

Ordinance No.:
Subdivision Regulation Amend. No.: 12-01
Concerning: Preliminary Plan – Approval
Procedure
Revised: 6/19/12; Draft No. 1
Introduced: June 26, 2012
Public Hearing:
Adopted:
Effective:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Rice

AN AMENDMENT to the Subdivision Regulations to:

- (1) establish growth tiers under Maryland’s Sustainable Growth and Agricultural Preservation Act of 2012;
- (2) add provisions for the approval of subdivisions within the growth tiers; and
- (3) generally amend provisions concerning the subdivision of land to avoid negative consequences to landowners from the implementation of Maryland’s Sustainable Growth and Agricultural Preservation Act of 2012.

By amending

Montgomery County Code
Chapter 50. SUBDIVISION OF LAND.
Section 50-35. Preliminary subdivision plan—Approval procedure.

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. Section 50-35 is amended as follows:**

2 **Sec. 50-35. Preliminary subdivision plan—Approval procedure.**

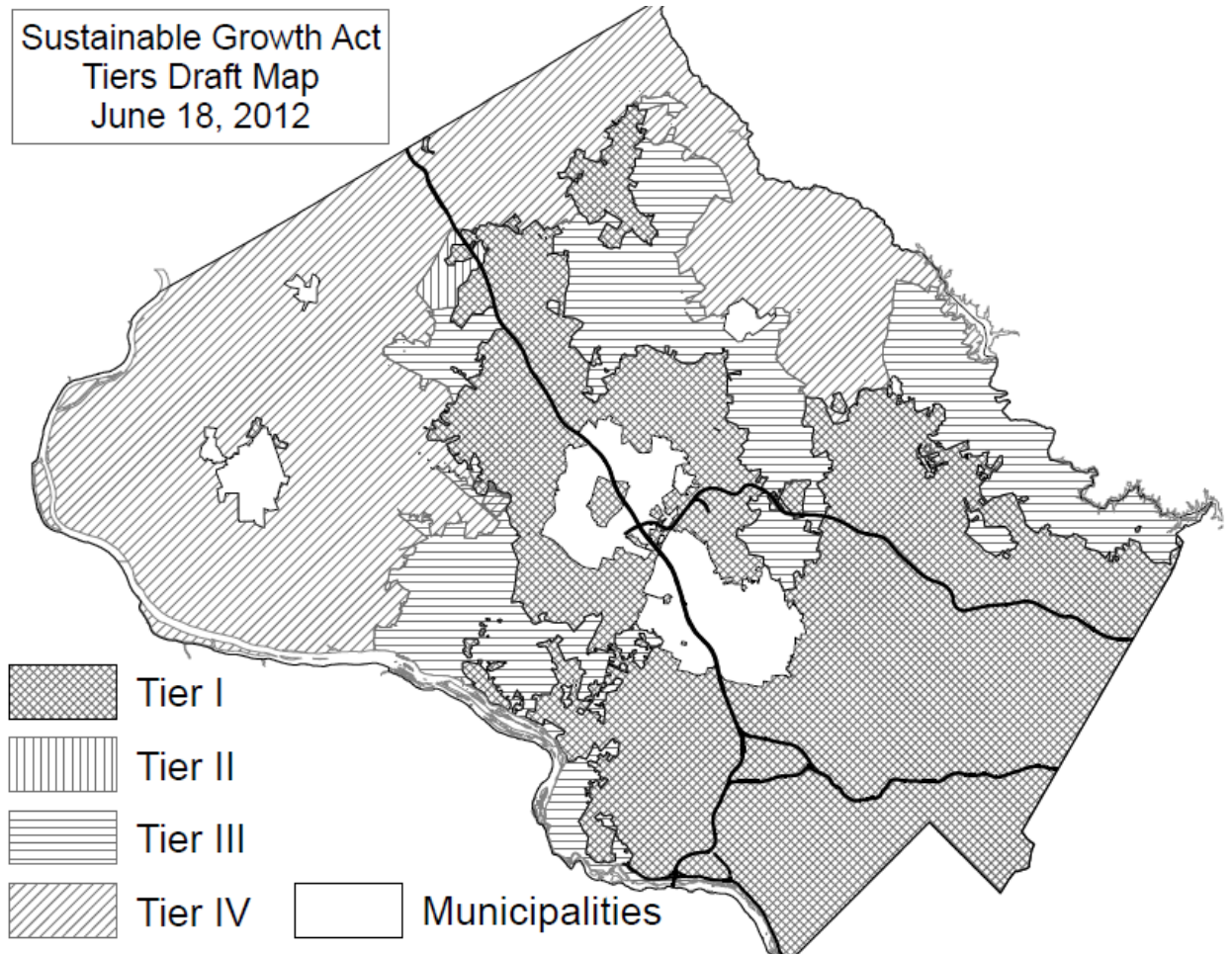
3 * * *

4 (e) *Wells and septic systems.* Before the Board approves a plan for lots with
5 individual wells or septic systems, the plan must be approved by the
6 Department of Permitting Services. The Board must review the plan under
7 the Maryland Sustainable Growth and Agricultural Preservation Act of
8 2012.

9 (1) The official map displaying the Growth Tier areas as allowed under
10 the Maryland Sustainable Growth and Agricultural Preservation Act
11 of 2012 is on the Planning Board website at
12 <http://www.montgomeryplanning.org/development/>.

13 The map may be amended by the Council's approval of a general plan
14 amendment that adopts Tier areas. The following is a representation
15 of the map (June 20, 2012):

Sustainable Growth Act
Tiers Draft Map
June 18, 2012



16

17

18

(2) The Board must deny any subdivision located in the Tier I area if the lots will be served by a septic system.

19

20

(3) The Board must deny any residential subdivision located in the Tier II area for 5 or more residential lots served by septic systems.

21

22

(4) The Board may approve a subdivision for any number of residential lots served by septic systems on land located in the Tier III or Tier IV areas.

23

24

25

* * *

26

Sec. 2. Certification of Tier 4 density. The Planning Director must submit

27

the Tier Map to the Maryland Department of Planning, with all data required by

28

Maryland's Sustainable Growth and Agricultural Preservation Act of 2012, to

29 certify that the average density of the Tier IV area is no greater than one unit for
30 every 20 acres. This certification would exempt the County from the limits under
31 the Maryland Sustainable Growth and Agricultural Act of 2012 on the approval of
32 subdivisions using septic systems in the Tier IV area.

33

34 **Sec. 3. Effective date.** This ordinance takes effect 20 days after the date of
35 Council adoption.

Approved:

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date