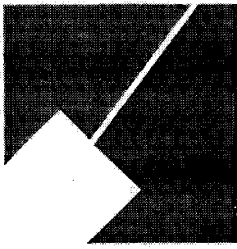


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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**MCPB
Item #6
06/09/05**

DATE: June 3, 2005
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief, Development Review *RKX*
FROM: Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Subdivision Regulation Amendment
PURPOSE: To amend the Subdivision Regulations to require every lot to be located completely in the County.

SUBDIVISION REGULATION AMENDMENT: No. 05-02
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 50, Subdivision Regulations
INTRODUCED BY: Councilmember Praisner
INTRODUCED DATE: April 12, 2005

PLANNING BOARD REVIEW: June 9, 2005
PUBLIC HEARING: June 14, 2005; 1:30 p.m.

STAFF RECOMMENDATION: DEFERRAL

Staff recommends deferral of the proposed Subdivision Regulation Amendment (SRA) and the accompanying bill for the following reasons:

- Unsure of the impacts on adjacent jurisdictions
- No quantifiable data of the impacts on existing buildings, structures or lots (grandfathering provisions)
- Staff has concerns that the proposed new legislation has not been examined for consistency amongst all adjoining jurisdictions

PURPOSE OF THE SUBDIVISION REGULATION AMENDMENT

To amend the Subdivision Regulations to require every lot to be located completely in the County.

BACKGROUND/DISCUSSION

Councilmember Praisner has requested that a Subdivision Regulation Amendment (SRA) be introduced that would require each lot for which a subdivision plan is approved to be located entirely in the County. An accompanying bill (Bill 9-05) would require that each structure or building for which a building permit is issued be located entirely in the County. Although not clearly stated in the legislation, the bill and regulation is not intended to affect any building or subdivision approved before they take effect. The legislation is intended to avoid the problems that arise when a building or lot straddles County lines. These issues pertain to complexities and questions regarding voting, school attendance, land use regulation, taxes and other County functions.

In Prince George's County, similar legislation (two bills) was introduced in April. Council Bill CB-13-2005 amends the Subdivision Regulations to require that new lots and streets shown on subdivision plats be "wholly within the County." It also requires that all subdivision plat streets provide connecting access to streets solely within the County unless the subdivision applicant obtains prior written approval from the District Council and the zoning agency in the adjacent County. No decision has been rendered on this bill.

Council Bill CB-14-2005 prohibits issuance of a building permit for a structure that overlaps the County line. This bill was enacted recently by the County Council of Prince George's County. The effective date for this legislation is July 5, 2005. Copies of these bills are provided as Attachment 2.

Staff is not aware of other adjacent jurisdictions that have introduced similar legislation.

ANALYSIS

Recordation of Plats

A review of lots recorded by plat in Montgomery County that cross county boundaries reveals that there has been no consistent practice established to require review, approval or recordation of the plat by both jurisdictions in which the lot(s) reside. In some instances, plats for lots crossing county boundaries have been recorded in both jurisdictions but this has seemingly been the exception rather than the rule. One common practice has been to record the plat within the jurisdiction in which the lot(s) accesses the local public street. In some instances this has resulted in lots that were located partially in Montgomery County that have been recorded by plat in abutting jurisdictions with no review by Montgomery County agencies and visa versa.

Issuance of Addresses

It has been our practice to issue an address for a property if the access point for the lot is on to a road located within Montgomery County even though the structure may be located in the adjacent county. It is unknown how the street address affects the taxation, assessment, and other issues including emergency response vehicles service to these residences.

Tax Assessment

It is staff's understanding that the residence will generally be assessed by the jurisdiction in which the master bedroom of the house is located. There is no established definition of "master bedroom" in Chapter 50 or 59.

RECOMMENDATION

Based on the analysis as discussed above, staff recommends that SRA 05-02 and the accompanying Bill 9-05 be deferred. Staff urges the Planning Board and County Council to take no definitive action on this issue until staff can establish contacts in all abutting jurisdictions, including townships, and hold a forum to discuss the existing process and to coordinate a more thorough response and to establish, at a minimum, a level of understanding of the impacts of the proposed legislation but to hopefully create consistent legislation across the board. With regional cooperation, the affected jurisdictions could minimize the confusion and complexities created by buildings and lots overlapping jurisdictional lines.

GR

Attachments

1. Proposed Subdivision Regulation Amendment No. 05-02
2. Prince George's County: Council Bills CB-13-2005 & CB-14-2005