



**(SRA 18-01) Minor Subdivisions – Ownership Units**

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**Description**

Completed: 2/15/18

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 was subject to conditional use or special exception approval. An ownership unit is not a change to any condition of approval for the subdivision that created the lot in the original subdivision or the site plan. Similarly, the approval of an ownership unit plat would not be a change to the conditional use or special exception approval under SRA 18-01.

**Summary**

**Staff recommends approval of SRA 18-01 to allow the creation of ownership units when the property described in a plat was subject to conditional use or special exception approval. Currently, the Subdivision Regulations only allow the creation of an ownership unit on a record plat covered by an approved site plan**

**Background/Analysis**

Currently, the creation of deed, mortgage or lease lines within a commercial, industrial or multi-family residential lot does not require the approval of a new subdivision plan. Within this type of subdivision and typically for the purpose of separately financing different portions of the subdivision, the owner can create or delete internal lots to reflect a new deed, mortgage or lease line and may plat under the minor subdivision procedure. All prior conditions of approval for the original subdivision remain in full force and effect and the number of trips generated on any new lot will not exceed those permitted for the original lot or as limited by an Adequate Public Facilities agreement. Any necessary cross-easements, covenants or other deed restrictions necessary to perpetuate previous approvals must be executed prior to recording the record plat.

The creation or deletion of internal lots to reflect a deed, mortgage or lease line and the creation of ownership units within a previously recorded lot (creating lines within lots or areas within a subdivision) are permitted under the minor subdivision provision. SRA 18-01 would also allow the creation of these

units when the property described in a plat was subject to conditional use or special exception approval. An ownership unit is only for the convenience of the owner, is not to be used to determine building setbacks or to establish conformance with any other law or regulation and is not a change to any condition of approval for the subdivision that created the lot in the original subdivision or the site plan. Similarly, the approval of an ownership unit plat would not be a change to the conditional use or subdivision approval under SRA 18-01. In either scenario, conditions of approval for the original subdivision must be adhered to. Staff recommends approval of SRA 18-01 as introduced.

**Attachments**

1. SRA 18-01 as introduced

# ATTACHMENT 1

Subdivision Regulation Amendment No.: 18-01  
Concerning: Minor Subdivisions – Ownership  
Units

Draft No. & Date: 1 – 12/20/17

Introduced: January 16, 2018

Public Hearing:

Adopted:

Effective:

Ordinance No.:

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

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Lead Sponsor: Councilmember Floreen

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**AN AMENDMENT to:**

- allow the creation of ownership units under certain additional circumstances; and
- 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”

**Boldface**

*Heading or defined term.*

Underlining

*Added to existing law by introduced Subdivision Regulation Amendment.*

[Single boldface brackets]

*Deleted from existing law by introduced Subdivision Regulation Amendment.*

Double underlining

*Added to the Subdivision Regulation Amendment by amendment.*

[[Double boldface brackets]]

*Deleted from existing law or the Subdivision Regulation Amendment by amendment.*

\* \* \*

*Existing law unaffected by Subdivision Regulation 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:*



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

44 \* \* \*

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

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47   *Approved:*

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50   \_\_\_\_\_  
Isiah Leggett, County Executive

\_\_\_\_\_  
Date

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52   *This is a correct copy of Council action.*

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\_\_\_\_\_  
Megan Davey Limarzi, Esq.  
Clerk of the Council

\_\_\_\_\_  
Date