

Subdivision Regulation Amendment No.: 12-02
Concerning: Platting Exemptions –
Community Legacy Plan Areas
Draft No. & Date: 1 – 11/16/12
Introduced: November 27, 2012
Public Hearing:
Adopted:
Effective:
Ordinance No:

**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: Councilmembers Elrich, Floreen, Leventhal, Riemer, and Ervin

AN AMENDMENT to the Subdivision Regulations for the purpose of:

- exempting small commercial additions in Community Legacy Plan areas, near new roads, and adjoining state highways from subdivision requirements

By amending the following section of County Code Chapter 50:

Section 50-9 “Exceptions to platting requirements”

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by introduced Subdivision Regulation Amendment.</i>
[Single boldface brackets]	<i>Deleted from existing law by introduced Subdivision Regulation Amendment.</i>
<u>Double underlining</u>	<i>Added to the Subdivision Regulation Amendment by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the Subdivision Regulation Amendment by amendment.</i>
* * *	<i>Existing law unaffected by Subdivision Regulation Amendment.</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 50-9 is amended as follows:**

2 **Sec. 50-9. Exceptions to platting requirements.**

3 Recording of a subdivision plat under this Chapter is not required for:

4 * * *

5 (f) *Single residential lot.* An application for a building permit for one (1)
6 single-family detached dwelling unit, on a parcel, not previously included on
7 a recorded plat, which has not changed in size or shape since June 1, 1958,
8 provided:

- 9 (1) A description and location plat of the lot and proposed structure have
10 been furnished with the permit application, sufficiently detailed, to
11 locate the same on the base maps of Montgomery County.
- 12 (2) Approval of the permit application would not result in obstructing the
13 future opening, extension or widening of any road deemed essential in
14 the public interest, nor would it otherwise jeopardize any planned
15 public facility.
- 16 (3) The proposed lot and use comply with the zoning ordinance (except
17 for street frontage) and the site plan shows clearly the setbacks, side
18 and rear yards and any other information needed to check compliance
19 with regulations, including establishment of a building restriction line
20 along any existing or proposed road sufficient to provide for future
21 expansion or opening of such road to its ultimate width.
- 22 (4) Approval of the permit would not affect adversely the general plan for
23 the physical development of the regional district or any portion
24 thereof.

25 (g) Telecommunications towers/antennas, including associated accessory
26 structures, unless or until other development of the land which requires a
27 subdivision plan.

28 (h) *Certain Residential Property in the City of Takoma Park.* An application for
29 a building permit for one single-family detached dwelling unit on property
30 located in the portion of the City of Takoma Park annexed into Montgomery
31 County on July 1, 1997 that was recorded by a deed prior to January 1, 1982
32 and which remains otherwise buildable under the Prince George’s County
33 Zoning and Subdivision Regulations on June 30, 1997, provided that a
34 description and locational survey drawing of the lot and proposed structure
35 have been furnished with the permit application, sufficiently detailed to
36 locate the lot and structure on the 1 inch [equal] equals 200 foot scale base
37 map of Montgomery County.

38 (i) *Certain commercial properties adjoining state highways.* For commercially
39 zoned property:

40 (1) adjoining a state highway;

41 (2) located within a state approved Community Legacy Plan area on
42 October 30, 2012;

43 (3) with less than 10,000 square feet of gross floor area on October 30,
44 2012 and subsequent building permits increase total gross floor area
45 by less than 2,000 square feet; and

46 (4) that includes a description and locational survey drawing of the lot
47 and proposed structure on a 1 inch equals 50-foot scale base map of
48 Montgomery County in any building permit application.

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