



How to Determine Subdivision Rights

- Where is the property located?** Find the property's state tax map, grid, parcel number, tax identification number, parcel size, and surrounding roads by using the Maryland State Tax Assessment's [Real Property Data Search](#).
- Determine the zoning of the property.** The subdivision potential of any parcel of land is dependant upon the zoning of that parcel. This information may be obtained from the [Zoning Department](#). (Note: the land use category listed on the Maryland State Tax Assessment printout is **NOT** the official zoning designation.)
- How many lots can be subdivided if the property IS zoned Agricultural?** In order for an agriculturally zoned parcel to have subdivision rights, the parcel must have been created **BY or BEFORE AUGUST 18, 1976**. Any parcel or lot created after this date cannot be subdivided. To make this determination, you must obtain copies of the deeds going back to at least 1976. You will find your deeds at the Frederick County Court House.

Any lot created since 1976 will be deducted from the total subdivision rights that parcel had. Additions to the original tract may not be subdivided. Additions away from the original parcel do not count as subdivisions.

If the property existed by or before August 18, 1976, the parcel may qualify for 3 subdivided lots and a remainder. New lots (as well as the remainder) must be a minimum size of 40,000 square feet (0.91 acres +/-) and have road frontage on a public road. If the agricultural parcel is greater than 25 acres, it may be entitled to additional agricultural cluster rights. To qualify for these Ag Cluster Rights, all lots must be "clustered" together and be between 40,000 square feet and 2 acres in size. The total area of all of the lots combined must average no more than 1.5 acres. See chart for the number of additional lots allowed:

Ag Parcel	Cluster Rights	Conventional Rights	Total
0 – 25 Acres	0	3+ remainder	3+ remainder
25.1 – 75 acres	1	3+ remainder	4+ remainder
75.1 – 125 acres	2	3+ remainder	5+ remainder
125.1 - 175	3	3+ remainder	6+ remainder
175.1 - 225	4	3+ remainder	7+ remainder

* cluster rights beyond 225 acres are 1 per every additional 50 acres. The [Frederick County Planning Commission](#) must approve All Ag Clusters. Also, see general requirements below.

- **How many lots can be subdivided if the property IS NOT zoned Agricultural?** Resource Conservation, Residential, Village Commercial, etc. There are no restrictions to the number of lots that can be subdivided from parcels within these zoning districts. There are, however, minimum lot size requirements. Contact the [Department of Zoning](#).
- **General requirements.** All proposed subdivisions must comply with the Frederick County [Zoning Ordinance](#) and the Subdivision Regulations. This includes, but is not limited to; road frontage requirements (minimum 20' fee simple for each lot and remainder), adequate well and septic locations, floodplain and wet soils restrictions. Access must be to a County of State Roadway that is a minimum 16' in width. If a parcel has had 6 or more lots created from it since 1965, it will be considered a major subdivision, which will require Planning Commission approval. If 6 or more lots have been created since 1991, any future subdivision will be required to comply with the Adequate Public Facilities Ordinance. Subdivisions must also comply with the Forest Resource Ordinance.
- **How to begin the subdivision process.** You must employ a Maryland licensed surveyor/engineer to create a subdivision plan for review by the Frederick County Government and state agencies. Upon review and approval from these agencies, the County will record the plat in the Land Records Office with the Clerk of Court. Upon recordation, you must have a confirmatory deed created for the remainder and all subdivided lots.

An official subdivision rights verification letter from the [Division of Permitting and Development Review](#) is available upon request.

NOTICE/DISCLAIMER

The information contained in this letter does not constitute legal advice and is not binding on Frederick County in any respect. It is based solely on the documents and information you have provided. The information provided in this letter is general in nature and the conclusions reached in this letter are general, and subject to being modified by other documents or information that was not provided. Additionally, any subdivision or development of the property is subject to many regulations and requirements—including but not limited to – Frederick County Subdivision Regulations, Zoning Ordinance, Health Department Regulations, and site plan approval process before the Planning Commission. There may also be other laws and regulations (federal, state and local), which apply to any development or subdivision of the property.

Source: Frederick County Government Planning Division