

Ordinance No.: 17-30
Subdivision Regulation Amend. No.: 12-04
Concerning: Minor Subdivisions –
Ownership Lots
Revised: 12/4/12; Draft No. 1
Introduced: December 11, 2012
Public Hearing: January 22, 2013
Adopted: February 12, 2013
Effective: March 4, 2013

**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 Floreen

AN AMENDMENT to the Subdivision Regulations to:

- (1) clarify the provisions for ownership lots in the minor subdivision process; and
- (2) generally amend the provisions for ownership lots

By amending

Montgomery County Code

Chapter 50. SUBDIVISION OF LAND.

Section 50-35A. Minor Subdivisions — Approval Procedure.

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by introduced Subdivision Regulation Amendment.</i>
[Single boldface brackets]	<i>Deleted from existing law by introduced Subdivision Regulation Amendment.</i>
<u>Double underlining</u>	<i>Added to the Subdivision Regulation Amendment by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the Subdivision Regulation Amendment by amendment.</i>
* * *	<i>Existing law unaffected by Subdivision Regulation Amendment.</i>

OPINION

Subdivision Regulation Amendment (SRA) No. 12-04, sponsored by Councilmember Floreen, was introduced on December 11, 2012.

Within any subdivision, parties want to:

- 1) create or delete internal lots to reflect a deed, mortgage, or lease line within a commercial, industrial, or multi-family residential lot; or
- 2) create ownership lots within a previously recorded lot, creating lines within lots or areas within a subdivision

for the purpose of separately financing different portions of the subdivision. The sponsor wants to clarify that both methods of creating lots are permitted. Such ownership lots would still be subject to the conditions of approval for the original subdivision but would not create additional setback requirements.

In its report to the Council, the Montgomery County Planning Board recommended that the SRA be approved with amendments to distinguish ownership lots created by deed and ownership lots created by plat.

The Council held a public hearing on January 22, 2013 to receive testimony concerning the proposed SRA. The SRA was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession to review the SRA on February 4, 2013. The Committee recommended approval of the SRA as introduced. The Committee did not believe that a distinction between ownership lots and owner parcels was warranted, because all property would still need a record plat.

The District Council reviewed Subdivision Regulation Amendment No. 12-04 at a worksession held on February 12, 2013, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Subdivision Regulation Amendment No. 12-04 will be approved as introduced.

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:

1 **Sec. 1. Section 50-35 is amended as follows:**

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

3 (a) *Preliminary Plan Not Required.* The submission of a preliminary
4 subdivision plan, under Sec. 50-34 and Sec. 50-35, is not required for:

5 * * *

6 (4) Further Subdivision of a Commercial, Industrial, or Multi-Family
7 Residential Lot to Reflect a Change in Ownership, Deed, Mortgage or
8 Lease Line. [The creation of deed, mortgage or lease line within a
9 commercial, industrial or multi-family residential lot does not require
10 the approval of a new subdivision plan. At the owner’s discretion, the
11 creation or deletion of internal lots to reflect a new deed, mortgage or
12 lease line may be platted under the minor subdivision procedure. All
13 prior conditions of approval for the original subdivision remain in full
14 force and effect and the number of trips generated on any new lot will
15 not exceed those permitted for the original lot or as limited by an
16 Adequate Public Facilities agreement. Any necessary cross-
17 easements, covenants or other deed restrictions necessary to
18 perpetuate previous approvals must be executed prior to recording the
19 record plat.]

20 (A) A plat to:

21 — create or delete internal lots to reflect a deed, mortgage,
22 or lease line within a commercial, industrial, or multi-
23 family residential lot; or

24 — create ownership lots within a previously recorded lot
25 may, at the owner’s discretion, be recorded under the minor
26 subdivision procedure if:

27 (i) all conditions of approval for the original subdivision that

- 28 created the lot remain in effect;
29 (ii) the total maximum number of trips generated on all new
30 lots or ownership lots created will not exceed the number
31 of trips approved for the lot in the original subdivision;
32 (iii) all land in the lot in the original subdivision is included in
33 the record plat; and
34 (iv) any necessary cross easements, covenants, or other deed
35 restrictions necessary to implement all the conditions of
36 approval on the lot in the original subdivision are
37 executed before recording the record plat or ownership
38 plat.

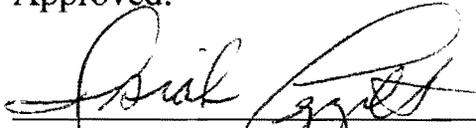
39 (B) For an ownership lot, the lot in the original subdivision is
40 considered a single lot of record. Any ownership lot created
41 under this subsection is only for the convenience of the owner;
42 an ownership lot is not:

- 43 (i) used to determine building setbacks or to establish
44 conformance with any other law or regulation;
45 (ii) a bar to receiving a building permit or other approval
46 necessary to develop or use any of the ownership lots and
47 structures on such lots;
48 (iii) a change to any condition of approval for the subdivision
49 that created the lot in the original subdivision.

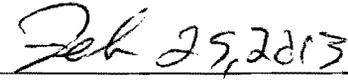
50 * * *

51 **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of
52 Council adoption.

Approved:

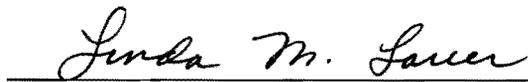


Isiah Leggett, County Executive

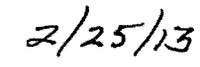


Date

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council



Date