

Ordinance No.: 18-42  
Subdivision Regulation Amendment No.: 18-01  
Concerning: Minor Subdivisions – Ownership  
Units  
Draft No. & Date: 2 – 3/14/18  
Introduced: January 16, 2018  
Public Hearing: February 27, 2018  
Adopted: April 3, 2018  
Effective: April 3, 2018

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

---

Lead Sponsor: Councilmember Floreen

---

**AN AMENDMENT to:**

- 1) allow the creation of ownership units under certain additional circumstances; and
- 2) generally amend the provisions concerning the creation of ownership units

By amending

Montgomery County Code  
Chapter 50. “Subdivision of Land”  
Section 50.7. “Minor Subdivision”  
Section 50.7.1. “Applicability”

<b>Boldface</b>	<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) 18-01, Minor Subdivisions – Ownership Units, lead sponsor Councilmember Floreen, was introduced on January 16, 2018.

The subdivision code only allows the creation of an ownership unit on a record plat covered by an approved site plan. SRA 18-01 would also allow the creation of these units when the property described in a plat is subject to conditional use or special exception approval.

In its report to the Council, the Montgomery County Planning Board recommended that the SRA be approved as introduced.

The Council's public hearing was on February 27, 2018. The attorney for Friends House in Sandy Spring spoke in favor of SRA 18-01. There were no other speakers. Councilmember Floreen asked Staff to suggest revisions that would avoid the need to change the ownership lot provision beyond SRA 18-01.

The matter was referred to the Planning, Housing and Economic Development Committee. The Committee (3-0) recommended approval of SRA 18-01 with 2 revisions:

- 1) Allow Ownership Unit Plats for any use other than single-unit living; and
- 2) Revise the date before which special exception approval may be used as a basis for an ownership plat from November 1, 2014 to October 30, 2014.

The Director of the Department of Permitting Services was concerned about the application of ownership units to single-family detached dwelling units. The Committee agreed that the County would be in a better position to retain street access and safe building separation by excluding lots used for that purpose.

The District Council reviewed Subdivision Regulation Amendment No. 18-01 at a worksession held on April 3, 2018 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. 18-01 will be approved as amended.

## 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:*

**Sec. 1. Chapter 50 is amended as follows:**

\* \* \*

Division 50.7. Minor Subdivision

Section 7.1. Applicability

\* \* \*

E. Ownership Plat. An ownership plat may be recorded to delineate separate ownership units within a lot approved for ~~[[a]] [commercial, industrial, or multi-unit residential]~~ [[Commercial, Industrial, Multi-Unit Residential or Group Living]] any use except for single-unit living as follows:

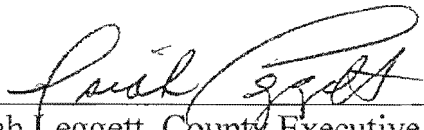
1. Ownership units to reflect deed, mortgage, or lease lines may be created by an ownership plat if:
  - a. the lot on which the ownership units are created is included on a plat approved by the Board and has:
    - i. site plan approval under Section 59-7.3.4;
    - ii. conditional use approval under Section 59-7.3.1; or
    - iii. special exception approval under the Zoning Ordinance in effect before [[November 1]] October 30, 2014;
  - b. the location and design of all structures on the ownership units satisfy Chapters 8, 19, and 22;
  - c. the ownership units do not violate any other provision of law or adversely affect any conditions of approval for the subdivision plan that created the underlying lot or [for the site plan] any approval required by Subsection 7.1.E.1.a;

- d. any necessary cross easements, covenants, or other deed restrictions necessary to implement all conditions of approval are executed before recording the ownership plat; and
  - e. the ownership units are suitable for the type of development, the use contemplated, and the available utilities and services.
- 2. Ownership units must be depicted on the ownership plat with metes and bounds descriptions inside the boundary of the underlying lot as shown on the record plat.
  - 3. Private roads may not be delineated as a separate ownership unit on an ownership plat.
  - 4. No person can record an ownership plat, or sell any property with reference to an ownership plat, until the plat has been approved by the Board and recorded in the land records.
  - 5. The Board may apply conditions to the approval of an ownership plat.
  - 6. An ownership unit created under this section is not:
    - a. a change to any condition of approval for the subdivision that created the lot in the original subdivision or [the site plan] any approval required by Subsection 7.1.E.1.a; or
    - b. used to establish building setbacks or to establish conformance with subdivision or zoning requirements.

\* \* \*

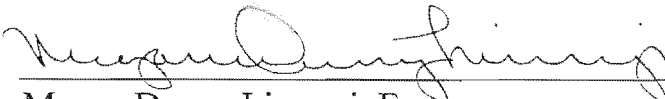
**Sec. 3. Effective Date.** This amendment takes effect when it becomes law.

*Approved:*

  
Isiah Leggett, County Executive

4/5/18  
Date

*This is a correct copy of Council action.*

  
Megan Davey Limarzi, Esq.  
Clerk of the Council

4/9/18  
Date