

Subdivision Regulation Amend. No.: 10-03
Concerning: Master Plan Conformance –
Roadway Classifications
Revised: 10/13/10; Draft No. 1
Introduced: October 19, 2010
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: Councilmember Knapp

AN AMENDMENT to the Subdivision Regulations to:

- allow the Planning Board to approve a narrower roadway width than the width recommended in master plans under certain circumstances; and
- to generally amend the provision related to a subdivision's relationship to a master or sector plan

By amending

Montgomery County Code
Chapter 50, Subdivision of Land
Section 50-35(1), Relationship to Master Plan

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 50-35 is amended as follows:

2 **50-35. Preliminary subdivision plan-Approval procedure.**

3 * * *

4 (1) *Relation to Master Plan.* In determining the acceptability of a preliminary
5 plan submitted under this Chapter, the Planning Board must consider the
6 applicable master [plan], sector [plan], or urban renewal plan. [A] Except as
7 provided in Subsections (2) and (3), a preliminary plan must substantially
8 conform to the applicable master [plan], sector [plan], or urban renewal plan,
9 including maps and text, unless the Planning Board finds that events have
10 occurred to render the relevant master [plan], sector [plan], or urban renewal
11 plan recommendation no longer appropriate. [However:]

12 (1) If the Planning Board finds that events have occurred to render the
13 relevant master or sector plan’s recommendation on a roadway width
14 no longer appropriate, then the Planning Board may narrow the
15 roadway width from the recommendation of the applicable master or
16 sector plan.

17 (2) To permit the construction of all MPDUs under Chapter 25A,
18 including any bonus density units, on-site in zones with a maximum
19 permitted density more than 39 dwelling units per acre or a residential
20 floor area ratio (FAR) more than .9, a preliminary plan may exceed:

21 * * *

22 [(2)] (3) To permit the construction of all workforce housing units
23 required under § 59-A-6.18 and Chapter 25B on-site, the Planning
24 Board must permit:

25 * * *

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

28

29 *Approved:*

30

31

32 _____
Isiah Leggett, County Executive

Date

33

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

35

36

37 _____
Linda M. Lauer, Clerk of the Council

Date