MC/PG 4-91

FOR the purpose of authorizing certain subdivision regulations of the Maryland-National Capital Park and Planning Commission or the governing body of Montgomery County or Prince George's County to provide for the payment of a monetary fee, in lieu of dedication, not exceeding 5 percent of the total appraised determined value of land being subdivided to purchase open spaces for certain purposes; establishing the value of the land in a certain manner; and generally relating to subdivision regulations within the Maryland-Washington Regional District.

BY repealing and reenacting, with amendments,

Article 28 – Maryland–National Capital Park and Planning Commission Section 7–116(a) Annotated Code of Maryland (1990 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 28 - Maryland-National Capital Park and Planning Commission 7-116.

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. In Montgomery County, on the adoption of any subdivision regulation or amendment by the district council, the regulation or amendment shall be delivered within 3 days to the County Executive who within 10 days thereafter shall approve or disapprove the regulation or amendment. If the County Executive disapproves the regulation or amendment, it shall be returned to the council with the reasons for the disapproval stated in writing. The council, by the affirmative vote of 6 members, may enact the regulation or amendment over the disapproval of the County Executive. Failure of the County Executive to act within 10 days constitutes approval of the regulation or amendment. 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] APPRAISED NEW MARKET