

Ordinance No. _____
Subdivision Regulation Amend. No. 05-05
Concerning: Planning Board Actions –
Enforcement
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: District Council

AN AMENDMENT to the Subdivision Regulations to:

- (1) clarify who is responsible for taking certain enforcement actions with respect to certain plans approved by the Planning Board;
- (2) update and repeal obsolete language and make corrective and stylistic changes; and
- (3) generally amend the law regarding enforcement of subdivision plans, site plans, and other Planning Board actions.

By amending the following sections of the Montgomery County Code, Chapter 50:
Section 50-41, Enforcement

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. 05-05 was introduced on December 13, 2005, to clarify who is responsible for taking certain enforcement actions with respect to certain plans approved by the Planning Board; update and repeal obsolete language and make corrective and stylistic changes; and generally amend the law regarding enforcement of subdivision plans, site plans, and other 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. 05-05 at a meeting held on February 28, 2006, and supported 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. 05-05 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:

Sec. 1. Section 50-41 is amended as follows:

50-41. Enforcement.

(a) *Definitions.* In this section, these terms have the following meanings:

* * *

(3) *Enforcement Agent.* The Planning [Board] Director, or the Director's designee responsible for determining compliance with [terms, conditions, requirements, agreements, and any other obligations or limitations associated with] a Planning Board Action.

* * *

(5) *Planning Board Action.* A final decision[[,]] on a preliminary plan, site plan, project plan, supplementary plan, water quality plan, or other plan, including all associated terms, conditions, requirements and other obligations or [[limitations]] limits, made by the Planning Board [pursuant to its authority] under [[Article 28, Titles 7 and 8, Maryland Code Annotated]] state law and Chapter 50 and 59, [[of the Montgomery County Code]] including any [[regulations promulgated pursuant to this authority]] regulation issued under state or County law. A [[final decision for purposes of this section]] Planning Board Action does not include a decision made by the [[Planning] Board [[pursuant to]] under Chapter 22A.

(6) *Planning Director.* The staff member in the Department of Park and Planning who is in charge of all planning, zoning, and land development approval activities of the Department, and who reports directly to [[the Chair of]] the Planning Board.

27 [(6)] (7) *Stop Work Order or Corrective Order.* An administrative
28 order issued by an Enforcement Agent [or the Planning Board]
29 requiring a person to discontinue any further development,
30 construction, or other land disturbance activity authorized by a
31 Planning Board Action until a violation has been corrected.

32 * * *

33 **Sec. 2. Effective date.** This ordinance takes effect on March 1, 2006.
34 Section 50-41, as amended by this ordinance, applies to any enforcement action
35 taken on or after that date, including any action to enforce a Planning Board Action
36 taken before that date.

37 *Approved:*

38
39 _____
 Douglas M. Duncan, County Executive Date

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

41
42 _____
 Linda M. Lauer, Clerk of the Council Date