

Garrett County, Maryland
Subdivision Ordinance

Amended May 25, 2010

GARRETT COUNTY SUBDIVISION ORDINANCE

Legislative History

Adopted by the Board of County Commissioners of Garrett County on June 24, 1997

Effective Date - June 1, 1997

Amended July 13, 1999 (Ordinances & Resolutions Liber 4, Page 536)

Amended December 17, 2002 (Ordinances & Resolutions Liber 4, Page 706)

Amended March 29, 2005 (Ordinances & Resolutions Liber 5, Page 115)

Amended October 2, 2007 (Ordinances & Resolutions Liber 5, Page 773)

Amended May 25, 2010 (Ordinances & Resolutions Liber 6, Page 340)

CHAPTER 159: SUBDIVISION ORDINANCE

With revisions adopted May 25, 2010 by the Board of County Commissioners of Garrett County

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ARTICLE 1

GENERAL PROVISIONS

§ 159.001 SHORT TITLE.

This chapter shall be known and may be cited as “The Garrett County Subdivision Ordinance” of 1997.

§ 159.002 PURPOSES.

The purpose of these regulations is to create conditions favorable to the health, safety, morals, and general welfare of the citizens by assisting in the orderly and efficient integration of subdivisions; ensuring conformance of subdivision plans with the public improvements plans of the county; ensuring sites suitable for building purposes and human habitation; facilitating the efficient movement of traffic and avoiding traffic hazards and congestion; securing equitable handling of all subdivision plans by providing uniform procedures and standards; improving land records by establishing standards for surveys and plans; safeguarding the interests of the public, the homeowner, the subdivider and all municipalities; preserving natural and historic features; and carrying out the goals and objectives of the Comprehensive Plan and Md. Code, Article 66B.

§ 159.003 APPLICABILITY.

- A. Jurisdiction. This chapter shall apply within all areas of the county, except for areas within the borders of incorporated towns. This chapter shall also apply within an incorporated town if this chapter is specifically approved as the subdivision ordinance for such town by the town council of such town.
- B. No subdivision of any lot, tract, or parcel of land shall be made, and no road, sanitary sewer main or water main required in connection with a proposed subdivision shall be laid out, constructed, opened or dedicated for use of the public or the occupants of the proposed subdivision, except in accordance with this chapter.
- C. A lot, tract or parcel that was not duly recorded in the official land records of the county prior to adoption of this chapter shall not be sold or transferred, until the subdivision of the lot has been granted final plat approval and the subdivision has been recorded. See § 159.004 for exemptions. See also requirements in §§ 159.090 through 159.092 for financial security to make sure improvements are installed.

§ 159.004 EXEMPTIONS TO THIS CHAPTER.

- A. Lots over 50 acres. The requirements of this chapter shall be temporarily waived if a new lot is proposed with a lot area exceeding 50 acres, provided the lot includes a deed restriction stating that the lot will not be used for 2 or more dwelling units or a principal industrial or commercial use (other than agricultural or forestry uses).

- (1) The deed restriction shall provide that if the lot in the future is proposed for 2 or more dwelling units or a principal industrial or commercial use, then the lot shall be required to be approved under this chapter, as amended, and to meet all requirements of such ordinance. The deed restriction shall be enforceable by the county.
 - (2) A plan shall be submitted showing the proposed lot lines. The plan shall require a signature of the Planning Director and the Garrett County Health Officer or his/her designee, and be recorded in the County Land Records Office.
 - (3) If a lot of less than 50 acres results from the same subdivision, the lot shall still be required to comply with this chapter.
- B. Merger of lots. The merger of 2 or more existing lots into a single lot shall not be regulated under this chapter, provided that the merger is recorded with a restriction that the pre-existing lots shall not be sold as individual lots.
 - C. Lots with no buildings. The requirements of this chapter shall not apply to a lot that is permanently deed restricted to prohibit any new buildings on the lot, except utility buildings of less than 500 square feet of floor area. The deed restriction shall be enforceable by the county. This provision is intended to provide for stormwater detention basins, sewage pumping stations, community wells, protected open space, communications antennae and similar facilities. A plan shall be submitted showing the proposed lot lines and proposed facilities. The plan shall require the signature of the Planning Director and be recorded in the County Land Records Office.
 - D. Road and utility improvements. The purchase, dedication or condemnation of right-of-way or easements for improvements to a road or for stormwater or utility improvements shall not by itself cause a need for approval under this chapter.
 - E. Boundary settlement. The settlement of a disputed property boundary line between existing lots of record shall not, by itself, require approval under this chapter.
 - F. Bounded lots. A bounded lot is an area separated from the remainder of the lot by a public road right-of-way or another lot. Creation of a lot following the boundaries of the bounded lot shall be exempt from the requirements of this ordinance if the bounded lot was legally established prior to July 1, 1997. A plan shall be submitted showing the division along the boundaries established prior to July 1, 1997, by the road right-of-way or lot. The plan requires the signature of the Planning Director and the Garrett County Health Officer or his/her designee and shall be recorded in the County Land Records Office.

§ 159.005 INTERPRETATION.

- A. Where a provision of this chapter applies to the exact same matter as another provision of this chapter, or another county ordinance or requirement or a state law or regulation, then the provision that is most restrictive upon the applicant and the use and development of land shall apply, unless otherwise provided by state law.
- B. Illustrations. The illustrations in this chapter are for general illustrative purposes, and are not part of the regulations of this chapter.

§ 159.006 MODIFICATIONS AND EXCEPTIONS.

- A. An applicant seeking a modification or exception to this chapter shall submit to the county staff a request in writing that states the specific ordinance section(s) involved and the reasons for the request. The staff shall provide the request to the Planning Commission. The Planning Commission may in writing grant a waiver or modifications to the specific requirements of this chapter.
- B. The written request must be submitted no less than seven days prior to the Planning Commission public meeting at which the request will be considered. An application for subdivision plan approval shall not be reviewed by the Planning Commission until written requests for required modifications or exceptions have been submitted to accompany the plan.
- C. The applicant must establish that the request will meet 1 or more of the following conditions:
 - (1) Avoid an undue hardship that was not self-created and that results from the peculiar and uncommon conditions of the property;
 - (2) Avoid a clearly unreasonable requirement that would not serve any valid public purpose;
 - (3) Allow an alternative standard that is clearly proven by the applicant to provide equal or better results;
 - (4) Allow a layout or improvements that would clearly be more in the public interest than what would occur if the modification were not granted; or
 - (5) Remove a requirement that is not appropriate, especially because of the small size of the proposed subdivision.

§ 159.007 FEES.

- A. The Board of Commissioners may establish by resolution a schedule of fees and a collection procedure for all applications and other matters pertaining to this chapter. Plans shall not be considered filed until all fees are paid and the applications are properly signed as required.
- B. If the expenses of the county for reviews of a subdivision exceed the total fees that have been paid or placed in escrow by an applicant, the excess expenses shall be paid by the applicant prior to release of the final plats by the county for recording.

§ 159.008 REVISIONS, ALTERNATE PLATS AND RESUBDIVISIONS.

- A. Alternate plats. Only 1 plan concerning any 1 area of land shall be before the county for review at any 1 moment in time, unless the Planning Commission specifically permits simultaneous review of alternative plats. When an alternative plat is permitted, a new submission fee shall be required, unless the Planning Commission determines that the alternative plan is not significantly different from the earlier submission.

B. Revisions and resubdivisions.

(1) Revised plats.

- a. For any submittal of a substantial revision of a previously submitted plan, the county may require the applicant to submit additional fees if needed based upon the county's expenditures on the review up to that time.
- b. If any revision is submitted to a final subdivision plan, then the revision shall be considered a new submittal, and the 30-day maximum time period for county approval shall re-start after such submittal date of the revised plan.

(2) A revision or resubdivision of a recorded plan or a final plat approved by the Planning Commission shall be considered as a new subdivision and shall comply with all of the regulations of this chapter. See § 159.083, which may allow simplified procedures for minor revisions to previously approved or grandfathered plats.

§ 159.009 COUNTY RECORDS.

The county shall maintain records of the decisions and recommendations of the Planning Commission regarding all subdivision plats. The records shall be available to the public for review.

§ 159.010 AMENDMENTS TO THIS CHAPTER.

- A. The regulations set forth in this chapter may, from time to time, be amended by the Board of Commissioners, following the procedures of Md. Code, Article 66B including a public hearing with public notice as required by state law.
- B. Commission review. The county staff shall submit each proposed amendment (other than an amendment prepared by or under the direction of the Planning Commission) to the Planning Commission for recommendations prior to the date of the Commission's regular public meeting.

§ 159.011 APPEALS TO COURTS.

Decisions of the Planning Commission and other county officials under this chapter may be appealed to the Circuit Court for the county in accordance with Md. Code, Article 66B, as amended. Any appeal of an action by the county staff or Planning Commission under this chapter shall be filed within a maximum of 45 days after the date upon which the action occurred.

§ 159.012 ENFORCEMENT.

- A. Enforcement. The Subdivision Administrator and his/her designees shall enforce the provisions of this chapter and the accompanying design standards and improvement specifications.

- B. Inspection. Any action under this chapter is subject to on-site inspection by representatives of the county to ensure compliance with this chapter, other county ordinances and the approved plans.
- C. Cease and desist. Any action inconsistent with the provisions of this chapter shall be subject to a cease and desist order and other appropriate measures by the Subdivision Administrator or his/her authorized representatives.

§ 159.013 LIABILITY.

Neither the approval nor the granting of any building permit, floodplain permit, site plan review, subdivision approval, zoning permit, erosion review, storm water runoff review, wetland delineation or wetland review, steep slope review or any other review or permit of this chapter, involving any land governed by the provisions of this chapter, by an officer, employee, consultant or agency of the county, shall constitute a representation, guarantee or warranty of any kind by the county or its employees, consultants, officials or agencies of the practicality or safety of any structure, use or subdivision and shall create no liability upon, nor a cause of action against any county body, consultant, official or employee for any damage that may result pursuant thereto.

§ 159.014 SEVERABILITY.

It is hereby declared to be the legislative intent that:

- A. If a court of competent jurisdiction declares any provisions of this chapter to be invalid or unconstitutional in whole or in part, the effect of the decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this chapter shall continue to be separately and fully effective.
- B. The Board of Commissioners hereby declares that it would have passed all of the remaining portions of this chapter, excluding portions declared unconstitutional or ineffective, if it had knowledge that such portions would be declared unconstitutional or invalid.

§ 159.015 REPEALER.

All county ordinances or parts thereof that were adopted prior to this chapter and are clearly in conflict with this chapter, except any provisions that are specifically referenced by this chapter, are hereby repealed.

ARTICLE 2
DEFINITIONS

§ 159.016 DEFINITIONS

- A. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. If a word is not defined by this chapter, but is defined by the Zoning Code as amended, then the Zoning Code definition shall apply by reference, regardless of whether the lot is regulated by the Zoning Code. Any word or term not defined in this section or the Zoning Code has a meaning of standard usage as determined by the Subdivision Administrator, within the context of the word's use within the applicable section of this chapter.
- (1) **AASHTO.** The American Association of State Highway Transportation Officials.
 - (2) **ALLEY.** A vehicle right-of-way that mainly provides secondary access to the side or rear of lots, and that serves more than one lot.
 - (3) **APPLICANT.** A landowner or developer who has filed an application for a subdivision, including his/her heirs, successors and assignees.
 - (4) **ARTICLE 66B.** Md. Code, Article 66 entitled “Zoning and Planning,” as amended.
 - (5) **BOARD OF COMMISSIONERS.** The Board of Commissioners of Garrett County.
 - (6) **BUILDING.** A combination of materials to form a permanent structure having walls and a roof. This shall include all mobile homes and trailers used for human habitation.
 - (7) **BUILDING SETBACK LINE.** The rear lines of the minimum front yard required by the Zoning Ordinance, measured from the road right-of-way line.
 - (8) **CARTWAY.** The portion of a road designed for vehicle traffic and any areas intended for on-road parking.
 - (9) **DNR.** The Maryland Department of Natural Resources, and its successor agencies.
 - (10) **DENSITY.** The maximum number of dwelling units allowed per gross acre of land in a parcel being subdivided or developed as a condominium, not including accessory dwelling units.
 - (11) **DEVELOPER or SUBDIVIDER.** Any landowner, agent of such landowner or tenant with permission from a landowner, who makes or causes to be made a subdivision of land.
 - (12) **DEVELOPMENT.** Any activity, other than normal crop farming and forestry activities, but including grading of roads for forestry, which materially affects the existing condition or use of any land or structure. This shall include, but not be limited to the erection of structures, the placement of mobile homes, the improvements of roads and other paving, and the filling or grading of land.

- (13) **DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT.** An agreement made between the county and a person having a legal or equitable interest in real property for the purpose of establishing conditions under which development may proceed for a specified time.
- (14) **DRIVEWAY.** A privately-owned, constructed and maintained vehicle accessway from a street to individual buildings, and which does not meet the definition of a road or an alley.
- (15) **DWELLING TYPES.** The definitions in the Zoning Code shall apply.
- (16) **EASEMENT.** A grant by the property owner to the public, a corporation, a person, or group of persons, or another tract of land of a use of land for specified purposes.
- (17) **ENGINEER, COUNTY.** The person designated by the Board of Commissioners to perform all duties required of the County Engineer by the provisions of this chapter, or his/her designee.
- (18) **ENGINEER, PROFESSIONAL.** A person licensed to practice as a professional engineer in the state.
- (19) **FLAG LOT.** A residential lot that is shaped like a flag and connected to the nearest road only by an unbuildable strip of land (the flagpole area) which is not less than 25 feet in width.
- (20) **FLOODPLAIN.** See the County Floodplain Management Ordinance (Ch. 151).
- (21) **GRADE.** The elevation of ground or paving.
- (22) **GROSS AREA.** The total land area of a lot or parcel, including floodplains and wetlands, but not including land within road rights-of-way.
- (23) **IMPROVEMENT AGREEMENT.** An agreement in a form and manner acceptable to the county requiring a developer to install the improvements required by this chapter or which appear on the official approved plans.
- (24) **LANDOWNER.** The owner of a legal or equitable interest in land, including the holder of a formal option or contract to purchase (whether or not the option or contract is subject to any condition), a leasee (if he or she is authorized under the lease to exercise the right of the landowner), or other person having a proprietary interest in land.
- (25) **LOT.** A contiguous area of land within defined lot lines that is a distinct and legally recorded separate parcel of land according to the official records of the County Clerk. This term has the same meaning as “parcel.”
- (26) **LOT AREA.** The gross area contained within the property lines of a lot of record, including area within easements but excluding area within road rights-of-way.
- (27) **LOT LINE.** A boundary property line of a lot.

- a. **FRONT LOT LINE.** The legal road right-of-way line. If a future right-of-way width is designated and legally adopted pursuant to Md. Code, Article 66B, then the front lot line shall be such future right-of-way line.
 - b. **REAR LOT LINE.** Any lot line that is approximately parallel to or within 45 degrees of being parallel to a road right-of-way line. In the case of a corner lot, the owner shall have the option of choosing which of the 2 lot lines that do not abut roads shall be considered a rear lot line. In the case of a lot having no road frontage or an irregular shape, then the lot line furthest from the road shall be considered the rear lot line.
 - c. **SIDE LOT LINE.** Any lot line that is not a **FRONT LOT LINE** or a **REAR LOT LINE**.
- (28) **LOT LINE ADJUSTMENT.** The revision or deletion of 1 or more lot lines in a way that all of the following are true:
- a. No new lots will be created beyond what was previously approved;
 - b. No additional road segments or significant changes in alignment are proposed other than what was previously approved; and
 - c. No additional nonconformities will be created under any applicable zoning ordinance.
- (29) **LOT, REVERSE FRONTAGE.** A lot that abuts a public road on 1 side of the lot, but has vehicular access only from a public road on the opposite side of the lot.
- (30) **LOT WIDTH.** The distance between side lot lines measured along a line parallel to the front lot line.
- a. Where a minimum front yard is established under the Zoning Ordinance, the minimum lot width shall be measured along the “building setback line.”
 - b. Where a minimum front yard is not established under a zoning ordinance, then the minimum lot width shall be measured 50 feet back from the road right-of-way line, unless specifically stated otherwise in this ordinance.
 - c. Around the bulb of an approved cul-de-sac or hammerhead turnaround, the minimum lot width may be reduced by 40%, provided that the average of the rear lot line length and the lot width at the front of the proposed principal building is equal to or greater than the full minimum lot width requirement.
 - d. See flag lot exceptions in § 159.032.
- (31) **MAJOR SUBDIVISION.** See “Subdivision, Major”.
- (32) **OPEN SPACE, COMMON.** Protected open space that is owned by a homeowner association.
- (33) **OPEN SPACE, PROTECTED.** The definition in the Zoning Code shall apply.

- (34) **ORDINANCE, THIS.** The Garrett County Subdivision Ordinance, as amended, and any provisions thereof, enacted by the Board of Commissioners.
- (35) **PARCEL.** A tract, lot, or area of land.
- (36) **PLANNING DIRECTOR.** The Director of the Garrett County Department of Planning and Land Development.
- (37) **PLAT** or **PLAN.** A map of a subdivision and accompanying notations.
 - a. **SKETCH PLAT OR PLAN.** An informal plan, identified with the title SKETCH PLAT on the map, indicating the general layout of the proposed subdivision.
 - b. **PRELIMINARY PLAT OR PLAN.** A complete plan identified with the title PRELIMINARY PLAT accurately showing proposed roads and lot layout and other information as required by this chapter.
 - c. **FINAL PLAT OR PLAN.** A complete and exact plan identified with the title FINAL PLAT including the plan prepared for official recording as required by this chapter to define property rights and proposed roads and other improvements.
- (38) **PLANNING COMMISSION.** The Garrett County Planning Commission.
- (39) **PUBLIC ROAD.** A road that is owned or maintained by an incorporated town, the county or the state.
- (40) **RESERVATION; RESERVE:** The identification and setting aside of an area of land on a subdivision plat for future acquisition for public use, which subjects the land reserved to use limitations for a specified period of time. Such land may be designated in the Comprehensive Plan, in the County or State capital improvement program, or the State highway needs inventory.
- (41) **RESOURCE PARCEL.** A protected open space parcel designated for private ownership and use.
- (42) **ROAD.** A public or private thoroughfare which affords the principal means of access to 3 or more lots, or that is an expressway, but not including an alley or a driveway.
- (43) **ROAD, CUL-DE-SAC.** A type of road which is terminated at one end by a permitted turn-around and which intersects another road at the other end.
- (44) **ROAD, PUBLIC.** A road that is owned or maintained by an incorporated town or city, the county or state.
- (45) **RURAL CHARACTER** – A quality formed by land uses and landscapes that are primarily farmland and natural environmental areas. Rural character can include buildings that are supportive of rural land uses and blend with the landscape.
- (46) **SCENIC VIEWS OR VIEWSHED** – A view from a public place of elements with scenic value, including outstanding natural features such as forests,

mountains, steep topography, stream or river valleys; agricultural landscapes including elements such as panoramic or distant views, fields, cropland, pastures, ponds, hedgerows, stone or wooden fences, and farm buildings or farmsteads; or views of historic resources. Scenic views are valuable natural and cultural resources which enhance the quality of life of residents and visitors of Garrett County.

- (47) **SEWAGE DISPOSAL SYSTEM.** A system designed to collect, treat and dispose of sanitary sewage from users in compliance with regulations of the state and the county.
- a. **CENTRAL SEWAGE SERVICE.** Service by a sewage disposal system which collects, treats and disposes sewage from more than 1 dwelling, principal use or lot.
- i. **PUBLIC SEWAGE SERVICE.** Central sewage service with the mains and the treatment facility owned and/or operated by a municipality, a sanitary district or the county.
- ii. **PRIVATE CENTRAL SEWAGE SERVICE.** Central sewage service that does not meet the definition of **PUBLIC SEWAGE SERVICE.**
- iii. **COUNTY-APPROVED CENTRAL SEWAGE SERVICE.** Central sewage service that meets the requirements for county-approved service in § 159.115.
- b. **ON-LOT SEWAGE SYSTEM.** A sewage disposal system which collects, treats and disposes of sewage or holds sewage from only 1 dwelling unit or principal use.
- (48) **STREET.** See “road”.
- (49) **SUBDIVIDER.** See “developer”.
- (50) **SUBDIVISION.** The division of a lot, tract or parcel of land into 2 or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. The term **SUBDIVISION** shall include a re-subdivision of land, and when appropriate to the context, relates to the process of re-subdividing or to the land or territory subdivided.
- (51) **SUBDIVISION ADMINISTRATOR.** The county staff-person(s) designated by the Board of Commissioners with the responsibility of administering this chapter. The Subdivision Administrator shall be the Director of Planning and Land Development or his/her designees, until the Board of Commissioners may designate another staff-person to serve in such capacity.
- (52) **SUBDIVISION, MAJOR.** Any subdivision of land which does not qualify as a “minor subdivision.”
- (53) **SUBDIVISION, MINOR.** A proposal involving land which is either:
- a. A lot line adjustment;

- b. A subdivision which:
 - i. Results in a maximum total of 5 new residential lots of any permitted size or new agricultural lots of more than 10 acres each, in addition to the one pre-existing parent lot; and
 - ii. Does not involve an extension or new segment of a road (other than what was previously approved).
 - c. To discourage numerous piecemeal subdivisions, if 6 or more new lots have received final subdivision approval from the same parent tract within the previous 3 years, then any new proposed lot shall meet the requirements for a major subdivision.
- (54) **SUBDIVISION ORDINANCE** or **THIS ORDINANCE**. The Garrett County Subdivision Ordinance, as amended.
- (55) **SUBDIVISION PLAT**. A map of a subdivision and accompanying notations. This term includes sketch plats, preliminary plats, final plats and record plats.
- (56) **SURVEYOR**. A person licensed to practice land surveying in the state.
- (57) **TRACT**. One or more abutting or adjacent lots proposed to be subdivided or developed following an overall coordinated plan.
- (58) **WATERCOURSE**. Any natural or artificial waterway, stream, river, creek, ditch, channel, millrace, canal, conduit, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel and bed and shall include any area adjacent thereto subject to inundation by reason of overflow of floodwaters.
- (59) **WATER, CENTRAL SYSTEM OR SERVICE**. Service by a water system which transmit water from a common source to 2 or more dwellings, principal uses or lots.
 - a. **PUBLIC WATER SERVICE**. Central water service that is owned and/or operated by a sanitary district, local government or a state regulated water company.
 - b. **COUNTY-APPROVED CENTRAL WATER SERVICE**. Central water service meeting the requirements of § 159.116.
- (60) **WATER, ON-LOT SYSTEM OR SERVICE**. Service by a water system which transmits water from a source on the lot to only 1 dwelling or principal use.
- (61) **ZONING ORDINANCE**. The Deep Creek Watershed Zoning Ordinance.

§ 159.017 – 159.024 RESERVED.

ARTICLE 3. SUBDIVISION DESIGN REQUIREMENTS

§ 159.025 APPLICABILITY.

- A. Towns. This Article 3 shall apply to portions of the county that are outside the borders of incorporated towns.
- B. Zoning. The requirements of this Article shall not apply within the area regulated by the Deep Creek Watershed Zoning Ordinance unless the Zoning Ordinance states that requirements of this article for certain land classifications shall apply to certain zoning districts.

§ 159.026 LAND CLASSIFICATION MAP.

- A. Purpose. To establish density, lot width, lot area, and subdivision design requirements in areas not regulated by zoning, as authorized by Md. Code, § 5.03(a) of Article 66B. To permit these minimum lot width and lot area requirements to be reduced if protected open space is provided as part of a cluster development.
- B. Land Classification Map. The Land Classification Map is provided at the back of this chapter. The Land Classification Map only regulates subdivision design, lot width, lot area, and density. It does not regulate the use of land. The following land classifications are shown on the Land Classification Map:

AR	Agricultural Resource
RR	Rural Resource
R	Rural
LR1	Lake Residential 1
LR2	Lake Residential 2
SR	Suburban Residential
TR	Town Residential
TC	Town Center
C	General Commercial
EC	Employment Center
CR1	Commercial Resort 1
CR2	Commercial Resort 2

C. Land Classification Boundaries.

- (1) Interpretation. The following rules apply for interpreting the location of Land Classification boundary lines:
 - a. Boundaries drawn approximately along the centerlines of streams, drainageways, roads, railroads or other rights-of-way, shall be construed to follow such centerlines.

- b. Boundaries drawn approximately parallel to the centerlines of streams, drainageways, roads, railroads or other rights-of-ways or parallel to property lines shall be construed to lie parallel to such centerlines or property lines at the distance therefrom noted upon the Land Classification Map.
 - c. Boundaries drawn approximately along or extending from platted lot lines or other property lines shall be construed to follow or to extend in a straight line from such lines.
 - d. The location of boundaries otherwise in question shall be determined by the dimensions or notations upon the Land Classification Map.
- (2) Divided Lots. Where a Land Classification boundary line divides a lot which was in single ownership and of record at the effective date of this chapter, the requirements applying to the least restricted portion of the lot shall be deemed to extend over the entire lot, or for a distance of 50 feet from the boundary line into the more restricted portion of the lot, whichever distance is less.
- (3) Standards for land adjoining certain State-owned land.
- a. This subsection applies only to land that is:
 - i. In the R land classification ; and
 - ii. Adjacent to State-owned land in the RR land classification.
 - b. For such land, the area located within 500 feet of the State-owned land shall be subject to the subdivision standards of the RR land classification.

§ 159.027 SUBDIVISION STANDARDS FOR AR AND RR LAND CLASSIFICATIONS

- A. Purpose. Three types of subdivision are provided in the AR and RR land classifications. These options are intended to preserve forest and agricultural land resources, allow low density subdivision, and retain land value.
- B. Subdivision with three-acre minimum lot size
- Except as provided in subsections C and D of this section, all subdivision in the AR and RR land classifications shall be subject to the following standards:
- (1) Minimum lot size: 3 acres
 - (2) Minimum lot width: 200 feet
- C. Subdivision with one-acre minimum lot size.
- Subdivision shall be permitted in accordance with the standards applicable to the R land classification, as provided in §159.028, for subdivisions complying with the following standards:
- (1) Subdivision of any lot for the purpose of creating lots that will be transferred to a child or grandchild of the lot owner(s).

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- (2) Subdivision of any lot of record that had a gross area of 20 acres or less on the effective date of this ordinance.
- (3) Subdivision of a lot of record having a gross area greater than 20 acres on the effective date of this ordinance, provided the Planning Commission grants a waiver to allow the subdivision. The waiver may be granted if the Planning Commission finds that the waiver complies with §159.006 and that the lot for which subdivision is proposed:
 - a. Does not contribute to contiguous areas of farmland or forest; and,
 - b. Is primarily surrounded by lots of 20 acres or less. As a guideline, a lot would meet this qualification if it abuts or is directly across a road right-of-way from lots of 20 acres or less along at least 75 percent of its perimeter.

D. Cluster subdivision

Cluster subdivision shall be permitted, subject to the following standards.

- (1) Maximum density: one dwelling unit per two gross acres, plus one additional dwelling unit on a resource parcel.
 - (2) Minimum lot size: none. All lots shall comply with lot size requirements of the Health Department.
 - (3) Minimum lot width:
 - a. Lots three acres or larger: 200 feet.
 - b. Lots at least one and less than three acres: 100 feet or the minimum lot width determined by the Garrett County Health Department.
 - c. Lots less than one acre: 80 feet or the minimum lot width determined by the Garrett County Health Department.
 - (4) Minimum open space for cluster subdivision: 50 percent of the gross area of the subdivision.
- E. If at least 50 percent and less than 66 percent of the gross area of a cluster subdivision is open space, the subdivision shall be subject to § 159-030, single family cluster option.
- F. If at least 66 percent of the gross area of a cluster subdivision is open space, the subdivision shall be subject to the following standards in lieu of § 159-030.A through 159.030.C. The open space shall comply with § 159.030.D and E.
- (1) The Planning Commission shall approve the subdivision if the subdivision design meets the following standards to the extent possible, in addition to other requirements of this ordinance:
 - a. Protects contiguous areas of natural resources, including farm fields, forests, scenic views, environmentally sensitive areas, and cultural features such as historic sites.
 - b. Minimizes disturbance of sensitive environmental areas such as flood plains, steep slopes, wetlands and forests.

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- c. Locates subdivision lots and roads to avoid conflicts with farming operations.
- (2) The area of open space in excess of 50 percent of the gross area of the subdivision may be provided by placing a conservation easement on portions of subdivision lots contiguous with the open space. The easement area shall not be used for buildings, patios, pavement or gravel surfaces but may be used for septic systems or wells.
- (3) Upon request of the property owner, qualifying open space parcels may be designated as Garrett County Agricultural Preservation districts and receive the tax incentive that agricultural districts enjoy.
- (4) The following private road standards shall apply in lieu of the right-of-way width, cartway width and paving requirements established by § 159.111.G. All other provisions of §159.111.G shall apply.
 - a. Minimum private road right-of-way width: 30 feet
 - b. Minimum private road cartway width: 12-feet for a road serving one to ten lots, or 16 feet with one-foot shoulders for a road serving 11 to 40 lots,
 - c. Road construction standards: a stone surface as specified in §159.111.G(3)a may be approved for a road serving up to 40 lots.
 - d. For roads serving more than 40 lots, the standards of § 159.111.G shall apply.
- G. If at least 80 percent of the gross area of a cluster subdivision is open space, the subdivision shall be exempt from the design standards in subsection F.1 of this section.

§ 159.028. Lot And Density Standards

- A. Minimum requirements. The requirements of this section apply to any lot approved in the R, SR, TR, TC, C and EC land classifications. For lots within the area of the Deep Creek Watershed Zoning Ordinance, refer to the requirements of the Zoning Ordinance. A lot shall be regulated based upon the land classification that it is located within, based upon the Land Classification Map. If a lot is not approved as part of a cluster development, then only columns 1, 2 and 3 of this table shall apply. If a lot is approved under § 159.030 as a "Cluster Development," then only columns 1, 4, 5 and 6 of this table shall apply.

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1. Land Classification, Water and Sewage Service	2. Non-Cluster Minimum Lot Area (Sq. Ft.)	3. Non-Cluster Minimum Lot Width (Feet)	4. Permitted Minimum Lot Area in a Cluster Development (Sq. Ft.)	5. Permitted Minimum Lot Width in a Cluster Development (Ft.)	6. Minimum Preserved Open Space Within the Tract of a Cluster Development	7. Maximum Density
R	43,560 (1 acres)	100	35,000	100	25%	Determined by a yield plan under §159.030.F plus a bonus of 1 additional dwelling unit for each 15 acres of total lot area
SR, TC, TR, C and EC/ without both county-approved central water and central sewage service	30,000	100	25,000	80	15%	Determined by a yield plan under §159.030.F plus a bonus of 1 additional dwelling unit for each 15 acres of total lot area
SR/ with county-approved central water and central sewage services	20,000	100	12,000	80	35%	–
TR and EC/ with county- approved central water and central sewage services	10,000	75	8,000	70	25%	For townhouse or multi-family, 8 dwelling units per acre
TC/ with county-approved central water and central sewage services	10,000	75	8,000	70	25%	For townhouse or multi-family, 9 dwelling units per acre
C/ with county-approved central water and central sewage services	10,000	75	8,000	70	25%	–

B. Steep slope requirements. Where the steep slope regulations of the Sensitive Areas Ordinance require a larger lot area or lot width, the more stringent requirement shall apply.

C. Additional Lot Width Standards.

(1) Around the bulb of an approved cul-de-sac or hammerhead turnaround, the minimum lot width as defined in § 159.016 may be reduced by 40%, provided that the average of the rear lot line length and the lot width at the front of the

proposed principal building is equal to or greater than the full minimum lot width requirement.

- (2) Within an approved cluster development, at the option of an applicant, instead of the definition in § 159.016, the lot width may be calculated as the average of the following: the length of the rear lot line and the lot width at the front of the proposed principal building.
- D. Lot area and density. If townhouses or multi-family units are proposed, the minimum lot area stated in § 159.028.A shall not apply. If twin dwellings are proposed, the minimum lot area shall be calculated as a minimum average lot area per dwelling unit.
- E. Open space calculation. Required open space shall be calculated as a percentage of the total tract area.
- F. Youghiogheny River Corridor. Certain additional requirements have been established along specific areas adjacent to a portion of the Youghiogheny River, under regulations of the Maryland Department of Natural Resources. Where such regulations and this chapter both regulate the same matter, the provision that is most restrictive shall apply. (As of 2009, such provisions were in COMAR, Title 8, Subtitle 15, entitled “Youghiogheny Wild River.” The regulations include maps of the designated corridor.)

§ 159.029 BUILDING SETBACKS FROM ROADS.

See required building setbacks from roads in the Sensitive Areas Ordinance.

§ 159.030 SINGLE FAMILY CLUSTER OPTION.

- A. Purposes and applicability. This section provides an optional process to reduce the minimum lot area and lot width if the applicant proves to the satisfaction of the Planning Commission that a development will fully comply with this section.
- (1) Purposes of cluster option. To allow flexibility in the lot layout of single family detached houses to avoid severe soil erosion and sedimentation; avoid severely increased stormwater flows and speeds; steer development to those areas that are more physically suited for it; avoid construction of steep roads that are difficult, time-consuming, and expensive to maintain and snow plow; avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice; conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction, wildlife habitats and renewable economic resources; reduce construction costs; preserve the scenic character of the area and protect the quality of creeks and lakes, which will help to promote tourism; and preserve lands as crop farming. To provide a process that is simpler than a PRD, and which offers the same types of improvement and submission requirements as a conventional subdivision.
 - (2) For areas regulated by the Zoning Ordinance, see also § 157.073.

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- (3) The term “cluster development” shall mean a development of single family detached dwellings and protected open space meeting the requirements of and approved under § 159.030 or 157.073. A cluster development shall only include single family detached dwellings, open space, their customary accessory uses, and uses specifically permitted by this section within the open space. A cluster development shall not include a mobile/ manufactured home park.
 - (4) A cluster development shall only be permitted on a lot or contiguous lots including a minimum of 5 acres in the same ownership, not including existing road rights-of-way but including the right-of-way of roads proposed within the tract. The land area shall be contiguous, except that portions of the tract may be separated only by existing or proposed roads or creeks.
 - (5) The cluster development shall be designed as a unified, coordinated residential development, and shall be approved within a development plan controlled by a single development entity. After final subdivision approval, a developer may sell individual lots to different builders or home buyers, provided that the developer or his/her successor remains responsible for making sure there is compliance with the approved development plan.
- B. Reduction of lot width and lot area. If approved as a cluster development, then the minimum lot area and minimum lot width of the areas as shown on the Land Classification Map may be reduced as stated in § 159.028, subject to provision of the required open space. In areas not categorized by the Land Classification Map, the minimum lot width and lot area provided by the applicable Zoning Ordinance shall apply.
- C. The applicant shall demonstrate to the Planning Commission that the cluster development would clearly serve a valid public purpose that would result in a development superior to a conventional development.
- (1) The valid public purposes include but are not limited to the following:
 - a. The permanent protection of forests, steep slopes, wetlands, creek valleys, highly scenic areas or other sensitive natural features.
 - b. The permanent preservation of a substantial area of land for crop farming, in a tract of size and configuration that allows for efficient agricultural use and that properly considers the issue of compatibility between the agricultural uses and homes.
 - c. The dedication of public recreation land at a site deemed appropriate by the Planning Commission and suitable for active and/or passive recreation. Any such land shall also be approved by the body proposed to accept such land, such as the County Commissioners in the case of dedication to the county.
 - d. The clustering of homes in a location that will be substantially buffered from nuisance-generating uses, such as an expressway or major arterial road.
 - (2) The applicant shall demonstrate that the proposed cluster development has been designed in full consideration of important natural features, including mature woodlands, creek valleys, scenic views, steep slopes and wetlands. At a

minimum, the applicant shall establish that areas along perennial creeks shall be preserved in their natural state, except for landscaping, erosion control improvements, public recreation improvements and needed utility, road and driveway crossings. The natural features of the site shall be a major factor in determining the siting of dwelling units. The conservation of forest cover shall be maximized.

- (3) Phasing. The development shall include a phasing system that shall be approved by the Planning Commission. The phases shall ensure that the requirements of this section would be met after the completion of any 1 phase, and that the development could properly function without the construction of additional phases.

D. Methods of preserving open space.

- (1) The method(s) to be used to own, preserve and maintain the protected open space shall be determined prior to final subdivision approval and shall be acceptable to the Planning Commission. Any subsequent revisions in the method of ownership or maintenance or the use of the protected open space that is inconsistent with the approved submission shall be subject to re-approval by the Planning Commission. The revisions shall only be approved after a public hearing is held, with notice provided to owners of record of lots within the cluster development.
- (2) Required open space shall be permanently preserved by one of the following methods:
 - a. Dedication to a government agency or Board of Education, if authorized officials of such agency or board agree in writing to accept such dedication and to maintain the land as public open space in perpetuity.
 - b. Dedication to a homeowners association, if each property deed legally requires each homeowner within the cluster development to fund the proper maintenance of the land and other necessary expenses, and provided the association is incorporated, follows written by-laws, and has the legal authority to limit uses of the open space and to enforce assessments upon homeowners. The developer shall not dedicate open space to a homeowners association until the association is incorporated and able to maintain the land. Until such time, the developer shall be responsible to maintain the land.
 - c. Dedication to an incorporated and well-established nature conservation organization acceptable to the Planning Commission.
 - d. Retention of land in private ownership on a lot or lots that each have a minimum acreage of 5 acres, provided the use(s) of the land are specified and comply with § 159.030.E(1) below and a conservation easement is conveyed to the county to preserve the intended use(s). Open space retained for private ownership and use shall be referred to and identified on the plat as a resource parcel.
- (3) The county shall not be obligated to maintain or accept dedication of any protected open space, unless the Board of Commissioners voluntarily accept such responsibility.

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- (4) Legal documents establishing the types of uses, method of ownership, funding of maintenance, and form of deed restrictions or conservation easements for the protected open space shall be provided for acceptance by the Planning Commission prior to final subdivision approval. The documents shall authorize remedies by owners of property within the cluster development if the open space is not maintained and preserved in accordance with written representations made to purchasers of property.
- E. Open space standards. Required protected open space shall meet all of the following requirements:
- (1) Required open space shall be permanently protected by appropriate deed restrictions and/or conservation easements on each lot, to prevent additional subdivisions and to prevent the construction of new principal buildings and to prohibit any commercial use, other than buildings or uses specifically approved by the Planning Commission. Land approved as required open space shall only be used for the following:
 - a. Non-commercial outdoor active or passive recreation;
 - b. The preservation of natural features;
 - c. Crop farming (which may include a Christmas tree farm), outdoor pasturing and grazing of animals;
 - d. Horseriding areas, which may include accessory stables;
 - e. Golf courses, not including miniature golf and not including lighting for nighttime use,
 - f. Timbering as part of a long-range forest management plan prepared by a professional forester, and which utilizes Best Management Practices, and which is approved by the Planning Commission; or
 - g. Other open space-oriented uses which the Planning Commission determines are compatible with this section.
 - h. One single-family dwelling shall be permitted on a resource parcel in a cluster subdivision in the AR or RR land classification.
 - (2) See the definition of “open space, protected” in § 159.016 which limits the types of lands that can be used to meet the required minimum open space requirement.
 - (3) The applicant shall establish that the disturbance of natural slopes over 25%, wetlands and other important natural features within protected open space will be minimized.
 - a. See provisions in subsection (1) regarding forestry.
 - b. No construction of buildings shall occur on natural or man-made slopes of over 25%. The alteration of slopes with a natural grade of over 25% shall be held to an absolute minimum.
 - (4) Improvements to Open Space. The application shall include a detailed and legally binding (if approved) description of what improvements the applicant will make

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- to any land intended to be publicly dedicated to make it suitable for its intended purpose.
- a. Examples of such improvements for areas intended for passive recreation include preservation and planting of trees, development of nature, bicycle or jogging trails, the stabilization of creek banks and the removal of undesirable vegetation.
 - b. Examples of improvements for areas intended for active recreation include grading of land to create land suitable for free-play fields for youth.
- (5) All proposed open spaces shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.
 - (6) The applicant shall establish that all required open space would be suitable for its intended purposes as approved by the Planning Commission.
 - (7) Whenever possible, lots and open spaces shall be located to promote pedestrian and visual access to open spaces intended for community or public use.
 - (8) Protected common open space shall not be separated by an arterial road from the majority of the dwellings within a cluster development.
 - (9) All protected open space shall be within 1 or 2 contiguous areas, except as may be specifically permitted otherwise by the Planning Commission.
 - (10) If the Planning Commission approves the provision of protected open space in private ownership, the Commission may require that 10% of the open space be a separate open space lot to provide appropriate recreation land for residents of the development.
- F. Yield plan. This section shall apply to a proposed cluster development in the R, SR, TR, TC, EC, and C Districts when required by §159.028:
- (1) Purpose. To make sure that the cluster development does not result in an excessive increase in density from the maximum that would otherwise be permitted.
 - (2) Yield plan. A yield plan shall be submitted as part of an application for a cluster development. The yield plan shall be a sketch plan drawn to scale that shows the number and location of lots that could reasonably be expected to be permitted under the conventional zoning regulations of the applicable district. The yield plan shall consider the impacts of regulations regarding steep slopes, floodplains, wetlands and similar matters. The yield plan shall consider the same areas of land as the proposed cluster development. For the purposes of the yield plan, an applicant may assume that the same flexibility in measuring lot width would apply to the conventional development as would apply to a cluster development.
 - (3) A cluster development shall not be permitted to include a greater total number of dwelling units than is determined to have been possible based upon the yield plan, unless a density bonus is specifically permitted in division (B). The yield plan shall be subject to acceptance by the Planning Commission.

- G. Public Water and Sewer. Within the R land classification, no extension of public water or public sewer services will be permitted as part of a cluster development and no private wastewater treatment plants (including package treatment plants) will be permitted.

§ 159.031 SENSITIVE AREAS.

- A. Ordinance. The County Sensitive Areas Ordinance, as amended, shall apply.
- B. New lots. Any new lot submitted for subdivision approval after the effective date of this chapter that would permit the construction of a new principal building shall include a designated site (or outer extent of all potential sites) for a principal building that is outside of all of the following: the 100-year floodplain, natural slopes over 30%, a designated stream buffer, wetlands and wetland buffers, and federally designated habitats of rare, threatened or endangered species.

§ 159.032 FLAG LOTS.

- A. Definition. A flag lot is a lot approved under this chapter which does not meet the minimum lot width requirements of this chapter. This section shall not apply to lot width requirements under an applicable zoning ordinance.
- B. Requirements. A flag lot may be created if all of the following requirements are met:
- (1) A front lot line shall be designated in the non-flagpole area to permit best utilization of the lot. The building setback line shall be measured parallel to the designated front lot line. The lot shall meet the minimum lot width requirement at the building setback line or along a line 50 feet from the designated front lot line.
 - (2) The applicant shall establish to the satisfaction of the Planning Commission that a flag lot is necessary to provide for the reasonable development of the land and/or to preserve important natural features.
 - (3) In no case shall any portion of the flag lot have a width of less than 25 feet.
 - (4) A maximum total of 1 flag lot shall be permitted to be created from any lot that existed at the effective date of this chapter.
 - (5) A flag lot shall not be used for principal commercial or industrial uses.
 - (6) The flag lot shall have its own driveway onto a road, unless shared or converged driveways are specifically approved by the county.

§ 159.033 – 159.039 RESERVED.

ARTICLE 4. SKETCH PLAT

§ 159.040 PURPOSE.

The purpose of the sketch plat is to indicate to the County the intent and scope of the subdivision and to familiarize the applicant with the County's planning goals and requirements which may affect the subdivision. A sketch plat review often allows an applicant to save substantial time and engineering costs, because many concerns about layout and issues concerning county ordinances can be resolved prior to detailed engineering. This can often reduce the need for future redesign at a more detailed stage, thereby saving the applicant significant money and time.

§ 159.041 SUBMISSION AND REVIEW PROCEDURE.

- A. Pre-Submission Consultation. Prior to submitting a sketch plat, applicants for larger developments are encouraged to informally discuss their proposal with the Subdivision Administrator and/or other appropriate county staff.
- B. Prior to the submission of a preliminary plat, applicants are very strongly encouraged to submit a sketch plat.
- C. No official action shall be taken on a sketch plat. The county shall not be bound by comments made or not made as part of a sketch plat review.
- D. The Subdivision Administrator shall distribute copies of the sketch plat to the Planning Commission. The applicant shall provide a copy of the sketch plat to the County Engineer.
- E. The sketch plat should be reviewed by the Subdivision Administrator and Planning Commission, with any comments reported to the applicant or his/her representative

159.042. INFORMATION SUBMITTED FOR SKETCH PLAT

Sketch plats shall include the following information:

- A. Submission requirement. If submitted, four print copies of the sketch plat and the accompanying application shall be submitted to the Subdivision Administrator.
- B. Drawing requirements. The sketch plat should be drafted to approximate scale and include the following as applicable:
 - (1) Boundary line of the development.
 - (2) Identification number of tax map and existing parcel(s).
 - (3) Significant physical features (such as approximate areas of steep slopes, quarries, creeks, major drainage channels, concentrations of possible wetlands and 100-year floodplains).
 - (4) Proposed lot and road layout with approximate areas of lots (such as "2 acres").
 - (5) Acreage of the tract and proposed number of lots.

- (6) Minimum lot area from Article 3 or an applicable zoning ordinance.
- (7) North arrow, approximate scale and a tentative name of the project (may be the developer's name).
- (8) Approximate proposed locations of any non-residential buildings (if known) and statement of the general proposed types of any non-residential uses.
- (9) A map showing the general location of the project in relation to nearby roads (may be a photocopy of USGS or county base map or a commercial map).
- (10) Tentative approximate locations of any storm water detention basins.
- (11) Any proposed common open space or areas of conservation easements.
- (12) Note stating the general methods of providing water and sewer service.
- (13) Uses of adjacent properties (such as “single family detached dwelling” or “gas station”).
- (14) Name and address of person responsible for the preparation of the plan and the date of preparation/ last revision.

§ 159.043 – 159.054 RESERVED.

ARTICLE 5. PRELIMINARY PLATS FOR MAJOR SUBDIVISIONS

§ 159.055 PURPOSE.

The preliminary plat presents the detailed layout and design for a proposed subdivision. The plat minimizes the need for revisions of final plats by enabling the county to determine whether the proposed subdivision complies with the requirements of this chapter and those of other reviewing agencies.

§ 159.056 SUBMISSION AND REVIEW PROCEDURE.

A. Preliminary plat required. A preliminary plat submission for a major subdivision shall be filed by the applicant and comply with this subchapter.

(1) A preliminary plat submission for a minor subdivision or a lot line adjustment (as each are defined in § 159.016) or minor adjustments to a previously approved plat shall meet the simplified submission requirements of §§ 159.080 through 159.083 instead of this Article.

(2) See exemptions in § 159.004.

B. Required submission.

(1) The Planning Director shall publish application forms and a checklist of required information for preliminary plats. The checklist shall include the information required by this Article, and may include other items necessary to determine compliance with applicable requirements. The checklist and revisions to the checklist shall be approved by the Planning Commission.

(2) The applicant shall file with the Subdivision Administrator at least 21 calendar days prior to a regular Planning Commission meeting (not including a workshop meeting) the required fees, information and plans.

(3) At least 1 file copy of all materials submitted by the applicant shall be maintained by the Subdivision Administrator. The Subdivision Administrator shall forward copies of applicable materials to the Planning Commission.

(4) Applicant's distribution. The applicant is fully responsible to contact utility providers to gain approval for utilities; obtain any needed permits or approvals from state and federal agencies, such as approval from the State Highway Administration for any work within the right-of-way of a state road or access to a state road; and obtain approval from the County Health Department, as applicable. The applicant shall provide copies of the plans to the following agencies at least 21 days prior to the Planning Commission meeting:

a. County Health Department.

b. County Engineer.

c. State Highway Administration, if property abuts or has access from a state road.

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- d. Other state or federal agencies as applicable.
 - e. The offices of a town or another county, for advisory comments, if a portion of the subdivision is within 200 feet of the boundary of the town or county, or if the Subdivision Administrator determines that the subdivision would clearly have a regional impact upon a town or another county.
- C. Determination of completeness of the submission.
- (1) The Subdivision Administrator shall have the authority to determine that a submission is significantly incomplete, to refuse to complete the review of the submission, and to either:
 - a. Not accept the submission and return fees (minus the costs of any county review) to the applicant; or
 - b. Accept the submission on the condition that the applicant submits such additional information by a specific deadline.
 - (2) Any maximum time limits for actions by the county shall not apply until a submission is complete.
- D. Review by County Engineer. The County Engineer, or his/her designee, and Subdivision Administrator shall review the submission and send review comments to the Commission and the applicant or his/her representative. Policy matters that should be dealt with directly by the Planning Commission should be listed separately from technical engineering or drafting matters. The applicant and/or his/her plan preparer shall make reasonable efforts to resolve technical engineering considerations outside of and prior to Planning Commission meetings.
- E. Review and action by Planning Commission.
- (1) Review. The Planning Commission shall review any reports that have been received from county staff or other agencies, and determine whether the submission meets the requirements of this chapter. The Commission may also consider compliance with other county ordinances.
 - (2) Action. The Commission shall approve the submission, approve the submission with conditions, or reject the submission. The action shall occur a maximum of 45 days after the first regular Planning Commission meeting is held after a complete submittal is duly submitted as provided in this chapter. The time limit may be extended with consent of the applicant.
 - (3) Notice. The decision of the Planning Commission shall be in writing and shall be communicated to the applicant or his/her representative personally or by mail at his/her last known address.
 - (4) Effect of approval. Approval of the preliminary plat submission shall constitute conditional approval of the subdivision as to the character and intensity, but shall not constitute approval of the final plat or authorize the sale of lots or construction of buildings.
 - (5) Disapproval. If the preliminary plat submission is disapproved, the decision shall describe 1 or more defects in the submission and/or requirements which have not

been met and cite the provisions of a statute or ordinance relied upon. If a submittal is reasonably complete, then the county staff should endeavor to identify all obvious defects known to the staff.

- (6) Joint preliminary/final approval. At the discretion of the Planning Commission, the Commission may grant combined preliminary/final plat approval if:
 - a. The preliminary plat submission also meets all of the requirements of a final plat submission; and
 - b. The Commission determines that there are no significant outstanding matters.

F. Final plat submission deadline.

- (1) An applicant shall file a final plat within ten years from the date of preliminary plat approval by the Planning Commission, unless a written extension is granted by the Planning Commission for good cause. The final plats may be submitted in phases, as provided in § 159.071(G).
- (2) Failure to comply with this requirement shall render the preliminary plat null and void, and a new preliminary plat submission and approval shall be required.

§ 159.057 PRELIMINARY PLAT REQUIREMENTS AND CHECKLIST.

The following information and materials listed in this section are required as part of all preliminary plats for major subdivisions. The information listed in this section may be combined or separated onto different sheets, provided that all information is clearly readable.

* May be shown on a separate sheet

- A. GENERAL SUBMISSION ITEMS: (Note: the county staff may require the submission of additional copies)
 - (1) County application/review fee(s)/escrow.
 - (2) 3 printed copies of the complete preliminary plats.
 - (3) 9 additional print copies of only the layout plans.
 - (4) 1 copy of supporting documents.
- B. DRAFTING REQUIREMENTS: All information shall be legibly and accurately presented. Plans shall be drawn to a standard scale.
 - (1) All copies of plans should be folded to approximately 9"x12" size in such a manner that the title of the sheet faces out, except very large and thick sets of plans may be rolled.
 - (2) All dimensions set in feet and decimal parts thereof, and bearings in degrees, minutes and seconds.
 - (3) The difference shall be clear between existing and proposed features.
 - (4) The boundary line of the tract shall be shown as a heavy boundary line.

- (5) *If the layout plans involve 2 or more sheets, a map of the layout of the entire project at an appropriate scale on 1 sheet, and notations showing how the sheets connect.
- (6) *If the tract(s) crosses a government boundary, a map showing both the portions in Garrett County and the town or other county, in sufficient detail to show how the parts interrelate.

C. GENERAL INFORMATION

- (1) Name of project, words “preliminary plat” and sheet title (such as “layout plan”) on each sheet.
- (2) Name of landowner and developer (with addresses).
- (3) Identification number of tax map and existing parcel(s).
- (4) Last known names of adjacent property-owners and county map/parcel identification numbers of those lots.
- (5) Approximate locations of adjacent lot lines and any buildings, roads, common open spaces, detention basins or drainage channels existing or approved within 100 feet of the boundaries of the proposed project.
- (6) Owners statement, surveyor and plan preparer's statement, and approval/review signature blocks. See Appendix B.
- (7) *Location map at a standard scale (such as a 1"= 2000' USGS map) showing the location of the project in relation to existing and proposed roads within approximately 500 feet of the boundaries of the tract, with names of those roads.
- (8) North arrow, graphic scale, written scale.
- (9) Date of plan preparation and all subsequent revision dates, with space to note future revision dates and general type of revisions.

D. NATURAL FEATURES

- (1) Existing and proposed contour lines shown at the same scale as the layout plan. Contours shall be prepared by field run topo at contour intervals of 5 feet.

Note: Contours are required to be shown only within areas of anticipated disturbance on any lot (such as house site, septic areas, well site and accessory building sites).
- (2) Identification of any existing slopes of greater than 30%.
- (3) Watercourses (with any name) and lakes.
- (4) *Boundaries of wetlands that have been delineated pursuant to State or Federal regulations and a statement regarding the status of wetland delineations or permit applications.
- (5) Location of any areas within the 100 year floodplain according to official federal floodplain mapping, or statement on plan that such areas are not present.

(6) Boundaries of any Source Water Protection Areas.

E. MAN-MADE FEATURES: (with existing features graphically differentiated from proposed features)

- (1) Existing and proposed lot lines. The boundaries of new lots shall be certified by a licensed surveyor. The boundary of any residual tract which is 10 acres or more may be determined by deed.
- (2) Sufficient measurements of all lots, roads, rights-of-way, easements and common areas to accurately reproduce each course on the ground.
- (3) Locations and types of existing and proposed utility easements and restrictive covenants and easements for purposes which might affect development (stating which easements/rights-of-ways are proposed for dedication to which entity).
- (4) Existing building locations, and if known: proposed building locations and principal uses.
- (5) Minimum building setback lines and proposed lot width.
- (6) Name of Zoning District or land classification and minimum lot area from Article 3 and the "Land Classification Map" or from an applicable zoning ordinance.
- (7) Protected open space: (where applicable):
 - a. Lot area and location of any proposed protected open space.
 - b. Statement of proposed method of ownership and entity responsible for maintenance of any protected open space.
 - c. Description of intended purposes and uses of protected open space, proposed improvements (such as rough grading) and any proposed recreation facilities.

F. PROPOSED LAYOUT:

- (1) Total acreage of site and total proposed number of lots and dwellings.
- (2) Identification number for each lot (and for each building if more than 1 building per lot).
- (3) Dimensions in feet and proposed lot area in square feet of each proposed or revised lot.
- (4) Existing and proposed rights-of-way, cartway widths and locations of existing and proposed roads, including existing and proposed roads within 100 feet of boundaries of tract, and names of roads.
- (5) *Road centerline information, right-of-way lines and horizontal curve data for roads in sufficient detail to determine compliance with this chapter.
- (6) *Any improvements proposed by the applicant to existing roads.
- (7) Statement of which road rights-of-way are proposed to be dedicated to the state, county or town or to remain private.

- (8) Arrangement of off-road parking spaces, parking aisles, any loading areas and extent of areas to be covered by stone or asphalt.

G. UTILITY PLAN

- (1) Proposed wells and septic drain field locations
- (2) If central sewage service is proposed:
 - a. * Proposed contour lines and lot lines on same sheet as utility layout.
 - b. * Location, diameter and materials of lines and location of manholes.
 - c. * Profile of proposed ground surface and sanitary sewage lines.
- (3) If central water service is proposed:
 - a. * Location, diameter and materials of existing and proposed waterlines.
 - b. * Existing and proposed fire hydrant locations, if applicable.
- (4) Locations of any existing and proposed underground natural gas, electrical, telephone, cable TV or other utility lines.

H. ROAD PLAN-PROFILES: in sufficient detail to determine compliance with this chapter

- (1) * Profile of existing and proposed ground surface along proposed road, at a standard scale.
- (2) Vertical curve data for roads.
- (3) Horizontal curve data for roads.

I. SUPPORTING INFORMATION:

- (1) * Residual lands sketch. If the submitted plans do not include all undeveloped adjacent lands owned by or under the control of the same landowner/developer, then an informal conceptual sketch plan should be submitted on 1 sheet, covering all such land holdings together with a sketch of a reasonable future potential road system. Such sketch should demonstrate that the proposed subdivision provides for the orderly long-term future development of any residual lands.
- (2) * Sewage. If applicable, a copy of evidence from the County Health Department that sewage requirements have been met.
- (3) * Central sewage and water. If central water service and/or central sewage service is proposed using an existing provider, then the applicant shall provide a letter from such entity(ies) which states that the provider expects to be able to adequately serve the development and that the proposed system is generally acceptable.
- (4) * Nonpublic sewage. If service is proposed by a central sewage system that is not publicly-owned, the developer shall provide sufficient information to show that

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the proposed system would be feasible, within state regulations and maintained and operated through an acceptable system.

- (5) * List of any modifications or waivers requested to this chapter.
- (6) * Offer of dedication and acceptance statements if lot adjoins county road where title has not been conveyed to county.

§ 159.058 – 159.068 RESERVED.

ARTICLE 6. FINAL PLATS FOR MAJOR SUBDIVISIONS

§ 159.069. PURPOSE

A final plat establishes the exact boundaries and dimensions of lots, road rights-of-way, easements, and other designations of land within a subdivision. The final plat also provides documentation that a subdivision complies with applicable requirements of local, state and federal regulations.

§ 159.070 APPLICABILITY.

This Article lists the requirements for final plats for a major subdivision. See the requirements of §§ 159.080 through 159.083 for a project that only involves a minor subdivision; a lot line adjustment; or minor corrections or minor revisions to a previously approved plat as specified in § 159.083.

§ 159.071 SUBMISSION AND REVIEW PROCEDURE.

A. Final plat submission required.

- (1) A final plat submission for each major subdivision must be filed by the applicant and reviewed in accordance with the provisions of this subchapter.
- (2) A final plat shall only be submitted after a preliminary plat has been approved by the Planning Commission.

B. Final plat submission deadline. See § 159.071(F).

C. Filing and distribution.

(1) Required submission

- a. The Planning Director shall publish application forms and a checklist of required information for final plats. The checklist shall include the information listed in this Article and may include other items necessary to determine compliance with applicable County requirements. The checklist and revisions to the checklist shall be approved by the Planning Commission
 - b. The applicant shall file with the county staff at least seven days prior to a regular Planning Commission meeting (not including workshop meetings) all of the required fees, plans and information.
 - c. At least 1 paper copy shall include original signatures and seals of the applicant and plan preparer, which shall be marked “file copy” and which should be retained in the county files.
- (2) The Subdivision Administrator shall forward applicable materials to the Planning Commission.
- (3) Applicant Distribution. The applicant shall provide copies of applicable plans to the County Health Department (if applicable) and the County Engineer at least seven days prior to a regular Planning Commission meeting. It is the applicant's

- responsibility to meet all other federal, state and local requirements, including but not limited to:
- a. Making agreements with utility providers;
 - b. Applying for any needed permit from the State Highway Administration for access to or work within a state road right-of-way;
 - c. Applying to State environmental agencies for any permits that might be required; and
 - d. Applying for permits under the County Soil Erosion and Sediment Control, Floodplain and Stormwater ordinances.
- (4) The final plat shall conform with the approved preliminary plat, including any conditions established by the Planning Commission.
- (5) Revisions. A list of revisions from a previously submitted plat shall be provided whenever a revised plat is submitted.
- D. Determination of completeness.
- (1) The Subdivision Administrator shall have authority to determine that a submission is significantly incomplete, to not complete the staff review, and to either:
- a. Not accept the submission, indicating some or all deficiencies in writing, and return the fee (minus the costs of any county review) to the applicant; or
 - b. Accept the submission as being filed for review on the condition that the applicant files additional required information by a specific deadline. In such case, the maximum time limit for action by the county shall not begin until after all required materials have been submitted.
- (2) Zoning Variances
- a. An application under this chapter shall not be considered to be complete for the purposes of the 30-day maximum time limit until after any needed zoning variances and subdivision ordinance modifications have been granted.
 - b. A subdivision review shall not be delayed because of a court appeal of a zoning variance that was granted to the developer.
- E. Review by county staff. The Subdivision Administrator should review the submission and prepare an initial report(s) to the Commission and the applicant or his/her representative. The County Engineer shall forward a copy of his review comments to the Subdivision Administrator prior to the Planning Commission meeting on the plan.
- F. Review and action by Planning Commission.
- (1) Review. The Planning Commission should review any reports received from the staff and any reviewing agencies, and determine whether the submission complies with this chapter. At their option, the Commission may also consider compliance with other ordinances. The Planning Commission shall make sure that the signature of the Garrett County Health Officer or his/her designee has been placed on the plat before any action is taken.

- (2) Revisions. The Planning Commission and staff may recommend some/all of any needed revisions needed for the submission to conform to this chapter or that would generally improve the plan.
- (3) Action. The Commission shall approve the submission, approve the submission with conditions or reject the submission within any time limits established by state law.
- (4) Notice to applicant. The decision of the Planning Commission shall be in writing and shall be communicated to the applicant personally or mailed to him/her at his/her last known address following the decision.
- (5) Disapproval. If a final plat submission is disapproved, the decision shall specify at least 1 defect found in the submission, with a reference to a statute or ordinance relied upon. If a submittal is reasonably complete, then the county staff should endeavor to identify all obvious defects known to the staff.
- (6) Dedications.
 - a. The approval of the final plat by the Planning Commission shall not by itself constitute an acceptance of the dedication of any road or other proposed public way, space, or area.
 - b. Any acceptance of dedication shall only occur after formal action by the Board of Commissioners at such time.
- (7) Conditions. The Planning Commission may attach reasonable conditions to an approval to ensure the carrying out of the Comprehensive Development Plan, this chapter, other county ordinances, state laws and regulations, and to protect the public health and safety.

G. Development in phases.

- (1) If requested by the applicant, the Planning Commission may permit the applicant to submit final plats in a logical series of phases, provided that such phases comply with an approved preliminary plat for an entire development. Record plats shall not be phased, but shall be for the entire area of the approved final plat.
- (2) If such phasing is permitted, each phase shall provide sufficient access, utilities and amenities to allow the development to properly function if future stages are not built.
- (3) The boundaries of phases and the timing of related improvements shall be subject to the approval of the Planning Commission.

H. Expiration

A final plat shall become void if a record plat is not recorded within ten years of the final plat approval

§ 159.072 FINAL PLAT REQUIREMENTS.

All of the information and materials listed in this section are required as part of all final plats for a major subdivision.

* May be shown on a separate sheet

A. GENERAL SUBMISSION ITEMS:*

- (1) County application/review fee(s)/escrow.
- (2) 3 print copies of the complete final plats.
- (3) 9 additional print copies of only the layout plans.
- (4) 1 set of supportive documents.
- (5) All information and drafting requirements that were required on the preliminary plat, provided that additional copies are not required to be submitted of documents that were submitted as part of the preliminary plat if such documents still apply and do not need to be updated.
- (6) Words “final plat” and sheet title (such as “layout plan”) on each sheet.
- (7) Statement of status of any applications for state or federal wetland or state road access permits.
- (8) Offer of road dedication and acceptance statements if applicable.

B. * CONSTRUCTION DETAILS: (following any applicable county improvement standards), such as road construction cross-section, storm drainage details and central water and sewage details.

C. SUPPORTING DOCUMENTS:

- (1) * A copy of any “supporting documentation and additional information” that was required for the preliminary plat and that needed to be revised to reflect changes between the preliminary and the final plat.
- (2) * List of modifications or waivers requested to this chapter that are needed but have not yet been granted.
- (3) * Deed restrictions and agreements. All deed restrictions, conservation easements, property-owner agreements or covenants already imposed or to be imposed as a condition to sale that may affect the subdivision plat. Statement of entity to be responsible to maintain roads and any protected open space.
 - a. Any agreement regarding maintenance of roads, utilities and protected open space and preservation of protected open space shall be subject to review by the County Attorney and acceptance by the Planning Commission.
 - b. The developer shall be responsible for maintenance of improvements and lands proposed to be owned by a property-owner association until such association is established and operational.
- (4) * Phasing. A map and statement indicating the order of phasing of the preliminary plat.

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- (5) * For industrial operations or industrial storage: A written description of the proposed use in sufficient detail to allow a general determination of: a) any noise, glare, smoke and fumes nuisances, and b) possible fire, explosive, toxic, genetic, public health or other hazards.
- (6) * Evidence that the County Engineer has determined that the submission meets applicable stormwater management requirements, and that such plans take into account any proposed phasing.

D. MATERIALS REQUIRED PRIOR TO RECORDING: The following are not required at the time of final plat submission, but are required prior to recording of the final plat and prior to the construction of any permanent buildings.

- (1) Utilities agreements and permits.
 - a. * All signed agreements or contracts with water and sewage providers for the provision of services to the project.
 - b. * Approval letters from all appropriate state agencies of any private central water supply system or private central sewage disposal system.
- (2) See “record plat” requirements in § 159.101.
- (3) * Copies of any required soil erosion and sediment control permits.
- (4) * Evidence of compliance with the county floodplain ordinance, if any areas within the 100 year floodplain will be affected.
- (5) * Copy of any required permit for traffic access onto a state road.

§ 159.073 – 159.079 RESERVED.

ARTICLE 7. MINOR SUBDIVISIONS AND LOT LINE ADJUSTMENTS

§ 159.080 PURPOSE.

This subchapter provides simplified procedures for submitting and reviewing minor subdivisions and lot line adjustments. See the definition of a “minor subdivision” in § 159.016.

§ 159.081 SUBMISSION AND REVIEW PROCEDURE.

The following submission and review process shall apply for minor subdivisions, annexations to a lot, and what the county determines to be minor revisions of approved plats.

- A. Final plat submission required. A final plat submission for each minor subdivision or lot line adjustment must be filed by the applicant and reviewed in accordance with the provisions of this subchapter. A preliminary plat is not required for a minor subdivision or a lot line adjustment.
- B. Required submission.
 - (1) The Planning Director shall publish application forms and a checklist of required information for minor subdivisions and lot line adjustments. The checklist shall include the information listed in this Article and may include other items necessary to determine compliance with applicable County requirements. The checklist and revisions to the checklist shall be approved by the Planning Commission
 - (2) The applicant shall file the required fee(s) and required number of copies of required plats and materials (see § 159.082).
 - (3) The applicant is fully responsible to contact utility providers to gain approval for utilities; obtain any needed permits or approvals from state and federal agencies, such as approval from the State Highway Administration for any work within the right-of-way of a state road or access to a state road; and obtain approval from the County Health Department, as applicable.
- C. Initial actions by the staff.
 - (1) If the Subdivision Administrator determines that the submission is significantly incomplete, then he/she shall either:
 - a. Not accept the submission; or
 - b. Accept the submission on the condition that the applicant submits such additional information by a specific deadline.
 - (2) The maximum time limits for actions by the county shall not apply until after a submission is complete, and after any needed zoning variance or subdivision modification has been granted.

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- (3) The staff shall retain in the Commission's files 1 copy of all materials submitted by the applicant.
 - (4) The applicant shall provide copies of the submission to the County Engineer.
- D. Streamlined Approval. An application under this Section 159.081 may be approved by and signed by the Planning Director. The Director shall provide a report to the Planning Commission at the next regularly scheduled meeting on all minor subdivisions approved under this Section.
- E. Review and action by Planning Director. The Planning Director shall accomplish the following within 30 days of receipt of the required number of copies of the complete submission, unless the applicant grants a written time extension.
- (1) Review all applicable comments received from the appropriate review agencies and officers. The Planning Director shall make sure that the signature of the Garrett County Health Officer or his/her designee has been placed on the plat before any action is taken;
 - (2) Determine whether the final plat submission meets the requirements of this chapter and other applicable ordinances;
 - (3) Review the final plat submission and recommend any needed revisions so that the submission will conform to this chapter and other applicable ordinances; and
 - (4) Approve, conditionally approve or disapprove the final plat submission, specifying any recommended conditions for approval. If a final plat submission is disapproved, the decision shall specify at least 1 defect found in the submission, and shall cite the provisions of a statute or ordinance relied upon. If a submittal is reasonably complete, then the county staff should endeavor to identify all obvious defects known to the staff.
 - (5) The decision of the Planning Director shall be in writing and shall be communicated to the applicant personally or mailed to him/her at the last known address following the decision.
 - (6) The approval of the final plat by the Planning Director shall not by itself constitute an acceptance of the dedication of any road or other proposed public way, space or area. An acceptance of dedication by the county shall not occur until specifically authorized by the Board of Commissioners.
- F. Expiration
- (1) When the Planning Director provides written comments to the applicant listing required revisions to a final plat submission for a minor subdivision, the applicant must submit a revised final plat within two years of the date of the comments. If a revised plat is not submitted within two years, the final plat application shall be void and a new submission shall be required.
 - (2) A final plat shall become void if a record plat is not recorded within ten years of the final plat approval.

§ 159.082 MINOR SUBDIVISION REQUIREMENTS.

The information and materials listed in this section are required as part of all minor subdivision submissions, other than lot line adjustments or submittals under § 159.083. The Subdivision Administrator may require the submission of any additional information that would be required for the final plat under § 159.072, if needed to determine compliance with this chapter.

* May be shown on a separate sheet

A. GENERAL SUBMISSION ITEMS: (the county staff may require the submission of additional numbers of copies)

- (1) County application/ review fee(s)/escrow.
- (2) 3 copies of the complete final plat, and 9 copies of only the layout plan.
- (3) 1 set of supporting documents.

B. DRAFTING REQUIREMENTS: All information shall be legibly and accurately presented, and drawn at a standard scale.

- (1) Plats should be folded to approximately 9"x12" size in such a manner that the title of the sheet faces out.
- (2) All dimensions set in feet and decimal parts thereof, and bearings in degrees, minutes and seconds.
- (3) Differentiation between existing and proposed features.
- (4) Boundary line of the tract, shown as a heavy boundary line.

C. GENERAL INFORMATION:

- (1) Name of project (such as "Smith Subdivision No. 2").
- (2) Name of developer.
- (3) Names of abutting property owners shown on plan.
- (4) Statements of surveyor, plan preparer and owner; and approval/review signature blocks (see Appendix B).
- (5) * Location map at a standard scale showing the location of the project.
- (6) North arrow, graphic scale, written scale.
- (7) Date of plat and all subsequent revision dates.
- (8) Identification numbers of tax map and existing parcel from county land records.
- (9) * Offer of dedication and acceptance statements if lot adjoins county road where title has not been conveyed to county.

D. NATURAL FEATURES:

- (1) Existing and proposed contour lines shown at the same scale as the layout plan. Contours shall be prepared by field run topo at contour intervals of 5 feet.

Note: Contours are required to be shown only within areas of anticipated disturbance on any lot (such as house site, septic areas, well site and accessory building sites).

- (2) Identification of any slopes greater than 30%.
- (3) Watercourses (with any name) and lakes.
- (4) Areas within the 100 year floodplain according to official federal mapping, or a statement on plan that such areas are not present.
- (5) Boundaries of wetlands that have been delineated pursuant to State or Federal regulations and *a statement regarding the status of any wetland delineation or permit applications.
- (6) Boundaries of any Source Water Protection Areas.

E. MAN-MADE FEATURES:

- (1) Existing and proposed lot lines. The boundaries of new lots shall be certified by a licensed surveyor. The boundaries of any residual tract may be determined by deed.
- (2) Location of any existing and proposed monuments/lot pins.
- (3) Sufficient measurements of all lots, roads, rights-of-way, easements and commonly-owned or public areas to accurately reproduce each course on the ground.
- (4) Sewer lines, storm water facilities, water lines, bridges, culverts and power lines.
- (5) Existing and proposed utility easements and restrictive covenants and easements for purposes which might affect development (stating which easements and rights-of-ways proposed for dedication to the municipality).
- (6) The name of any applicable zoning district or “land classification” based upon “Land Classification Map.”
- (7) Statement of minimum lot area and minimum lot width, based upon Article 3 or an applicable zoning ordinance.
- (8) Minimum setback requirements shown for each lot or a statement.

F. PROPOSED LAYOUT:

- (1) Total acreage of site and total proposed number of lots.
- (2) Identification number for each lot.
- (3) Proposed lot width and lot area for each lot.
- (4) Locations of existing and proposed well and septic systems.

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- (5) Existing and proposed storm drainage facilities or structures.
- (6) * Residual lands sketch. If the plat does not include all undeveloped adjacent lands owned by or controlled by the same landowner or developer, then an informal conceptual sketch plan should be submitted on 1 sheet showing all such land holdings together with a sketch of a reasonable future road system to demonstrate that the proposed subdivision allows for the orderly long-range future development of any residual lands.
- (7) Evidence from County Health Department (signature) that each lot has been found to meet sanitary sewage regulations.

G. MATERIALS REQUIRED PRIOR TO RECORDING:

The following are not required at the time of plat submission, but are required prior to recording of the final plat and prior to the construction of any permanent buildings.

- (1) * Evidence that the county has determined that the submission complies with the county stormwater management, soil erosion and sediment control, and floodplain ordinances, as applicable.
- (2) * Copy of any required permit for traffic access onto a state road

§ 159.083 LOT LINE ADJUSTMENTS AND MINOR REVISIONS OF APPROVED PLATS.

A. The reduced submission requirements listed in this section shall apply, together with the procedural requirements of § 159.081, if either of the following apply:

- (1) The proposal will meet the definition of a “lot line adjustment” (see § 159.016); and/or
- (2) In the determination of the Subdivision Administrator, the proposal will involve revisions to a previously approved plat, and those revisions only involve changes in the supporting documentation or engineering details or to correct erroneous data or minor omissions concerning a plat previously granted final plat approval.

B. The required information listed in this section may be combined or separated onto different sheets, provided that the plats will be clearly readable.

C. Additional information. The Subdivision Administrator may require that a plat under this section include the submission of specific additional information that would be required if the plat would be a final minor subdivision plat, if such specific information is necessary to determine compliance with this chapter.

D. Streamlined approval. An application under this section may be approved by and signed by the Planning Director.

E. See exemptions in § 159.004 including for merger of lots.

F. Lot line adjustments or minor revisions of approved plans: submittal requirements

*May be shown on a separate sheet.

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1. County application/review fee(s)/escrow
2. 3 print copies of the complete final plats
3. Plans should be folded to approximately 9 by 12 inches in size with the title visible when the sheets are folded
4. Plans drawn at a standard scale, with dimensions set in feet and decimal parts thereof and bearings in degrees, minutes and seconds.
5. Differentiation between existing and proposed features
6. Boundary line of the tract shown as a heavy boundary line
7. Owner's statement, plan preparer's seal and signature and approval/ review signature blocks. See Appendix B
8. Location map clearly showing the location of the project in relation to major roads
9. North arrow, graphic scale, written scale
10. Date of plan and revision dates
11. Existing and proposed lot lines and road rights-of-ways
12. Minimum setback requirements shown for the revised lot, if applicable.
13. Statement of the name of the land classification or zoning district.
14. List of any modifications or waivers requested to this chapter
15. Statement stating "this parcel is not a separate building lot."
16. Identification numbers of tax map and existing parcel.
17. *Offer of dedication and acceptance statements if lot adjoins county road where title has not been conveyed to county.

§ 159.084 – 159.089 RESERVED.

ARTICLE 8. IMPROVEMENTS GUARANTEES

§ 159.090 INSTALLATION OF IMPROVEMENTS OR GUARANTEE REQUIRED.

- A. Purposes. To make sure that purchasers of lots have adequate utilities and adequate access to roads. To avoid problems of lots being sold before utilities and roads are installed, and then the improvements not being completed. To avoid burdening home buyers or the county with unexpected costs to complete improvements. To make sure that all lots have adequate access for emergency vehicles. To permit developers the option of either completing improvements in advance of home sales or providing financial guarantees. These provisions are established under the authority of Md. Code, § 5.03(b) of Article 66B.
- B. Prior installation or guarantees. Before approving any subdivision plat for recording, the Planning Commission may require that the county be assured by means of a proper legally binding agreement with the applicant that:
- (1) The developer will install all required road, central water (if applicable), central sewage (if applicable), stormwater management, erosion control improvements, electric service connections and telephone service connections and complete all rough grading prior to the sale of any lot or condominium unit; or
 - (2) The developer has provided financial guarantees to make sure that such required improvements will be properly installed in a timely manner related to the sale and occupancy of each building.
- C. Phasing. If provided in a legally binding agreement between the county and the developer, the installation of improvements or the provision of financial guarantees may be related to specific phases of a development. (For example, a developer may provide financial guarantees for improvements needed to serve lots 1 through 6, and then be permitted to sell lots 1 through 6. Then, after a developer provides additional financial guarantees for improvements needed to serve lots 7 through 12, then the developer would be permitted to sell lots 7 through 12.)
- D. Persons responsible.
- (1) The applicant for a subdivision shall be responsible for the installation of all improvements required by this chapter, unless the county approves a legally binding agreement that transfers the responsibility to a developer and which binds his/her successors.
 - (2) Any conveyance of all or a substantial portion of the unimproved lots or public improvements or roads of any subdivision or change in developers, whether voluntary or by action of law or otherwise, shall require the prior approval of the county. In giving or denying the approval, the county shall require the new landowner and/or developer fully assume all applicable responsibilities under the agreement and post all the appropriate financial security.

- E. Inspections. The County Engineer or his/her designee in coordination with the Subdivision Administrator shall make the inspections of the road, stormwater, erosion control and other required improvements at intervals as may be reasonably necessary to assure compliance with this chapter. The reasonable costs of such inspection shall be borne by the subdivider.
- F. Agreements. All agreements provided for in this subchapter may be subject to review and acceptance by the County Attorney. All agreements provided for in this subchapter shall be approved and signed by the County Board of Commissioners, unless the Board of Commissioners delegates the responsibilities to the County Planning Commission or another designee. Any required agreement shall be signed by all responsible landowners and/or developers. The county may require that the agreement be officially recorded.
- G. Amount of guarantees. If an applicant intends to provide financial guarantees, then the applicant shall provide an accurate estimate of the market cost of completing the required improvements.
 - (1) The estimate shall be prepared and signed by a state-licensed professional engineer, surveyor, landscape architect or architect. The estimate shall be subject to review and acceptance by the County Engineer.
 - (2) If such improvements would be completed over a number of years, then a reasonable inflation factor may be required.
- H. Utility agreements. If a development will connect into a public water or public sanitary sewage system, the applicable sanitary district, town or other agency may also require separate agreements. If such separate agreements guarantee the installation of water and sewage systems, then the agreement with the county need not guarantee such improvements.
- I. Type of financial security.
 - (1) The guarantee shall be secured by the credit of any of the following:
 - a. An irrevocable and unconditional letter of credit of a federal or state chartered lending institution;
 - b. A restrictive or escrow account in a federal or state chartered lending institution; or
 - c. Such other appropriate financial security approved by the Board of Commissioners, but not including a second or third mortgage on the unimproved lands.
 - (2) The approved security shall provide for, and secure to the public and lot owners, the completion of any improvements in a timely manner to serve any lot(s) that need to be served by such improvements.
 - (3) The county may require that evidence that the entity proposed to provide the security has sufficient secure assets.
 - (4) The county or its designee shall be the authorized signatory on any account in which the escrow funds are held.

§ 159.091 APPROVAL OF IMPROVEMENTS.

- A. Advance notice by developer of construction of improvements.
 - (1) The developer or his/her representative shall provide a minimum of 3 business days prior notice to the County Engineer and the Subdivision Administrator prior to beginning each major facet of construction, in order to allow the scheduling of inspections.
 - (2) The County Engineer or Subdivision Administrator shall complete inspections within two weeks of receipt of the applicant's notification that an inspection is needed, provided the application complies with all other requirements of the Roads Department.
- B. Request for release of security. When an improvement has been completed, the party posting the financial security shall notify the county and request in writing to the county release of related financial security.
- C. Report on required improvements.
 - (1) In response to a request to release financial security, the County Engineer or his/her designee and the Subdivision Administrator shall jointly submit a written report certifying which required improvements have been satisfactorily completed in accordance with the approved plat to the Board of Commissioners or its designee.
 - (2) This report shall recommend approval or rejection of the improvements, in whole or in part. One or more reasons shall be stated for a proposed rejection.
- D. Release of security.
 - (1) The Board of Commissioners or its designee shall review the County Engineer's and Subdivision Administrator's report and shall authorize release of an amount that fairly represents the value of the improvements completed.
 - (2) The county shall notify the developer or his/her representative in writing of the decision.
 - (3) When the developer has properly completed all of the required improvements, the developer shall request final release of all remaining financial security.
- E. Completion of unaccepted improvements. The developer shall complete any required improvements that the Board of Commissioners or its designee determines are not satisfactory or complete. Upon completion, the applicant may request approval in conformance with the above procedures.

§ 159.092 REMEDIES TO CAUSE COMPLETION OF IMPROVEMENTS.

- A. Enforcement of security.
 - (1) In the event that any improvements that were required have not been installed as provided in this chapter or the approved final plat or the development agreement, or in the event of the bankruptcy of the owner or developer, or in the event the performance security lapses in time before the required improvements are

completed, then the Board of Commissioners is hereby granted the power to elect to enforce any security posted under this ordinance by appropriate legal and equitable remedies.

- a. Such remedies may include taking all actions necessary to ensure improvements are completed without cost to the county, including but not limited to:
 - (1) Seizure of lots or escrow funds;
 - (2) Revocation or suspension of county permits or suspension of issuance of any required county permits or occupancy certificates;
 - (3) Non-release of performance securities;
 - (4) Requirement for additional performance security;
 - (5) Non-acceptance of improvements;
 - (6) Removal, reconstruction or replacement of substandard improvements at the cost of the developer; and
 - (7) Prosecution of a violation of this chapter.
 - b. Construction without inspection. If required improvements have been completed without providing the county with proper opportunity for inspection, and as a result the county cannot determine whether the improvements were properly constructed, then the Board of Commissioners may require that the developer, at the developer's expense, remove, replace, sample, test or reconstruct the improvements as necessary to determine compliance with this chapter and other applicable county standards.
 - (2) Rate of construction. Failure of a developer to construct roads and other public improvements reasonably at the same time or prior to the construction of the buildings served by those roads or public improvements, and at the same rate in time at which buildings are completed, shall be a violation of this chapter and a cause for default of the security.
- B. Completion by county. If the proceeds of the security are insufficient to pay the cost of installing or correcting improvements covered by the security, and the county has at its option installed or corrected the improvements, then the county may institute appropriate legal or equitable action to recover the moneys necessary to complete the work.

§ 159.093 – 159.099 RESERVED.

ARTICLE 9. RECORDING OF FINAL PLAT

§ 159.100 RECORDING OF FINAL PLAT.

A. Recording.

- (1) Generally. The applicant shall submit the record plat to the Planning Office as prescribed in § 159.101. The Planning Office shall submit the record plats to the Land Records Office for recording with the appropriate fee supplied by the applicant.
- (2) Conditions. If the final plat approval included conditions that must be met prior to recording, then the record plat shall comply with the conditions before it is submitted to the Land Records Office.
- (3) Exact copy of final plat. As provided in § 159.071(G) of this chapter, the Planning Commission shall allow phasing of a development by approving final plats for portions of an approved preliminary plat. However, the record plat must be an exact copy of the approved final plat (except that certain information can be omitted as provided in § 159.101 below) and must be recorded in its entirety.
- (4) If a record plat is not recorded within 10 years after the date of final plat approval, then the approval shall become null and void, unless a written extension is granted by the Planning Commission after the applicant shows good cause.

B. Signature. A final plat shall not be recorded unless the plat bears an original signature of the Chairperson or Acting Chairperson of the Planning Commission, or, for minor subdivision or lot line adjustments, the original signature of the Planning Director.

C. Exception for single lots. If a single new lot or lot line adjustment is approved, then the lot is not required to follow the formal plat recording process, providing the following requirements are met:

- (1) In place of the formal recording, a plat showing the lot shall be recorded with the grantee's deed. The plat is intended to be approximately 8.5 by 14 inches in size, and may be on paper. The plat shall meet division (C).
- (2) A maximum of 1 lot per calendar year per parent tract shall be permitted to be exempted under this division.
- (3) The plat shall be certified by a licensed surveyor.
- (4) A deed description shall only be based upon a reference to a plat if that plat is officially filed.
- (5) The lot shall still need to be submitted and approved as a minor subdivision under §§ 159.080 through 159.083.
- (6) To be eligible for this simplified process, any new lot must be along an existing road, or else meet all road requirements of this chapter.

§ 159.101 RECORD PLAT.

A. Format

The applicant shall provide to the County Planning Office clear and legible copies of the plat in the format required by the County Land Records Office, except as provided in § 159.100(D). Three Mylar copies, at least 1 of which shall include original signatures shall be submitted to the Planning Office on the following sheet sizes acceptable for recording: 11" x 17", 18" x 24" and 24" x 36" (Note: plats which are required to be recorded must comply with the standards of the Land Records Office as follows: 3 copies in black ink on transparent Mylar with a minimum thickness of 3 to 5 mils; each copy must be prepared on a sheet size of 11" x 17", 18" x 24" or 24" x 36" with a 1.5 inch wide left margin for binding).

B. Required Information

The record plat shall be to scale and shall be an exact copy of the final plat, except that with the approval of the Planning Director the record plat may omit information that is not essential to establishing the boundaries and dimensions of lots, rights-of-way, easements, open space, protected spaces, and utilities. The record plat, at a minimum, shall include all of the following:

- (1) Road right-of-ways;
- (2) Protected open spaces, and any required conservation easements, if any;
- (3) Easements, and any covenants that the county required to be placed on the final plan;
- (4) Lot lines and lot dimensions;
- (5) Water, sanitary sewer and stormwater easements;
- (6) The required signatures of county officials, including the County Health Department;
- (7) Notations stating whether the roads, any common open space and other proposed improvements are proposed to be offered or not offered for dedication to the county;
- (8) Seal and signature of a licensed land surveyor;
- (9) North arrow;
- (10) Certification of landowner;
- (11) Courses and distances of all lines shown; and
- (12) Locations of monuments or lot pins as required in Md. Code, § 3-108(b) of the Real Property Article.

§ 159.102 EFFECT OF RECORDING.

Every road, open space or other improvement shown on a subdivision plan that is recorded shall be deemed to be a private road, open space or improvement, until such time the road or other improvement may be officially accepted for dedication to the county, state or another public entity.

§ 159.103 – 159.109 RESERVED.

ARTICLE 10. DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

§ 159.110 OVERALL REQUIREMENTS.

- A. Design standards and improvements. The design standards and improvements required in this subchapter are the minimum requirements for approval of a subdivision. Additional or higher type improvements may be required in specific cases where the Planning Commission determines the improvements are clearly necessary to protect the public health and safety.
- B. Design and construction standards. This subchapter sets forth the design and construction standards for required improvements, regardless of whether the improvement will be dedicated to a government agency.
- C. Land. Land shall be suitable for the purpose for which it is to be subdivided or developed.
- D. Hazardous conditions.
 - (1) Subdivisions subject to hazardous conditions (such as open quarries, hazardous or toxic site pollution, unconsolidated fill, floods, excessive erosion or unsafe water supply) shall not be approved until the developer has provided or has legally committed to provide adequate measures to overcome or eliminate the hazards. However, the county accepts no responsibility to identify hazards or to guarantee their resolution.
 - (2) No subdivision shall occur in such a way that would significantly threaten the public health and safety, including hazards of toxic substances, traffic hazards, explosive hazards and fire hazards.
- E. Other ordinances. All aspects of a proposed subdivision shall conform to any applicable zoning ordinance and the county's sensitive areas ordinance, stormwater management ordinance, floodplain ordinance, erosion and sediment control ordinance and all other county ordinances and specifications.
- F. Nearby development. A subdivision and its roads shall be coordinated with existing or approved nearby development and roads to allow efficient and compatible development.

§ 159.111 ROADS.

- A. Access to roads
 - (1) New lots. Any new lot approved under this chapter shall have adequate and safe permanent access to one of the following:
 - a. A public road;
 - b. A private road meeting the requirements of this Section 159.111; or
 - c. A driveway with a minimum cartway width of 12 feet within a right-of-way established on the record plat and at least 30 feet wide, provided no more than two dwellings have road access via the driveway; or,
 - d. In the case of a business park, townhouse, apartment or mobile home park development, individual buildings may have vehicle access onto a parking court, provided the parking court has access to a public road or an approved private road.

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- (2) Emergency access. If doubt exists, the Subdivision Administrator may require an applicant to provide evidence that a new or extended road will be sufficient in width, surface, slope, height clearance, turning radius, weight limits and drainage to provide adequate access for fully loaded fire trucks and ambulances during normal weather conditions. A review by emergency service providers may be requested. However, the county does not accept responsibility to guarantee that such access will be possible.
 - (3) Existing private road. The following requirements shall apply if a new lot is proposed to have vehicle access using a private road that existed on July 1, 1997:
 - a. The maintenance requirements of division (B) shall be met to the extent feasible.
 - b. A legally established easement or right-of-way shall provide access by all affected property-owners. Along an existing private road, the easement or right-of-way shall have a minimum width of 30 feet along all property owned by the applicant.
 - c. If 1 or more new lots are proposed along an existing private road that does not include at least 3 inches total depth of stone and/or other suitable surface and a width of 12 feet or 16 feet as required below, the following conditions shall be met:
 - (1) Approval of the final plat shall be subject to improvement of the road to include a minimum depth of 3 inches of appropriate stone or other county-approved surface across a minimum cartway width of 12 feet if between one and ten new dwellings will be served by the road; or a minimum cartway width of 16 feet if 11 or more new dwelling units will be served.
 - (2) The width and depth shall be provided along the entire portion of the private road from the driveways of the new lots to a public road.
 - (3) The road improvement shall be complete prior to issuance of building permits for the new lots.
 - d. The applicant shall show that the road will meet the emergency access standards described in subsection (2) above, after any improvements that the applicant may agree to make.
 - (4) New or extended private roads. For new or extended private roads, see width requirements in division (G).
- B. Maintenance and ownership of private roads.
- (1) The ownership and entity responsible for maintenance of a private road shall be identified on the final plat. The documentation accompanying a final plat must include legally binding language stating who is to be responsible for the improvement and maintenance of any road or parking court not offered for dedication.
 - (2) The developer shall be responsible for maintenance of a road until it is dedicated to the county or a property-owners association.
 - (3) If a property owners association will own and maintain the private road, the applicant shall submit proposed covenants that will govern the association to the County for review and approval as part of the preliminary plat application.

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- (4) If a private road is not owned by a property owners association, the owners of a parent lot and any new lots shall be bound by a legal document approved by the County that provides for periodic payments and maintenance of a private road.
- (5) Legal responsibility for maintenance of a private road shall be enforceable by any affected property-owner, with the county not accepting responsibilities for enforcement.

C. Road continuations.

- (1) Stub roads. If a road is proposed to be a public road, then where deemed necessary by the Planning Commission for efficient movement of traffic, a subdivision shall include the extension of a proposed road right-of-way or emergency vehicle accessway to the boundary line of the tract to provide for an eventual extension into the adjacent tract for efficient circulation of traffic throughout the area.
- (2) Widening. Where a subdivision abuts or contains an existing road of inadequate cartway, shoulder or right-of-way width, additional right-of-way, shoulder and/or cartway width may be required by the Planning Commission as necessary for public safety, stormwater control and potential utility extensions.
- (3) If a property being subdivided fronts on a county or town road and the road right-of-way adjoining the properties has not previously been conveyed to the county or town, the applicant for the subdivision shall convey to the jurisdiction sufficient right-of-way measured from the centerline of the road to match the prevailing width of the road along its entire length.

D. Intersections.

- (1) Centerline of roads. The centerlines of roads shall intersect at right angles where physically feasible. If right angles are not feasible, the intersection shall be at as nearly a right angle as possible, with an absolute minimum inside angle of 68 degrees.
- (2) Alignment of road intersections. A maximum of 2 roads shall intersect at 1 point.
 - a. Where a proposed road or business driveway intersects an existing perpendicular road, the proposed road or business driveway shall be aligned with any road intersecting on the other side of the perpendicular road, unless the Planning Commission or State Highway Administration determine that the alignment is not reasonable or feasible.
 - b. If a proposed road cannot intersect at the same location as a road on the other side of the perpendicular road, then the proposed road shall be offset by a minimum of 150 feet from the nearest intersection of roads, where physically feasible.
- (3) Two or more roads. All approaches to an intersection of 2 or more roads shall have a leveling area not greater than 8% grade for a minimum distance of 20 feet, measured from the nearest edge of cartway of the intersecting road.
- (4) Edge of roadways. At road intersections, the edge of the road cartway shall be rounded by arcs with the radii listed below.

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Highest Type of Road Involved	Minimum Radius of Arc at Intersection of Cartway Edge
Arterial road or commercial/industrial road	30
Other road	20

- E. Access management. The Planning Commission may require one or more of the following methods of layout and site design if it determines the methods will be reasonable, feasible and necessary to avoid increased traffic congestion and improve traffic safety on public roads. The Commission's decision to use one or more of the following methods will be based on recommendations of the County Engineer, recommendations of the Subdivision Administrator, comments from or requirements of the State Highway Administration and professional traffic studies that have been submitted.
- (1) The use of a marginal access or “frontage” road or access only onto side or interior roads, to collect traffic from numerous driveways and direct it to a select few number of entrances to the public road;
 - (2) The minimization of the number and length of driveway cuts or road intersections onto a public road, which may include requiring the use of shared driveways between adjacent uses or lots;
 - (3) The restriction of ingress and egress involving left-hand turns onto or off of the public road;
 - (4) The prohibition of driveways from individual dwellings entering directly onto an arterial road; and/or
 - (5) Where individual driveways are proposed to enter onto an arterial road, or where driveways for nonresidential use are proposed to enter onto any public road, sufficient turn-around space shall be provided on the lot for vehicles so they do not need to back onto the road.
- F. New public roads or public road extensions.
- (1) A new road or road extension that is intended to be dedicated to the county shall meet all requirements of the county roads ordinance, as amended, prior to acceptance by the county, in addition to requirements of this section.
 - (2) A new road or road extension that is intended to be dedicated to the State Highways Administration shall meet all requirements of such agency.
- G. Private road design and construction standards. (See the definition of “road” in § 159.016). Any new road or road extension that is not intended to be dedicated to the state or the county shall meet the following requirements:
- (1) Right-of-way width.
 - a. A new or extension of a private road shall have a minimum right-of-way width of 50 feet, except such minimum width shall be 30 feet for a segment of a road that will clearly serve a maximum total of 10 or fewer dwelling units. (Note: as of 1996, a

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- road is required to have a minimum right-of-way width of 50 feet to be eligible for dedication.) The road right-of-way may also be used for utilities.
- b. An additional construction easement shall be established if the construction of the road will require grading beyond the right-of-way width.
 - c. Any newly established right-of-way line shall be maintained at a minimum distance of five feet from the cartway, including around any turn lanes, cul-de-sacs and intersections.
 - d. If an extended or new private road is proposed within an existing right-of-way that does not comply with these minimum width standards, the extension or new road shall be approved only if a waiver is granted in accordance with this Ordinance. In reviewing the waiver application, the Planning Commission shall consider the comments of the Subdivision Administrator and the County Engineer.
- (2) Cartway width. A new or extended private road shall be constructed with the following minimum widths, based upon the total number of dwelling units that the Planning Commission determines could eventually be served by such road.:
- a. In a portion of the county that is not regulated by a zoning ordinance, all lots shall be considered commercial or industrial lots for the purposes of these road width requirements, unless deed restrictions will prohibit principal commercial and industrial uses on all new lots. Home occupation businesses that are accessory to a dwelling may be permitted.
 - b. If the road could eventually serve 20 or more dwelling units, or 2 or more commercial or industrial lots, then a minimum cartway width of 18 feet shall be required, with 2 feet wide shoulders on each side.
 - c. If the road could eventually serve only 6 to 19 dwelling units, then a minimum cartway width of 16 feet shall be required, with 1 foot wide shoulders on each side.
 - d. If the road could eventually serve only 3 to 5 dwelling units, then a minimum cartway width of 12 feet shall be required, with no shoulders.
 - e. If a cartway serves only 1 or 2 residential lots or dwelling units or a single commercial or industrial lot, it shall be considered to be a driveway, not a road. When a third residential or second commercial or industrial lot is added, the subdivider shall upgrade the driveway to minimum private road standards for the entire length of the driveway to the nearest intersecting road.
 - f. If a road will need to accommodate on-street parking, then the minimum shoulder width shall be increased to a total of 8 feet on each side that parking is to be permitted. The Planning Commission may also require additional shoulder widths where necessary for public safety, such as around a sharp curve.
- (3) Road construction standards. All road pavements shall consist of the following construction, unless the following standard may be revised by the Planning Commission by resolution, and except as provided in subsection G(6):
- a. Stone. All roads shall be constructed on a rolled and compacted subgrade free of organic matter. A well-graded crushed stone aggregate, or other appropriate stone

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- pre-approved by the County Engineer, shall be used. The stone shall be placed and rolled in a moist condition so that fines remain mixed with the more coarse material. The gravel surface shall be smooth, uniform and tightly packed to result in a minimum 6 inches of depth, laid in 2 courses of 3 inches each. The Planning Commission may approve alternate road surfaces under § 159.006, such as reducing requirements if a stone subsurface is present.
- b. Paving/tar and chip. Any segment of a road that will serve traffic from 20 or more dwelling units, or 2 or more commercial or industrial lots, or dwellings at an average density of 3 or more dwelling units per acre shall also be paved with asphalt or tar and chip. The roads shall be constructed in the same manner as described in subsection (a) above. Then, 1 of the following methods shall be used:
 - (1) A plant-mixed bituminous material rolled smooth to a depth of at least 2 inches shall be applied to a well drained base; or
 - (2) Triple coat tar and chip surface as follows: first, suitable stone shall be spread, rolled and compacted; then emulsified asphalt shall be applied; then additional suitable stone shall be spread, rolled and compacted; then emulsified asphalt shall be applied; then additional suitable stone shall be applied.
 - c. Shoulders. Required shoulders shall be constructed of a minimum of 3 inches of crusher run stone, unless the Planning Commission determines that an acceptable stone sub-surface is present.
 - d. Multiple subdivisions along a road. The following provisions apply to private roads and private road extensions built after July 1, 1997.
 - (1) If a private road is built as part of one subdivision, and then a second subdivision is submitted that will use the same private road, and the addition of the second subdivision would cause the road to be required to be improved to a higher standard under this subsection G, then the applicant for the second subdivision shall be required to improve the entire length of the private road to the higher standard.
 - (2) If an applicant would be required by this subsection (e) to make unreasonable improvements considering the number of proposed lots, or cannot gain permission to make improvements along a certain road segment, then the Planning Commission may grant a modification under § 159.006. For example, the Planning Commission may permit an applicant to only be responsible for improvements of road frontage along his/her subdivision, as opposed to the entire length of road that serves traffic from his/her subdivision.
- (4) Road slopes.
- a. Proposed roads shall be adjusted to the contour of the land to produce usable lots and reasonably sloped roads, while minimizing grading.
 - b. A maximum slope of 12% shall apply to any private road, except: a maximum slope of 14% shall be permitted for a road that will eventually serve a total maximum of only 10 dwelling units, provided that all segments of such road with a slope greater

than 12% are paved with asphalt or triple coat tar and chip, as specified in subsection (e) above.

- c. If road construction plans indicate that the slope of a proposed road is 10 percent or greater, “as built” measurements shall be submitted with verification from a licensed engineer to confirm that the built grade of the road does not exceed the maximum allowed slope. The as-built verification shall be submitted prior to release of improvement bonds.

(5) Radii and sight distance.

- a. New or extended private roads in any subdivision that could eventually serve 40 or more dwelling units shall adhere to the standards established in the AASHTO's latest publication of Geometric Design of Highways and Streets. All roads shall be designed to meet a minimum design speed of 20 mph or greater and all roads shall be posted with the speed limit of design.
- b. New or extended private roads in any subdivision that could eventually serve up to a maximum of 39 dwelling units shall adhere to the standards established in the AASHTO'S latest publication of Geometric Design of Very Low-Volume Local Roads (ADT < 400). All roads shall be designed to meet a minimum design speed of 15 mph or greater and all such roads shall be posted with the speed limit of design.

(6) Roads serving over 100 dwelling units. A new or extended segment of a road that provides the primary means of access for 100 or more dwelling units shall be built to the same minimum cartway width, cartway construction, cartway slope and right-of-way width requirements as would apply to a county road, regardless of whether the road would be public or private.

(7) Vertical curves. New private roads shall have minimum vertical curves as specified in AASHTO standards for geometric design of highways and streets.

H. Additional standards for public and private roads.

- (1) Roads shall be graded, improved and surfaced to the grades and dimensions shown on plans approved by the county.
- (2) The finished road surface shall be crowned or superelevated to provide proper drainage.
- (3) Any cut, fill or grading adjacent to roads shall result in stable slopes considering the material involved, and that are protected against erosion. All trenches shall be properly filled and compacted.

I. Sight distance.

- (1) At any intersection with a private road of another private road(s), or the intersection of a private road with a driveway serving 2 or more principal commercial or industrial uses, a clear sight triangle shall be provided as follows:
 - a. At the intersection of 2 or more private roads where any of the intersecting roads are designed to serve 40 or more dwelling units, the sight triangle shall adhere to the standards established in the AASHTO's latest publication of Geometric Design of Highways and Streets.

- b. At the intersection of 2 more private roads, where all of the intersecting roads are designed to serve up to a maximum of 39 dwelling units, the sight triangle shall adhere to the standards established in the AASHTO's latest publication of Geometric Design of Very Low-Volume Local Roads (ADT <400).
- (2) At any intersection of a private road with a public county road or the intersection of a public county road with a driveway serving a principal commercial or industrial use, the intersection shall comply with the County Entrance Requirements.
- (3) At any intersection of a private road with a public state road or the intersection of a public state road with a driveway serving a principal commercial or industrial use, the intersection shall comply with the State Highway Entrance Requirements.
- J. Alternative access; turnarounds.
- (1) Where feasible and reasonable, the Planning Commission may require that a development proposed to be served by a dead-end road longer than 1,500 feet shall include an internal loop in the road, a second entrance point to an exterior road and/or an entryway limited to access by emergency vehicles. The Planning Commission may also require that a subdivision include appropriate road improvements or alternative access to prevent homes from being inaccessible by vehicles during flood conditions.
- (2) Appropriate turnarounds shall be provided at the end of any road. If a road serves 10 or less dwelling units, it may be served with a hammerhead turnaround designed to comply with either of turnaround designs shown below.

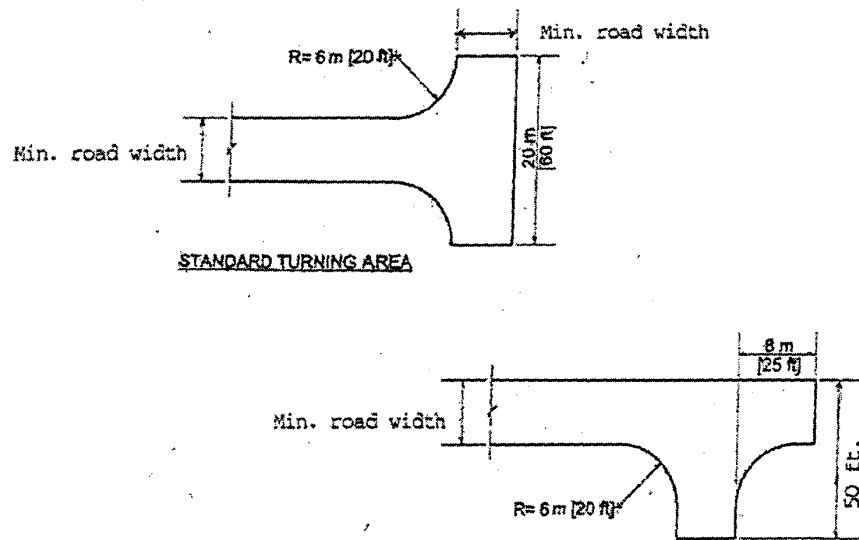


Figure 1. Turnaround Designs

- (3) Once a dead-end portion of a road serves more than 10 dwelling units, it shall be provided with a cul-de-sac turnaround. Private cul-de-sac roads must be provided with a turn-around with a minimum cartway radius of 25 feet to the edge of the cartway. If the private cul-de-sac turnaround area has a center island, the paved travel lane shall have a

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minimum width of 20 feet. A cul-de-sac on a public road shall meet the county roads ordinance.

- (4) The circular cartway of the cul-de-sac shall be connected to the approach paving by an arc having a radius of not less than 20 feet.
- (5) The Planning Commission may permit acceptable alternative turn-around designs, including a turn-around of acceptable radii incorporated into a parking court or a landscaped island within a cul-de-sac.
- (6) Temporary stub roads shall be required to include at least a temporary turnaround, if the stub would be longer than 150 feet or serve 4 or more dwellings or lots.
- (7) The maximum cross slope on the circular part of a cul-de-sac shall be 7%.

K. Modifications of road requirements. Section 159.006 provides the Planning Commission with the authority to grant modifications and exceptions to the requirements of this chapter.

- (1) In addition to those standards, the Planning Commission may also grant modifications and exceptions to the road requirements of this ordinance if:
 - a. The required road improvements would have severe negative impacts upon the scenic character and natural resources of an area;
 - b. The required road improvements would provide little benefit because a relatively short segment of road would be improved at the end of a long segment of road built to a much lower standard, and/or
 - c. The required road improvements would represent an unreasonable hardship considering the expense of the improvements compared to the number of lots that would be developed.
- (2) The Planning Commission may also permit road improvements to be completed in logical phases that are tied to specified phases of construction of buildings or sale of lots.

L. Right-of-Way Reservation for Proposed Roads

- (1) When land in a subdivision is within the area of a future County or State road right-of-way which is proposed in the Comprehensive Plan or in the County's or State's capital program, the County may require that the land be reserved.
- (2) The following conditions apply to land reserved pursuant to this Section:
 - a. The subdivision shall be designed so that the reserved land will be available for purchase by the County or State.
 - b. No reservation shall continue for longer than 3 years from the date of recordation of the plat except with written approval of all legal and equitable owners of the property.
 - c. The period of time for which the land is reserved shall be specified on the recorded plat.
 - d. The reserved land may be included within the area of lots in a subdivision as long as that area is not used to satisfy minimum lot size or lot width requirements and is not used for buildings.

§ 159.112 TRAFFIC IMPACT STUDIES

- A. The Planning Commission may require a traffic impact study prior to preliminary plat approval if the Planning Director or County Engineer recommend such a study for:
 - (1) A subdivision of 50 or more lots or dwelling units; or,
 - (2) A major subdivision with fewer than 50 lots or dwelling units if the Planning Director the County Engineer recommends a traffic study based on:
 - a. The site's proximity to a County road where traffic, geometric or safety concerns exist which may be worsened by the proposed subdivision or development; or
 - b. The cumulative impact of successive subdivisions that result in 50 or more lots or dwelling units in adjacent subdivisions.
- B. A traffic impact study will not be required by the County if the Maryland State Highway Administration requires a Traffic Impact Study for the development based upon its impact on a State road.
- C. The Applicant is responsible for preparing and providing the traffic impact study, and for all data collection efforts required, including peak period volume and turning movement counts. In addition, the Applicant is responsible for ensuring that any submitted development plans meet the minimum County standards for geometric design. Traffic counts available from the MD State Highway Administration, other recent traffic impact studies performed for the County, and other available sources may be used to avoid the need to conduct traffic counts.
- D. The study shall be conducted only by a professional engineer with verifiable experience or training in traffic engineering.
- E. Prior to preparing a Traffic Impact Study, the Applicant shall meet with the County to review and discuss the overall project, development activity in the area, other prior traffic impact studies (if applicable), and other critical points related to the satisfactory completion of the Study. The applicant, the engineer and the County must mutually agree upon the study limits, based on engineering judgment and an understanding of existing traffic conditions.
- F. Upon submission of a draft Study, the County may review the data sources, methods and findings, and provide written comments. The Applicant shall incorporate necessary revisions and submit a final Study.
- G. Traffic Impact Studies for County roads and intersections shall be prepared using the procedures and standards required for State roads as published in the Maryland State Highway Access Manual, Appendix E, Guidelines for Traffic Impact Reports/Studies, or equivalent documents published by the State Highway Administration.
- H. Improvements to roads.
 - (1) Improvements that are found to be necessary based upon the results of the Traffic Impact Study shall be included on the Preliminary and Final Plats and constructed by the Applicant if the road is fronting on or within the proposed subdivision or development site. If the Applicant owns property on only one side of the road, the Applicant shall make road improvements as feasible within the available right-of-way.

- (2) The Planning Commission, with a recommendations from the Director of Planning and Land Development and the County Roads Engineer, may require the Applicant to construct the following off-site road improvements or pay the cost of such construction:
- a. If the subdivision has frontage on or any point of access to a public road, improvements to the public road extending up to 250 feet beyond the subdivision frontage or access point, or to the nearest intersection with another public road, whichever is less.
 - b. If the subdivision has frontage only on private roads, improvements to the nearest intersecting public road, extending up to 250 feet beyond the intersection with the private road proving access to the subdivision.
 - c. Such off-site road improvements may be required if the necessary rights-of-way exist or have been acquired by the developer or the county; and the off-site improvements are necessary to make the required improvements functional or to provide for safe traffic movements.
- (3) Off-site improvements required of the Applicant shall be proportional to the impact of the proposed subdivision or development on levels of traffic on the impacted County road. In lieu of making improvements, the County may require that the Applicant contribute to the cost of a County capital project to make the necessary improvements.

§ 159.113. DRIVEWAYS .

- A. Minimum width. A driveway is a cartway that provides access to a public road for one or two residential lots or principal dwelling units or a single commercial or industrial lot. A driveway shall have a minimum width of 10 feet to provide access for fire trucks and ambulances.
- B. State roads. A state highway permit is required for all access onto or work within the right-of-way of a state road. Where applicable, the issuance of such permit shall be an automatic condition of final subdivision approval.
- C. Driveway slopes. Slopes of driveways shall be minimized so as to accommodate access by emergency vehicles as provided in division (E) below. Generally, driveways slopes should not exceed 15% for any horizontal distance longer than 25 feet, except that the first 20 feet of a driveway from the entrance to a road shall have a maximum slope of 10 percent.
- D. Drainage. The developer shall make adequate provisions to maintain uninterrupted parallel drainage along a road where intersected by a driveway.
- E. Emergency access. The Subdivision Administrator may require an applicant to provide a statement on a subdivision plan regarding whether or not it will be possible to construct driveways on new lots that will be suitable for emergency access. Proposed driveway should be sufficient in width, slope, height clearance, weight limit, turning radius and drainage to provide adequate access for fully loaded fire trucks and ambulances. Generally a 10 feet minimum horizontal clearance and a 12 feet minimum vertical clearance should be maintained.

- (1) A review by emergency service providers may be requested.

- (2) The county does not accept responsibility to guarantee that such access will be possible.
- F. Sight distance. Driveway entrances onto roads shall be located to maximize sight distances of oncoming traffic. See also State Highway Administration requirements for entrances onto a state road, and county roads ordinance requirements for entrances onto a county road.

§ 159.114 STORM WATER MANAGEMENT.

All subdivisions shall comply with the county stormwater management ordinance, as amended.

§ 159.115 SANITARY SEWAGE DISPOSAL.

- A. In general. All subdivisions shall be served with an approved and adequate sewage disposal system (either on-lot or central) that will meet state and county regulations.
- B. Central sewage service.
- (1) If a municipality or a sanitary district is to provide the central sewage service, the agency shall have the authority to approve or reject the proposed sewage collection system for just cause.
- (2) In order for central sewage service to qualify as “county-approved central sewage service,” for the purposes of permitted reduced lot sizes, all of the following requirements must be met:
- a. A municipality or a sanitary district must have agreed in writing to operate and maintain the sewage system.
 - b. The municipality or sanitary district must be granted the right to regularly inspect the system while under construction and to require that the construction meets the construction plans.
 - c. The municipality or sanitary district must be granted the right to approve the construction plans in advance of construction.
- C. Individual or on-lot sewage disposal system. Any new lot not approved to include central sewage service shall be served by an individual sewage system meeting state and county requirements. An individual sewage system or alternate location may be located on commonly-owned land if approved as part of the subdivision and if suitable easements are established. Each proposed location shall be tested and approved by County Health Department, prior to recording of the final plan.

§ 159.116 WATER SUPPLY SYSTEMS AND FIRE HYDRANTS.

- A. In general. All subdivisions shall be served with an adequate on-lot or central water supply system that will meet state and county requirements.
- B. Central water service.
- (1) Required connections to central water systems. The Planning Commission, after requesting any recommendations of the County Engineer and the appropriate water supplier, may require all lots and principal uses within a subdivision to be connected to

an existing central water system where the Planning Commission determines that the connection would be feasible, cost-effective and reasonable, considering the distances that the lines would need to be extended and any available estimates of average cost per dwelling or lot.

- (2) County-approved central water system. For the purposes of permitting reduced lot sizes under Article 3 or an applicable zoning ordinance, the term “county-approved central water system” shall mean a central water system that is currently operated by a municipality or sanitary district, or that meets all of the following standards:
 - a. The system is constructed to proper standards that would allow it to be incorporated into a public water system in the future.
 - b. The subdivision plan states that the water system will be offered to dedication to a municipal or sanitary district water system in the future, if feasible.
 - c. If the system will not be immediately dedicated to a public water system, then the applicant proves that there will be a suitable process to make sure there will be proper long-term operation and maintenance, such as a long-term contract with a professional operator.
 - (3) Water supplier approval. Proposed extensions of existing central water systems shall meet all applicable design approvals, construction inspections and other requirements of the existing system. The extension shall be approved by such agency prior to final plan approval, although specific detailed service agreements are not required to be signed until prior to recording.
 - (4) Non-public supplier. Any new central water system not owned by a sanitary district or municipality shall be found to be acceptable in capacity, pressure, design and construction by the Planning Commission, based upon review of the County Engineer. The Planning Commission may deny permission for a subdivision to be served by a non-public central water system if the system cannot guarantee sufficient water pressure and capacity.
- C. On-lot water system (wells). When a subdivision will not be connected to a central water system, acceptable locations for on-lot water systems shall be shown on subdivision plans and shall be constructed in accordance with regulations of the state. A well may be located on commonly owned land if approved as part of the subdivision, and if appropriate easements are established.
- D. Fire hydrants. Where the County Engineer determines that it would be feasible to provide appropriate water supply and pressure, the Planning Commission may require that a subdivision served by a public water system provide fire hydrants so that all dwelling units and principal buildings are within 600 feet of a fire hydrant.

§ 159.117 UTILITIES AND UTILITY EASEMENTS.

- A. Utilities. The subdivider shall extend all electric power and telephone lines to a lot line of each lot prior to the sale of that lot, or establish that a good faith effort was made to have the lines extended. All utilities shall be installed in accordance with the current standards of the utility serving the subdivision. The county staff may withhold issuance of a building permit

for a new dwelling until electric service will be available to such lot. Electric service is not required to be extended if a lot will be transferred to a person who will not use electric service for religious reasons.

- B. Easements. Drainage, utility, emergency access and other types of easements shall be provided as determined to be needed by the county and as indicated on the plans.
 - (1) Separation. Minimum separation distances between utility lines shall be as required by the applicable utility or as deemed necessary by the Planning Commission based upon advice of the County Engineer.
 - (2) Easements shall be placed along lot lines or road rights-of-ways, to the maximum extent possible, as opposed to the center of a lot.
 - (3) Maintenance and obstructions. The owner of the lot shall properly maintain an easement or right-of-way in such a condition that does not inhibit its intended purpose(s). Specifically, structures or grading that could alter or obstruct stormwater flows in violation of the approved final plan shall be prohibited within storm water easements.

§ 159.118 SIDEWALKS AND PATHWAYS

- A. The Planning Director or Planning Commission may require installation of sidewalks or pathways along road frontages abutting or within a subdivision as a condition of approval of preliminary and final plats, if:
 - (1) The subdivision is within an area of the Deep Creek Watershed in which the Comprehensive Plan recommends additional sidewalks or pathways; and,
 - (2) The sidewalks and/or pathways will provide or be part of a network that provides safe or recreational pedestrian travel.
- B. Installation of sidewalks and pathways shall be the responsibility of the applicant.
- C. The design of sidewalks and off-road pathways shall comply with AASHTO design standards and guidelines, and be approved by the County Engineer.

§ 159.119 ROAD SIGNS; ROAD NAMES.

- A. The developer shall reimburse the county for the costs of supplying and installing needed traffic regulatory signs and road name identification signs on public roads. The developer shall be responsible to provide and install signs on private roads. All traffic regulatory signs shall meet current standards of the State Highway Administration.
- B. Road names are subject to the approval of the Planning Commission, and shall:
 - (1) Continue the name of any road with the same or similar alignment; and
 - (2) Not duplicate or be closely similar to the name of another road within the county, the same fire company or ambulance service district or the same 5-digit zip code area.

§ 159.120 GUIDELINES TO PROTECT TREES.

Reasonable efforts should be taken during construction to maximize the protection of trees. Care is needed not only to minimize the cutting of trees, but also to avoid accidental damage that will cause trees to eventually die. Measures should be used to make sure that equipment does not damage tree trunks, that roots are not compacted by vehicles and that the grade level around trees is not changed by more than 6 inches. Temporary wooden barricades or wire fencing should be placed below the “dripline” of trees to protect the root system from being compacted by vehicles or material storage.

§ 159.121 BUFFERS IN REAR LOTS ADJACENT TO MAJOR ROADS.

- A. Any residential lot of less than 2 acres with a rear yard directly abutting an arterial road or expressway shall along such rear yard include a 10 feet wide planting strip along the back of the lot, with access across this strip clearly prohibited on notes on any approved plan.
- B. This planting strip shall include evergreen plantings and shade trees. Any fencing in the rear of such lots shall be placed on the inside of such plantings. The plantings shall be placed so that they do not obstruct safe sight distance.

§ 159.122 LOT PINS/MONUMENTS.

Lot pins and/or monuments shall be provided as required under applicable state regulations. (Note: as of 1996, such regulations were within Md. Code, Article 56, § 333.D.)

§ 159.123 DEVELOPMENT ABUTTING SCENIC BYWAYS

- A. Applicability. This section applies to the following Scenic Byways designated by the State of Maryland.
 - (1) I-68: Entire length within the County.
 - (2) MD 495 (Bittering Road): Entire length from I-68 to MD 135
 - (3) MD 135 (Maryland Highway): Entire length from Bloomington to Oakland
 - (4) MD 38 (Kitzmiller Road): Entire length from MD 135 to Kitzmiller
 - (5) Rock Lodge Road: From MD 495 to State Park Road, then through Deep Creek Lake State Park to Glendale Road
 - (6) Oakland to Bittering, via Herrington Manor Road, Swallow Falls Road, Mayhew Inn Road, US 219, Glendale Road, and Rock Lodge Road
 - (7) Grantsville to Bloomington, via New Germany Road, Big Run Road, and Savage River Road
- B. Subdivision Design. Subdivision of land abutting Scenic Byways shall, to the greatest extent possible, preserve scenic views and the rural character of a development site by adhering to the following design guidelines:
 - (1) Locate subdivision lots near existing treelines or forests or behind natural topographic features.

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- (2) Limit removal of existing hedgerows, walls and trees adjacent to roadways. Plant trees along the roadway to screen or buffer new development, unless trees would block scenic views.

§ 159.124 – 159.129 RESERVED.

ARTICLE 11. MOBILE/MANUFACTURED HOME PARK REQUIREMENTS

§ 159.130 APPLICABILITY.

- A. The requirements in this subchapter shall apply to a mobile home park which is on a tract held in single ownership and provides mobile home spaces on a lease or rental basis.
- B. Mobile home parks proposed to be developed for sale of lots shall be designed in accordance with all requirements set forth for single family dwelling residential development.

§ 159.131 EXEMPTIONS.

The following shall not be considered to be a mobile/manufactured home park, but instead shall be ruled by the applicable sections of this chapter and the Zoning Code:

- A. Mobile/manufactured home sales as a principal use, other than sales of mobile homes intended to be placed on the same property as the sales;
- B. The storage or garaging of mobile homes not being used for living or sleeping purposes within a building or structure;
- C. A single mobile home used as a residence on a lot with no other dwellings; or
- D. A mobile home that is used only as a field office or work or tool house during a construction project, and not for residential purposes.

§ 159.132 OTHER REQUIREMENTS.

All provisions of this chapter shall apply to a mobile/manufactured home park, except provisions of this subchapter that specifically differ from or conflict with such provisions. A mobile home park shall be required to submit plans and be approved under the provisions of §§ 159.055 through 159.072.

§ 159.133 GENERAL STANDARDS AND REQUIREMENTS.

- A. See the mobile home park provisions and the individual mobile home provisions of any applicable Zoning ordinance.
- B. The density of a mobile home park shall be regulated based upon the land classification that it is located within, as shown on the Land Classification Map.
- C. The mobile home park shall have adequate access for emergency vehicles.

§ 159.134 DESIGN STANDARDS.

- A. Access.

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- (1) A paved or stone cartway with a minimum width of 16 feet shall be provided from driveways or parking courts of individual mobile home spaces to reach a paved public road.
- (2) All roads within the mobile home park shall be private and be maintained as part of the mobile home park.

B. Parking.

- (1) A minimum average of 1.5 off-road parking spaces shall be provided per housing unit, unless a higher number is required under any zoning regulations.
- (2) An appropriate area shall be set aside for the parking of recreational vehicles of residents.

C. Other design standards and improvements.

- (1) Every mobile home space shall be graded to provide a level, stable and well-drained stand for the mobile home.
- (2) Every space shall be provided with underground electric and telephone connections.
- (3) All fuel storage and supply systems shall be constructed and maintained in conformity with the regulations of all authorities having jurisdiction, and if above ground shall adequately be screened with landscaping or a screen wall compatible with the home.
- (4) An average of 1 deciduous shade tree shall be provided for each 50 feet of frontage along a private road.

§ 159.135 – 159.144 RESERVED.

***ARTICLE 12. PLANNED RESIDENTIAL DEVELOPMENT (PRD) OUTSIDE OF
THE DEEP CREEK WATERSHED***

§ 159.145 PURPOSES.

The purposes of these Planned Residential Development (PRD) provisions are to:

- A. Encourage innovations in residential development and renewal so that demand for housing may be met by greater variety and maximum choice in the type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to the dwellings.
- B. Provide, through such innovations, greater opportunities for better housing and recreation for present and potential residents of the county.
- C. Encourage a more efficient use of land and services and to reflect changes in the technology of land development so that the economies secured may enure to the benefit of those who need homes.
- D. Permit greater flexibility in the design of developments to conserve natural resources such as streams, lakes, floodplains, wetlands, wooded areas, steeply sloped areas, areas of unusual beauty and significant natural habitats.
- E. Make sure that the provisions of this chapter which are concerned with the uniform treatment of dwelling type, bulk, density and open space within each land classification may be applied flexibly, in a manner which would not distort the objectives of this chapter, when dealing with the improvement of land by other than lot-by-lot development.
- F. Establish a procedure which can relate the type, design and layout of residential development to the particular site and the demand for housing at the time of development, in a manner consistent with the preservation of the property values within existing residential areas, and to assure that the increased flexibility of regulations over land development established hereby is carried out following sound, expeditious and fair standards and procedures.

§ 159.146 ELIGIBILITY.

A proposed development shall be eligible to use the provisions of this section only if all of the following requirements are met:

- A. Land classifications. The proposed PRD is in the R, TR, TC or SR land classifications.
- B. Generally. The proposed PRD shall consist of 1 or more contiguous parcels or parcels of land opposite public or private roads, under ownership, purchase agreement, option to purchase, leasehold agreement or other similar legal agreement by a single legal entity to own and/or develop the land. One or more phases of a PRD may be transferred to and be developed by a separate legal entity provided that the originating legal entity first secures preliminary approval of the specific phase or phases to be developed. A subsequent legal entity may file an application for final

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approval provided that the final plan shall conform substantially to the preliminary approved plan.

- C. Minimum acreage. The proposed PRD shall contain a minimum number of contiguous acres in accordance with the following table:

(1) In the R - Rural Land Classification	50 acres
(2) In the TR - Town Residential Land Classification	8 acres
(3) In the TC - Town Center Land Classification	5 acres
(4) In the SR - Suburban Land Classification	15 acres
- D. Utilities. All principal buildings within the proposed PRD shall be connected to county-approved central water and county-approved central sewage services or to on-site well and sewerage disposal systems approved by the County Health Department. All new electric service and telephone lines shall be placed underground.

§ 159.147 TYPES AND DENSITIES OF LAND USES.

- A. Housing types. A PRD may contain more than 1 type of residential use.
- B. Design. Commercial uses may be permitted in a PRD outside areas otherwise regulated by zoning provided they are compatible and harmoniously incorporated into the design of the PRD.
- C. Maximum acreage. Commercial uses shall not occupy more than 15% of the total PRD acreage, and no such areas shall be counted in measuring the total lot area of the PRD for the purpose of computing maximum residential densities.
- D. Maximum density. The maximum number of dwelling units for the total PRD, excluding permitted nonresidential uses, shall be determined by the County Health Department and Maryland Department of Environment, however, under no circumstances may the maximum average number of dwelling units per acre exceed the following:
 - (1) In the R Classification: 1 dwelling unit per acre, regardless of the dwelling type, with an incentive of 1 additional dwelling unit for each 15 acres within the PRD if public or central water is available.
 - (2) In the TR Classification: 1 dwelling unit per acre regardless of the type of dwelling unless public sewer and water or county-approved central sewage and central water is available under which 6 dwelling units per acre could be permitted.
 - (3) In the TC Classification: 1 dwelling unit per acre regardless of the type of dwelling unless public sewer and water or county-approved central sewage and central water is available under which 6 dwelling units per acre could be permitted.
 - (4) In the SR Classification: 1 dwelling unit per acre regardless of the type of dwelling unless public sewer and water or county-approved central sewage and

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central water is available under which 4 dwelling units per acre could be permitted.

- E. Impervious surfaces. The total percent of the PRD site which is to be covered by buildings, roads, parking areas and other impervious areas shall not exceed 30% of the total lot area.
- F. Minimum open space. The percent of the PRD site to be included within common open space shall be no less than 25% of the total lot area. Common open space includes recreation areas, pedestrian uses areas, steep slopes, floodplains and easements free of paving and structures, but does not include parking areas, roads and yard areas within 25 feet of any residential building.

§ 159.148 NATURAL FEATURES ANALYSIS.

To determine which specific areas of the total PRD are best suited for higher density development, and which areas should be preserved in their natural state as open space areas, a thorough analysis of the natural features of the site shall be provided by the applicant and shall address the following subject areas, at a minimum:

- A. Hydrology. Analysis and mapping of natural drainage patterns and water resources including streams, natural drainage swales, ponds or lakes, wetlands, floodplain areas, permanent high water table areas and seasonal high water table areas throughout the site.
- B. Geology. Analysis of characteristic of rock formations underlying the site including mapping of aquifers (particularly those locally subject to pollution), shallow bedrock areas and areas in which rock formations are unstable.
- C. Soils. Analysis, based upon the County Soil Survey, of types of soils present in the site area including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soils, soils most susceptible erosion and soils suitable for development.
- D. Topography. Analysis of terrain of the site including mapping of contour lines at vertical intervals of not more than 2 feet for land with average natural slope of 10% or less, and at intervals of not more than 5 feet for land with average natural slope greater than 10%, and including the delineation of slope areas over 20%, between 10% and 20% and under 10%.
- E. Vegetation. Analysis of tree and plant cover of the site, including delineation of principal wildlife habitat areas.

§ 159.149 COMMUNITY IMPACT ANALYSIS.

- A. To determine the impact of the PRD upon the county, analysis of the potential effects of the PRD upon public facilities, emergency services, utilities and roadway systems shall be submitted by the developer.
- B. A comparison of the costs to the county versus the tax revenues expected to be produced by the PRD shall be included in the analysis.

§ 159.150 SITE DESIGN PRINCIPLES.

Conventional siting practices such as the setback and orientation of buildings in relation to lot lines, roads and other buildings, may be varied to produce attractive and interesting arrangements of buildings, subject to the following general requirements:

- A. Residential structures shall be located and arranged to promote privacy for residents within the PRD and to maintain privacy for residents adjacent to the PRD.
- B. Residential and other structures located near the periphery of the PRD shall be designed to be harmonious with neighboring areas.
- C. Residential and other structures located within 200 feet of the perimeter of a PRD shall be set back by a distance sufficient to protect the privacy of adjacent existing uses. No structure shall be located within 20 feet from the perimeter boundary line of the PRD site.
- D. The natural features of the PRD site shall be a major factor in determining the siting of residential structures.
- E. Residential structures shall be located and sited to facilitate pedestrian and visual access to common open space wherever possible.
- F. No structure shall be located within 20 feet of the right-of-way of any road or common parking areas situated on the land surface.
- G. Off-road parking areas in conjunction with permitted nonresidential uses shall be located and designed to provide direct access to primary or secondary roads designated on the site plan of the PRD. Any parking areas that include more than 100 parking spaces shall have access only to primary or secondary roads.

§ 159.151 COMMON OPEN SPACE.

- A. The location, shape, size and character of the required common open space shall be provided in a manner consistent with the objectives set forth for PRDs in this chapter, with natural features constraints determined through the site analysis procedure, with the plans for recreation and conservation set forth in the adopted Development Plan, and with floodplain conservation regulations as set forth in the county floodplain management ordinance.
- B. Wherever possible, common open space shall be provided in contiguous or connected areas for maximum visual and pedestrian accessibility by all residents of the PRD.
- C. The uses and facilities provided in the common open space shall be appropriate to the scale and character of the planned development, considering its natural features, size, land use intensity, potential population and the number and types of dwelling units to be developed.
- D. Significant natural features such as woodland areas, large trees, natural watercourses and bodies of water, rock outcroppings and scenic views shall be incorporated into common open space areas whenever possible; provided, however, that no less than 25% of the total common open space area shall be suitable for passive or active recreation uses or areas.

§ 159.152 ROADS.

- A. The road system of the PRD shall be designed to relate harmoniously with land uses within and adjacent to the PRD.
- B. The road system of the PRD shall be designed consistent with the road standards of this chapter and to create a separation of automobile and pedestrian traffic through the coordinated design of roads, dwelling units, common open space areas and pedestrian walkways, to create efficient and safe connections with the existing public road system.
- C. The road system of the PRD shall be designed to prevent or minimize through traffic in residential areas.
- D. Cul-de-sac roads shall not exceed 1,500 feet in length, except when the County Planning Commission determines that the benefits for lengths in moderate excess thereof result in a project whose benefit to the public exceed the result of limiting the length of cul-de-sacs to the standard, such as reduced total area dedicated to roadways, or additional land preserved in a natural state. Cul-de-sac roads shall have a turning circle with a minimum right-of-way radius of 35 feet and an outer paved width of 25 feet radius and comply with all other provisions of § 159.111.
- E. The design and construction of all roads within a PRD shall conform to the road standards established in § 159.111.

§ 159.153 PARKING STANDARDS.

- A. Off-road parking spaces and areas in a PRD shall be provided as specified in §§ 159.158 through 159.162 of this Article.
- B. Parking areas shall be screened from adjacent structures, access roads and traffic arteries, by hedges, dense planting, walls, earth berms or changes in grade.

§ 159.154 WATER AND SEWAGE SERVICES.

Water and sewage services shall comply with requirements of the County Health Department, the Department of Public Utilities, or applicable utility supplier.

§ 159.155 TREE CONSERVATION AND LANDSCAPING.

- A. Existing trees shall be preserved wherever possible. The protection of trees 6 inches or more in diameter shall be a factor in determining the location of open space, structures, underground utilities, walks and paved areas. Areas in which trees are preserved shall remain at original grade level and undisturbed wherever possible.
- B. Where extensive natural tree cover and vegetation does not exist and cannot be preserved on the PRD site, landscaping shall be provided to enhance the appearance of the PRD, aid in erosion control, provide protection from wind and sun, screen roads and parking areas, and enhance the privacy of dwelling units.

§ 159.156 OWNERSHIP, MAINTENANCE AND PRESERVATION OF COMMON OPEN SPACE.

- A. The developer shall make provisions that make sure that the common open space land continues as such and be properly maintained.
- B. The developer shall provide for and establish an organization for the ownership, maintenance and preservation of open space which shall conform to the following standards and procedures:
 - (1) The organization shall be established by the developer before sale or rental of dwelling units in the PRD.
 - (2) The form, financial capability, rules of membership and methods of cost assessment of the organization shall be devised to insure the successful fulfillment of the maintenance, preservation and improvement responsibilities of the organization.
 - (3) The organization responsible for maintenance, preservation and improvement of common open space areas shall be the sole owner of the common open space lands.
 - (4) The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.

§ 159.157 PROCEDURAL REQUIREMENTS.

The plans and other required supplementary data for a proposed PRD shall be submitted for review and approval in accordance with the requirements and procedures specified below:

- A. Preapplication consultation. Prior to preparing and submitting an application for preliminary plan approval, the developer of a proposed PRD shall consult with the County Planning Commission. The purpose of the informal meeting is to discuss the general intent of the developer, to consider relationships to the County Development Plan, and to outline the approval process and the specific requirements for plan preparation and submission. It is strongly suggested that a sketch plan of the proposed development be submitted showing:
 - (1) Roads and other developments existing on and adjacent to the PRD tract;
 - (2) Significant natural features on the tract; and
 - (3) Proposed general road layout, general land use pattern and general lot and building arrangement.
- B. Application for preliminary PRD approval. The application for preliminary approval of a proposed PRD shall be executed by or on behalf of the landowner and shall be filed with the County Planning Commission not less than 15 days before the regularly-scheduled meeting at which preliminary approval is requested. The application for preliminary approval shall include documentation illustrating compliance with all of the standards for PRD's herein specified in §§ 159.145 and 159.153, and shall constitute a preliminary version of the development plan for the

PRD. Application for the preliminary approval shall include all information outlined in §§ 159.055 through 159.057 including the checklist and the following plans and documents necessary to determine the adequacy of the proposals.

- (1) A site map or maps drawn to scale showing hydrology, geology, soils, topography and vegetation of the site as required by § 159.148. The combined impact of the natural features upon the development potential of each specific area of the site shall be clearly illustrated on the map or maps.
 - (2) A site development plan drawn to scale showing the size, type and approximate location of all proposed roads and walkways; parking areas; buildings, common open spaces and facilities; sanitary sewer, water supply and storm drainage and other utility lines; and other proposed development features; and showing the relation of the proposed features to existing features of the same type on or adjoining the site.
 - (3) Preliminary profile drawings showing existing ground surface and proposed road grades, and propose grades of all other utilities if they do not follow road grades.
 - (4) Documents indicating the impact of the completed PRD upon public facilities, emergency services, utilities, roadway systems and existing development. Projections of the number of school children in the PRD shall be included. Where connections to centralized water supply and sewer systems are contemplated, projections of the required water supply capacity and waste water volumes generated by the PRD shall be included. The projected governmental costs for services to the completed PRD shall be compared to projected county tax revenues from the PRD. Documentation shall also show the approximate residential land use density of each area within the PRD and the average total residential density for the entire PRD.
 - (5) The proposed text of the deed restrictions or other legal documents relating to the ownership of the common open space areas, and summary information about the substance of covenants, grant of easements or other restrictions to be imposed upon the use of land, buildings and/or structures.
 - (6) A written statement by the landowner setting forth the reasons why, in his or her opinion, the PRD would be in the public interest and would be consistent with the County's Development Plan.
 - (7) Other information and documentation as may reasonably be required by the County Planning Commission to determine the adequacy of the proposed plans for the proposed PRD.
- C. Action by County Planning Commission. The County Planning Commission may, at its discretion, conduct a public hearing regarding the proposed PRD, giving notice of such hearing at least 14 days prior to the date fixed in at least 1 newspaper of general circulation. The notice shall contain the name of the applicant, the date, time and place of the hearing and the general nature of the hearing. At its next regular meeting following the hearing, or at its next regular meeting, if not hearing is conducted, the County Planning Commission shall review the proposed PRD and shall either:
- (1) Grant preliminary approval of the development plan as submitted;

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- (2) Grant preliminary approval subject to compliance with specified conditions; or
 - (3) Deny preliminary approval to the development plan.
- D. Findings of fact. The grant or denial of preliminary approval by the County Planning Commission shall be stated in writing to the applicant, describing the reasons for the approval, with or without conditions, or for denial, and describing with particularity in what respects the development plan would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:
- (1) The extent to which the PRD is or is not consistent with the County Development Plan.
 - (2) The purpose, location and amount of the common open space in the Planned Residential Development, the reliability of the proposals for maintenance and conservation of the common open space as related to the proposed density and type of residential development.
 - (3) The physical design of the development plan and the manner in which the design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.
 - (4) The relationship, beneficial or adverse, of the proposed PRD to the neighborhood in which it is proposed to be established.
 - (5) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and the residents of the PRD in the completion of the development plan.
- E. Status of approved preliminary PRD plan. Preliminary approval of a development plan shall not qualify a plat of the PRD for recording nor authorize development or the issuance of any building permits. A development plan, which has been given preliminary approval, shall not be valid for more than 5 years from the date thereof for PRD projects of less than 200 units, 10 years for PRD projects of 200 to 999 units and 15 years for PRD projects of 1,000 or more units unless an extension of time is granted in writing by the County Planning Commission.
- F. Application for final PRD approval. The application for final approval of a PRD plan shall be executed by or on behalf of the landowner and shall be filed with the County Planning Commission before the expiration of the preliminary approval. The plan and other data submitted for final approval shall be submitted not less than 15 days before the regularly-scheduled meeting at which final approval is requested, and shall conform substantially to the preliminary approved plan, except that, it may include only that portion of the PRD that the applicant proposed to record and develop at that time. The application for final approval shall include all information outlined in §§ 159.070 through 159.072 including the checklist and copies of the following documents:
- (1) The final plan of the PRD, drawn at a scale suitable for recording as specified in this chapter, and showing at least the following data:

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- a. North-arrow, date, written and graphic scales;
 - b. Accurate boundary lines of all lots, roads, right-of-way and common open space areas, with bearings, distances and curve data sufficient to permit all lines to be located by survey on the site, and with linear dimension, labeled to the nearest hundredth of a foot, and angular dimensions to the nearest 10 seconds of arc, and closing with an error of not more than 1 foot in 10,000 feet;
 - c. A listing of the total acreage of the PRD, the area within each lot or other parcel, the land uses in each area, the total number of dwelling units, number of each type of dwelling unit, the average total residential density and the total residential density in each section;
 - d. Locations and dimensions of all roads, including right-of-way and cartway lines, parking areas, pedestrian walkways, easements and permanent monuments and property line markers;
 - e. Building coverage lines accurately locating all dwelling units and nonresidential structures, giving dimensions of the structures, distances between the structures, distances to road lines and parking areas, with distances accurate to the nearest hundredth of a foot;
 - f. Location of common open space areas, specifically indicating those areas to be developed for active recreation, and showing the type of the exact location of structures and facilities to be developed in the common open space areas;
 - g. Name and address of the landowner and developer, identification of the deed or deeds giving title to the land within the PRD, and tax map numbers; and
 - h. Seal and signature of the registered engineer or registered land surveyor certifying the accuracy of the plan. Seal and signature of a registered land surveyor certifying the accuracy of the survey.
- (2) The final plan of the PRD shall be accompanied by the following additional plans and information:
- a. Final construction drawings for the installation of all site improvements required under this chapter or other county regulations, and including profiles and cross-section drawings for road, sanitary sewer, water supply and storm drainage systems if any.
 - b. Architectural drawings illustrating exterior designs and typical floor plans of typical dwelling units of each type and nonresidential structures to be constructed.
 - c. All covenants running with the land governing the reservation and maintenance of dedicated or undedicated common open space land. These covenants shall be subject to acceptance by the County Attorney as to their legal sufficiency.
 - d. Restrictions of all types which will run with the land and become covenants in the deeds of lots shown on the final plan.

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- e. The certificates of approval by other authorities as required by this chapter or by law, including certificates approving the water supply system, the sanitary sewer system and the erosion and sediment control plan.
 - (3) To guarantee that the improvements required by this chapter or by law will be constructed by the developer and without cost to the county, the final plan shall be accompanied by the improvement guarantees specified in §§ 159.090 through 159.092.
- G. Action by the County Planning Commission on PRD.
- (1) If the final plan and all supporting data comply with the provisions of this chapter and with the conditions, if any, specified in the grant of preliminary approval, the Planning Commission shall approve the final plan at the regularly-scheduled meeting and shall certify its approval by the signatures of its chairperson.
 - (2) If the final plan is not in compliance as specified in subsection (1), the County Planning Commission may refuse to grant approval, in which case the applicant shall be notified in writing and explicitly advised of the reasons for the refusal and of the actions necessary to bring the plan into compliance to receive approval. The applicant may then correct the deficiencies and resubmit the plan for approval, or may appeal the Planning Commission's decision to the Circuit Court of the county as provided in Md. Code, Article 66B.
- H. Effect of final approval. Every final plan approved by the Planning Commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the legally-adopted development plan for the county and shall constitute a part thereof.
- I. Recording of final plan. A copy of the approved final plan bearing the signatures of the Planning Commission's Chairperson and all other required endorsements shall be filed among the land records in the office of the Clerk of the County Circuit Court within 90 days after the date of approval by the Commission. If the plan is not filed, the Commission's approval shall become null and void.
- J. Enforcement and modification of the final plan. To further the mutual interests of the residents in the PRD and of the public for the preservation of the integrity of the development plan, as finally approved, and to insure that modification, if any, in the development plan, shall not impair reasonable reliance of the residents upon the provisions of the development plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the development plan as finally approved, whether those are recorded by plat, covenant, easement or otherwise, shall be subject to the following provisions:
- (1) The provisions of the development plan relating to the use, bulk and location of buildings and structures; the quantity and location of common open space, except as otherwise provided in this chapter; and the intensity of use or the density of residential units, shall run in favor of the county and shall be enforceable in law or in equity by the county without limitation on any powers of regulation otherwise granted the county by law.

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- (2) The provisions of the development plan shall run in favor of the residents of the PRD but only to the extent expressly provided in the development plan, and to that extent the provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced by law or equity by the residents acting individually, jointly, or through an organization designated by the development plan to act on their behalf; provided, however, that no provisions of the development plan shall be implied to exist in favor of residents of the PRD except as to those portions of the development plan which have been finally approved and have been recorded.
- (3) All those provisions of the development plan authorized to be enforced by the county under this section may be modified, removed or released by the county, except grants or easements relating to the service or equipment of a public utility, subject to the following conditions:
 - a. No modification, removal or release of the provisions of the development plan by the county shall affect the rights of the residents of the PRD to maintain and enforce those provisions, at law or equity, as provided herein.
 - b. No modification, removal or release of the provisions of the development plan by the county shall be permitted except upon a finding by the governing body or its designated agency, following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of this chapter, that the same is consistent with the efficient development and preservation of the entire PRD, does not adversely affect either the enjoyment of land abutting upon or across the road from the PRD or the public interest, and is not granted solely to confer a special benefit upon any person.

§ 159.158 REQUIRED OFF-ROAD PARKING SPACE TABLE.

Off-road parking spaces within a PRD shall be provided and satisfactorily maintained in accordance with the following provisions for each building or use which, after the effective date of this chapter, is established, erected, enlarged or altered for any of the following purposes or uses in any district; for uses not specifically listed, the requirements for the most similar use listed shall be followed:

Use	1 Off-Road Parking Space Required for Each	Plus 1 Off-Road Parking Space Required for Each
Natural resources and agricultural uses		
Agricultural	Full-time non-resident employee	—
Residential uses		
Single-family detached or multi-family dwellings or other dwellings not listed separately	0.5 per bedroom unit	—
Manufactured/mobile home parks	1.5 per dwelling unit	—
Conversions, rooming or boarding houses	1 dwelling/rental unit	—

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Use	1 Off-Road Parking Space Required for Each	Plus 1 Off-Road Parking Space Required for Each
Home occupations	Non-resident employee	1 space per 200 square feet of floor area accessible to visitors
Public or private recreational uses		
Commercial swimming pools or beaches	4 persons of total capacity	Full-time employee
Boat storage Long-term indoor boat storage (winter storage) Intermittent or day use boat storage		4 parking spaces for employees 1 space for every 5 boats of storage capacity, plus 1 space for each employee
Boat launching ramps		Parking spaces must equal the number of day use launches by DNR as specified under the DNR licensing procedure
Marinas	1 parking space for each 2 boat slips plus 1 space for each 600 square feet of showroom area if showroom is provided	Plus 1 space for each full-time employee
Private or membership clubs or lodges	6 members or 6 persons of total capacity	Full-time employee
Golf courses, driving ranges, miniature golf	3 persons of total capacity	Full-time employee
Bowling alleys	0.25 lanes (4 spaces per lane)	2 full-time employees
Theaters, auditoriums, libraries, skating rinks, stadium	6 seats (bench capacity computed at 1 seat for each 20 inches)	2 full-time employees
Institutional and educational uses		
Churches or other places of worship	4 seats	100 square feet of meeting room area plus 1 space for each 2 employees
Licensed hospitals or nursing home	3 patient beds	Staff and visiting doctors, plus 1 space for each 2 employees
Medical or dental offices, clinics	0.25 practitioner (4 spaces per practitioner)	Full-time employee
Meeting or assembly halls for fraternal or civil organizations	50 square feet of floor area	2 full-time employee
Schools	0.8 faculty and other full-time employees (1.25 per employee)	2 students aged 16 years or older

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Use	1 Off-Road Parking Space Required for Each	Plus 1 Off-Road Parking Space Required for Each
Retail and commercial services uses		
Automobile servicing and repair	1/3 service bay (3 spaces per bay)	Full-time employee
Automobile, truck, furniture or appliance stores	300 square feet of sales floor area	Full-time employee
Business services such as banks, credit unions	100 square feet of floor area used for serving customers	Full-time employee
Professional offices such as real estate, insurance consultants	200 square feet of gross floor area	Full-time employee
Retail stores and businesses	100 square feet of area used for serving customers	2 full-time employees
Funeral homes	4 seats for patron use or 50 square feet of gross floor area	Full-time, non-resident employee
Hotels, motels	Rental room or suite	Full-time employee
Personal service business such as barber shops, photo shops, appliance repair	100 square feet of floor area used for serving customers	2 full-time employees
Restaurants, taverns	3 seats for customers	2 full-time employees
Drive-in restaurants	100 square feet of gross floor area	Table or booth, plus 1 space for each 2 counter stools, plus 1 space for each 2 employees
Self-service laundromats	Washing or dry cleaning machine	
Shopping centers and neighborhood convenience centers	167 square feet of retail sales area (6 spaces per 1,000 square feet)	
Commercial resort		
Manufacturing and industrial uses		
Wholesaling and warehousing	200 square feet of office and customer-service floor area	1.5 employees
Manufacturing and industrial uses	0.9 company officials, managers and the like	1.5 other employees on-site during the peak time of day, plus 1 space for each company vehicle based at the plant

§ 159.159 GENERAL PARKING REGULATIONS FOR PRDS.

- A. Existing parking. Structures and uses in existence within a PRD at the effective date of this chapter shall not be subject to the requirements of this subchapter so long as the kind or extent of use is not changed, provided that any parking facility now

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serving the structures or uses shall not in the future be reduced to an amount less than that required by this chapter.

- B. Changes in use. Whenever a building or use within a PRD is changed or enlarged in floor area, number of employees, number of dwellings, seating capacity or otherwise to create a need, based upon the requirements of the required off-road parking spaces table for an increase of 10% or more in the number of existing parking spaces, the number of additional spaces to be provided shall be based upon the incremental change or enlargement.
- C. Conflict with other uses. No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve.
- D. Continuing character of obligation. All required parking facilities shall be provided and maintained so long as the use which the facilities were designed to serve still exists. Off-road parking facilities shall not be reduced in total extent except when the reduction is in conformity with the requirements of this subchapter in conjunction with a change in the nature of the use.
- E. Joint use.
 - (1) Two or more uses may provide for required parking in a common parking lot. The total number of spaces in such lot shall not be less than the sum of the spaces required for each use individually, unless such lot is provided as specified in subsection (2).
 - (2) Up to 50% of the parking spaces required for a) theaters, auditoriums, bowling alleys or private clubs, and up to 100% of the parking spaces required for churches or meeting halls, may be provided collectively and used jointly by b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in a) provided, however, that a written agreement assuring the continued availability of the parking areas shall be properly drawn and executed by the parties concerned, approved as to legal sufficiency by the County Attorney, and filed with the application for the building permit.
- F. Mixed uses. Where a permitted use contains or includes more than 1 of the types of uses identified in the required off-road parking spaces table, the number of parking spaces required shall be the sum of the computed requirements for the separate types of uses.
- G. Location of parking spaces. Required off-road parking spaces shall be on the same lot or premises with the principal use served, or where this requirement cannot be met, within 400 feet walking distance of the principal use.
- H. Fractional spaces. Where the computation of required parking spaces results in a fractional number, only the fraction of one-half or more shall be counted as 1.

§ 159.160 PARKING DESIGN STANDARDS.

The design standards specified in this section shall be mandatory for all new off-road parking facilities within a PRD with a capacity of 4 or more vehicles. The facilities shall

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be designed so that their use shall not constitute a nuisance or hazard, or unreasonable impediment to traffic.

A. Parking lot dimensions shall be no less than the in the following table:

Angle of Parking Measured From Curb	Stall Width (Feet)	Stall Depth* (Feet)	Aisle Width (Feet)	
			1-Way	2-Way
Automobile parking				
90°	9	18	20	22
60°	9	18	18	21
45°	9	18	15	18
30°	9	18	12	15
Parallel	8	22	12	18
Automobile and trailer parking				
60°	10	53 * (measured perpendicular to curb)	15	

B. Each automobile parking space shall contain a rectangular area with minimum stall depth and width as stated in the table above. Parking spaces may be at various angles in relation to curbs or aisles as indicated in the table above, provided that all parking spaces shall contain the minimum rectangular area.

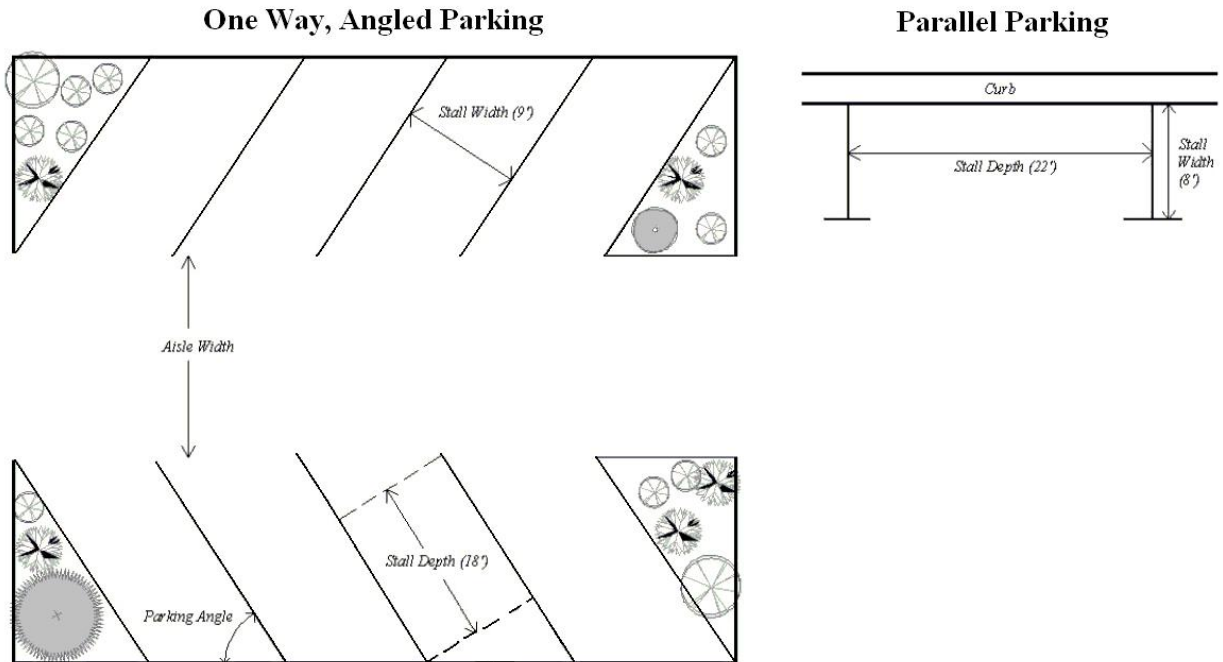


Figure 2. Parking Area Dimensions

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- C. Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
- D. The width of entrance and exit drives shall be:
 - (1) A minimum of 12 feet for 1-way use only.
 - (2) A minimum of 20 feet for 2-way use; and
 - (3) A maximum of 40 feet at the road line.
- E. No parking areas shall be designed to require or encourage parked vehicles to back into a public road in order to leave a parking space.
- F. Except for areas that are landscaped and so maintained, all portions of required parking facilities, including driveways shall be graded, surfaced with asphalt or other suitable material, and drained to the extent necessary to prevent dust, erosion or excessive water flow across roads or adjoining properties.
- G. All lighting fixtures used to illuminate parking areas shall be arranged to prevent glare into public roads and adjoining properties.
- H. Except where entrance and exit drives cross road lines, all parking area for any purpose other than single family residences shall be physically separated from any public road by a concrete curb or by a planting strip which shall be not less than 10 feet in depth. This 10-foot planting strip shall be parallel to the road line and shall be measured from the future right-of-way line, if any.
- I. Permitted boat launch ramps shall have accessory parking areas to accommodate vehicles with boat trailers. The parking areas shall be designed in accordance with the parking design standards in this section. A minimum of 20 vehicle and trailer parking stalls shall be provided, unless a revised regulation is officially established under the Federal Americans with Disabilities Act.
- J. Handicapped parking.
 - (1) Number of spaces. Any lot including 4 or more off-road parking spaces for uses other than single-family dwellings or TVRUs shall include a minimum of 1 handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is officially established under the Federal Americans with Disabilities Act:

Total Number of Required Parking Spaces on the Lot	Required Minimum Number/Percent of Handicapped Parking Spaces
4 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9

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Total Number of Required Parking Spaces on the Lot	Required Minimum Number/Percent of Handicapped Parking Spaces
501 - 1,000	2% of required number of spaces
1,001 or more	20 plus 1% of required number of spaces over 1,000

- (2) Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
- (3) Minimum size. Each required handicapped parking space shall be 8 by 18 feet. In addition, each space shall be adjacent to a 5 feet wide access aisle. The access aisle may be shared by 2 handicapped spaces by being placed between them. However, 1 out of every 8 required handicapped parking spaces shall have an adjacent access aisle of 8 feet width instead of 5 feet.
- (4) Slope. Handicapped parking spaces shall be located in areas of less than 2 percent slope in any direction.
- (5) Marking. All marked handicapped spaces shall be well-marked by clearly visible signs or pavement markings. Blue paint is recommended.
- (6) Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is accessible with a wheelchair.

K. Bicycle parking. To comply with 1995 amendments to Md. Code, Article 66B, any new use within a PRD required to provide 10 or more new off-road parking spaces shall include a suitable area for the parking of bicycles. The area should allow for locking of bicycles to a secure feature, but shall not result in obstructions to fire exists or handicapped access.

§ 159.161 LOADING AREA.

- A. All permitted uses within a PRD requiring truck loading and unloading space for normal operations shall provide adequate loading space so that no vehicle being loaded or unloaded in connection with the normal operations shall stand in or project into any public road.
- B. The applicant shall provide evidence acceptable to the Subdivision Administrator that the loading space(s) will be large enough to reasonably accommodate the size of trucks expected to routinely service the use. To serve medium sized trucks, each loading space is intended to be at least 30 feet in length by 12 feet in width by 14 feet in height.
- C. The applicant shall provide evidence acceptable to the Subdivision Administrator that the number of off-road loading spaces will be sufficient.
- D. Each required off-road truck-loading berth within a PRD shall have unobstructed access to a public road. The access may be combined with access to an off-road

parking lot; provided, however, that all berths shall be designed so that maneuvering of trucks to reach the loading dock shall not require the use of any required off-road parking spaces or intrude into any road right-of-way. No off-road loading berth shall be located in any required front yard.

- E. All permitted or required landing berths shall be on the same lot as the use to which they are accessory, except that berths may be provided in spaces designed to serve jointly 2 or more adjacent establishments provided that the number of berths in the joint facilities shall not be less than the total required separately for all establishments.

§ 159.162 PARKING LANDSCAPING INCENTIVE.

If the parking area for a commercial enterprise is landscaped and the impervious surface reduced by an alternative paving surface as approved by the County Planning Commission, then a 10% reduction in the total number of parking spaces required elsewhere in this chapter will be allowed.

§ 159.163 – 159.998 RESERVED.

ARTICLE 13. PENALTIES

§ 159.999 PENALTY.

- A. Whoever being the owner or agent of the owner of any land located within a subdivision transfers or sells or agrees to sell or negotiate to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before the plat has been approved by the County Planning Commission and recorded and filed in the Office of the County Land Records Office, shall forfeit and pay a civil penalty of not less than \$200 and not more than \$1,000 in the discretion of the court, for each lot or parcel so transferred or sold or agreed or negotiated to be sold.
- B. If any person or entity violates a provision of this chapter, the violation shall be a misdemeanor, punishable by a fine of \$500 per violation, with each day that the violation occurs representing a separate violation.
- C. The description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties or from the remedies herein provided.
- D. The county may enjoin the transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the penalty by civil action in any court of competent jurisdiction.

***APPENDIX A: PLAN PREPARER'S STATEMENTS; OWNER'S STATEMENT;
APPROVAL/REVIEW BLOCK FORMS***

PLAN PREPARER'S STATEMENTS - Model Forms.

I, _____, a professional land surveyor or licensed property line surveyor registered in the State of Maryland, do hereby certify that the Plan correctly and accurately represents the boundaries of the proposed new lot(s).

Date

Surveyors' Signature

I, _____, a professional land surveyor/ registered landscape architect/ registered architect/ licensed professional engineer in the State of Maryland, do hereby certify that the accompanying application, plans and supporting documentation are true and accurate, to the best of my knowledge.

Date

Plan

Preparer's Signature

Address
Name

Printed

OWNER'S STATEMENT - Model Form.

We, the owners of the land involving the accompanying plans, being duly sworn according to law, state that we are the majority owners or are the authorized officers of the corporation that are the majority owners of this property in peaceful possession of it, and that there are no suits pending affecting the title of same, and that we acknowledge and endorse the accompanying plans and that we will propose a record plan for recording (as applicable), after receiving all required municipal approvals.

OWNER'S OR AUTHORIZED CORPORATE OFFICER'S SIGNATURES

Date

Printed Name

Printed Name

APPROVAL/REVIEW BLOCK

REVIEWED BY THE COUNTY PLANNING COMMISSION STAFF

County Planning Commission Staff Person Responsible for Review
Date

REVIEWED BY THE COUNTY ENGINEER

County Engineer
Date

APPROVED BY THE GARRETT COUNTY PLANNING COMMISSION AND
ACCEPTED FOR RECORDING

Chairperson Secretary
Date

APPENDIX B: LAND CLASSIFICATION MAP