

Ordinance No. _____
Subdivision Regulation Amend. No. 05-06
Concerning: Subdivision and Site
Plans – Coordination with other
agencies
Revised: 2-13-06 Draft No. 3
Introduced: December 13, 2005
Public Hearing: January 17, 2006
Adopted: _____
Effective: _____

**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

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

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.

27 [(b) The Board shall submit information regarding the subdivision
28 regulations to the department or office responsible for the compilation
29 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 it, with the agency's recommendations [noted
36 thereon, such as "approval," "approval subject to modification" or
37 "disapproval" for stated reasons] regarding any issue within the
38 agency's jurisdiction. The Director may ask any federal, state, or
39 municipal agency to which a plan is sent to respond within 30 days or
40 another appropriate time. [If such recommendation is not made
41 within the thirty-day period by an agency to whom referred, the plan
42 shall be deemed to be approved by it, provided there has been
43 compliance with the provisions of subsections (d) and (e) below.] The
44 [period may be extended by the] Board may extend a County agency's
45 comment period for an additional [thirty (30)] 30 days [upon request
46 of such] if the agency [stating reasons therefor] requests an extension
47 in writing and gives a substantial reason. If a County agency does not
48 submit a recommendation within the allowed time, the Chair of the
49 Board must immediately notify the County Executive and the Council
50 President of that fact.

51 (c) Subdivision Review Committee. The Board [shall] must establish a
52 subdivision review committee consisting of Planning Department staff
53 [of the Board] and staff of any [agencies] County agency to which a

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

70 * * *

71 **Sec. 2. Effective date.** This ordinance takes effect on March 1, 2006.
 72 Section 50-35, as amended by this ordinance, applies to any plan received by the
 73 Planning Board on or after that date.

74 *Approved:*

75 _____
 Douglas M. Duncan, County Executive Date

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

77 _____
 Linda M. Lauer, Clerk of the Council Date