

**59-C-9.41.1. Child Lots in the RDT Zone.**

(a) Applicability. A child lot above the density of one one-family dwelling unit per 25 acres is allowed in the RDT zone only if the following requirements are satisfied.

(1) The property owner must have:

- (A) recorded title to the property before January 7, 1981;
- (B) personally applied for approval to create the lot; and
- (C) retained a development right for each lot.

(2) The Planning Board must not approve more than one child lot for each child of the property owner, regardless of the number of properties owned.

(3) Except as provided in subsection 59-C-9.41.1(a)(4), a maximum of 3 child lots can be established for a qualifying property owner under subsection (1):

- (A) one child lot is allowed on a tract of land of at least 25 acres;
- (B) two child lots are allowed on a tract of land of at least 70 acres;
- (C) three child lots are allowed on a tract of land of at least 120 acres.

(4) The Planning Board may approve up to two additional child lots above the maximum number allowed in Section 59-C-9.41.1(C)(3) if the additional child lot:

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<sup>1</sup>(...continued)

and zoning regulations). We recognize that ZTA No. 10-12 has some retroactive application. *Layton v. Howard County Bd. of Appeals*, 399 Md. 36, (2007) (restating rule that “provides for the retrospective application of changes to statutes that impact land use issues made during the course of litigation in land use and zoning cases”). Nevertheless, the amendment does not render moot the first issue raised by the Planning Board; the Planning Board has conceded that ZTA No. 10-12 contains a “grandfathering provision exempting a platted subdivision, such as the Appellees’, from these new stricter limits.” Based on the Planning Board’s concession that, “[u]nder the grandfathering provision, the Board would not apply the new stricter requirements of the zoning code” to the Dufresnes, we will not address the effect ZTA No. 10-12 might otherwise have on the Dufresnes’ pre-preliminary plan absent a grandfathering provision. Accordingly, we will deny the Appellees’ Motion to Dismiss.