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

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"

Boldface *Heading or defined term.*

<u>Underlining</u> Added to existing law by introduced Subdivision Regulation

Amendment.

[Single boldface brackets] Deleted from existing law by introduced Subdivision

Regulation Amendment.

<u>Double underlining</u> 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:

| 1 | Sec. 1. Chapter 50 is amended as follows: | | |
|----|---|--|--|
| 2 | * * * | | |
| 3 | Division 50.7. Minor Subdivision | | |
| 4 | Section 7.1. Applicability | | |
| 5 | * * * | | |
| 6 | E. Ownership Plat. An ownership plat may be recorded to delineate separate | | |
| 7 | ownership units within a lot approved for a [commercial, industrial, or multi | | |
| 8 | unit residential] Commercial, Industrial, Multi-Unit Residential or Group | | |
| 9 | <u>Living</u> use as follows: | | |
| 10 | 1. Ownership units to reflect deed, mortgage, or lease lines may be | | |
| 11 | created by an ownership plat if: | | |
| 12 | a. the lot on which the ownership units are created is included on | | |
| 13 | a plat approved by the Board and has: | | |
| 14 | <u>i.</u> site plan approval under Section 59-7.3.4; | | |
| 15 | ii. conditional use approval under Section 59-7.3.1; or | | |
| 16 | iii. special exception approval under the Zoning Ordinance | | |
| 17 | in effect before November 1, 2014; | | |
| 18 | b. the location and design of all structures on the ownership units | | |
| 19 | satisfy Chapters 8, 19, and 22; | | |
| 20 | c. the ownership units do not violate any other provision of law or | | |
| 21 | adversely affect any conditions of approval for the subdivision | | |
| 22 | plan that created the underlying lot or [for the site plan] any | | |
| 23 | approval required by Subsection 7.1.E.1.a; | | |

| 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. | |
| 11 | | * * * | |

| Sec. 3. Effective Date. This amendment takes effect when it becomes 1 | | | |
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| Approved: | | | |
| | | | |
| | | | |
| Isiah Leggett, County Executive | Date | | |
| This is a correct copy of Council action. | | | |
| | | | |
| Megan Davey Limarzi, Esq. | Date | | |
| Clerk of the Council | | | |