

## Article - Land Use

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§23-103.

(a) Except as provided in subsection (b) of this section, in connection with the approval of a subdivision plat, the appropriate county planning board may require a dedication of land for:

- (1) an interior subdivision road;
- (2) a road that abuts the subdivision for the purpose of creating a new road as part of the plan of subdivision to provide for traffic access to another subdivision road; and
- (3) the widening of an existing or public road that abuts the subdivision for the purpose of providing additional right-of-way adequate to serve additional traffic that will be generated by the subdivision.

(b) The county planning board may not require a dedication of land under subsection (a) of this section that:

- (1) exceeds the area required to produce a total right-of-way for:
  - (i) a secondary road, as defined by local law; or
  - (ii) a primary road if the applicable master plan designates the road as a primary or arterial road;
- (2) has a width that exceeds the area that is required for a primary road; and
- (3) has a width that exceeds the area that is required for a secondary road, unless the applicable master plan designates the road as a primary or arterial road.

(c) (1) Notwithstanding subsections (a) and (b) of this section, in Montgomery County, in connection with the approval of a subdivision plat, the Commission may require a dedication of land in accordance with the standards and limitations set forth in the subdivision regulations.

(2) The standards established by the subdivision regulations shall relate the area of dedication to:

(i) the total size of the subdivision;

(ii) the maximum road right-of-way or improvement required for that category of land use as established by local law of the applicable jurisdiction; and

(iii) the increased traffic, lane, and right-of-way requirements that would be created by the maximum utilization and development of the subject property:

1. in the property's present zone classification; or

2. in the property's higher use zone classification, as shown on an adopted and approved master plan of the applicable jurisdiction.

(3) (i) In accordance with the standards established by the subdivision regulations and except as provided in subparagraph (ii) of this paragraph, the subdivision regulations may require dedication of a road to public use to the full extent of the required right-of-way.

(ii) If a road is classified in the subdivision regulations as a limited access or controlled highway, a dedication of a road to public use may be required only for adequate traffic access to those subdivisions to which access is allowed.

(d) In Prince George's County, a master plan of transportation shall be approved by the district council.

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