

Subdivision Regulations Rewrite

Montgomery County Code,
Chapter 50

Rewrite Objectives

- Modernize language that has not been rewritten in over 50 years
- Improve organization and ease of reference
- Increase review and approval efficiency
- Codify current interpretations



Simplified Language

Original Language

Whenever the owner of any lands of which a plat has been heretofore made and placed in the land record books of the county shall cause to be made an exact copy of such plat, except as to necessary change of scale and the addition of such matter as may be necessary to make the same conform to the requirements of the preceding sections, and shall comply with the requirements of the preceding sections as applied to plats of new subdivisions, the same may be admitted to record and filed as other plats, and the clerk shall thereupon remove the original plat from the record books, or place where the same shall have been filed, and endorse upon such record book or place where the same has been filed, a certificate that the plat heretofore filed in such record book has been copied and made to conform to the provisions of this chapter, and has been filed and recorded under the provisions of this chapter, which certificate shall give the liber and folio where the new plat may be found; provided, that before the new plat shall be entitled to record, as hereinbefore provided, there shall be endorsed upon same, in addition to the other certificate, required by this chapter, the certificate of the county surveyor of the county, that the same is an exact copy of such original plat, except as to those changes made necessary by the provisions of this chapter.

Draft Language

In order to improve clarity and legibility, the owner of any lands shown on a record plat may record an exact copy of the plat, except for necessary change of scale and the addition of any other necessary elements to make the plat conform to the requirements of this Chapter. The new plat must indicate that it is an exact copy of the original plat except for the changes made under this Subsection.

Improved Organization

Original Table of Contents

Article I. In General.

Article II. Plats.

**Article III. Approval and Amendment of
Subdivision Plans.**

Draft Table of Contents

Article I. In General.

Division 50.1. Purpose

Division 50.2. Defined Terms

Division 50.3. General Requirements

Division 50.4. Administration

Article II. Subdivision Plans.

Division 50.5. Preliminary Plan

Division 50.6. Pre-Preliminary Plan

Division 50.7. Simplified Preliminary Plan

Division 50.8. Minor Subdivisions

Article III. Plats.

Division 50.9. Plats-Generally

Division 50.10. Waivers from this Chapter

Division 50.11. Administrative Procedures

Clarified Definitions

Under “D” in the current Definitions section –

Definition of Subdivision Record Plat for purposes of the Subdivision Regulations: For purposes of the subdivision regulations the term “Subdivision Record Plat” refers to the plat of subdivision that is intended to be recorded in the land records after it has been approved by the Planning Board, pursuant to the requirements of Chapter 50 of the Montgomery County Code. The Subdivision Record Plat may consist of more than one sheet which must be numbered sequentially.

Appropriately under “S” in the draft –

Subdivision Record Plat: A plat of subdivision that has been recorded in the land records under the requirements of this Chapter.

Quicker Processing Time

- Simplified Preliminary Plans with Director level approval
- 120-day review clock for Preliminary Plans
- 90-day review and 30-day approval period for record plats



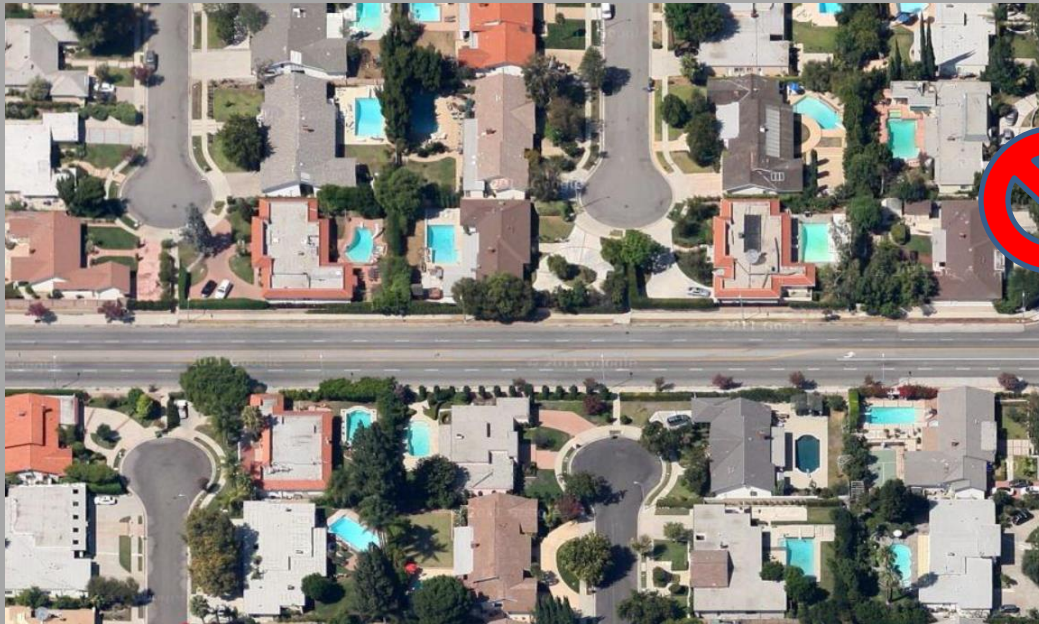
Alignment with New Zoning Ordinance

- Removed findings regarding exceeding FAR and height to permit construction of MPDUs
- Deleted the minor (9) for platting grandfathered parcels containing existing houses because the grandfathering provisions were removed from the new zoning ordinance

Block Design



- Draft language removes requirements that lead to undesirable street configurations



Adequate Public Facilities

- Revised extension criteria for mixed-use development
 - Current language – not clear how to calculate when dealing with residential and non-residential uses (SF? DUs? Both?)
 - Proposed language – calculate based on trips
- Clarified that uses associated with religious institutions that generate peak hour vehicle trips are not exempt

Resubdivision



Original Language

- Applies in any residential zone
- Criteria:
 - Street frontage
 - Alignment
 - Size
 - Shape
 - Width
 - Area
 - Suitability for residential use

Draft Language

- Applies only in R-40, R-60, R-90, R-200, and RE-1 zones
- Criteria:
 - Frontage
 - Alignment
 - Size
 - Width at the front building line
 - Buildable area

Private Streets/Road ROW

- Private streets are commonly requested
- Minimum road standards are needed
- Board can establish modified ROW for environmental or compatibility reasons for any road type



Simplified Preliminary Plan

- New review/approval process, requires Planning Director instead of Planning Board approval
- Options for review/approval include
 - lots for existing institutional uses and places of worship because of the level of review needed
 - Up to 5 lots in the AR because pre-preliminary plans should not create entitlements
 - up to 3 lots in the RE-2 and Rural Residential zones



Waiver Provisions

Old Section 50-38

- (1) The Board may grant a waiver from the requirements of this Chapter **upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved**, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.

Draft Division 50-10

- A. To grant a waiver, the Planning Board **must find that:**
 1. **due to unique circumstances of a plan, the application of specific requirements of the chapter are not needed to ensure the public health, safety, and general welfare;**
 2. **the intent of the Chapter is still met;** and
 3. The waiver is:
 - a. the minimum necessary to provide relief from the requirements;
 - b. consistent with the purposes and objectives of the General Plan; and
 - c. not adverse to the public interest.



DEVELOPMENT REVIEW

A A A PRINT | TRANSLATE | SITEMAP

A background image of a subdivision map showing streets like 'ENDRY CHURCH ROAD' and 'BOW VARS'. Overlaid on this is the text 'SUBDIVISION REGULATIONS' in large, bold, blue capital letters, with a blue horizontal line underneath it, and 'AMENDMENT' in large, bold, blue capital letters below that.

SUBDIVISION REGULATIONS AMENDMENT

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Subdivision Regulations Rewrite

http://www.montgomeryplanning.org/development/subdivision_regulations/

Have your say

Email us at subdivisionregs@montgomeryplanning.org

Moving Forward

- Late February to early March briefing to the Planning Board and setting date for public hearing
- April work sessions with the Planning Board
- Mid to late May transmittal of SRA to the County Council