

Ordinance No: 17-47
Subdivision Regulation Amendment No.: 14-01
Concerning: Platting requirements – exceptions –
Rural Village Overlay zones
Draft No. & Date: 3 – 7/14/14
Introduced: May 22, 2014
Public Hearing: July 8, 2014
Adopted: July 22, 2014
Effective: August 11, 2014

**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: Council President Rice and Councilmember Floreen

AN AMENDMENT to the Subdivision Regulations to:

- Exempt certain small commercial additions and the reconstruction or replacement of certain existing buildings in Rural Village Overlay zones from certain platting 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>

OPINION

Subdivision Regulation Amendment (SRA) No. 14-01 was introduced on May 22, 2014. The SRA would eliminate the requirement for a subdivision plat for certain property in a Rural Village Overlay zone.

In its report to the Council, the Montgomery County Planning Board recommended that the subdivision regulation amendment be approved with an amendment.

The County Council held a public hearing on July 8, 2014 to receive testimony concerning the proposed subdivision regulation amendment. The amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on July 14, 2014 to review the amendment. The Committee, in order to reduce the burdens on small projects in the Rural Village, recommended approval with an amendment to reflect that the SRA only applied to a single Rural Village Overlay zone.

The District Council reviewed Subdivision Regulation Amendment No. 14-01 at a worksession held on July 22, 2014 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Subdivision Regulation Amendment No. 14-01 will be approved as amended.

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

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

4 * * *

5 (i) *Certain commercial properties adjoining state highways in*
6 *Community Legacy Plan Areas.* An application for a building permit
7 for an addition to a building on commercially zoned property:

- 8 (1) adjoining a state highway;
- 9 (2) located [within] in a state-approved Community Legacy Plan
10 Area on October 30, 2012;
- 11 (3) with less than 10,000 square feet of gross floor area on October
12 30, 2012 where [subsequent] later building permits
13 cumulatively allow [increases] increases in total gross floor
14 area [by] of less than 2,000 square feet; and
- 15 (4) that includes a description and locational survey drawing of the
16 lot and proposed structure on a 1 inch equals 50-foot scale base
17 map of [Montgomery] the County in any building permit
18 application [that demonstrates] which shows that the additional
19 floor area will not extend into any adopted master plan road
20 right-of-way.

21 (j) *Certain commercial properties adjoining state highways in Rural*
22 *Village Overlay Zones.* An application for a building permit for an
23 addition to, or to reconstruct or replace, a building on commercially
24 zoned property:

- 25 (1) adjoining a state highway;
- 26 (2) located in [[a]] the Rural Village Overlay zone;

