

Introduction

MEMORANDUM

May 14, 2010

TO: County Council

FROM: Jeffrey L. Zyontz,  Legislative Attorney

SUBJECT: **Introduction:** Subdivision Regulation Amendment (SRA) 10-02;
Minor Subdivisions - Applicability

SRA 10-02, Minor Subdivisions - Applicability, sponsored by the Planning, Housing, and Economic Development Committee, is scheduled to be introduced on May 18, 2010. A public hearing will be scheduled for June 22 at 1:30 p.m. if the Council approves the attached resolution.

SRA 10-02 would allow certain legally constructed one-family detached dwelling units to record under the current rules for minor subdivisions. The Committee believes that this SRA would minimize processing time and costs for qualifying parcels.

This packet contains:
SRA 10-02
Resolution

Circle #
1-4
5

Ordinance No.:
Subdivision Regulation Amend. No.: 10-02
Concerning: Minor Subdivisions-Applicability
Revised: 5/10/10; Draft No. 1
Introduced: May 18, 2010
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: Planning, Housing, and Economic Development Committee

AN AMENDMENT to the Subdivision Regulations to:

- allow parcel owners with certain legally built single family detached dwelling to use the minor subdivision procedures; and
- generally amend the provisions concerning minor subdivisions.

By amending

Montgomery County Code
Chapter 50, Subdivision of Land
Section 50-35A, Minor Subdivision-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 50-35A is amended as follows:**

2 Sec. 50-35A. Minor Subdivisions-Approval Procedure.

3 (a) *Preliminary Plan Not Required.* The submission of a preliminary
4 subdivision plan, in accordance with the provisions of Sec. 50-34 and Sec.
5 50-35, is not required for:

6 * * *

7 (6) Plats for Certain Residentially Zoned Parcels Created by Deed [Prior
8 to] Before June 1, 1958. [While recognizing the] Although a single
9 residential parcel [exemption of Sec.] may qualify for an exception to
10 platting under Section 50-9([e] f), [an owner may voluntarily submit a
11 plat to record such a parcel under the minor subdivision procedure
12 provided that] if the parcel is developable for only one single-
13 family[,detatched] detatched dwelling unit, then an owner may submit
14 a plat to record such a parcel under the minor subdivision procedure.

15 * * *

16 (8) Plats for Certain Residential Lots located in the Rural Density
17 Transfer Zone. Up to [five] 5 lots are permitted under the minor
18 subdivision procedure in the RDT zone [provided that] if a pre-
19 preliminary plan is submitted and approved by either the Planning
20 Board or Planning Board staff, [in accordance with] under the
21 procedures for submission and approval of a pre-preliminary plan of
22 subdivision. In addition:

23 [a.](A) Written approval for a proposed septic area must be
24 received from the Montgomery County Department of
25 Permitting Services, Well and Septic Section [prior to
26 recordation of] before recording the plat;

- 27 [b.](B) Any required street dedications along the frontage of the
28 proposed lots[,] must be shown on the record plat;
- 29 [c.](C) An easement must be recorded for the balance of the
30 property noting that density and TDRs have been [utilized] used
31 for the new lots. Reference to this easement must be [reflected]
32 noted on the record plat for the lots; [and]
- 33 [d.](D) Lots created in the RDT [Zone] zone through the minor
34 subdivision procedure must not exceed an average lot size of
35 [five (5)] 5 acres in size unless approved by the Planning Board
36 in the review of a pre-preliminary plan of subdivision[.]; and
- 37 [e.](E) Forest conservation requirements must be satisfied [prior
38 to] before recording the plat.
- 39 (9) Parcels that satisfy Section 59-B-8.1 of Chapter 59 may be platted
40 under the minor subdivision procedure if:
- 41 (A) Any required street dedications along the frontage of the
42 proposed lots is shown on the record plat.
- 43 (B) There is adequate sewerage and water service to the property,
44 which may be either public service or approved private septic
45 system/private well.
- 46 (b) *Procedure for Platting a Minor Subdivision.* The owner of property that
47 satisfies the requirements for a minor subdivision[, as specified in Sec.]
48 under Section 50-35A(a), above, may submit an application for record plat
49 for approval [in accordance with the provisions of Sec.] under Section 50-36
50 and [Sec.] Section 50-37 [of this Chapter]. In the case of minor subdivisions
51 described in [Sec.] Sections 50-35A, (1), (3) and (4), if no additional
52 development is proposed, then no additional public improvements may be

53 required by the reviewing agencies beyond those required for the original
54 subdivision[, and provided that no additional development is proposed].

55 (c) Minor subdivision approvals are not subject to the resubdivision criteria of
56 Section 50-29(b)(2) [of this Code].

57 (d) Any lot created through the minor subdivision process and any lot replatted
58 as part of a minor lot line adjustment must satisfy all applicable zoning
59 requirements [as contained] in Chapter 59 [of this Code].

60 (e) A minor lot line adjustment cannot be used to establish a precedent for a
61 resubdivision that may be filed for other properties located in the same
62 block, subdivision, or neighborhood.

63

64 **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of
65 Council adoption.

66 *Approved:*

67

68

69 _____
Isiah Leggett, County Executive

_____ Date

70

71 *This is a correct copy of Council action.*

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74 _____
Linda M. Lauer, Clerk of the Council

_____ Date

Resolution No.: _____
Introduced: May 18, 2010
Adopted: _____

**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: District Council

SUBJECT: Notice of Public Hearing on Subdivision Regulation Amendment 10-02

Background

1. §50-6A of the County Code requires that, within 30 days after any subdivision regulation amendment is introduced, the Council must by resolution set a date and time for public hearing on the proposed amendment.
2. Subdivision Regulation Amendment 10-02 was introduced on May 18, 2010.

Action

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 resolution:

Legal notice must be given of the public hearing to be held on June 22, 2010 at 1:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, to give the public an opportunity to comment on SRA 10-02.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council