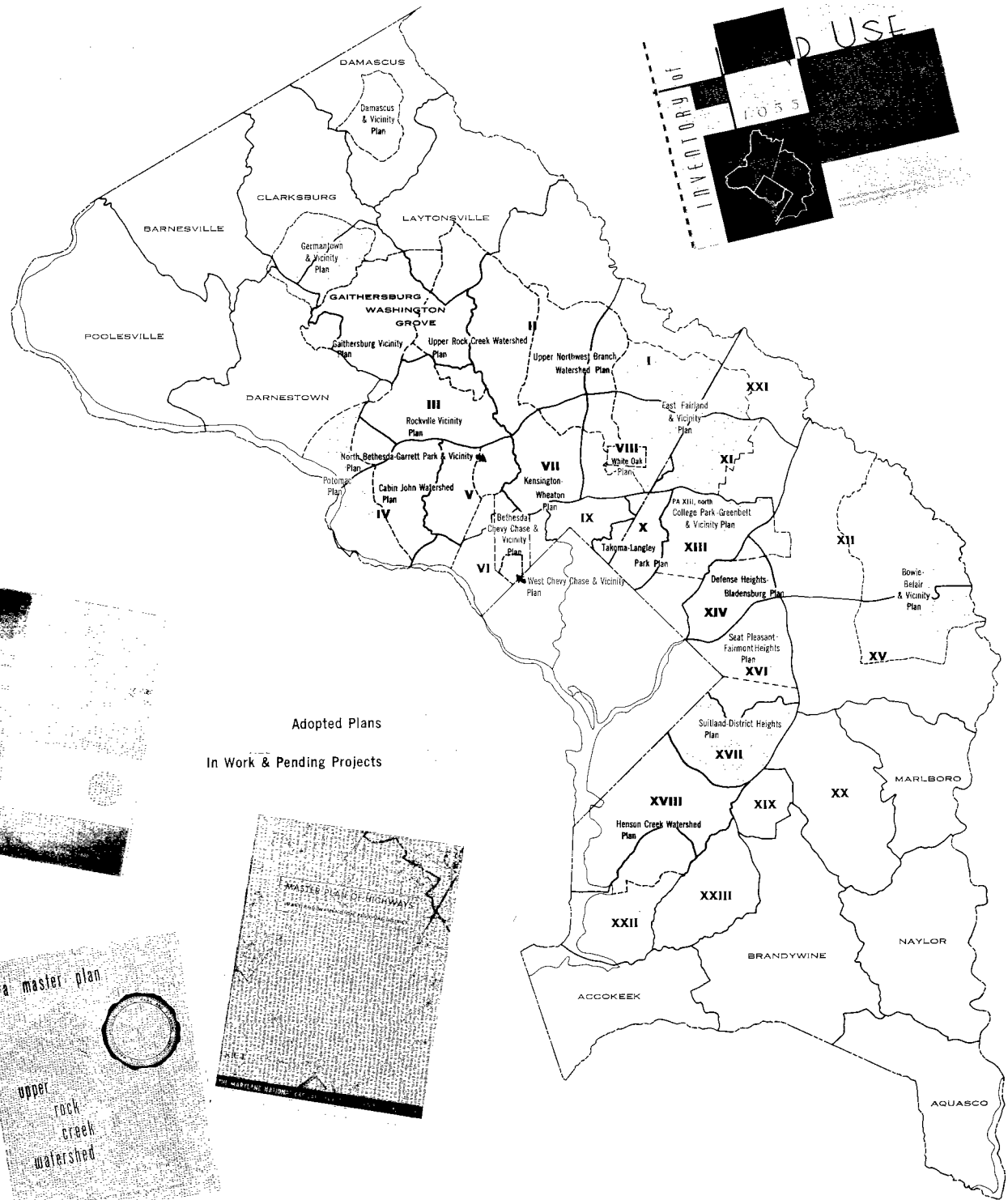
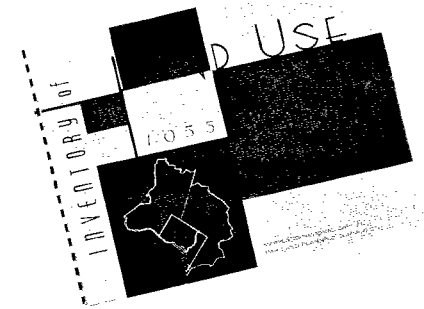
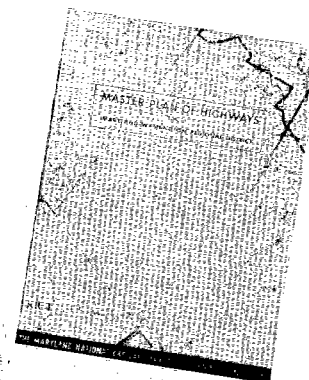
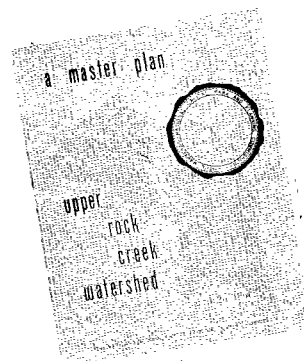
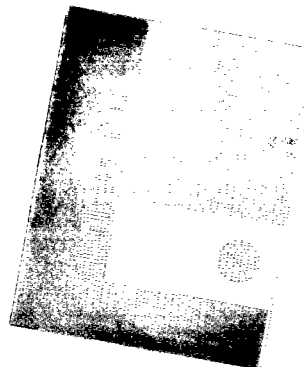
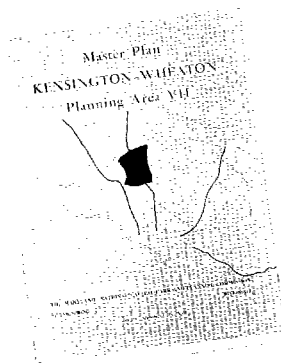
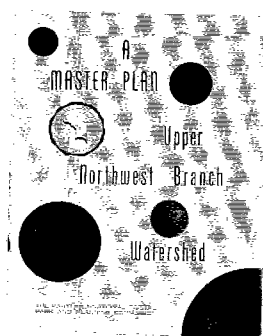
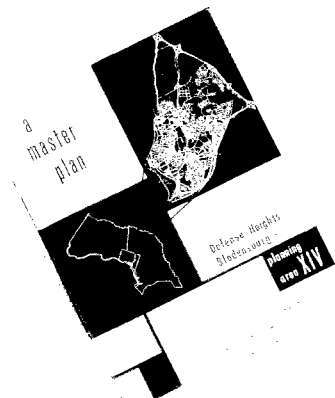
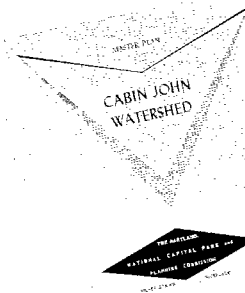
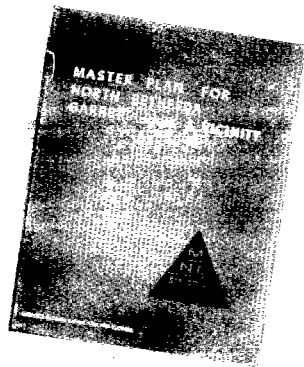
In order to assure comprehensive planning in Prince George's County those areas now beyond the jurisdiction of any public planning agency should be brought into the Regional District.

The making of the general plan, including its parts, amendments, extensions, or additions, the protection of and the carrying out of the plan, and the exercise of all planning, platting, zoning, subdivision control, and all other powers granted in this sub-heading to the Commission or to the County Council of Montgomery County or the County Commissioners of Prince George's County, shall be with the purposes of guiding and accomplishing a coordinated, comprehensive, adjusted and systematic development of the Regional District, the coordination and adjustment of said development with public and private development of other parts of the State of Maryland and of the District of Columbia, and the protection and promotion of the health, safety, morals, comfort, and welfare of the present and future inhabitants of the Regional District.

—Regional District Act

Plans for providing public services in the Regional District have long been a primary concern of the Park and Planning Commission. The Master Plan of Highways, first prepared in 1932, was revised in 1945, adopted in 1953, and readopted with further revisions in 1955. It is now undergoing another revision to bring it into conformance with this General Plan. The first Master Plan of Parks was adopted in 1932. A Master Plan of Schools, Parks and Recreation was adopted in 1956 and has been partially revised by local area plans and by the Master Plan of Parks and Recreation Areas adopted in 1961. In addition, a Master Plan of Libraries was prepared in 1959. Bi-county plans for fire stations and public health centers are in preparation. Plans for other facilities such as hospitals, art centers, police stations, county service buildings, refuse disposal sites, public parking lots, and land for rapid transit have also received study in the past.

Comprehensive plans for all these facilities are being prepared and constantly up-dated as a basis for judging capital improvement budgets in relation to General Plan policies.



LOCAL AREA PLANS

Master plans for the Henson Creek Watershed, the West Chevy Chase Area, the White Oak Area and the Takoma-Langley Park Planning Area have been recently adopted.

The pace of local area planning must be maintained. Limited revision of some adopted master plans will be required to bring them into conformity with the General Plan, but the major task will be to prepare local area plans for new areas of growth and for certain areas in the urban ring.

These local area plans will be of utmost importance in preparing sectional zoning map amendments which will form the basis for properly controlling the sequence of development, as well as for solving local land use, transportation, and public service problems.

SPECIAL PROJECT PLANS

Specific small-scale problems often arise, such as revital-

izing a business district, establishing new corridor city cores, establishing park-and-ride rapid transit stations, or rehabilitating a blighted residential neighborhood. These problems require very detailed project planning in which the Park and Planning Commission and other public agencies take part. As urban renewal comes into use in the Regional District, the need for project planning will increase greatly.

PLAN IMPLEMENTATION

Detailed reviews by the Commission of applications for zoning amendments and special exceptions, subdivision plans, capital budgets, and mandatory referral projects are time consuming, but they accomplish the indispensable function of constantly keeping adopted plans in the forefront of public decision-making. Such reviews are the bread and butter of effective planning. They must remain a major part of the planning program.

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