

Subdivision Regulation Amendment No.: 13-02  
Concerning: Platting Exemptions – Single  
Family Dwelling  
Draft No. & Date: 1 – 3/22/13  
Introduced: April 2, 2013  
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**

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By: Councilmembers Floreen and Rice

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**AN AMENDMENT** to the Subdivision Regulations for the purpose of:

- exempting property that includes an involuntarily demolished single family dwelling for platting requirements; and
- generally clarifying limitations on the issuance of building permits

By amending

Montgomery County Code  
Chapter 50. SUBDIVISION OF LAND.  
Section 50-9. “Exceptions to platting requirements.”  
Section 50-20. “Limits on issuance of building permits.”

<b>Boldface</b>	<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:*

**Sec. 1. Section 50-9 is amended as follows:**

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

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

\* \* \*

(f) *Single residential lot.*

(1) An application for a building permit for one (1) single-family detached dwelling unit, on a parcel, not previously included on a recorded plat, which has not changed in size or shape since June 1, 1958, provided:

[(1)](A) A description and location plat of the lot and proposed structure have been furnished with the permit application, sufficiently detailed, to locate the same on the base maps of Montgomery County.

[(2)](B) Approval of the permit application would not result in obstructing the future opening, extension, or widening of any road deemed essential in the public interest, nor would it otherwise jeopardize any planned public facility.

[(3)](C) The proposed lot and use comply with the zoning ordinance (except for street frontage) and the site plan shows clearly the setbacks, side and rear yards, and any other information needed to check compliance with regulations, including establishment of a building restriction line along any existing or proposed road sufficient to provide for future expansion or opening of such road to its ultimate width.

[(4)](D) Approval of the permit would not affect adversely the general plan for the physical development of the regional district or any portion thereof.

28           (2)   An application for a building permit for one (1) single-family  
29                   detached dwelling unit, on a parcel or on part of a lot, when the permit  
30                   is to rebuild a dwelling involuntarily demolished by fire, wind, falling  
31                   debris, water, or other force of nature.

32           \*   \*   \*

33           **Sec. 2. Section 50-20 is amended as follows:**

34           **Sec. 50-20. Limits on issuance of building permits.**

35           \*   \*   \*

36           (b)   A building permit must not be approved for the construction of a dwelling or  
37                   other structure, except a dwelling or structure strictly for agricultural use,  
38                   which is located on more than one lot, which crosses a lot line, which is  
39                   located on the unplatted remainder of a resubdivided lot, or which is located  
40                   on an outlot, except a building permit:

41           \*   \*   \*

42           (4)   for an underground parking facility that crosses the vertical plane of  
43                   any lot line, as projected below grade, or extends into a public right-  
44                   of-way if that extension is approved by the appropriate public agency;  
45                   or

46           (5)   [for the reconstruction of a one-family dwelling that is located on part  
47                   of a previously platted lot, recorded by deed before June 1, 1958, if  
48                   the dwelling is destroyed or seriously damaged by fire, flood or other  
49                   natural disaster or;]

50           [(6)] for an addition to an existing one-family dwelling, a porch, deck,  
51                   fence, or accessory structures associated with an existing one-family  
52                   dwelling located on part of a previously platted lot, recorded by deed  
53                   before June 1, 1958.

54           \*   \*   \*

