

Ordinance No: 18-06
Subdivision Regulation Amendment No.: 15-02
Concerning: Record Plats – Exemptions
Draft No. & Date: 1 – 3/18/15
Introduced: March 24, 2015
Public Hearing: May 5, 2015
Adopted: October 20, 2015
Effective: November 9, 2015

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

Lead Sponsor: The District Council at the Request of the County Executive

AN AMENDMENT to the Subdivision Regulations to:

(1) except deeded properties from platting requirements under certain circumstances

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

The District Council introduced Subdivision Regulation Amendment (SRA) No. 15-02 on March 24, 2015 at the request of the County Executive.

SRA 15-02 would exempt deeded parcels from recording a plat under certain circumstances. The subdivision process treats platted property (those that went through the subdivision process and are described on a recorded plat) differently from property only described by deed (a metes and bounds description without reference to a plat of subdivision).

In its report to the Council, the Montgomery County Planning Board and Planning Department Staff recommended that the SRA be approved.

The Council held a public hearing on May 5, 2015 to receive testimony concerning the proposed SRA. The SRA was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession to review the SRA on September 28, 2015. The Committee recommended approval of the SRA as introduced. The Committee agreed that parcels that were reduced in size by public acquisition should be treated the same as platted lots that were similarly changed.

The District Council reviewed SRA 15-02 at a worksession held on October 20, 2015 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, SRA 15-02 will be approved as introduced.

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 (c) Public [taking] transfer.

6 Where a property has been changed in size or shape subsequent to the date of its
7 inclusion within the district or subsequent to October 19, 1934, whichever is the
8 later date, by reason of the [taking] transfer of a part of such property for public
9 use by reference to a properly drawn and recorded [plat] instrument, [such as a
10 right of way plat; provided, that] if the outlines and dimensions of such remainder
11 may be clearly determined by reference to the previously recorded plats. This
12 provision also applies to any unplatted parcel that qualified for an exception to
13 platting before the transfer.

14 * * *

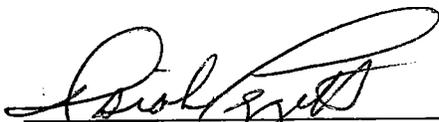
15 **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of
16 Council adoption.

17

18 *Approved:*

19

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21 
Isiah Leggett, County Executive

Oct 26, 2015
Date

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

23


Linda M. Lauer, Clerk of the Council

11/3/15
Date