

- (A) is not encumbered by a State or County Agricultural Land Preservation Easement;
- (B) meets the applicable requirements in Section 59-C-9.41.1;
- (C) is on the landowner's only real property holdings in the County; and
- (D) the tract of land for four child lots is at least 170 acres and the tract of land for five total child lots is at least 220 acres.

In determining whether to approve the additional child lots, the Planning Board must consider any recommendation from the Agricultural Preservation Advisory Board (APAB) about whether the additional lot will promote the continuation of the family farm unit or otherwise meet the purposes of the RDT zone.

(5) A lot created for a child must be no larger than the minimum area necessary for approval of well and septic. The Planning Board may approve a lot larger than 3 acres only if an on-site well and septic system is not feasible and the lot cannot be served by a septic easement. The area of the driveway stem on a flag lot must not be included in the maximum area limit.

(6) When a building permit application is initially filed, the child for whom the lot is created must be the listed owner of the lot in the County land records.

The subdivision of a property for the creation of child lots is subject to Montgomery County Code § 50-35A, under which a property owner must submit a pre-application plan for approval "by either the Planning Board or Planning Board staff":

Sec. 50-35A. Minor Subdivisions-Approval Procedure.

(a) Preliminary Plan Not Required. The submission of a preliminary subdivision plan, in accordance with the provisions of Sec. 50-34 and Sec. 50-35, is not required for:

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(8) Plats for Certain Residential Lots located in the Rural Density Transfer Zone. Up to 5 lots are permitted under the minor subdivision