

Ordinance No. 16-05
Subdivision Regulation Amend. No. 06-04
Concerning: Streets and Roads -
Design Standards
Revised: 7-3-07 Draft No. 7
Introduced: December 12, 2006
Public Hearing: January 23, 2007
Adopted: July 3, 2007
Effective: October 2, 2007

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Floreen, Council President Praisner,
and Councilmembers Trachtenberg and Ervin

AN AMENDMENT to the Subdivision Regulations to:

- (1) revise certain design standards for streets and roads; and
- (2) generally amend the subdivision regulations regarding standards for streets and roads.

By amending the following sections of the Montgomery County Code, Chapter 50:
Sections 50-1, 50-15, 50-24, ~~[[and]]~~ 50-26, 50-28, 50-29, and 50-35

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

OPINION

Subdivision Regulation Amendment (SRA) No. 06-04 was introduced on December 12, 2006, to revise certain design standards for streets and roads, and generally amend the subdivision regulations regarding standards for streets and roads.

The Montgomery County Planning Board in its report to the Council recommended that the SRA be approved with modifications.

The County Council held a public hearing on January 23, 2007, to receive testimony concerning the proposed SRA. The SRA was referred to the Transportation and Environment Committee for review and recommendation.

The Committee held worksessions on March 19, March 22, March 29, April 10, April 18, May 1, and June 14, 2007, to review the amendment. The Committee unanimously recommended enactment of the amendment with clarifying, terminological, and stylistic changes.

The District Council reviewed Subdivision Regulation Amendment No. 06-04 at meetings held on June 26 and July 3, 2007, and supported the recommendations of the Transportation and Environment Committee with one further amendment.

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. 06-04 will be approved as revised.

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:

28 usage of the term "right-of-way" for] For land platting purposes, [[in this district
 29 shall mean that]] every right-of-way [[hereafter established and]] shown on a
 30 record plat [[is to]] must be separate and distinct from [[the lots or parcels]] any
 31 adjoining [[such right-of-way]] lot or parcel, and not included [[within the
 32 dimensions or areas of such other lots or parcels]] in any other lot or parcel.
 33 [[Rights]] Any right-of-way intended for roads, [[crosswalks]] pedestrian paths,
 34 water mains, sanitary sewers, storm drains, or any other use involving maintenance
 35 by a public agency[[, shall]] must be dedicated to public use by the maker of the
 36 plat on which [[such]] the right-of-way is established.

37 *Road construction code:* [The Montgomery County road construction code
 38 and standard specifications, as heretofore enacted and as hereafter amended or re-
 39 enacted] Article 3 of Chapter 49, and any regulation which implements that
 40 Article.

41 * * *

42 *Plat:* The [[inen]] record plat required for the land records of Montgomery
 43 County, in accordance with the specifications [[for the same contained]] in this
 44 Chapter.

45 * * *

46 *Street width:* The shortest distance between street lines, measured [[at right
 47 angles to the centerline of the street]] between the edges of pavement or curb faces,
 48 as appropriate.

49 * * *

50 *Turnaround:* the termination of a public street in the approximate shape of a
 51 "T", built to allow vehicles to reverse direction using a 3-point turn.

52 * * *

53 **Article II. Plats**

54 **50-15. [[Streets, etc.,]] Land dedicated to public use; abandonment of**
55 **subdivisions.**

56 (a) When [[the plats are so]] a plat is recorded, [[those portions of lands]]
57 land designated on the [[plats]] plat as [[drainage ways, paths, walks,
58 streets, roads, avenues, lanes, alleys and public parks or squares or
59 other areas]] a drainage way, path, walk, street, road, avenue, lane,
60 alley, public park or square, or other area dedicated to public use
61 [[shall be and the same are hereby declared to be forever]] must be
62 dedicated in perpetuity to public use[[, and shall not thereafter on any
63 pretext whatsoever,]]. Any land dedicated under this Section must not
64 be altered or taken for private use[[; provided, that nothing herein
65 contained shall affect]].

66 (b) Nothing in this Section affects the rights of any person owning or
67 claiming any interest in [[such]] land derived [[by,]] from [[or under
68 any persons]] any person other than [[the maker of such]] the person
69 who originally filed the plat, or [[by,]] from [[or under such maker
70 prior to such]] the original filer before subdivision[[; and provided
71 further, that the maker of any such]].

72 (c) The person who originally filed the plat, [[his heirs or assigns, shall
73 have the right to apply to abandon the dedicated land or the
74 subdivision of lands so made.]] any successor in interest, or the
75 County may petition to abandon any land dedicated under this
76 Section. [[In addition to the above-authorized petitioners, the county
77 is hereby authorized to file a petition to abandon any dedicated areas
78 above described.]]

79 (1) [[Where any such]] If the land has been in public use, the
80 [[county council]] Council may authorize the abandonment of

81 ~~[[such]] all or part of the land or [[such]] subdivision [[in whole~~
82 ~~or in part in accordance with the provisions of article V, chapter~~
83 ~~49, of this Code setting forth the procedure for the council's~~
84 ~~action]] as provided in Section 49-63.~~

85 (2) ~~[[Where any such]] If the land has not been in public use,~~
86 ~~[[Montgomery County Planning]] the Board may authorize the~~
87 ~~abandonment of [[such]] all or part of the land or [[such]]~~
88 ~~subdivision [[in whole or in part in accordance with the~~
89 ~~provisions of article V, chapter 49, of this Code setting forth the~~
90 ~~procedure for the planning board's action]] as provided in~~
91 ~~Section 49-68.~~

92 ~~[[(b) The provisions of article V of chapter 49 of this Code shall also apply~~
93 ~~to abandonments applied for under this section. Upon filing the initial~~
94 ~~petition for abandonment under this section, the petitioner shall serve~~
95 ~~a copy of such petition upon all agencies, municipal corporations and~~
96 ~~public utilities designated in article V, chapter 49, of this Code.]]~~

97 ~~[[(c) The requirements of this section for the filing of abandonment~~
98 ~~petitions with the county council shall not affect such petitions which~~
99 ~~have been filed with the circuit court prior to December 10, 1974,~~
100 ~~under former provisions of this section and which are pending a final~~
101 ~~decision by that court. In the case of any such petition filed with the~~
102 ~~circuit court prior to December 10, 1974, and which is pending final~~
103 ~~decision by that court, the petitioner may elect to have the matter~~
104 ~~decided by the circuit court or may withdraw the petition and refile it~~
105 ~~with the county council under the provisions of this section.]]~~

106 **Article III. [Subdivision Regulations Generally] Approval and amendment of**
107 **subdivision plans.**

* * *

108

109 **50-24. Required public improvements.**

110 (a) *Construction of new roads, sidewalks, etc.* The roads, streets, alleys,
111 sidewalks and ~~[[crosswalks]]~~ pedestrian ways, with appurtenant
112 drainage, street trees, and other integral facilities, in each new
113 subdivision must be constructed by the subdivider or developer
114 ~~[[under the specifications of]]~~ as specified in the road construction
115 code or ~~[[the requirements of]]~~ required by a municipality, whichever
116 ~~[[is applicable]]~~ applies. Sidewalks in connection with a tertiary street
117 must be constructed as required in ~~[[accordance with]]~~ Section 50-
118 26~~[[h) of this Chapter]]~~(f).

119

* * *

120 (c) ~~[[Crosswalks and pedestrian]]~~ Pedestrian paths. Where a midblock
121 ~~[[crosswalk or]]~~ pedestrian path is included in a subdivision plan and
122 is dedicated to public use, the subdivider must grade and construct a
123 paved walk in accordance with a plan approved by the Department of
124 Permitting Services or the municipality and included in the permit for
125 street paving.

126 (d) *Storm drainage*. In connection with the street improvement program
127 in every new subdivision, the subdivider must grade and provide
128 drainage structures and storm sewers according to a plan approved by
129 the Department of Permitting Services or the municipality in
130 accordance with specifications in the latest applicable County Design
131 Standards and County Storm Drain Criteria or of the [Department or]
132 municipality, and specifications of the Washington Suburban Sanitary

133 Commission if the subdivision is located in the Washington Suburban
134 Sanitary District.

135 * * *

136 (g) *Adequate public facilities.* All adequate public facilities requirements
137 ~~[[shall]]~~ must be met as provided in Section 50-35~~[[j]]~~(k).

138 (h) *Installation of improvements.* All public improvements ~~[[shall]]~~ must
139 be completed or assured as provided in ~~[[subsection (g) of]]~~ Section
140 50-37~~(g)~~.

141 * * *

142 (l) *Traffic calming.* The Planning Board may require any traffic calming
143 feature, as defined in Section 49-30, as a condition of subdivision
144 approval.

145 (m) *Private roads.* The Planning Board may waive any otherwise
146 applicable requirement for any private road that would be constructed
147 under an approved preliminary subdivision or site plan.

148 **50-26. Roads and streets — Design standards.**

149 (a) [*Minimum widths of rights-of-way.* Except in cases where the master
150 plan of highways or other adopted street plan specifies a greater or
151 lesser width, minimum rights-of-way shall be as follows. Wider
152 rights-of-way may be required by the Board when necessary to handle
153 anticipated traffic or to allow for special construction problems or
154 traffic situations:]

<i>[Type of Road</i>	<i>Right-of-Way Width</i>
(1) Limited access freeways and	200 feet

parkways	
(2) Controlled major highways with frontage roads	180 feet
(3) Major Highways and arterial divided roadways	
(a) With enclosed drainage	120 feet
(b) With open drainage	120 feet plus right-of-way required for drainage designed pursuant to road construction code
(4) Secondary highways, arterial roads, business district streets and industrial streets	80 feet
(5) Primary residential streets	
(a) Undivided	70 feet
(b) Divided - enclosed drainage	100 feet
(c) Divided - open drainage	100 feet plus right-of-way required for drainage designed pursuant to road construction code
(6) Secondary residential streets and rural roads	
(a) Undivided	60 feet
(b) Divided - enclosed drainage	100 feet
(c) Divided - open drainage	100 feet plus right-of-

	way required for drainage designed pursuant to road construction code
(7) Tertiary residential streets	Variable, see subsection (h)
(8) Mid-block crosswalks	20 feet
(9) Cul-de-sac	
(a) Stem right-of-way	60 feet
(b) Circular section minimum diameter	120 feet
(10) Drainage rights-of-way	
(a) Enclosed	10 feet plus additional 10 feet during period of original construction
(b) Open	As required by road construction code design standards
(11) Alleys	20 feet]

155 Mid block pedestrian ways and drainage rights-of-way. The
156 minimum right-of-way is: 20 feet for a mid-block pedestrian way; and
157 10 feet (plus an additional 10 feet during the period of original
158 construction) for an enclosed drainage right-of-way.

159 [(b) *Grades and alignments.* Grades and alignments of platted County
160 roads and streets must comply with the procedures and specifications
161 of the road construction code, as administered by the Department of

162 Public Works and Transportation and permitted by the Department of
 163 Permitting Services. The Board must establish grades and alignments
 164 of other municipal roads within the Regional District.]

165 [(c) *Half-streets.* Half-streets will not be permitted, except where
 166 dedication is for widening of an existing publicly maintained County
 167 road and the remaining half of such road to the full width of right-of-
 168 way required under the road classification is free and clear of existing
 169 buildings or other structures to required building lines and the
 170 dedication or acquisition of such remainder is otherwise possible.
 171 Whenever there is an existing half-street adjacent to a tract to be
 172 subdivided, the other half of the street shall be platted and dedicated
 173 with such tract, unless otherwise determined by the Board.]

174 [(d)] (b) *Culs-de-sac and [courts] [[hammerheads]] turnarounds.* [With
 175 approval of the] The Board[,] may approve the installation of culs-de-
 176 sac or [[hammerheads]] turnarounds [may be used] when their use
 177 would produce an improved street layout [will result] because of the
 178 unusual shape, size or topography of the subdivision. [Unrestricted
 179 use of culs-de-sac shall not be permitted.] The Board must not
 180 approve any other cul-de-sac or [[hammerhead]] turnaround. A cul-
 181 de-sac or a street that would end in a [[hammerhead]] turnaround
 182 [shall] must not be longer than [five hundred (500)] 500 feet,
 183 measured on its centerline, unless, [by reason] because of property
 184 shape, size, topography, large lot size, or improved street alignment,
 185 the Board [may find] approves a greater length [to be justified].

186 [(e)] (c) *Intersections.*

- 187 (1) Streets ~~[shall]~~ must be laid out so as to intersect as nearly as
188 possible at right angles. ~~[A] The Board must not approve a~~
189 proposed intersection of two ~~[(2)]~~ new streets at an angle of less
190 than ~~[seventy (70)]~~ 70 degrees ~~[will not be acceptable]~~.
- 191 (2) The Board must approve the location of intersections with
192 ~~[arterial highways]~~ arterials or major highways ~~[shall be~~
193 ~~determined by the Board]~~ in a ~~[manner]~~ layout that ~~[will~~
194 ~~discourage]~~ discourages the movement of through traffic
195 crossing ~~[such]~~ the arterial or major highway. ~~[Proposed~~
196 ~~intersection with arterial or major highways shall]~~ Except in a
197 Metro Station Policy Area or Town Center Policy Area, as
198 defined in the most recent County Growth Policy, or another
199 area expressly identified in a Council resolution, proposed
200 intersections with an arterial or major highway must be spaced
201 no closer together than ~~[six hundred (600)]~~ 600 feet.
- 202 (3) The corner lots at an intersection ~~[shall]~~ must be truncated by
203 straight lines joining points ~~[twenty-five (25)]~~ 25 feet back from
204 the theoretical property line intersection in each quadrant. In
205 any case where more or less width is ~~[deemed necessary to~~
206 ~~provide]~~ needed for safe sight distance or ~~[for]~~ traffic
207 channelization, the Board ~~[shall]~~ may specify a greater or lesser
208 cut-off than ~~[the normal cited above]~~ otherwise required.
209 ~~[Alley intersections and]~~ Any alley intersection or abrupt
210 ~~[changes]~~ change in alignment ~~[within]~~ in a block ~~[shall]~~ must
211 have the corners cut off and widened sufficiently ~~[to permit]~~ for
212 safe vehicular turning.

213 [(f)] (d) *Horizontal alignment.* In [the case of] primary, [and] secondary,
214 and tertiary residential streets and culs-de-sac, the alignment [shall]
215 must be designed so that all deflections in horizontal alignment [will
216 be] are accomplished through segments of circular curves properly
217 incorporated into the design. The minimum permitted centerline radii
218 [shall] must be [as follows]:

219	Primary streets	300 feet
220	Secondary streets	150 feet
221	Tertiary streets	100 feet

222 The Board [shall] must specify greater radii when safety requires. A
223 tangent at least [one hundred (100)] 100 feet long [shall] must be used
224 between two [(2)] reverse curves, except in [cases of] a secondary or
225 tertiary residential [streets] street.

226 [(g)] (e) *Street names.* [No street names shall be used which have not been
227 approved by the Board.] The Board must approve any street name
228 before it is used. The Board must not approve any street name which
229 is already used, or closely resembles any street name already used,
230 anywhere else in the County. If a new street is an extension of or in a
231 direct line with an existing street, the Board must continue the name
232 of the existing street.

233 [(h)] (f) *Tertiary streets.* [Section 49-34(f) of the County Code gives the
234 Planning Board the authority to determine when a tertiary street may
235 be used and to establish the right-of-way width.] The following

236 standards [will be applied] apply to any proposed tertiary [streets]
237 street:

238 (1) A tertiary street may be used only if [approved by] the Planning
239 Board [at the time of] approves it in a preliminary subdivision
240 plan [approval] or site plan [approval].

241 (2) [The standard right-of-way width of a tertiary street is fifty (50)
242 feet. However, an applicant may voluntarily submit to site plan
243 review and at that stage] In a site plan the Planning Board may
244 approve a [lesser width] narrower than standard tertiary street if
245 [it can be demonstrated that: (1) this lesser width] the Board
246 finds that:

247 (A) a narrower street is environmentally [better, or (2) the
248 limits on development at that site would not allow the
249 applicant to achieve MPDUs under Chapter 25A on-site,]
250 preferable and [this lesser width] either [(3)] improves
251 compatibility with adjoining properties[, or [(4)] allows
252 better use of the parcel under consideration; or

253 (B) limits on development at that site would not allow the
254 applicant to build the required number of MPDU's on
255 site. [In no case shall the right-of-way be less than
256 twenty-seven (27) feet four (4) inches for two-way traffic
257 and twenty-one (21) feet four (4) inches for one-way
258 traffic.]

259 [(3) Sidewalks must be provided on both sides of a tertiary street
260 unless the Planning Board waives the requirement for one or

261 both sides of the street, based upon a finding that pedestrians
262 will be able to safely use the roadway.]

263 **50-28. Block design.**

264 (a) *Residential blocks.* The Board must approve the length, width and
265 shape of any residential ~~[[blocks shall be subject to approval by the~~
266 ~~board]]~~ block.

267 (1) *Length.* ~~[[Maximum]]~~ The maximum length of a block
268 ordinarily ~~[[permitted]]~~ is ~~[[sixteen hundred (1600)]]~~ 1600 feet.
269 ~~[[Approval of blocks in excess of sixteen hundred (1600) feet~~
270 ~~long will be granted]]~~ The Board may approve a block longer
271 than 1600 feet only ~~[[where it is shown]]~~ if the applicant shows
272 that ~~[[such a plan]]~~ this length is the only feasible way of
273 subdividing.

274 (2) ~~[[Crosswalks. Crosswalks shall be provided]]~~ Pedestrian paths.
275 The Board may require pedestrian paths for pedestrian access to
276 schools, playgrounds, parks, and other public areas and through
277 long blocks ~~[[where required by the board]].~~

278 * * *

279 **50-29. Lot design.**

280 * * *

281 (b) *Additional requirements for residential lots.*

282 (1) ~~[[Midblock Crosswalks]]~~ Pedestrian paths or Alleys. ~~[[In cases~~
283 ~~where a]]~~ If midblock ~~[[crosswalk]]~~ pedestrian path or alley is
284 provided in a residential subdivision, the lots adjoining ~~[[such~~
285 ~~crosswalk]]~~ the path or alley ~~[[shall]]~~ must be increased in
286 width sufficient to provide for a side building restriction line

287 running parallel to ~~[[such crosswalk]]~~ the path or alley ~~[[and~~
288 fifteen (15) feet therefrom]] 15 feet from it.

289 * * *

290 **50-35. Preliminary subdivision plans - Approval procedure.**

291 (a) *Referral of plan.* Immediately after receiving a proposed plan, the
292 Director must send a copy to each of the following agencies, if that
293 agency has a direct interest in the installation or maintenance of
294 utilities, roads, or other public services that will serve the proposed
295 subdivision, for the agency's recommendation with respect to the plan.

296 * * *

297 (2) County Department of Public Works and Transportation, as to
298 roads, streets, ~~[[crosswalks,]]~~ paths, and storm drainage.

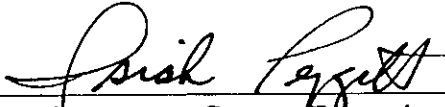

299 * * *

300 (d) *Road grade and road profile.* Before the Board finally approves a
301 preliminary plan, the subdivider must furnish road~~[[, crosswalk]]~~ and
302 pedestrian path grades and a street profile approved in preliminary
303 form by the County Department of Public Works and Transportation.

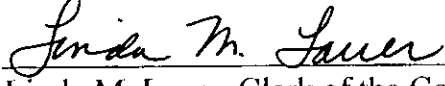
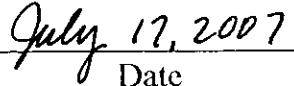
304 * * *

305 **Sec. 2. Effective date.** This ordinance takes effect 91 days after the date of
306 Council adoption.

307 *Approved:*

308
309  _____ 
Isiah Leggett, County Executive Date

310 *This is a correct copy of Council action.*

311  _____ 
Linda M. Lauer, Clerk of the Council Date