

Ordinance No. 15-66
Subdivision Regulation Amend. No. 05-06
Concerning: Subdivision and Site
Plans – Coordination with other
agencies
Revised: 2-28-06 Draft No. 4
Introduced: December 13, 2005
Public Hearing: January 17, 2006
Adopted: February 28, 2006
Effective: March 1, 2006

**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 Silverman

AN AMENDMENT to the Subdivision Regulations to:

- (1) clarify the responsibilities of certain County agencies with respect to recommendations on proposed subdivision plans;
- (2) update and repeal obsolete language and make corrective and stylistic changes; and
- (3) generally amend the law regarding approval of subdivision plans, site plans, and similar Planning Board actions.

By amending the following sections of the Montgomery County Code, Chapter 50:
Section 50-35, Preliminary subdivision plans – Approval procedure

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

OPINION

Subdivision Regulation Amendment (SRA) No. 05-06 was introduced on December 13, 2005, to clarify the responsibility of certain County agencies for recommendations on proposed subdivision plans; update and repeal obsolete language and make corrective and stylistic changes; and generally amend the law regarding approval of subdivision plans, site plans, and similar Planning Board actions.

The Montgomery County Planning Board in its report to the Council recommended that the SRA be approved with modifications.

The County Council held a public hearing on January 17, 2006, to receive testimony concerning the proposed SRA. The SRA was referred to the Planning, Housing, and Economic Development (PHED) Committee for review and recommendation.

The Committee held worksessions on January 30, January 31, February 2, and February 6, 2006, to review the amendment. The Committee unanimously recommended enactment of the amendment with clarifying changes.

The District Council reviewed Subdivision Regulation Amendment No. 05-06 at a meeting held on February 28, 2006, and supported the recommendations of the Planning, Housing, and Economic Development Committee with one minor change.

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. 05-06 will be approved as revised.

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 **50-35. Preliminary subdivision plans - Approval procedure.**

3 (a) *Referral of plan.* [Two copies of the plan immediately must be
4 referred] Immediately after receiving a proposed plan, the Director
5 must send a copy to [[any]] each of the following agencies, if that
6 agency has a direct interest in the installation or maintenance of
7 utilities, roads, or other public services that will serve the proposed
8 subdivision, for the agency's [review and] recommendation with
9 respect to [approval of] the plan.

10 (1) Washington Suburban Sanitary Commission, as to water and
11 sewer service and storm drainage.

12 (2) County Department of Public Works and Transportation, as to
13 roads, streets, crosswalks, paths, and storm drainage.

14 (3) County Department of Permitting Services, as to sanitation,
15 wells, septic systems, water, and sewers.

16 (4) Montgomery County Fire and Rescue Service, as to
17 requirements for adequate fire protection and access.

18 [(4)] (5) State highway administration, as to right-of-way
19 requirements and access on state roads.

20 [(5)] (6) [Appropriate agencies] Any appropriate agency of the federal
21 government, as to federal projects.

22 [(6)] (7) Any municipality which has filed a request with the Board
23 for an opportunity to review subdivision or resubdivision plans
24 [within such] for property located in that municipality.

25 [(7)] (8) [[Board of Education]] Montgomery County Public Schools,
26 as to school site planning.

37 [(b) The Board shall submit information regarding the subdivision
 38 regulations to the department or office responsible for the compilation
 39 and publication of the development manual required in section 2-27A
 30 for integration into such manual as needed for inclusion in the agenda
 31 of regulatory change called for in Section 2-27A.]

32 [(c)] (b) Recommendations from public agencies. Each County agency to
 33 which a [given] plan is referred [shall] under subsection (a) must
 34 return [one (1)] a copy of the plan to the Board within [thirty (30)] 30
 35 days after [[receiving]] the Planning Board transmits it, with the
 36 agency's recommendations [noted thereon, such as "approval,"
 37 "approval subject to modification" or "disapproval" for stated reasons]
 38 regarding any issue within the agency's jurisdiction. The Director
 39 may ask any federal, state, or municipal agency to which a plan is sent
 40 to respond within 30 days or another appropriate time. [If such
 41 recommendation is not made within the thirty-day period by an
 42 agency to whom referred, the plan shall be deemed to be approved by
 43 it, provided there has been compliance with the provisions of
 44 subsections (d) and (e) below.] The [period may be extended by the]
 45 Board may extend a County agency's comment period for an
 46 additional [thirty (30)] 30 days [upon request of such] if the agency
 47 [stating reasons therefor] requests an extension in writing and gives a
 48 substantial reason. If a County agency does not submit a
 49 recommendation within the allowed time, the Chair of the Board must
 50 immediately notify the County Executive and the Council President of
 51 that fact.

52 (c) Subdivision Review Committee. The Board [shall] must establish a
 3 subdivision review committee consisting of Planning Department staff

[of the Board] and staff of any [agencies] County agency to which a given plan has been referred, [for the purpose of meeting] to meet with applicants and other interested persons to facilitate agency review of the plan, or to reconcile conflicting requirements by different agencies. Each County agency to which a preliminary subdivision plan is referred [shall] must designate a representative to the subdivision review committee. For the purpose of plan review, the head of any participating County agency [shall] must delegate authority to a representative to speak for the agency. After receiving the comment of [the agencies] each agency and any recommendation from members of the subdivision review committee, the [Board] Planning Department staff [shall] must prepare its recommendation to the Board with regard to public requirements [to be established] for the subdivision, the reconciliation of conflicting agency comments, and any other [matters upon which the Board should act to bring the proposed development into accord with these and other regulations] issue regarding compliance with applicable law and regulations.

* * *

Sec. 2. Effective date. This ordinance takes effect on March 1, 2006.

Section 50-35, as amended by this ordinance, applies to any plan received by the Planning Board on or after that date.

Approved:


 _____ 3/10/06
 Douglas M. Duncan, County Executive Date

This is a correct copy of Council action.


 _____ 3/14/06
 Linda M. Lauer, Clerk of the Council Date