

**Article 28 - Maryland-National Capital Park and Planning Commission**~~7-117.2.~~

~~(a) (1) (i) In Montgomery County, the subdivision regulations and zoning ordinance shall provide that, before any action is taken by the planning board on an application for a preliminary plan of subdivision or resubdivision, project plan, or site plan review for property described in subparagraph (ii) of this paragraph, a copy of the application shall be referred promptly to the incorporated municipality for review and comment.~~

~~(ii) This subsection applies to property that:~~

~~1. Is located within the boundaries of an incorporated municipality as defined in § 8-104(e) of this article; or~~

~~2. Shares a common boundary line, or a portion of a common boundary line, with property lying entirely within the boundaries of an incorporated municipality.~~

~~(2) If the incorporated municipality elects to comment, the incorporated municipality shall promptly forward its written comments to the planning board.~~

~~(b) (1) In Montgomery County, on referral of a preliminary plan proposing the resubdivision of residentially zoned property lying within the boundaries of an incorporated municipality, the incorporated municipality shall initially determine whether to transmit a recommendation concerning the plan to the planning board.~~

~~(2) If the initial determination is to transmit a recommendation, the incorporated municipality, after providing reasonable public notice, shall hold a hearing before it transmits its recommendation to the planning board.~~

~~(3) The recommendation shall be in writing and shall include all pertinent findings of fact and conclusions of law supporting the recommendation, based on the record of the hearing.~~

~~(4) An incorporated municipality may recommend denial of a plan under this subsection only if it determines that the plan fails to comply with particular provisions of the subdivision regulations OR THAT THE PLAN IS INCONSISTENT WITH THE LONG TERM VISION STATEMENT OF THE INCORPORATED MUNICIPALITY, IF THE STATEMENT HAS BEEN ADOPTED AFTER NOTICE AND A PUBLIC HEARING.~~

~~(5) If an incorporated municipality recommends denial of a plan, it shall also transmit a written record of the hearing to the planning board for inclusion in the record compiled by the planning board.~~

~~(6) An incorporated municipality shall be considered to have waived its right to make a recommendation under this subsection unless it transmits its written recommendation and complete record, if required, to the planning board within 45 days of the delivery of the plan and application by the planning board.~~

~~(7) (f) When an incorporated municipality recommends denial of a residential SUBDIVISION OR resubdivision application, a two-thirds majority vote of~~