

Article 66D - Maryland-National Capital Park and
Planning Commission

7-116.

(a) In exercising the powers granted to it by § 7-115 of this article, the Commission or the governing body of either county may prepare regulations and amendments governing the subdivision of land within the regional district or the respective portions of the regional district within Montgomery or Prince George's County. The regulations and amendments shall be adopted by the respective governing bodies of the counties, with whatever changes they consider appropriate, and shall be effective from the date of adoption or from such other date the governing body designates provided that such adoption does not affect in any manner the administration of the regulations by the Commission or its functions under § 7-115 hereof. If the Commission prepares or has prepared regulations and amendments, which it presents to the governing body of Montgomery County for appropriate action, and such body does not approve, modify or reject the regulations and amendments within six months from the date of receipt thereof from the Commission, the regulations and amendments shall be deemed approved and have the force and effect of law. The regulations may provide for (1) the harmonious development of the district; (2) the coordination of roads within the subdivision with other existing planned or platted roads or with other features of the district or with the Commission's general plan or with any road plan adopted or approved by the Commission as part of the Commission's general plan; (3) adequate open spaces for traffic, recreation, light, and air, by dedication or otherwise, and the dedication to public use or conveyance of areas designated for dedication under the provisions of the zoning and subdivision regulations and for the payment of a monetary fee, in lieu of dedication, not to exceed 5 percent of the total assessed value of the land that is the subject of an approved preliminary plan of subdivision to be used by the Commission to purchase open spaces for the use and benefit of the subdivision in cases where dedication would be impractical, provided that when, in the judgement of the Commission, suitable land is not available for acquisition to serve the subdivision from which a fee has been exacted, or if adequate open space has heretofore been acquired and is available to serve the subdivision, then the Commission may use the fee collected in lieu of dedication to develop or otherwise improve land or recreational facilities that will assist in supplying the overall recreational needs of the subdivision, [and further provided that if the subdivision is in a municipality,] and further provided that if the subdivision is in a municipality in Prince George's County that is not within the metropolitan district but is within the regional district and when requested by the municipality the mandatory fee in lieu of dedication received by the Commission shall be paid to and used by the municipality either to purchase open space for the use and