

Ordinance No: 17-36  
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: June 11, 2013  
Adopted: June 18, 2013  
Effective: June 28, 2013

**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."

**Boldface**

*Heading or defined term.*

Underlining

*Added to existing law by introduced Subdivision Regulation Amendment.*

[Single boldface brackets]

*Deleted from existing law by introduced Subdivision Regulation Amendment.*

Double underlining

*Added to the Subdivision Regulation Amendment by amendment.*

[[Double boldface brackets]]

*Deleted from existing law or the Subdivision Regulation Amendment by amendment.*

\* \* \*

*Existing law unaffected by Subdivision Regulation Amendment.*

## OPINION

Subdivision Regulation Amendment No. 13-02, introduced on April 2, 2013, was sponsored by Councilmembers Floreen and Rice. SRA 13-02 would allow the owner of a one-family dwelling that was involuntarily demolished by fire, wind, falling debris, water, or other force of nature to rebuild without filing a record plat. This would be allowed without regard to when the lot or parcel was created.

In its report to the Council, the Montgomery County Planning Board recommended that the text amendment be approved with editorial changes.

The County Council held a public hearing on June 11, 2013 at 1:30 p.m. to receive testimony concerning the proposed text amendment. The Planning Board representative was the only speaker. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

On June 14, 2013, the Planning, Housing, and Economic Development Committee held a worksession to review the amendment. The Committee recommended allowing flexibility to relocate the footprint of a rebuilt house.

On June 18, 2013, the District Council reviewed Subdivision Regulation Amendment No. 13-02 at a worksession 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. 13-02 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           **Sec. 50-9. Exceptions to platting requirements.**

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

4           \*    \*    \*

5           (f)    *Single residential lot.*

6           (1)    An application for a building permit for one (1) single-family  
7           detached dwelling unit on a parcel not previously included on a  
8           recorded plat, which has not changed in size or shape since June 1,  
9           1958, provided:

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

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

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

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

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

33 (A) on the same footprint as the demolished dwelling; or

34 (B) on the same lot or part of a lot where current zoning setback  
35 standards are satisfied.

36 \* \* \*

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

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

39 \* \* \*

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

45 \* \* \*

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

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

