

Clerk's Note: A technical correction is made to line 1040. The bracketed word "Hearing" is removed and the underlining is removed from the word "hearing" because wording remains the same as current text. A second correction is made to lines 106-107 to clarify that the structures are exempt unless required by the Board or future development requires a subdivision plan. In a third correction, the paragraph number on line 102 is corrected.

THIRD CORRECTED

Ordinance No.: 19-22

Subdivision Regulation Amendment No.: 20-02

Concerning: Subdivision Ordinance –
Revisions, Clarifications, and
Corrections

Draft No. & Date: 4 – 7/26/2021

Introduced: December 8, 2020

Public Hearing: February 9, 2021

Adopted: September 28, 2021

Effective: October 18, 2021

**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: Council President at the request of the Planning Board

AN AMENDMENT to the Montgomery County Subdivision Regulations to:

- delete the definition of Adequate Public Facilities Ordinance (APFO)[[, Licensed Land Surveyor,]]and Subdivision Staging Policy[[, and Septic Tiers]];
- amend the definition of Administrative Civil Penalty, Board, Building Restriction Line, Citation, Civil Fine, Enforcement Agent, Engineer, Preliminary Plan, Pre-Preliminary Plan, Centerline of Road;
- add a definition for *Building Envelope*, *[[County]] Growth and Infrastructure Policy*, *Director Action*, *Growth Tiers*, *Land Surveyor*, and *Utilities*;
- amend provisions concerning:
 - filing and approval procedures for preliminary plan submission
 - the lot design of flag lots, frontage on a public or private road, alleys or pedestrian paths for residential lots,
 - the exemption to certain requirements for *Utility and Communication Structures*;
 - the taxing provisions for all public reservations;
 - the extensions for all public reservations;
 - the access easements for alleys;
 - establishing utility easements in a subdivision;
 - adequate public facilities;
 - a residential cluster subdivision;
 - the approval of an administrative subdivision, a minor subdivision or a plat;
 - granting a waiver from any requirement of Chapter 50;
- add a provision for places of worship and institutional uses, that a landscaping and

- lighting plan be submitted for review and approval concurrently with the preliminary plan; and
- generally amend the provisions governing Chapter 50.

By amending

Montgomery County Code

Chapter 50.	“Subdivision of Land”
Division 50.2.	“INTERPRETATION AND DEFINED TERMS”
Section 50.2.2.	“Definitions”
Division 50.3.	“GENERAL REQUIREMENTS”
Section 50.3.2.	“Record Plat Required”
Section 50.3.3.	“Exemptions to the Requirements of this Chapter”
Section 50.3.6.	“Submission Procedures for Subdivision Plans”
Division 50.4.	“PRELIMINARY PLAN”
Section 50.4.1.	“Filing and Specifications”
Section 4.2.	“Approval Procedure”
Section 4.3.	“Technical Review”
Division 50.5.	“PRE-PRELIMINARY SUBMISSIONS”
Section 50.5.2.	“Approval Procedure”
Division 50.6.	“ADMINISTRATIVE SUBDIVISION PLAN”
Section 50.6.1.	“Applicability”
Section 50.6.2.	“Filing Requirements”
Section 50.6.3.	“Approval Procedures”
Division 50.7.	“MINOR SUBDIVISION”
Section 50.7.1.	“Applicability”
Section 50.7.2.	“Procedure for Platting Minor Subdivisions”
Division 50.8.	“PLATS – GENERALLY”
Section 50.8.1.	“Filing and Specifications”
Section 50.8.2.	“Approval Procedure”
Section 50.8.3.	“Recording Procedure”
Division 50.9.	“WAIVERS FROM THIS CHAPTER”
Section 50.9.5.	“Procedure for Granting Waivers”
Division 50.10.	“ADMINISTRATIVE PROCEDURES”
Section 50.10.2.	“Bonding and Surety”
Section 50.10.6.	“Enforcement of Chapter”

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

OPINION

Subdivision Regulation Amendment (SRA) 20-02, lead sponsor Council President at the request of the Planning Board, was introduced on December 8, 2020.

Chapter 50, Subdivision Regulations, was adopted by the County Council in 2017. SRA 20-02 clarifies language, corrects mistakes, and adds necessary missing provisions. While many of the amendments are minor, there are some major changes, including:

- new provisions for the approval of flag lots and lots without frontage;
- new exemption from platting requirements for utility and telecommunications structures;
- new provisions for vacating an approved subdivision plan;
- new provision for extension of reservation of land for public use;
- new provision to specify an initiation date for the adequate public facilities validity period, similar to the existing initiation date provisions for plan validity;
- new limitation on Planning Board-approved APF extensions to a total of 12 years;
- new provisions for administrative subdivision plans for approval procedures, required findings, plan certification, amendments, validity period, revocation, and vacation of approval; and
- a grandfathering provision to allow applications to be reviewed under the regulations that were in effect at the time of the application's filing.

The Council's public hearing was conducted on February 9, 2021. There were two speakers. Neil Braunstein, Supervisor, IRC, from the Planning Department testified in support. William Kominers, an attorney from Lerch, Early & Brewer also testified. He testified that he had a number of suggested revisions, but was generally in support of the SRA.

The Council referred the text amendment to the Planning, Housing, and Economic Development (PHED) Committee for review and recommendation. The PHED Committee held a worksession on July 12, 2021. The Committee unanimously recommended approval of SRA 20-02 with amendments. Those amendments included minor formatting amendments proposed by both Council Staff and Planning, as well as an amendment regarding structures crossing lot lines from the Planning Department.

The Council agreed with the recommendation of the 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. 20-02 will be approved as amended.

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. Division 50.2 is amended as follows:**

2 **DIVISION 50.2. INTERPRETATION AND DEFINED TERMS**

3 * * *

4 **Section 2.2. Definitions**

5 All terms used in this Chapter that are defined in Chapter 59 or Chapter 49 have
6 the same meanings as the definitions in those Chapters, unless otherwise defined
7 here. In this Chapter, the following words and phrases have the meanings
8 indicated.

9 **A.**

10 *[Adequate Public Facilities Ordinance (APFO):* Section 4.3.J of this Chapter,
11 which specifies that the Board must find that public facilities will be adequate to
12 support and serve a proposed subdivision before approval.]

13 *Administrative Civil Penalty:* A monetary penalty imposed by the Board after
14 considering the factors in this Chapter for violating a Planning Board [action]
15 Action or Director Action.

16 *Administrative Subdivision Plan:* A preliminary plan [for a proposed subdivision
17 prepared and] submitted for the Director’s approval before the preparation of a
18 plat.

19 * * *

20 *Board:* The Montgomery County Planning Board of the Maryland-National Capital
21 Park and Planning Commission.

22 * * *

23 Building Envelope: The portion of a lot, enclosed by the front, rear, and side
24 setback lines and any additional building restriction lines, in which a structure may
25 be placed.

26 *Building Restriction Line:* A line designating an area in which development or
27 building is prohibited under this Chapter [by the Board under Section 50.4.3.K of
28 these regulations].

29 * * *

30 *Citation:* A document noting a violation of a Planning Board [action] Action or
31 Director Action, seeking to impose a civil fine or corrective action.

32 *Civil Fine:* A requirement to pay a predetermined sum of money specified in an
33 administrative citation for violating a Planning Board [action] Action or Director
34 Action.

35 * * *

36 [[County Growth and Infrastructure Policy: The resolution or law approved by the
37 District Council to determine the adequacy of public facilities and services.]]

38 * * *

39 Director Action: A written decision on a preliminary plan, site plan, or other plan,
40 including all associated terms, conditions, requirements, and other obligations or
41 limits, made by the Director under State law and Chapters 50 and 59, including any
42 regulations approved under State or County law. For the purposes of an
43 enforcement action, a Director Action excludes a decision made by the Director
44 under Chapter 22A.

45 * * *

46 *Enforcement Agent:* The Director, or the Director’s designee responsible for
47 determining compliance with a Planning Board Action or Director Action.

48 *Engineer:* A professional engineer [registered] licensed in Maryland.

49 * * *

50 *Growth Tiers:* Tiers adopted by Montgomery County under Subtitle 5 of the Land
51 Use Article.

52 * * *

53 [*Licensed*] *Land Surveyor:* A land surveyor who is licensed in the State to
54 “practice land surveying” as defined in the Maryland Business Occupations and
55 Professions Code Ann. Section 15-101 [(1995 Repl. Vol.)], as amended.

56 * * *

57 *Preliminary Plan:* A drawing for a proposed subdivision [prepared and] submitted
58 for [Board] approval before the preparation of a plat.

59 *Pre-Preliminary Plan:* A drawing for a proposed subdivision [prepared and]
60 submitted for binding or non-binding advice before the submission of a
61 [Preliminary Plan] preliminary plan.

62 * * *

63 *Road, Centerline of:* A line established as a centerline of a road right-of-way by
64 any State, County, or other official agency or governing body with jurisdiction and
65 shown on an officially adopted plan or recorded plat. In the absence of an official
66 centerline, the Board or Director must establish the centerline with consultation
67 from the applicable agency with jurisdiction over the road.

68 * * *

69 *Stop Work Order:* In this Chapter, [[An]] an administrative order issued by an
70 enforcement agent that requires a person to discontinue any further development,
71 construction, or other land disturbance activity authorized by a Planning Board
72 Action or a Director Action until a violation has been corrected.

73 * * *

74 Utilities: Water, sewage, gas, electric, energy, telecommunications, telephone,
75 broadband, cable facilities, and similar facilities that serve the public.

76 * * *

77 **Sec. 2. Division 50.3 is amended as follows:**

78 **DIVISION 50.3. GENERAL REQUIREMENTS**

79 * * *

80 **Section 3.2. Record Plat Required**

81 * * *

82 B. [Construction of a new principal] A building permit may only [occur] be
83 issued for a building located on a lot or parcel shown on a plat recorded in
84 the County Land Records or on a [property that is] parcel exempt from
85 recording requirements under [Section 3.3.B.] Subsection 3.3.B, and in a
86 manner that does not result in the building or structure crossing a lot line.

87 * * *

88 **Section 3.3. Exemptions to the Requirements of this Chapter**

89 A. An approved preliminary plan and recording of a plat under this Chapter are
90 not required for the division or conveyance of unplatted land in the
91 following instances:

92 1. *Court action.* Partition of land by will or through action of a court of
93 competent jurisdiction unless or until development of the land is
94 proposed.

95 * * *

96 B. Recordation of a plat before issuance of a building permit is not required for:

97 1. *Agricultural land used for residential dwellings.* An unplatted parcel
98 of agricultural land at least 25 acres in size used for a primary
99 dwelling unit if density and development rights are available and the
100 parcel is eligible to obtain any required sewage disposal permits.

101 * * *

102 [[9]]10. *Utility and Communication Structures.* The construction of
103 telecommunications towers, antennas, solar arrays, relay stations, or
104 similar facilities, including their associated accessory structures,
105 which are not intended for the shelter, support, or enclosure of
106 persons, unless otherwise required by the Board or [[further]] unless
107 future development of the land[[,]] requires a subdivision plan.

108 * * *

109 **Section 3.6. Submission Procedures for Subdivision Plans**

110 * * *

111 E. *Area within pending master plan.* The Board may defer action on a proposed
112 subdivision plan application[[,]] if all or any part of the plan is located in the
113 boundaries of a pending master plan or master plan amendment. For
114 purposes of this Section, a pending master plan or master plan amendment is
115 the public hearing draft master plan or master plan amendment.

- 116 1. The subdivider may resubmit a proposed subdivision plan deferred
 117 under this Section to the Board either:
- 118 a. after the final disposition by the District Council of the pending
 119 master plan or master plan amendment; or
- 120 b. no later than 12 months from the date the Board approves the
 121 public hearing draft master plan or master plan amendment,
 122 unless there is a determination by the Board that the subdivision
 123 plan application presents a substantial conflict with the
 124 proposed public hearing draft master plan or master plan
 125 amendment, in which case the Board may defer a subdivision
 126 plan application for a maximum of 18 months from the date the
 127 Board approves the public hearing draft master plan or master
 128 plan amendment, but in no event beyond the period in
 129 Subsection 3.6.E.1.a.

130 * * *

131 **Sec. 3. Division 50.4 is amended as follows:**

132 **DIVISION 50.4. PRELIMINARY PLAN**

133 * * *

134 **Section 4.1. Filing and Specifications**

135 * * *

- 136 B. *The drawing.* The subdivider must submit a preliminary plan drawing in a
 137 form required by regulations of the Board. Details and information must
 138 include:

139 * * *

- 140 3. certificate of an engineer or [licensed] land surveyor to affirm the
 141 accuracy of boundary lines, topographic data, and other engineering

142 or survey data, and to certify that the subdivision plans and supporting
143 documents were prepared in a manner that satisfies all submission
144 requirements and applicable agency standards, policies, and
145 procedures;

146 * * *

147 C. *Supporting information.*

148 * * *

149 4. *Concept road grade and profile.* For a public road, an engineer or a
150 [licensed] land surveyor must prepare conceptual road grade and
151 profile plans under the design criteria [of the Road Design and
152 Construction Code] approved by the Department of Transportation
153 and indicate the percentage of tangent grades, lengths of crest and sag,
154 vertical curves and elevations, and elevations of all intersecting roads.
155 The plan must indicate the direction of water flow. Where the
156 topography makes the determination of the adequacy of the road
157 grades difficult, the Director may require additional supporting
158 information.

159 * * *

160 6. Sight distance evaluation for all [proposed] driveways that will serve
161 new development and [proposed] road intersections prepared under
162 the criteria of the applicable State or County transportation agency.

163 * * *

164 11. *Draft Traffic Mitigation Agreement.* A preliminary plan application
165 for property located in a Transportation Management District (TMD),
166 designated under Chapter 42A, Article II, must contain a draft Traffic
167 Mitigation Agreement (TMAg) or similar plan designated under

168 Chapter 42A prepared by the applicant that meets the requirements of
169 that Article.

170 * * *

171 E. *Hearing date.* The Board must schedule a public hearing to begin within 120
172 days after the date the Director accepts an application. The Director may
173 postpone the public hearing by up to 30 days once without Board approval.
174 The Director or applicant may request one or more extensions beyond the
175 original 30 days with Board approval. The Board must notice the public
176 hearing and indicate the new hearing date on the Board’s agenda. An
177 application that was filed before [{effective date of legislation}] February
178 13, 2017 is not subject to this subsection.

179 * * *

180 **Section 4.2. Approval [Procedure] Procedures**

181 A. Referral of plan. After accepting an application, the Director must send a
182 copy to the Development Review Committee and other reviewing bodies,
183 requesting each agency to submit a recommendation concerning the plan.
184 The Director must send copies, as needed, to:

- 185 1. WSSC, for water and sewer service;
- 186 2. the Department of Transportation, for roads, streets, intersection
187 locations, site access, sight distances, traffic calming, paths,
188 pedestrian and bicycle facilities (including bike share), parking, transit
189 facilities, transportation demand management elements, and storm
190 drainage within County-maintained rights-of-way and easements with
191 all reviews consistent with the objective to achieve Vision Zero goals;

192 * * *

- 193 9. Montgomery County Public Schools, for school site planning or for an
194 application for residential development;

195 * * *

196 B. *Review and recommendation.*

197 * * *

198 2. *Approvals from public agencies.* The following agency approvals are
199 required before the Board approves the preliminary plan:

200 * * *

201 c. *Stormwater management.* The Department of Permitting
202 Services must approve a stormwater management concept plan
203 and floodplain delineation, if required under Chapter 19;

204 * * *

205 F. *Amendments.*

206 1. [A major] Any amendment to an approved preliminary plan must
207 follow the [same] procedures, meet the [same] criteria, and satisfy the
208 [same] requirements of this Division.

209 2. Amendments are classified as [the original preliminary plan] either
210 major or minor.

211 a. A major amendment includes any requests to change density
212 that results in greater adequate public ~~[[facility]]~~ facilities
213 impact; or make major changes to lot configuration or location,
214 or right-of-way width or alignment; or make a change to any
215 condition of approval, except a change to [validity period
216 phasing as permitted in Section 4.2.F.2.] plan validity period or
217 APF validity period.

218 [2. A minor amendment to an approved preliminary plan must follow the
219 same procedures, meet the same criteria, and satisfy the same
220 requirements as the original preliminary plan, except as modified
221 under Section 4.2.F.2.b.]

222 [a]b. A minor amendment to an approved preliminary plan includes
223 any change that does not change density in a manner that results
224 in greater adequate public ~~[[facility]]~~ facilities impact; make
225 major changes to lot configuration or location, or right-of-way
226 width or alignment; or alter the intent, objectives, or
227 requirements of the Board in approving the preliminary plan. A
228 change to plan validity period or APF validity period is a minor
229 amendment.

230 [b. The Board may approve a minor preliminary plan amendment
231 without a public hearing if the Director publishes a report and
232 recommendation on the amendment a minimum of 10 days
233 before the Board meeting. The Director may also]

234 c. The Director may approve a minor amendment to change
235 validity period phasing as permitted in Section 4.2.H.1.b.

236 G. *Plan Validity.*

237 1. *Initiation date.* The plan validity period for preliminary plans starts on
238 the later of:

239 a. 30 days from the date of mailing indicated on the written
240 resolution; or

241 b. [if an administrative appeal is timely noted by any party
242 authorized to file an appeal,] the date upon which the court
243 having final jurisdiction acts, including the running of any
244 further applicable appeal periods, if an administrative appeal is
245 timely noted by any party authorized to file an appeal.

246 If a corrected resolution is issued, the initiation date remains 30 days
247 from the date of mailing indicated on the original resolution.

248 2. *Duration.*

- 249 a. *Single-phase project.*
- 250 i. A preliminary plan approved after March 31, 2009 and
- 251 before April 1, 2017 remains valid for [60 months] 5
- 252 years after its initiation date.
- 253 ii. A preliminary plan approved after March 31, 2017
- 254 remains valid for [36 months] 3 years after its initiation
- 255 date.
- 256 b. *Multi-phase project.*
- 257 * * *
- 258 iii. The time allocated to any phase must be [60 months] 5
- 259 years or less after the initiation date for that particular
- 260 phase for any preliminary plan approved after March 31,
- 261 2009[[,]] but before April 1, 2017, and [36 months] 3
- 262 years after the initiation date for that particular phase for
- 263 any preliminary plan approved after March 31, 2017.
- 264 iv. The cumulative validity period of all phases must be
- 265 shorter than or equal to the [APFO] APF validity period
- 266 [[which]] that begins on the initiation date of the first
- 267 preliminary plan approval, including any extension
- 268 granted under Section 4.3.J.7.
- 269 * * *
- 270 H. *Extension of plan validity period.*
- 271 * * *
- 272 2. *Effect of failure to submit a timely extension request.*
- 273 * * *
- 274 b. Where a preliminary plan has been allowed to expire due to the
- 275 applicant’s failure to file a timely request for extension, the

276 Board may reinstate the preliminary plan and establish a new
277 validity period if practical difficulty or undue hardship is
278 demonstrated by the applicant. The Board may require the
279 applicant to get a new [APFO] APF review and approval by the
280 Board as a prerequisite or condition of its action to extend an
281 expired plan.

282 * * *

283 5. *Planning Board [action] Action.*

284 * * *

285 c. The Board may only grant an extension to a preliminary plan
286 within the plan's [APFO] APF validity period, unless a further
287 extension is allowed by law.

288 * * *

289 I. *Effect of failure to timely validate plan or secure an extension.*

290 * * *

291 3. If a preliminary plan or a phase of the plan is not timely validated, any
292 [APFO] APF determination made by the Board associated with the
293 void portion of the preliminary plan is also void. In such event, the
294 applicant loses any further rights to claim any vehicle trips associated
295 with the expired [APFO] APF approval. The filing of a new
296 preliminary plan application does not provide the basis for reclaiming
297 vehicle trips lost by the termination of the [APFO] APF approval.

298 * * *

299 K. *Vacating an approved subdivision.*

300 1. An applicant may request that the approval of a subdivision plan, for
301 which no subsequent plats have been recorded, be vacated.

302 2. A request to vacate an approved subdivision plan must include proof
303 of ownership and notarized signatures of all property owners or other
304 persons who are authorized by the property owner.

305 3. The Director must approve the request to vacate the approved
306 subdivision plan if the Director finds that the request is not contrary to
307 the public interest.

308 * * *

309 **Section 4.3. Technical Review**

310 In making the findings under Section 4.2.D, the Board must consider the following
311 aspects of the application.

312 * * *

313 C. *Lot design.*

314 1. *General requirements.*

315 * * *

316 b. Flag ~~[[Lots]] lots.~~ The Board must not approve flag lots, except
317 where unusual topography, environmental conditions, or the
318 position of the tract in relation to surrounding properties and
319 rights-of-way permit no other feasible way to subdivide and the
320 Board determines that appropriate separation between building
321 envelopes can be achieved. In approving a flag lot, the
322 following provisions apply:

323 i. in residential zones, the Board must require building
324 restriction lines as needed to provide separation of at
325 least 80 feet between the building envelope of the
326 proposed flag lot and:

327 (a) the building envelopes of all lots that are adjacent
328 to the rear lot line of the proposed flag lot [[or]];
329 and

330 (b) [[that are between the proposed flag lot]] the
331 building envelopes of all lots that are between the
332 proposed flag lot and the road on which it fronts;

333 ii. the Board may require additional building restriction
334 lines to ensure appropriate separation between building
335 envelopes and to provide appropriate location of the
336 building envelope within the lot; and

337 iii. all building restriction lines must be shown on the plat.

338 [b]c. Lots to abut on a public or private road. Except as specified
339 below, every lot must abut on a public or private road. A public
340 road must be dedicated or donated to public use or have
341 acquired the status of a public road under Chapter 49. A private
342 road must be shown on a record plat.

343 [i.]The Board [may] must not approve [a maximum of 2] lots
344 that do not abut a public or private road [if], except where
345 unusual topography, environmental conditions, or the position
346 of the tract in relation to surrounding properties and rights-of-
347 way permit no other feasible way to subdivide, and the Board
348 determines that appropriate separation between building
349 envelopes will be achieved. In approving a lot that does not
350 abut a public or private road, the following provisions apply:

351 i. the Board must not approve more than two lots in a
352 subdivision that do not abut a public or private road;

380 [d]e. *Through lots.* The Board must not approve through lots, except
381 where unusual topography, orientation, or the size of the subdivision
382 permit no other feasible way to subdivide.

383 [e]f. *Alley or pedestrian paths for residential lots.* If a mid-block alley
384 or pedestrian right-of-way is provided in a residential subdivision for
385 detached houses, the subdivider must increase the lot widths adjoining
386 the alley or right-of-way to provide for a parallel side building
387 restriction line 15 feet from the alley or right-of-way.

388 D. *Public sites and adequate open spaces.* A preliminary plan must provide for
389 required public sites and adequate open space areas.

390 * * *

391 5. *Reservation.*

392 a. *Procedure.* When the Board determines that a tract being
393 subdivided includes land that is necessary for public use but
394 will not immediately be acquired by donation, dedication,
395 purchase, or condemnation when the plat is recorded, the Board
396 must determine the need to reserve the land. The Board may
397 require a reservation for a period of time [less than] up to 3
398 years for road rights-of-way, public school and building sites,
399 parks, playgrounds, recreational areas, or other public purposes.

400 * * *

401 iii. *Taxes.* The Board must advise taxing and assessing
402 bodies of all public reservations, and such public
403 reservations must be exempt from all [State,] County[,]
404 and local taxes during the reservation period.

405 * * *

406 vi. Extension. After the initial reservation period, the Board
407 may extend the reservation period upon request of the
408 property owner if the Board determines that the reserved
409 land continues to be necessary for public use. Any
410 extension must not exceed 3 years.

411 * * *

412 E. *Roads.*

413 * * *

414 2. *Design standards.*

415 * * *

416 e. *Non-through roads.* The Board must not approve any road that
417 does not connect to another road at its beginning and end,
418 unless a determination is made that:

419 * * *

420 iii. the road, excluding alleys, is properly terminated in a cul-
421 de-sac or other turnaround; and

422 * * *

423 f. *Intersection.*

424 * * *

425 ii. [Proposed] The distance between proposed road
426 intersections, excluding alleys and driveways, must be
427 spaced as shown in the table below, as measured from the
428 centerline of the intersections. When the Board finds that
429 a greater or lesser [spacing] distance is appropriate, the
430 Board may specify a greater or lesser [spacing] distance
431 than otherwise required after considering the

432 recommendation of the transportation agency responsible
433 for maintaining the road.

434 * * *

435 3. *Additional requirements for public roads.*

436 * * *

437 b. *Existing public roads.* In a preliminary plan [or administrative
438 subdivision plan] application containing lots fronting on an
439 existing State, County, or municipally maintained road, the
440 subdivider must provide any additional required right-of-way
441 dedication and reasonable improvement to the road in front of
442 the subdivision, including sidewalks and bicycle facilities, as
443 required by Master Plan, the Road Design and Construction
444 Code or by a municipality, whichever applies.

445 * * *

446 4. *Additional standards for private roads.*

447 * * *

448 d. *Road [[Classifications]] classifications.* When the Department
449 of Transportation determines that the proposed road is not
450 needed to maintain area circulation, provide continuous
451 corridors to serve the general public and quasi-public needs
452 such as communication, utility, and future potential
453 transportation or other systemic needs that serve the public on a
454 long-term basis, and is not needed to be part of the network
455 modeled for area capacity, consideration will be given to
456 making the following roads private:

457 * * *

458 [ix. A private alley will not require an access easement if the
459 alley only serves one building or if the alley is a
460 secondary access to one-family residential dwellings.]

461 * * *

462 5. *Additional roadway provisions.*

463 * * *

464 d. *Road grade approval.* No final grading, sidewalk or pavement
465 construction, or installation of utilities must be permitted in the
466 bed of any proposed public or private road in any preliminary
467 plan [or administrative subdivision plan] until the grade has
468 been approved under this Chapter.

469 e. *Pedestrian paths.* When a pedestrian path is included in a
470 preliminary plan [or administrative subdivision plan], the
471 subdivider must grade and construct the path according to the
472 plan approved by the Board, Department of Permitting
473 Services, or applicable municipality.

474 * * *

475 F. *Water supply and sewage disposal facilities.*

476 * * *

477 3. [*Septic*] *Growth tiers.*

478 * * *

479 d. The Board may approve a subdivision for any number of
480 residential lots that would be served by one or more septic
481 systems on land located in the Tier III or Tier IV area.

482 [e. The Board may approve a minor subdivision that would be
483 served by one or more septic systems on land located in the
484 Tier IV area.

485 f. The Board may approve a major subdivision that would be
486 served by one or more septic systems on land in the Tier IV
487 area.]

488 [g]e. The official map displaying the Growth Tier areas as allowed
489 under the Maryland Sustainable Growth and Agricultural
490 Preservation Act of 2012 is located on the Planning Department
491 website. The Council may amend the official map either by:

- 492 i. adopting Tiers in a General Plan amendment; or
- 493 ii. an amendment under Section 10.7.

494 The latest version of the map may be accessed from the
495 Planning Department website at
496 www.montgomeryplanning.org.

497 G. *Markers and monuments.*

498 1. The subdivider must have metal property line markers, approximately
499 1/2-5/8 inch in diameter and 18 inches in length, or other generally
500 accepted survey markers, placed in the ground at all lot corners,
501 intersections of roads, intersections of roads and alleys with record
502 plat boundary lines, and at all points on road, alley and boundary lines
503 where there is a change in direction or curvature, unless such point
504 coincides with the location of a reference monument. All markers
505 must be properly set in the ground before the roads and alleys are
506 accepted for public maintenance. For projects that do not include
507 public roads, the owner and [licensed] land surveyor must certify to
508 the Department of Permitting Services that all property corner
509 markers have been set by a [licensed] land surveyor.

510 2. The [licensed] land surveyor hired by the owner must place markers
511 and monuments in the ground after road grading and paving in the

512 subdivision and grading and landscaping of adjacent lots are
 513 completed. The markers and monuments must be located as specified
 514 on the plat. The [licensed] land surveyor must certify to the
 515 Department of Permitting Services, or other appropriate governmental
 516 agency or the municipality, that all survey monuments and markers
 517 are in place before the County or municipality accepts any road or
 518 alley established by the plat for maintenance. The amenity bonds must
 519 not be released by M-NCPPC until the [licensed] land surveyor
 520 certifies to the Department of Permitting Services that all survey
 521 monuments are in place.

522 * * *

523 I. [Public utilities. Pipelines, electric power and energy lines, and
 524 telecommunications lines must be provided] Utilities. The developer must
 525 ensure the installation of utilities [by the developer] in all subdivisions.

526 1. *Installation.*

527 a. Within the property being subdivided, the developer must
 528 install any new [pipelines, electric power and energy lines, and
 529 telecommunications lines] utilities underground.

530 * * *

531 2. *Completion.* The Board [may] must not approve a final plat until the
 532 developer demonstrates that the applicable utility companies or public
 533 agencies are able to provide utility [service] services to the
 534 subdivision and installation by the developer has been assured under
 535 Section 10.2.

536 3. *Easements.*

537 [a.] The subdivider must establish utility easements[, which must be
 538 shown on the record plat,] to allow for installation of all utility

539 [lines] facilities servicing the proposed subdivision and the
540 future extension thereof to any property adjoining the
541 subdivision[, which] that:

542 [i]a. provide the minimum area needed to maintain each of the
543 [lines] facilities as determined by the Board [with] in
544 consultation [from] with the utility [provider; and]
545 providers;

546 [ii]b. are adjacent to, or accessible from, a road right-of-way[.];

547 c. are available to all utilities; and

548 d. are shown on the record plat.

549 [With County DPS permission] With Department of Permitting Services
550 approval, utilities may be placed within conduit in public road rights-of-way.
551 Utilities placed within private road rights-of-way by a developer must [also]
552 be in conduit.

553 [b. When a private road is allowed, the Board must also require the
554 developer to provide to the County an additional public
555 infrastructure area at least 4 feet wide, adjacent to private roads
556 or in other appropriate locations that create contiguous service
557 corridors within the development that connect to and are
558 accessible from a public right-of-way to provide for future:

559 i. relocation of existing utilities permitted to remain in a
560 road right-of-way; and

561 ii. installation of new communication facilities.

562 When a structure is proposed under a private road and the
563 public infrastructure area is located in the road right-of-way, the
564 developer must construct conduits within the infrastructure area
565 to the County's specification.]

566 J. *Adequate Public Facilities [Ordinance] ([APFO]APF).*

567 * * *

568 5. *Validity period.*

569 a. Initiation date. The adequate public [[facility]] facilities validity
570 period starts on the later of:

571 i. 30 days from the date of mailing indicated on the written
572 resolution; or

573 ii. if an administrative appeal is timely noted by any party
574 authorized to file an appeal, the date upon which the
575 court having final jurisdiction acts, including the running
576 of any further applicable appeal periods.

577 b. If a corrected resolution is issued, the initiation date remains the
578 date of mailing indicated on the original resolution.

579 [a]c. A determination of adequate public facilities made under this
580 Chapter is timely and remains valid:

581 i. for 12 years after the [preliminary plan is approved]
582 initiation date for any plan approved after July 24,
583 1989[,] but before October 19, 1999;

584 ii. for no less than 5 and no more than 12 years after the
585 [preliminary plan is approved] initiation date, as
586 determined by the Board when it approved the plan, for
587 any plan approved after October 18, 1999[,] but before
588 August 1, 2007;

589 iii. for no less than 7 and no more than 12 years after the
590 [preliminary plan is approved] initiation date, as
591 determined by the Board when it approved the plan, for

- 592 any plan approved after March 31, 2009[,] but before
 593 April 1, 2017; [[and]]
 594 iv. for no less than 5 and no more than 10 years after the
 595 [preliminary plan is approved] initiation date, as
 596 determined by the Board when it approved the plan, for
 597 any plan approved after July 31, 2007[,] and before April
 598 1, 2009, or after March 31, 2017[.];and
 599 v. for no less than 5 and no more than 10 years after the
 600 application is approved, as determined by the Board
 601 when it approved the application, for any adequate public
 602 facilities determination made in association with a site
 603 plan under Chapter 59 or building permit under Chapter 8
 604 approved after July 31, 2007 and before April 1, 2009, or
 605 after March 31, 2017.

606 [b]d. If an applicant requests a longer validity period than the
 607 minimum specified in Subsection 4.3.J.5.a, the applicant must
 608 submit a development schedule or phasing plan for completion
 609 of the project to the Board for its approval.

610 * * *

611 6. *Validity period – County arts or entertainment use.*

612 * * *

613 b. The Board must grant an application to extend the validity
 614 period established under this paragraph for an additional 5 years
 615 if:

616 * * *

- 617 ii. at any time during the [24 months] 2 years before the
 618 application for extension being filed, the vacancy rate for

619 class A office buildings in the Central Business District
620 in which the project is located reaches 10 percent for
621 direct and sublet space combined, as measured by a
622 commercial Multiple Listings Service benchmark; or

623 * * *

624 7. *Extensions.*

625 a. *Application.* Only the Board may extend the validity period for
626 a determination of adequate public facilities; however, a request
627 to amend any validity period phasing schedule may be
628 approved by the Director if the length of the total validity
629 period is not extended.

630 * * *

631 iii. For each extension of an adequate public facilities
632 determination:

633 * * *

634 [(e) a new adequate public facilities determination for
635 school adequacy is required for the remaining
636 unbuilt units under the school test in effect at the
637 time of Board review.]]

638 b. The Board may approve an amendment to the new development
639 schedule approved under [paragraph] Section 4.3.J.7.a.ii if the
640 applicant shows that financing has been secured for either:

641 * * *

642 e. Applications with significant infrastructure investment. The
643 Board may extend [a] an initial determination of adequate
644 public facilities once for up to 12 more years beyond the
645 otherwise applicable validity period if the Board finds that:

646 i. the preliminary plan or APF approval for the
647 development required a significant commitment of funds
648 by the applicant, amounting to at least \$3 million, as
649 adjusted annually from February 2017 by the consumer
650 price index, to comply with specified infrastructure
651 conditions;

652 * * *

653 h. No combination of extensions of APF validity approved under
654 Section 4.3.J.7 may exceed a total of 12 years from the date of
655 the original APF expiration.

656 K. *Environment.*

657 * * *

658 2. *Restriction of subdivision for environmental protection.*

659 * * *

660 b. *Restrictions.*

661 i. *General.* In addition to any requirement imposed under
662 Chapter 22A, the proposed preliminary plan [or
663 administrative subdivision plan] may be restricted under
664 this Section by:

665 * * *

666 L. *Residential cluster subdivision.*

667 * * *

668 2. *Conditions for use.* The use of the cluster method of development is
669 subject to Board approval and the following conditions and
670 requirements:

671 * * *

- 672 c. the open space and green areas proposed by the applicant in the
673 cluster development must comply with the general purpose of
674 cluster development, and the application must include a plan
675 detailing the post-development maintenance responsibilities and
676 use of those areas; [and]
- 677 d. the Board must count the land dedicated to public use for
678 school and park sites in the tract area for the purpose of
679 calculating density, and allow the use of the resulting density
680 development of the remaining land when this can be
681 accomplished in compliance with the purposes of this
682 Section[.]; and
- 683 e. future subdivision of land within the approved cluster
684 subdivision that would result in the creation of additional lots is
685 not permitted after the property is platted[.], except for
686 amendments to cluster subdivisions that were approved prior to
687 October 30, 2014 and that result in land being reviewed and
688 approved as part of an Optional Method MPDU Development
689 application with at least 25% moderately priced dwelling units
690 (MPDUs), provided that the remaining portion of the cluster
691 subdivision complies with all applicable development
692 standards.

693 * * *

- 694 N. [[Landscape and Lighting Plans]] *Landscape and lighting plans.*
- 695 1. For places of worship and institutional uses, a landscaping and
696 lighting plan, which must also include the parking lot layout, must be
697 submitted for review and approval concurrently with the preliminary
698 plan.

699 * * *

700 **Sec. 4. Division 50.5 is amended as follows:**

701 **DIVISION 50.5. PRE-PRELIMINARY SUBMISSIONS**

702 * * *

703 **Section 5.2. Approval Procedure**

704 * * *

705 C. *Action on a pre-preliminary submission.*

706 At the applicant’s discretion, action on a pre-preliminary plan may be either
707 advisory if only reviewed by the Development Review Committee or
708 binding if reviewed by the Board.

709 * * *

710 **Sec. 5. Division 50.6 is amended as follows:**

711 **DIVISION 50.6. ADMINISTRATIVE SUBDIVISION PLAN**

712 * * *

713 **Section 6.1. Applicability**

714 The subdivider may file an administrative subdivision plan application [instead of
715 a preliminary plan] under the following circumstances. [The Director must review
716 the necessary technical requirements of the administrative subdivision plan under
717 Section 4.3.] Administrative subdivision plans may only be used to create lots, as
718 expressly described below.

719 A. *Existing places of worship and institutional uses.* [The Board may approve
720 a] A lot may be created for existing facilities such as[:] places of worship,
721 private schools, country clubs, private institutions, and similar uses located
722 on unplatted parcels[[],] if:

723 * * *

724 3. [requirements for meeting] forest conservation[,] plan approval and
725 stormwater management[,] and environmental protection
726 requirements, if applicable, are satisfied before approval of the plat;

727 * * *

728 6. [the property is the subject of an approved conditional use and] all
729 conditions of [the] any conditional use approval, to which the property
730 may be subject, remain in full force.

731 B. *Subdivision for creation of certain residential lots located in the*
732 *Agricultural Reserve zone. Up to 5 lots for detached houses [are permitted]*
733 may be created under these procedures in the AR zone if:

734 * * *

735 6. forest conservation plan approval and stormwater management and
736 environmental protection requirements, if applicable, are satisfied
737 before approval of the plat.

738 C. *Subdivision for creation of certain residential lots. Up to 3 lots for detached*
739 *houses [are permitted] may be created* in any residential or rural residential
740 zone under these procedures if:

741 * * *

742 5. forest conservation[,] plan approval, stormwater management, and
743 environmental protection requirements, if applicable, are satisfied
744 before approval of the plat.

745 D. *Consolidation of an existing [lots] lot with another lot or [parts] part of*
746 *[lots] a lot in a nonresidential zone. In a nonresidential zone, a lot may be*
747 *created by combining existing adjoining lots, or a lot and a part of a*
748 *previously platted lot, if:*

749 * * *

- 750 4. forest conservation plan, stormwater management, and environmental
- 751 protection requirements, if applicable, are satisfied before approval of
- 752 the plat; and
- 753 5. when located in a special protection area, [and] all applicable special
- 754 protection area requirements and guidelines are satisfied before the
- 755 Board approves the plat.

756 For the purposes of this section, a part of a lot that qualifies for the

757 exemption stated in Subsection 3.3.B.2 may be used in lieu of a whole lot.

758 E. *Subdivision application for property to be used as Signature Business*

759 *Headquarters under Section 3.5.8.D of the Zoning Ordinance. A lot or lots*

760 *created for a Signature Business Headquarters may be approved[[,]] if:*

761 * * *

- 762 3. forest conservation[,] plan approval, stormwater management, and
- 763 environmental protection requirements, if applicable, are satisfied
- 764 before approval of the plat; and
- 765 4. when located in a special protection area, all special protection area
- 766 requirements are satisfied before approval of the plat [, if the subject
- 767 property is located in a special protection area].

768 **Section 6.2. Filing Requirements**

769 A. *Filing.* The Applicant must file the administrative subdivision plan and

770 applicable supporting information under Subsection 4.1.C, together with an

771 application form and fee to satisfy Subsection 4.1.A.

772 * * *

773 **Section 6.3. Approval Procedures**

774 * * *

775 B. *Action on an administrative subdivision plan.*

- 776 1. Director Action. An administrative subdivision plan may be approved
777 by the Director without a public hearing if no objection to the
778 application is received within 30 days after the application notice is
779 sent. After receiving the recommendations of the Development
780 Review Committee and other reviewing agencies, and considering
781 correspondence from other interested parties, the Director must
782 approve or disapprove the administrative subdivision plan in writing.
783 [In the alternative, the Director may require that the plan be acted on
784 by the Board. When applicable, the Director must schedule Board
785 action on its next available agenda. If approved, the plan will remain
786 valid under Section 4.2.G, by which time a plat must be recorded.]
- 787 2. Planning Board Action. If an objection is received within 30 days
788 after the application notice is sent, and the Director considers the
789 objection relevant, a public hearing and action by the Board is
790 required. The Director may also require that the plan be acted on by
791 the Board when no objection is received. When applicable, the
792 Director must schedule a Board hearing on its next available agenda.
- 793 3. All necessary improvements to support the development must be
794 completed or assured under Section 10.2.
- 795 [3]4. The Director must take action on an administrative subdivision plan or
796 schedule a public hearing within 90 days after the date an application
797 is accepted. The Director may postpone the public hearing once, by up
798 to 30 days, without Board approval. The Director or applicant may
799 request an extension beyond the original 30 days with Board approval.
800 Any extension of the public hearing must be noticed on the hearing
801 agenda with the new public hearing date indicated.

802 5. In making the findings required in Subsection 6.3.C, the Director or
803 Board must consider the technical requirements under Section 4.3. In
804 performing this review, the Director is authorized to perform any
805 relevant action that is permissible to the Board under Section 4.3,
806 except for the following:

- 807 a. Section 4.3.C.1.b, with respect to flag lots;
- 808 b. Section 4.3.C.1.c, with respect to lots without frontage on a
809 public or private road; and
- 810 c. Section 4.3.D.5, with respect to reservation of land for public
811 use.

812 C. Required Findings. To approve an administrative subdivision plan, the
813 Director or Board must make the following findings:

- 814 1. the layout of the subdivision, including size, width, shape, orientation
815 and density of lots, and location and design of roads is appropriate for
816 the subdivision given its location and the type of development or use
817 contemplated and the applicable requirements of Chapter 59;
- 818 2. the administrative subdivision plan substantially conforms to the
819 master plan;
- 820 3. public facilities will be adequate to support and service the area of the
821 subdivision;
- 822 4. all Forest Conservation Law, Chapter 22A requirements are satisfied;
- 823 5. all stormwater management, water quality plan, and floodplain
824 requirements of Chapter 19 are satisfied;
- 825 6. any burial site of which the applicant has actual notice or constructive
826 notice or that is included in the Montgomery County Cemetery
827 Inventory and located within the subdivision boundary is approved
828 under Subsection 4.3.M; and

829 7. any other applicable provision specific to the property and necessary
830 for approval of the subdivision is satisfied.

831 D. *Plan [[Certification]] certification.*

832 Every administrative subdivision plan approved by the Board or the Director
833 must be certified by the Director to confirm that the plan reflects the
834 approval. Any modification of the plan conditioned by the approval must be
835 included in the plan before receiving the approval stamp. The approved plan
836 must be filed in the records of the Board.

837 E. *Amendments.*

838 Any amendment to an approved administrative subdivision plan must follow
839 the procedures, meet the criteria, and satisfy the requirements of this
840 Division.

841 F. *Plan [[Validity]] validity.*

842 1. *Initiation date.* The plan validity period for administrative subdivision
843 plans starts on the later of:

844 a. *30 days from the date of mailing indicated on the Director's*
845 *written approval or the Board's resolution; or*

846 b. *the date upon which the court having final jurisdiction acts,*
847 *including the running of any further applicable appeal periods,*
848 *if an administrative appeal is timely noted by any party*
849 *authorized to file an appeal.*

850 If a corrected resolution is issued, the initiation date remains the date
851 of mailing indicated on the original resolution.

852 2. *Duration.*

853 a. *An approved administrative subdivision plan remains valid for*
854 *3 years after its initiation date.*

- 855 b. An administrative subdivision plan is validated when the
- 856 applicant has secured all government approvals necessary to
- 857 record a plat, and a plat for all property shown on the plan has
- 858 been recorded in the County Land Records.
- 859 c. Any extension of the validity period must follow the procedures
- 860 of Subsection 4.2.H.
- 861 d. For any action taken by the Director or Board to amend a
- 862 previously approved administrative subdivision plan, the
- 863 Director or Board will determine, on a case-by-case basis,
- 864 whether the validity period should be extended and, if so, for
- 865 what duration. In making the determination, the Director or
- 866 Board must consider the nature and scope of the requested
- 867 amendment.
- 868 e. Failure to timely validate or extend the validity period of an
- 869 administrative subdivision plan is governed by Subsection 4.2.I.

870 G. *Revocation or [[Vacation of an Administrative Subdivision Plan]] vacation*

871 *of an administrative subdivision plan.*

- 872 1. Revocation of an administrative subdivision plan must satisfy
- 873 Subsection 4.2.J.
- 874 2. Vacation of an administrative subdivision plan must satisfy
- 875 Subsection 4.2.K.

876 H. *Appeal of an administrative subdivision plan.*

877 * * *

878 **Sec. 6. Division 50.7 is amended as follows:**

879 **DIVISION 50.7. MINOR SUBDIVISION**

880 **Section 7.1. Applicability**

881 The submission of a preliminary plan [or administrative subdivision plan] under
882 Sections 4.1 and 4.2, and Sections 6.1 and 6.2, is not required for:

883 * * *

884 B. *Conversion of an outlot into a lot.* An outlot may be converted into a lot if:

885 * * *

886 3. all applicable requirements or agreements under the Adequate Public
887 Facilities [Ordinance] provisions in Subsection 4.3.J and the Growth
888 and Infrastructure Policy are satisfied before recording the plat;

889 * * *

890 C. *Consolidation.* Adjoining properties in the Rural Residential or Residential
891 Detached zones, not developed under cluster provisions, may be combined
892 in the following ways:

893 1. by consolidating 2 or more lots into a single lot, consolidating lots and
894 an outlot into a single lot, or consolidating a lot and an abandoned
895 road right-of-way, if:

896 * * *

897 c. [all] any required right-of-way dedication is provided.

898 2. by consolidating [an existing platted lot or] a part of a lot that contains
899 a legally constructed detached house or an existing platted lot[,] with a
900 piece of land created as a result of a deed, if:

901 * * *

902 E. *Ownership Plat.* An ownership plat may be recorded to delineate separate
903 ownership units within a lot approved for any use except for single-unit
904 living as follows:

905 * * *

906 3. Private roads [may] must not be delineated as a separate ownership
907 unit on an ownership plat.

908 * * *

909 F. *Plat of correction.* A plat of correction may be used for any of the following:

910 * * *

911 2. to revise easements to reflect a Planning Board [action] Action, or as
912 necessitated by a State or County agency or public utility;

913 * * *

914 **Section 7.2. Procedure for Platting Minor Subdivisions**

915 The subdivider of a property that satisfies the requirements for a minor subdivision
916 under Section 7.1 may submit an application for record plat for approval under
917 Section 8.1 and Section 8.2.

918 A. *Additional considerations.*

919 * * *

920 3. Any applicable requirements of Chapter 22A must be satisfied before
921 approval of the plat by the Board.

922 * * *

923 **Sec. 7. Division 50.8 is amended as follows:**

924 **DIVISION 50.8. PLATS – GENERALLY**

925 * * *

926 **Section 8.1. Filing and Specifications**

927 * * *

928 C. *Plat drawing.* The plat drawing prepared with the application must be an 18-
929 inch by 24-inch sheet, including a margin of one-half inch outside ruled
930 border lines. It must be accurately drawn to a scale approved by the Board
931 and must include the following:

932 1. *Title block.* The title block must appear in the lower right corner of the
933 sheet and must include the following information:

934 * * *

935 e. name of firm of [licensed] land surveyor who prepared the plat
936 and date of completion; and

937 * * *

938 3. *Surveyor certificate.* Certificate by the [licensed] land surveyor in a
939 form required by the Board, certifying to the accuracy of the plat and
940 to areas included on the plat and dedicated to public use. The
941 certificate must also include conveyance information with recording
942 references of the lands contained in the plat.

943 4. *Owner's Certificate.* Certificate by the owner and all parties of
944 interest, in a form required by the Board, adopting the plat; granting
945 slope, utility, conservation, or any other easements; and establishing
946 building restriction lines that are required to be drawn or noted on the
947 plat per the conditions of the approved [Preliminary Plan or
948 Administrative Subdivision Plan] preliminary plan and dedicating to
949 public use roads, alleys, rights-of-way, and any other areas approved
950 for dedication to public use by the Board. The owner must certify that
951 a [licensed] land surveyor will be engaged to set all property corner
952 markers under Subsection 4.3.G.

953 * * *

954 E. *Other supporting information.* The following supporting information is also
955 required with the plat application.

956 1. *Documents and plans.* The following documents and plans must be
957 submitted:

958 * * *

959 c. copies of approved[, preliminary or] final forest conservation
960 plan[, as appropriate,] or exemption letter; and

961 * * *

962 2. *Preliminary plans using transferable development rights (TDRs).* For
963 a subdivision designated in sewer category 3 conditioned upon
964 approval of a preliminary plan that uses TDRs, a new plat using less
965 than the requisite number of TDRs [may] must not be approved until
966 the sewer category has been reconfirmed by the Council.

967 * * *

968 4. *Plat for a cluster subdivision.*

969 * * *

970 b. Plats may be submitted in phases; however, density on any one
971 plat [may] must not exceed 115 percent of the allowed density
972 of the area included on the plat.

973 * * *

974 **Section 8.2. Approval Procedure**

975 * * *

976 C. *Plat to comply with approved preliminary plan and site plan where*
977 *required.*

978 1. With the exception of a minor subdivision, as defined in this Chapter,
979 no plat may be approved unless it complies with an approved
980 preliminary plan [or an administrative subdivision plan:]; however,
981 the Board may allow for minor modifications from [these plans] the
982 plan which, in its opinion, do not alter the intent of the previous
983 approval.

984 * * *

985 G. *Planning Board may [hold hearing] [[hear testimony]] hold hearing on any*
986 *plat.* The Board may, upon its own motion, [hold a hearing] [[hear
987 testimony]] hold a hearing before acting upon any plat, in accordance with
988 [notice required by] the Board’s Rules of Procedure.

989 * * *

990 I. *Signing.* A plat must be signed by applicable County agencies with review
991 authority before Planning Board [action] Action on the plat, unless the
992 Board specifically permits the signature to be added as a condition of its
993 approval. The plat must be signed by the authorized officers of the Board
994 after the Board acts to approve the plat or, in cases of conditional approval,
995 when the conditions are satisfied.

996 * * *

997 **Section 8.3. Recording Procedure**

998 A. *Processing of plats.*

999 * * *

1000 2. The official seal of the [licensed] land surveyor who prepared the plat
1001 must be impressed upon the original approved plat and reproductions.

1002 * * *

1003 **Sec. 8. Division 50.9 is amended as follows:**

1004 **DIVISION 50.9. WAIVERS FROM THIS CHAPTER**

1005 * * *

1006 **Section 9.5. Procedure for Granting Waivers**

1007 A. *Referral for recommendations.* The Director must send a copy of each
1008 waiver request to the applicable Development Review Committee agencies
1009 for investigation, report, and written recommendation before acting on the
1010 request. For waivers requested as part of a preliminary plan[, administrative
1011 preliminary plan,] or [pre-application submission] pre-preliminary plan,
1012 those agencies must submit any report and recommendation on the waiver in
1013 the timeframes required for those plans. For separate waiver requests, final

1014 recommendation must be provided to the Director within 30 days after
1015 receiving the request, or the recommendation must be treated as favorable.

1016 * * *

1017 **Sec. 9. Division 50.10 is amended as follows:**

1018 **DIVISION 50.10. ADMINISTRATIVE PROCEDURES**

1019 * * *

1020 **Section 10.2. Bonding and Surety**

1021 A. *Guarantee of completion of improvements before recording final plat.*

1022 1. Before plat recordation, the subdivider must demonstrate to the Board
1023 or [applicable public agency must certify] the Director that the
1024 subdivider has obtained the necessary permits and bonds or provided
1025 other surety that ensures completion of all required public and private
1026 improvements on the land covered by the plat being recorded.

1027 * * *

1028 **Section 10.6. Enforcement of Chapter**

1029 * * *

1030 B. *Administrative citation.*

1031 1. The Director may deliver an administrative citation to a person whom
1032 the Director believes committed a violation of a Planning Board
1033 [action] Action, Director Action, or this Chapter. The Director must
1034 attest to the truth of the facts and allegations in the administrative
1035 citation. An administrative citation issued under this Subsection must
1036 be served on the alleged violator personally, on the alleged violator's
1037 agent at the site of the alleged violation, or by certified mail to the
1038 alleged violator's last known address.

1039 * * *

1040 C. *Notice of hearing.*

1041 1. Director may issue a notice of hearing to a person whom the Director
1042 believes committed a violation of a Planning Board Action, Director
1043 Action, or this Chapter. The notice of hearing must be served on the
1044 alleged violator personally, on the alleged violator’s agent at the site
1045 of the alleged violation, or by certified mail to the alleged violator’s
1046 last known address.

1047 * * *

1048 D. *Civil fine and penalty.*

1049 1. A citation may require the recipient to pay a civil fine for a violation
1050 of a Planning Board [action] Action or Director Action.

1051 2. The fine for each violation of a Planning Board [action] Action or
1052 Director Action is the maximum allowed by the Land Use Article
1053 §23-505 of the Maryland Code for each day that the violation
1054 continues.

1055 * * *

1056 5. In setting the amount of the administrative civil penalty, the Board or
1057 its designee must consider:

1058 * * *

1059 b. the degree of deviation from the approved Planning Board
1060 [action] Action or Director Action;

1061 * * *

1062 F. *Hearing.*

1063 * * *

1064 3. The Board may assign a hearing officer, including a Hearing
1065 Examiner from the Office of Zoning and Administrative Hearings, to
1066 conduct a public hearing and submit a report and recommendation on

1067 any alleged violation of this Chapter or a Planning Board [action]
1068 Action or Director Action. The hearing officer must submit the
1069 required report and recommendation to the Board not later than 30
1070 days after the hearing record closes. The hearing officer may extend
1071 the time to file the report by notifying all parties.

1072 * * *

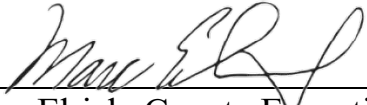
1073 K. *Exclusive authority*. The Board or its designee has exclusive authority to
1074 enforce violations of a Planning Board [action] Action or Director Action
1075 and any violations of this Chapter. The authority granted in this Chapter
1076 supersedes any other authority to enforce a Planning Board [action] Action
1077 or Director Action granted to any other County or State agency.

1078 * * *

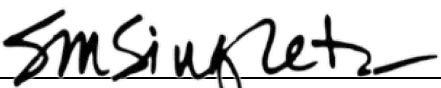
1079 **Sec. 10. Effective Date.** This amendment takes effect 20 days after the date
1080 of Council adoption.

1081 **Sec. 11. Filed Preliminary Plans.** Any preliminary plan application filed
1082 and certified as complete before the effective date of this amendment may, at the
1083 applicant’s option, be reviewed under the Subdivision Regulations in effect when
1084 the application was submitted.

1085
1086 *Approved:*

1087  10/08/2021
1088 _____ Date
1088 Marc Elrich, County Executive

1089
1090 *This is a correct copy of Council action.*

1091  10/11/2021
1091 _____ Date
1091 Selena Mendy Singleton, Esq.
1091 Clerk of the Council