

Ordinance No:
Subdivision Regulation Amendment: 05-02
Concerning: Lots – location in County
Draft No. & Date: 1 – 3/28/05
Introduced: April 12, 2005
Public Hearing: June 14, 2005
Adopted:
Effective:

**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 Praisner

AN AMENDMENT to the Montgomery County Code for the purpose of:

-requiring every lot to be located completely in the County.

By amending the following section of the Montgomery County Subdivision Regulations, Chapter 50 of the County Code:

Section 50-29 Lot design

*EXPLANATION: **Boldface** indicates a heading or a defined term.
Underlining indicates text that is added to existing laws
by the original text amendment.
[Single boldface brackets] indicate text that is deleted from
existing law by the original text amendment.
Double underlining indicates text that is added to the text
amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted
from the text amendment by amendment.
* * * indicates existing law unaffected by the text amendment.*

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:*

Bill No. 9-05
Concerning: Buildings - Location in
County
Revised: 4-4-05 Draft No. 1
Introduced: April 12, 2005
Expires: October 12, 2006
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: _____

AN ACT to:

- (1) require each building or structure for which a building permit is issued to be located entirely in the County; and
- (2) generally amend the law governing the issuance of building permits;

By amending

Montgomery County Code
Chapter 8, Buildings
Section 8-26

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>

The County Council for Montgomery County, Maryland approves the following Act:

LEGISLATIVE REQUEST REPORT

Bill 9-05

Buildings – Location in County

DESCRIPTION: Would require that any building or structure for which a building permit is issued must be located entirely in the County.

PROBLEM: Buildings, especially residential buildings, that cross County lines, create complexities and raise questions regarding voting, school attendance, land use regulation, taxes, and other County functions.

GOALS AND OBJECTIVES: To prevent buildings from straddling County lines.

COORDINATION: Department of Permitting Services, Planning Board

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Michael Faden, Senior Legislative Attorney, 240-777-7905

APPLICATION WITHIN MUNICIPALITIES: Applies to all County building permits.

PENALTIES: Not applicable.

5

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2005 Legislative Session

Bill No. CB-13-2005

Chapter No. _____

Proposed and Presented by Council Member DernogaIntroduced by Council Members Dernoga, Dean, Knotts, Harrington, Peters and Exum

Co-Sponsors _____

Date of Introduction April 12, 2005**SUBDIVISION BILL**

1 AN ACT concerning

2 Subdivision Plats

3 For the purpose of requiring that lots and streets shown on subdivision plats be wholly within the
 4 County and that streets provide connecting access to streets solely within the County unless
 5 otherwise approved by the District Council and adjacent jurisdiction.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 24. SUBDIVISIONS.

8 Sections 24-121(a) and 24-123(a),

9 The Prince George's County Code

10 (2003 Edition, 2004 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 12 Maryland, that Sections 24-121(a) and 24-123(a) of the Prince George's County Code be and the
 13 same is hereby repealed and reenacted with the following amendments:

14 **SUBTITLE 24. SUBDIVISIONS.**15 **DIVISION 3. REQUIREMENTS: PLANNING, DESIGN, AND PUBLIC FACILITIES.**16 **Sec. 24-121. Planning and design requirements.**

17 (a) The Planning Board shall require that proposed subdivisions conform to the following:

18 (1) All lots shall be designed to be located wholly within the County and platted in
 19 conformance with all of the requirements of the Zoning Ordinance applicable to the subject
 20 property.

1 (2) In cases where the proposed subdivision is situated in a portion of the Regional
2 District not planned to be served by public water and/or sewerage facilities, proposed lots shall
3 be designed to meet the minimum lot size requirements for individual systems, as contained in
4 Subtitle 22 of this Code and in the Comprehensive Ten Year Water and Sewerage Plan.

5 (3) When lots are proposed on land adjacent to an existing or planned roadway of
6 arterial or higher classification, they shall be designed to front on either an interior street or a
7 service road. As used in this Section, a planned roadway or transit right-of-way shall mean a
8 road or right-of-way shown in a currently approved State Highway plan, General Plan, or master
9 plan. If a service road is used, it shall connect, where feasible, with a local interior collector
10 street with the point of intersection located at least two hundred (200) feet away from the
11 intersection of any roadway of collector or higher classification.

12 (4) Residential lots adjacent to existing or planned roadways of arterial classification
13 shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots
14 adjacent to an existing or planned roadway of freeway or higher classification, or an existing or
15 planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate
16 protection and screening from traffic nuisances shall be provided by earthen berms, plant
17 materials, fencing, and/or the establishment of a building restriction line, when appropriate.

18 * * * * *

19 **DIVISION 4. REQUIREMENTS: TRANSPORTATION AND CIRCULATION.**

20 **Sec. 24-123. General Requirements.**

21 (a) The Planning Board shall require that plats conform to the following:

22 (1) The rights-of-way of all highways, streets, and transit facilities shown on the
23 General Plan, functional master plans, and area master plans shall be shown on the preliminary
24 plat and, when reserved or dedicated, shown on the final plat.

25 (2) All proposed streets shall be continuous and in alignment with existing or platted
26 streets in adjoining subdivisions so as to create a street network that is functional and easily
27 understandable. Generally, streets should cross other streets at right angles.

28 (3) All internal subdivision streets shall be wholly within the County unless the
29 applicant has obtained the prior written approval of the District Council and the appropriate land
30 use authority of the adjacent County.

1 ~~[(3)]~~(4) All streets proposed for dedication to public use shall be designed to the
2 standards of the County road ordinance and street standards for width and minimum curve radii
3 or to the standards of municipalities having jurisdiction. Variations from these standards may be
4 granted by the Planning Board upon the recommendation of the Department of Public Works and
5 Transportation or upon the recommendation of the municipality or other governmental authority
6 having jurisdiction.

7 ~~[(4)]~~(5) Arterial highways shall have a minimum right-of-way width of one hundred
8 and twenty (120) feet; collector streets, a minimum right-of-way width of eighty (80) feet; and
9 parkways, such right-of-way width as may be designated by the Planning Board. The width of
10 secondary subdivision streets shall be not less than fifty (50) feet and the width of primary
11 subdivision streets not less than sixty (60) feet.

12 ~~[(5)]~~(6) Land for bike trails and pedestrian circulation systems shall be shown on the
13 preliminary plat and, where dedicated or reserved, shown on the final plat when the trails are
14 indicated on a master plan, the County Trails Plan, or where the property abuts an existing or
15 dedicated trail, unless the Board finds that previously proposed trails are no longer warranted.

16 * * * * * * * * *

17 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act shall apply to
18 all preliminary plans of subdivision which have been approved as of the effective date of the Act,
19 but are not the subject of an approved final plat of subdivision as of the effective date of the Act.

20 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect thirty (30)
21 calendar days after it becomes law.

Adopted this _____ day of _____, 2005.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Samuel H. Dean
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2005 Legislative Session

Bill No. CB-14-2005

Chapter No. 6

Proposed and Presented by Council Member Dernoga

Introduced by Council Members Dernoga, Dean, Harrington, Peters, Exum, Knotts
and Campos

Co-Sponsors _____

Date of Introduction April 12, 2005

BILL

1 AN ACT concerning

2 Building Permits

3 For the purpose of prohibiting building permit issuance for a structure that overlaps the County
4 line.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 4. BUILDING.

7 Section 4-111,

8 The Prince George's County Code

9 (2003 Edition, 2004 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
11 Maryland, that Section 4-111 of the Prince George's County Code be and the same is hereby
12 repealed and reenacted with the following amendments:

13 SUBTITLE 4. BUILDING.

14 DIVISION 1. BUILDING CODE.

15 Subdivision 2. AMENDMENTS TO THE INTERNATIONAL BUILDING CODE.

16 Sec. 4-111. Administration; Section 105, Permits.

17 * * * * *

18 (k) Section 105.7 is added to read as follows: "Building Location." No permit for building
19 shall be issued for a structure that overlaps the County line. Location of the County line on the
20 site plan shall be certified by a Professional Land Surveyor.

1 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
2 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
3 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
4 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
5 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
6 Act, since the same would have been enacted without the incorporation in this Act of any such
7 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

8 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
9 calendar days after it becomes law.

Adopted this 10th day of May, 2005.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Samuel H. Dean
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
County Executive

KEY:
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