

CODE OF ALLEGANY COUNTY MARYLAND

PART 1 SUBDIVISION REGULATIONS

[ADDED 12-12-1996]

ARTICLE I General Provisions

§141-1. Legislative purpose.

- A. Purpose. This Part 1 is to establish measures and requirements for the subdivision of parcels of land and to establish procedures by which these requirements and measures are to be administered and enforced. The purpose of this Part I is to help ensure the orderly development of the county in accord with the County Comprehensive Plan and to provide for adequate community facilities in newly developing areas.
- B. Authority. This Part 1 is adopted under authority of and in compliance with the provisions of Article 66B of the Annotated Code of Maryland.
- C. Jurisdiction. This Part 1 shall apply to the unincorporated area of Allegany County.
- D. Municipal proximity. In case the proposed subdivision or part thereof is adjacent to the corporate limits of any municipality which has adopted subdivision regulations, a copy of the preliminary plat shall be referred to the municipal authorities for their information.

§141-2. Definitions. [Amended 10/10/2002 by CHR Bill 08-02, Effective 11/24/2002]

As used in this Part 1, the following terms shall have the meaning indicated. (Also see Part 4, § 141-71, for definitions.)

BUILDABLE LOT - See § 141-21C(2), (3) and (4) for buildable sites.

COMAR 26 - Code of Maryland Regulations, Title 26, Department of the Environment, Regulation of Water Supply, Sewage Disposal and Solid Waste. All references to wells, septic systems, community water or sewage systems or public or major water or sewage systems are to be in conformance with the provisions of COMAR 26.04.02-04.

COMPREHENSIVE PLAN - The County Comprehensive Plan as adopted, updated, or amended and any part of such plan.

COUNTY ENGINEER - An employee of the county having responsibility for reviewing plats and improvement plans for their conformity to the engineering requirements of the Subdivision Regulations and §32-4 of the latest edition of the Code of Public Laws of Allegany County.

DEVELOPER - See "subdivider."

EASEMENT - A privately or publicly owned strip of land on which limited access is provided to a unit of government, private company or individual, for one or more specific purposes, without including title to the land. Easements do not necessarily permit public access to the right-of-way.

EASEMENT, SCENIC, CONSERVATION OR PRESERVATION - An agreement with a government body or private organization, whereby a property owner agrees to preserve the land as is or to prohibit certain types of uses on the land. Such an agreement does not necessarily permit public access to the property.

IMMEDIATE FAMILY - Limited to husband, wife, mother, father, son, daughter, brother, sister, stepparents, stepchildren, stepbrother or sister and grandparents or grandchildren.

LOT - A contiguous area of land separated from other parcels of land by a boundary which is described on a subdivision plat or deed and, where necessary, properly approved by the Planning Commission and properly recorded with the Clerk of the Circuit Court; also includes the following meanings: parcel, tract or plot of land.

LOT OF RECORD - A lot or parcel of land separated from other parcels of land by a boundary which is described in a deed, subdivision plat, survey map or other description which was recorded with the Clerk to the Circuit Court prior to the effective date of the State Subdivision Regulations, March 3, 1972. Where a more recent deed describes a number of lots of record which were merged into one parcel, then the newly described parcel becomes the lot of record.

LOT AREA - The total horizontal area of a lot as determined by the closure of the rear, side and front lot lines but does not include area lying within a publicly dedicated right-of-way.

LOT, DOUBLE-FRONTAGE -- A lot extending through the block from one street or right-of-way to another.

LOT LINES - Lines of survey described in a recorded deed, subdivision plat or other instrument.

LOT SPLIT - A portion of an existing lot or parcel which is transferred to an adjacent parcel. (See § 141-13, lot splits.)

LOT WIDTH - The distance between the side lot lines measured at the front lot line on a public right-of-way.

LOT DEPTH - The distance between the front and rear lot lines.

MAJOR HIGHWAY OR ROAD PLAN - The County Comprehensive Plan for highways, including standards, specifications, as noted in the Comprehensive Plan, and other documents and maps.

PLANNED DEVELOPMENT - Includes mobile home parks, multi-family housing, condominiums, townhouses, cluster residential developments, industrial parks, shopping centers, neighborhood convenience centers, campgrounds and resorts, having water and/or sewer systems and an internal road system maintained by the developer or his assigns.

PLANNING COMMISSION - An appointed body created by the County Commissioners having authority to approve subdivision plats.

PLANNING DIRECTOR - An employee of the county having responsibility for reviewing plats for their conformity with the Subdivision Regulations.

PLATTED STREET - A public right-of-way so designated on a recorded plat.

REMAINDER TRACT - That portion of a parcel remaining after any portion of the original parcel has been subdivided into one or more new lots.

SETBACK - A specified distance which a building or use must be from adjacent lots, rights of way, easements, stream channels or wetlands.

SEWER SYSTEM - Sewer systems include community systems and major systems as defined by state regulation in COMAR 26.04.03 and 26.04.04.

STATE - Includes the Maryland Department of the Environment, the Allegany County Health Department and the Health Officer for Allegany County.

STREET - A way for vehicular traffic whether designated as a street or highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated. A public street is one that has been dedicated to public use. A publicly maintained street is one that has been accepted for maintenance by the county or other governmental agency. Types of streets are:

A. PRINCIPAL ARTERIALS:

- (1) Serve interstate and intrastate travel.
- (2) Serve as major truck routes.
- (3) Have fully controlled limited access.
- (4) Connects Allegany county with major population centers (greater than 50,000).

B. MAJOR ARTERIALS:

- (1) Serve interstate, intrastate and intracounty travel.
- (2) Serve as truck routes.
- (3) Partially controlled access.
- (4) Connects population centers within Allegany County and smaller population centers (less than 50,000) outside the county.

C. MINOR ARTERIALS:

- (1) Serve intracounty travel,
- (2) Connect principal and major arterials, particularly in urbanized areas,
- (3) Partially controlled access. Connect small population centers with major towns inside the county.

D. COLLECTORS: ²

- (1) Serve intracounty travel in the urban and rural areas of the county.
- (2) Connects streets and roads to minor arterials, more particularly in major subdivisions and industrial parks.
- (3) Access controlled by lot width of the permitted use.

E. LOCAL STREETS:

- (1) Serve intracounty travel in the urban areas of the county.
- (2) Access controlled by lot width of the permitted use.
- (3) Tie residential traffic with collectors and with other roads and streets.

F. OTHER NONURBAN ROUTES:

- (1) Serve intracounty travel outside the urban areas of the county.
- (2) Partially controlled access.
- (3) Serve agricultural uses, forests, parks and isolated residences.

G. HARDSURFACED STREETS: any road or street built to county or state standards and surfaced with asphalt, cement, bituminous concrete or tar and chips and which has been accepted for maintenance into the county- or state-maintained system.

SUBDIVIDER - The person who creates new lots or parcels; also called "owner", "developer" and "applicant".

SUBDIVISION - Any land which is divided or proposed to be divided into one or more new lots, parcels, sites or plots for the purpose of transfer, sale or building development or resubdivision. (See §§141-11 and 141-14 for definitions of minor and major subdivisions, respectively.)

VARIANCE - A modification to the requirements of this Part 1 which must be decided by the Planning Commission.

WATER SYSTEM - Includes community systems and major systems as defined by state regulation in COMAR 26.04.03 and 26.04.04.

ZONING ORDINANCE - The Allegany County Zoning Ordinance, Part 4 of this Chapter, as adopted or amended, or any part thereof.

§141-3. Variation of provisions; exemptions.

- A. Variance. The Planning Commission may vary the principles and standards of subdivision design in the case of unusual physical conditions; provided however, that no modifications shall be granted which would conflict with the Comprehensive Plan of Allegany County or with the intent and purposes of these regulations.
- B. Exemptions.
 - (1) Property transfers subject to federal or state control are exempt from the provisions of this Part 1.
 - (2) This Part 1 shall not apply to the transfer of land for public utilities structures or essential services as defined in § 141-71 of Part 4, the County Zoning Ordinance.

§141-4. Payment of fees.

Fees to partially cover the cost of reviewing the plats and plans and other documents required herein and for recording the final plat shall be collected at the time of submission in accordance with such

schedule of charge as may be adopted by the County Commissioners and amended from time to time.

§141-5. Violations and penalties.

- A. Any person who violates these regulations shall be subject to the penalties prescribed in Article 66B of the Annotated Code of the State of Maryland.
- B. In addition, the county may also institute injunction, mandamus or other appropriate action or proceedings at law or equity for the enforcement of violations or to correct violations, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate forms of remedy or relief.

§141-6. Severability.

If any section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or contrary to the Laws of Maryland, such decision shall not affect the validity of the remaining portion of these regulations.

§141-7. Repealer.

The Allegany County Subdivision Regulations adopted September 25, 1981, and all amendments are repealed as of the effective date of these regulations.

§141-8. Continuance of plats approved under prior regulations.

Any plat approved and recorded under the authority of previously adopted Subdivision Regulations remains valid. Any plat or deed recorded prior to the adoption of County Subdivision Regulations under the authority of then existing laws remains valid.

ARTICLE II
Subdivision Plats

§141-9. Subdivision plat required; preparation.

- A. Plat required. Effective the date of adoption of these regulations, any owner of any tract, parcel or lot of land located in the unincorporated part of Allegany County who subdivides that land, creating one or more new lots or parcels of land, shall have a plat of this subdivision prepared in accordance with these regulations and with the provisions of Article 66B of the Annotated Code of Maryland.
- B. Conformance to zoning. Subdivisions must be created in conformance with the provisions of the County Chapter 141, Part 4, Zoning; Chapter 141, Part 2, Sediment and Erosion Control; Chapter 141, Part 3, Stormwater Management; Chapter 130, Floodplain Management; and any other local or state laws.
- C. Subdivision status.
 - (1) Prior to preparation of any plat, the county must review the deed record of any land being subdivided to determine its eligibility for minor or major subdivision status. This procedure is necessary to determine the number of lots which have been created

since March 3, 1972, the effective date of the State of Maryland subdivision regulations. The process will also determine how many lots can be created and the types of services which need to be extended to each lot. This information is to be noted on the plat.

- (2) It is the applicant's responsibility to submit copies of any existing plats or deeds; which transferred any part of the property being; subdivided after March 3, 1972. This may include lots created prior to the current owner or lots created from parcels currently owned by another party. The county will review this information and, through a joint meeting with the state, determine the status of the land being subdivided.
- D. Remainder tract. Lots must be created in such a manner that the remainder has frontage on a publicly dedicated right-of-way and meets lot width and depth requirements so that it can be a buildable lot. Any portion of a remainder that is less than two acres in size will be treated as a subdivided lot and must be shown on the plat as such. Any remainder tract is also subject to Maryland subdivision regulation requirements as administered by the state and must be marked "not approved for building" on the plat until both county and state requirements are met.

§141-10. Recording; sale of lots.

- A. No plat of any subdivision in the unincorporated part of the county shall be recorded in the land records of Allegany County until it has been approved and signed by the County Engineer, the County Health Officer and the Planning Commission Chairman or designee.
- B. Sale of lot. No land in any subdivision created after the adoption of these regulations shall be transferred, sold or offered for sale, nor shall a building permit be issued for any structure on this land until an approved plat of the subdivision has been recorded in accordance with these regulations and the provisions of Article 66B of the Annotated Code of the State of Maryland.

ARTICLE III
Minor Subdivisions

§141-11. Process.

- A. Minor subdivision definition.
 - (1) The division of a parcel of land into a number of lots, at one time or over a period of time, according to the following formula and criteria shall be considered a minor subdivision. When the number of lots being created exceed that allowed by the criteria, then any further subdivision shall be as a major subdivision.
 - (2) Lots dedicated to recreational use shall be labeled "for nonresidential recreational use only" and do not count as one of the lots allowed in a minor subdivision.
- B. Minor subdivision requirements. It shall be the subdivider's responsibility to assure that the proposed lot(s) meet the criteria of the State of Maryland subdivision regulations for wells, septic systems, water systems or sewer systems as defined in COMAR 26.04.02.04. It shall also be the subdivider's responsibility to assure that the proposed lot(s) have direct access from the lot to a right-of-way dedicated to public use.

- (1) Water and sewer requirements. Minor subdivisions may be created using private wells and septic systems or a combination of public utilities and private systems. Under Maryland subdivision regulations, the state may require the extension of both public water and sewer within a sanitary district or within 1,000 feet of existing utility lines. Where lots have access to publicly maintained utilities, minor subdivision plats will contain a note stating that utilities will not be accepted for maintenance by the county until the utilities are installed to county standards.
- (2) Roads and rights-of-way requirements.
 - (a.) Minor subdivisions may be created where lots have access to publicly maintained roads or streets or to nonpublicly maintained rights-of-way dedicated to public use. Minor subdivision plats will contain a note stating that the public rights-of-way dedicated thereon which are not in the county- or state-maintained system will not be accepted for maintenance by the county until the roads or streets are built to county standards.
 - (b.) When lots are on rights-of-way beyond county maintenance, the subdivider shall also be responsible for grading this right-of-way to county sediment and erosion standards to each lot and shall be responsible for stormwater management related to road grading or utility installation within the subdivision.

C. Types of minor subdivisions.

- (1) Minor subdivisions in the nonurban zoning districts.
 - (a.) All parcels in the A or C zoning districts, which were recorded as of March 3, 1972, may be subdivided into five lots or less, including the remainder or original parcel, in conformance with the criteria listed in Article V. Any single lot or parcel containing more than 100 acres may have one lot created for each 50 acres or fraction thereof from the additional parcel area beyond 100 acres, as of March 3, 1972. However, no more than five lots may be created from any parcel in the above zoning districts on any dedicated rights-of-way beyond county or state road maintenance.
 - (b.) In a case where a developer wishes to create lots which cross the boundaries of adjoining parcels existing prior to March 3, 1972, the Planning Commission may grant approval to allow more than five lots or portions of lots in any existing parcel, provided that the total number of lots created does not exceed five lots per existing parcel.
- (2) Minor subdivision in the urban districts. In the R, G-1, G-2, B-1, B-2 and I Districts (urban zoning districts), any parcel may be subdivided into lots in conformance with the criteria listed in Article V so long as each lot has frontage on a road or street in the county- or state-maintained system. However, no more than five lots may be created from any parcel in the above zoning districts on any dedicated rights-of-way beyond county or state road maintenance.
 - (a.) A parcel in the urban zoning districts, which is the remainder of a tract from which a major subdivision was earlier recorded, may be subdivided so long as the criteria in Article IV are met.
 - (b.) Previously subdivided lot or remainder tracts in approved minor subdivisions in the urban zoning districts may be resubdivided so long as the criteria in Article IV are met.

- (3) Minor subdivisions for family members.
 - (a.) Lots or parcels in any district may be created for members of the immediate family, as defined in §141-2, so long as no more than one lot is created for a specific family member. Any lot so created does not count as one of the lots allowed in either Subsection C(1) and (2). The plat will contain an additional note stating that this lot is for a family member. Permits for the principal residential structure on these lots will be issued only to the family member specified on the plat.
 - (b.) When an existing parcel is subdivided into three or fewer parcels for members of the immediate family to the rear of the original parcel, then a thirty-foot easement for access to the rear lots may be permitted. Any further subdivision will require public dedication of a fifty-foot right-of-way.
- D. Preliminary plat conference. Each applicant for a minor subdivision or his agent shall schedule a conference with the county to discuss the plat preparation and approval process prior to submitting a plat for review. The county will provide information and advice concerning the review procedure and provide coordination for the plat review and approval. The county will not, however, undertake to design the subdivision or perform any service for which a qualified surveyor should be engaged.
- E. Preliminary plat for minor subdivisions. Following the preliminary plat conference, the subdivider shall prepare a preliminary plat of the proposed subdivision or section of the subdivision, conforming with the requirements set forth in Article V, Design Standards. The appropriate number of prints of the plat shall be filed at the office of the Planning Commission prior to agency review.
- F. Review procedure. The preliminary plat will be checked as to its conformity with Part 4, Zoning, of this chapter and pertinent features of the Comprehensive Plan and the principles, standards and requirements herein set forth. Copies will be referred to any other county or state officials concerned with public improvements or health requirements for their recommendation or other appropriate action. When necessary, corrected versions of the preliminary plat will be required for further review.
- G. Improvement installation in minor subdivisions. In the event that utility systems, publicly maintained roads or other improvements are extended in a proposed minor subdivision, it will be the developer's responsibility to provide these improvements to county procedure and standards set forth in § 141-17 and Article V.
- H. Final plat preparation. Following Preliminary plat review and approval and improvement plan approval, when applicable, a final plat shall be prepared in conformance with the design standards noted in Article V.

§141-12. Plat approval.

- A. If the Planning Commission, acting through the Planning Director, is satisfied that the proposed subdivision is not contrary to applicable provisions of these regulations or any other law or ordinance, it will, after approval and signature of the County Health Officer, the County Engineer and any other applicable agency head, approve such subdivision and have the plat signed and dated by the Planning Director. The County Engineer's approval of the plat does not constitute acceptance of roads or utilities into the county system for maintenance.

- B. Following approval by all agencies, the Planning Commission shall file (at the applicant's expense) two Mylar-based prints for record with the Clerk of the Court of Allegany County and shall distribute prints to other approving agencies, one to the Supervisor of Assessments and one to the Planning Commission files. One signed copy shall be returned to the applicant or his agent.

§141-13. Lot splits.

When an existing lot, regardless of its size, is to be split into two adjacent lots and ownership is to be transferred to adjacent lot owners or when part of an existing lot is transferred to an adjacent lot owner, no subdivision plat will be required unless a dwelling unit is to be placed on one of the parcels being transferred. Should a dwelling unit be placed on one of the transferred parcels either at the time of the lot split or at some future time, then the lot split will be treated as a subdivision. In any case, a copy of the deed or survey of the lot involved shall be submitted to the Planning Commission for its files. If a lot split results in the creation of a remainder tract, this tract must meet the criteria set forth in § 141-9D.

ARTICLE IV
Major Subdivisions

§141-14. Process.

- A. Major subdivision definition. All subdivisions not classified as minor subdivisions or as lot splits are major subdivisions. All lots created in a major subdivision must have access to a road or street which is constructed to state or county standards and is in a publicly maintained system. All lots in a major subdivision must be served by either water or sewer systems per the Maryland subdivision regulations as administered by the state. The state may require extensions of both water and sewer systems where lots are within a sanitary district or within 1,000 feet of existing available utility service from a water or sewer system.
- B. General procedure. In planning and developing a Major Subdivision, the subdivider or his agent shall comply with the general principles and standards for subdivision design as set forth in this section of the Code and with the design standards noted in Article V and in every case shall observe the detailed application procedure as outlined below.
- C. Pre-application conference. The county will assist the subdivider by furnishing information and advice, so as to expedite matters for the subdivider, save him unnecessary expenses and promote the best coordination between the plans of the subdivider and those of the county. The county, however, will not undertake to design the subdivision or to perform other services for which a qualified surveyor, landscape architect or engineer should more properly be engaged.

§141-15. Sketch plan.

- A. Procedure. Following the pre-application conference, the subdivider shall prepare a sketch plan of the entire tract or property which is ultimately to be developed. Where only a portion of the property is to be developed, the subdivider shall still prepare a sketch plan showing the entire property and its ultimate development potential. The sketch plan shall be prepared in conformance with the design standards noted in Article V.

- B. Sketch plan conference. Following preparation of the sketch plan and submission of sufficient copies for reviewing agencies, the Planning Commission staff shall schedule a meeting with the subdivider and all regulatory agencies involved in reviewing the sketch plan and subsequent plats.

§141-16. Preliminary plat.

- A. Preparation. Following sketch plan review, the subdivider shall prepare a preliminary plat of the proposed subdivision or section of the subdivision, conforming with the requirement set forth in Article V. The appropriate number of prints of the plat shall be filed at the office of the Planning Commission prior to agency review.
- B. Review procedure. The preliminary plat will be checked as to its conformity with Part 4, Zoning, of this chapter and pertinent features of the Comprehensive Plan and the principles, standards and requirements herein set forth. Copies will be referred for their recommendations or other appropriate actions to any other county or state officials concerned with public improvements or health requirements. If necessary, another conference with the subdivider and all reviewing agencies will be held following the completion of the preliminary plat review. Corrected versions of the preliminary plat will be submitted as required. At the Planning Commission meeting following preliminary plat approval by all agencies, the staff shall present its findings and recommendations, together with those of the other officials to whom copies were referred, and the Planning Commission will approve or disapprove the preliminary plat. A copy shall be retained in the Planning Commission files. Approval of a preliminary plat shall be valid for not more than one year, unless extended by the Planning Commission upon written request.

§141-17. Improvement plans.

It shall be the developer's responsibility to provide improvements in a major subdivision to county standards according to the procedures and standards set forth in this section and in Article V. No plat for a major subdivision shall be approved or recorded until a public works agreement for the installation of improvements has been signed by the developer, the County Attorney, the County Engineer, the County Health Officer and the County Planning Director and executed by the County Commissioners and until all required improvements shall have been satisfactorily completed and accepted in compliance herewith or, where necessary, a performance bond posted or an improvement fund created; and no such performance bond shall be released until all improvements secured by such performance bond shall have been completed and accepted in compliance herewith.

- A. Improvement plan procedure. After approval of the preliminary plat, the subdivider shall have prepared and submitted to the Planning Commission sufficient copies of plans for the installation of improvements in accordance with the requirements of these regulations for reviewing agencies. Except as noted, all such improvements shall be designed by a registered engineer licensed to practice in the State of Maryland and shall bear his signature and seal. A registered surveyor licensed to practice in Maryland may design improvements as specified by the Engineer. Improvement plans shall be designed in compliance with the standards, plans and specifications set forth in Article V of these regulations and with the adopted specifications of the agency responsible for maintenance of facilities. Such plans shall be sufficient to show:
 - (1) Profile of each street center line, with grades (including extensions beyond the subdivision boundaries where appropriate, and showing water and sewer lines,

manholes, culverts, streams, etc.) (scale one inch to 100 feet or less horizontal, one inch to 10 feet or less vertical).

- (2) Typical street cross-sections for all streets, at a scale no smaller than one inch to five feet, showing width of roadway, type of paving, utilities, etc. Where cuts or fills are required, special cross-sections shall be prepared to show proposed grading, and their locations shall be shown on the plan. A grading plan showing existing and proposed contours may be furnished in lieu of cross-sections.
 - (3) Location plans and profiles for proposed sanitary sewers, with grades and pipe sizes indicated, including extensions beyond the subdivision boundary where appropriate.
 - (4) Location plans for proposed water distribution systems showing pipe sizes and locations for valves and fire hydrants, including extensions beyond the subdivision boundary where appropriate.
 - (5) Location plans for sediment control and stormwater management systems, with pipe sizes, retention and detention basins, size and location shown. Where applicable, extensions beyond the subdivision boundary will be shown.
- B. Improvement plan review. Copies of improvement plans will be referred by the Planning Commission to the appropriate county, state and municipal officials for checking and approval, subject to such changes or conditions as in their judgment may be required. If necessary, another conference with the subdivider and all reviewing agencies will be held following the completion of the improvement plan review.
- C. Improvement installation. Upon being notified that the improvement plans have been approved, the subdivider shall have three options for installing water, sewerage, roadway and drainage improvements and for obtaining approval of the final plat.
- (1) Installation prior to lot sales. The subdivider may proceed with the installation of such improvements after obtaining, from the appropriate officials, the necessary permits to do so and after entering into a public works agreement with the county that will set forth the specific obligation of the developer and the county. In this case, improvements will be installed, inspected and accepted for maintenance prior to the sale of lots and prior to final plat approval.
 - (2) Performance bond. The subdivider may post a performance bond for a specified term, with the County Finance Department, in an amount sufficient to cover the cost of any and all of the improvements as estimated by the County Engineer, to ensure the actual construction and installation of such improvements. This bond will also be accompanied by a public works agreement with the county, executed as in § 141-17.C.(l.). The cost estimate and the bond shall be reviewed, updated and renewed annually, until the work is completed. Any additional costs will be added to the bond and will be the developer's responsibility. In this case, the plat may be approved and lots may be sold prior to the installation of improvements. All improvements will be installed within a twenty-four month period unless extension of the bond is requested and approved by the Planning Commission.
 - (3) Improvement fund.
 - (a.) In single-family unit subdivisions, where public water, sewer and state- or county-maintained roads are available adjacent to or on the site being developed or can be extended by the developer, the developer may create an improvement fund, held by the County Finance Department, to cover the cost of providing improvements. In this case, subdivision plats and

improvement plans will be done in sections with street segments no longer than 500 feet.

- (b.) The cost of improvements will be calculated by the County Engineer and will be accompanied by a public works agreement with the county, executed as in § 141-17.C.(l.). Costs will be subject to revision annually and at the time the improvements are actually installed. Any additional installation cost will be borne by the developer. In this case, the plat may be approved in sections and lots may be sold prior to the installation of improvements. At closing, the share of that lot's improvement costs will be added to the improvement fund. No building permit for any lot shall be issued until the share of improvement costs for that lot is paid to the County Finance Department.
 - (c.) No refund of money from the improvement fund shall be made until the improvements are accepted by the county for maintenance. This refund may be done by sections as noted on the plat. All improvements in approved major subdivision sections will be installed within a twenty-four-month period unless an extension is requested in writing and approved by the Planning Commission.
- D. Inspection of installed improvements. All construction work on improvements required herein shall be subject to inspection during and upon completion of construction by an authorized engineering representative of the agency responsible for approving, accepting and maintaining these improvements. All improvements will then be approved and accepted by such agency on behalf of the county or other governing body, if found to be in accordance with the approved plans.

§141-18. Final plat.

A. Procedure.

- (1) A final plat may include all of the property covered by the preliminary plat or may be limited to any portion thereof that is intended to be developed as a section, subject to preliminary plat approval and improvement plan approval. Additional final plats may be submitted later, covering additional sections of the property, provided that the preliminary plat is still valid or its approval has been extended. Each final plat shall be substantially in accordance with the tentatively approved preliminary plat, including such changes or additions as may be required or subsequently approved by the Planning Commission, and it shall conform in every respect with the requirements specified in Article V.
- (2) Following approval of the preliminary plat and improvement plans and the development of a Public Works Agreement, the subdivider shall file with the Planning Commission a final plat drawn according to the requirements set forth in Article V. The plat shall be checked as to compliance with these regulations and with the conditions of the preliminary plat approval and submitted to other approving county and state agencies for their approval and signature.

B. Approval.

- (1) Upon receipt by the Planning Commission of the report from the Planning Director as to the adequacy of the final plat and approval from the responsible officials as to the satisfactory installation of required improvements or the posting of a performance bond or the creation of an improvement fund, then the Planning

Commission shall approve said final plat and shall endorse the fact of such approval on the original tracing by the signature of its Chairman, in the space to be provided therefor. No final plat shall be approved, however, unless it is found by the Commission to conform with the preliminary plat as approved and to be in conformity otherwise with the requirements of these regulations.

- (2) At the applicant's expense, the Planning Commission shall then file two Mylar prints for record with the Clerk of the Court of Allegany County and shall distribute prints to other approving agencies, one to the Supervisor of Assessments and one to the Planning Commission files. One signed copy shall be returned to the subdivider.
 - (3) Approval of the final plat by the Planning Commission or other approving agency shall not be deemed to constitute or affect an acceptance by the county for maintenance of any street, utility system or other proposed right-of-way or space shown on said plat, but the showing of such rights-of-way, space, or utility systems shall be deemed to be an offer of dedication which may be accepted by the county, following the proper construction of such streets or utilities to county standards. Any offer of dedication which is accepted by the county shall constitute an agreement for the rights-of-way, spaces or systems so dedicated.
- C. Major subdivisions in planned developments. As noted in Chapter- 141, Part 4, Zoning, planned developments shall also conform to the major subdivision requirements.
- (1) In cases where a planned development is large enough to constitute a more or less self-contained community or where a residential planned development is on the same property or under the same ownership as a major commercial, industrial or institutional use, the subdivision requirements may be modified by the Planning Commission with the approval of the County Engineer and County Health Officer. In either instance, the developer shall create a comprehensive plan for the development in addition to the subdivision plat, which will address all of the design criteria in Article V and make provision for essential community service, including:
 - (a.) A central water and/or sewer system or connection(s) to existing approved system(s).
 - (b.) A road system.
 - (c.) A stormwater management system.
 - (d.) Other facilities which the Planning Commission deems appropriate.
 - (2) In the event that the developer wishes to retain private ownership of any of the road or utility systems, they shall be constructed, maintained and operated by the developer, an owners' association or a utility company subject to the requirements of the Maryland Public Service Commission. Further, the developer shall execute an agreement with the County Commissioners, outlining the provision of services, and shall have notes explaining the above placed on the plat and in each deed to property being sold. The plat and each deed shall also contain a statement saying that no permits to build shall be issued until the developer or his successors have met the responsibilities set forth in the subdivider's agreement. In addition, no permits to build shall be issued in the subdivision until the developer, owners' association or utility informs the county in writing, with Maryland Public Service Commission verification where appropriate, that the water and sewer systems are complete and operating properly and that the road system is complete. In the event that the developer, owners' association or utility company, wishes to turn any of the systems over to the county for maintenance, at some future time, it shall be the responsibility

of the same to bring the system up to then-current county standards prior to its being offered for maintenance. The county shall not be obligated to accept these systems, nor shall the county be obligated to provide any funding for constructing the systems to county standards.

- D. Revision to plats. Whenever a revision is proposed to any previously approved plat, updated copies of the plat must be prepared for approval in accordance with Article III and Article IV.

ARTICLE V

Design Standards

§141-19. (Reserved)

§141-20. Sketch plan design for major subdivisions.

The sketch plan may be drawn in ink or pencil at an appropriate scale, on Mylar or similar material, at a size of 24 by 24 inches, at an appropriate scale, and will include: key map; scale; name of subdivider; deed reference; outline of property; five-foot contours from county topography maps, if available, or twenty-foot contours from United States Geological Survey (U.S.G.S.) maps; streams and drainage pattern; section outlines (if applicable); existing and proposed roads or street (fifty-foot right-of-way required with ten-percent maximum slope except for twelve-percent slope in any five-hundred-foot street length), existing or proposed water and sewer lines, building setbacks from property lines, roads and proposed lot layout. Areas exceeding 25% in grade are to be shaded and may be included in lots but are not to be used as building sites. Areas within mapped one-hundred-year floodplains, within 25 feet of streams, drainways or designated wetlands or within designated habitat areas of threatened and (endangered species are to be cross-hatched and may be included in lots but not building sites. Where stream basins are larger than 400 acres above the site being subdivided, the stream setback is 50 feet from stream banks.

§141-21. Preliminary plat design standards for all subdivision plats.

- A. General style and form of preliminary plat. The general style and form of the preliminary plat shall:
- (1) Provide all the pertinent information as to existing site conditions, property ownership and the like that may be necessary for the Planning Commission to properly consider the proposed subdivision. This information shall be accurate and reliable.
 - (2) Be drawn in pencil or ink on Mylar or similar material, size 24 by 24 inches, at an appropriate scale.
 - (3) Include a small-scale key map, showing the location of the property in the county and its relation to other subdivisions, roads, streams and other identifying features. This map shall have due North perpendicular to the top edge of the drawing and shall be copied from one of the U.S.G.S. topographic maps of the county at a scale of 1 to 2,000 or one of the County Tax Maps or similar base map. This key map shall not exceed 5 by 5 inches.
- B. Title information. Title information shall be as follows:

- (1) For major subdivisions, a proposed subdivision name, which shall not duplicate nor closely approximate the name of any other subdivision in the county. Minor subdivisions need not be named but must bear the name of the grantor, owner or developer, the address of the property being developed and the number of the lot(s) being created. Additional plats submitted for lots created from the original parcel shall be numbered in sequence and shall contain a note showing the total number of lots thus far created from the original parcel.
- (2) Names and addresses of owner(s), grantor(s) or developer and the registered surveyor and his seal in ink.
- (3) Description of subdivision location, by streets, tracts, political subdivision, etc.
- (4) Scale, North point and date.

C. Information as to existing physical conditions/buildable sites.

- (1) Boundaries of the land being subdivided (or section of that land), in heavy outline, and the acreage therein shall be denoted.
- (2) Topographic contours, referenced to U.S.G.S. datum, at five-foot intervals shall be required, except where the average slope is less than 3%, in which case two-foot contours will be required. Contours shall extend a reasonable distance beyond the subdivision boundary except across a public road. Watercourses and wooded areas are also to be shown. The surveyor shall use the county one-to-two-hundred scale topographic maps as a base where available.
- (3) Areas exceeding twenty-five-percent grade shall be shaded. These areas are not to be used as building sites but may be part of lots. These areas may be graded for driveway access to a building site with the prior approval of the County Engineer and the Soil Conservation District.
- (4) Areas within the one-hundred-year floodplain or within 50 feet of the bank of a stream having a basin larger than 400 acres or 25 feet of the center line (C/L) of any other stream or drainageway, including intermittent streams, or any area within 25 feet of a designated wetland shall be cross-hatched and shall not be used as building sites for residential structures but may be part of the total lot area. Road access across floodplains may be permitted with prior approval of the County Engineer and Soil Conservation District in accordance with the County Floodplain Regulations⁵.
- (5) Areas within designated habitat for threatened or endangered species are to be cross-hatched and may not be used as building sites but may be part of the total lot area.
- (6) Locations, widths and names of all existing roads, streets, bridges, alleys or other public rights-of-way within or adjoining the subdivision or intersecting any street that bounds it (recorded but unimproved rights-of-way are to be shown by dashed lines, railroads, transmission lines, pipelines, utility rights-of-way or easements or other rights-of-way or easements, parks and other public spaces, subdivisions, lots and property lines, municipal corporation lines and special taxing district lines, including sanitary districts, are to be shown.
- (7) Existing buildings and utilities, including the size and grades of any existing water and sewer lines, are to be shown.
- (8) Existing zoning of the property being subdivided and adjacent properties and zoning district boundaries, if applicable, are to be shown.

- D. Lot layout. All plats will include a layout showing the location, numbering and dimensions of proposed lots or parcels.
- (1) Lot frontage. All newly created lots and remainders must have frontage on a publicly dedicated right-of-way for a distance (lot width) at least equal to that required in Part 4, Zoning, of this chapter. Each lot must have direct vehicular access to the right-of-way along its frontage.
 - (2) Cul-de-sac. On culs-de-sac, the lot width is measured at the setback line.
 - (3) Lot width and depth requirement. No strips of land less than the minimum lot width or depth requirements noted in Part 4, Zoning, of this chapter will be created as part of lots or remainder tracts. This includes portions of lots which straddle rights-of-way.
 - (4) Corner lots. Corner lots shall meet the front yard setback on both sides fronting on streets as required by Part 4 of this chapter.
 - (5) Building lines. Building setback lines shall be shown on the plat, measured from property lines along each street, as required in each case by the applicable zoning regulations. The locations of these lines shall be clearly indicated by dimensions.
 - (6) Lot measurements. All lot measurements shall be net measurements, not including any part of any street, alley or crosswalk way. Easements, however, shall be regarded as being within the lot for lot measurement requirements. Lot lines shall follow the edge of dedicated rights-of-way and not the center line of these rights-of-way.
 - (7) Utility Easements. These shall be provided (7.5 feet wide) along rear and side lot lines of each lot for public and private utilities.
 - (8) Drainage easements. Drainage easements where not on lot lines shall be 7½ feet on each side of the center line of streams or drainageways.
 - (9) Recreation areas. Where a major subdivision or planned development contains more than 10 lots with an average lot size of less than 10,000 square feet, a percentage of the property (outside of setback buffers) shall be dedicated to public recreation use. (See §141-28.) Improvements to and maintenance of the recreation area will become the responsibility of a citizen's association made up of residents of the subdivision.
- E. Street layout.
- (1) All newly dedicated public streets or extensions to existing public streets shall conform to existing topography by minimizing cuts and fills and shall have a minimum fifty-foot right-of-way with a gradient of less than 10%. Street segments of less than 500 feet in length may be approved at twelve-percent grade. Major collector streets and streets in industrial parks shall have a minimum sixty-foot right-of-way.
 - (2) Any newly dedicated right-of-way must also be an adequate width to accommodate cuts and fills so that the usable portion of the right-of-way surface meets county standards. The County Engineer may require cross-sections at any point on the right-of-way to determine the width necessary to maintain slopes on cuts and fills in accord with county sediment and erosion control standards.
 - (3) When an existing parcel which fronts on an existing right-of-way that is less than 50 feet in width is subdivided, then the right-of-way in front of these lots may be dedicated at a width of 25 feet from the center line of the existing right-of-way.

- (a.) Alignment with existing streets. Where required by the county, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect. Any proposed abandonment or realignment of existing platted streets must be in conformity with the county's road closing procedure.
- (b.) Platting to boundary lines. Where required by the county, proposed streets shall be platted to the boundary lines of the tract to be subdivided worth an appropriate temporary turnaround. Temporary turnarounds may be eliminated when a subsequent plat extends the right-of-way. Where the Planning Commission and County Engineer deem appropriate, culs-de-sac of reasonable length with turnarounds may be approved.
- (c.) Half-width streets. Subdivisions adjoining dedicated or platted and recorded half-width streets or alleys shall dedicate an additional right-of-way width sufficient to meet the right-of-way requirements of this Part 1. No new half-width streets shall be permitted.
- (d.) Private streets. Private streets will not be allowed except in planned developments.
- (e.) Street names. All newly dedicated rights-of-way shall be named. Street names shall be subject to approval by the County Planning Department under the 911 house-numbering plan. Names will not duplicate nor closely resemble existing street names in the county. The county shall determine the address number of each lot. This information will be put on the final plat by the subdivider.
- (f.) Street signs. Name signs of a county-approved design shall be erected by the developer at each new street or road intersection, including streets or roads not in the county-maintained system.
- (g.) Alleys. Alleys may be platted only in planned developments, if no other provisions are made for adequate access to parking and/or loading spaces.
- (h.) Intersections. Streets shall intersect one another at as nearly right angles as topography and other limiting factors of good design will permit. Streets intersecting on opposite sides of a road or highway shall be laid out directly opposite to each other. Street jogs with centerline offsets of less than 125 feet shall not be permitted.
- (i.) Land abutting highways. Land abutting arterial highways (see §141-24) shall be platted with the intent of minimizing access points and interference with through traffic. These access points shall meet State Highway Administration standards and be no closer than 750 feet apart. The following methods are suggested to accomplish the desired purpose:
 - [1.] Providing a marginal access road parallel to but separated from the major thoroughfare by means of a buffer strip connecting with the thoroughfare at infrequent intervals (no less than 750 feet).
 - [2.] By backing the lots upon the highway so that they front on and have access via a parallel local street 1/2 block from the highway. Vehicular access to the lots from the highway shall be prohibited by a parkway easement along the rear of the lots, covered by deed restrictions.

- [3.] By arranging the lots around a series of loop streets or culs-de-sac stemming from a collector street which has direct access to the arterial highway.
- (j.) Land abutting railroads. Where land adjoins a railroad, the street plan should:
 - [1.] Make allowance for future grade separations on streets; which are to cross the railroad, by providing extra right-of-way for such streets and by keeping intersecting streets a sufficient distance away to allow for necessary approaches to overpasses or underpasses.
 - [2.] Provide a street arrangement by which residential lots will back upon the railroad and have rear yard setbacks of at least 50 feet from the center line of the track, such as by the use of parallel streets, loops or culs-de-sac as noted above. In the case of commercial or industrial development, the lot layout should provide for rail siding access, where appropriate, but maintain clearance from the siding to allow rail access to all lots.
- F. Utility layout. All newly installed utilities or extensions to utilities shall be located in dedicated rights-of-way or designated utility easements and shall be designed to the current standards of the Allegany County Public Works Department or other maintenance authority. (See §141-26 for utility standards.)

§141-22. Improvement plans and construction of improvements.

For major subdivision plats, planned developments and minor subdivision plats, when applicable, improvement plans are to be drawn in pencil or ink on Mylar or similar material, size 24 by 36 inches, at an appropriate scale, and are to be designed to match or overlay the preliminary plat where appropriate. Improvement plans will include cross-sections and profiles of streets and profiles of water and sewer lines as well as drainage improvements. Improvement plans must be signed by a registered engineer or, where permissible, by a registered surveyor licensed to practice in the State of Maryland and bear his seal. Where appropriate, improvement plans will conform to the requirements of maintenance authorities and to the requirements of other ordinances, including Part 3, Stormwater Management, and Part 2, Sediment and Erosion Control. Improvement plans may be prepared according to the criteria for major development plans in Part 4, Zoning, where appropriate.

- A. Streets. In major subdivisions, streets shall be constructed to the current standards adopted by the County Commissioners. (See § 141-25.) In minor subdivisions, streets which are being offered for county maintenance must also be built to county standards. Street design and construction shall be approved by the County Engineer. Newly constructed streets or extensions of streets in major subdivisions will be taken into the county system for maintenance upon the recommendation of the County Engineer with final approval by the County Commissioners.
 - (1) Construction of roads on existing rights-of-way. In a case where a major subdivision is created which utilizes a dedicated right-of-way created for an approved minor subdivision or a pre-law major subdivision or in any other situation where the proposed major subdivision does not have frontage on a county-maintained road, it will be the subdivider's responsibility to construct the road to county standards from the nearest county or state maintained road to the property being subdivided.

- (2) Construction of existing county roads. In a case where a major subdivision is created utilizing a road in the county-maintained system which is not hard-surfaced, it shall be the developer's responsibility to construct this road to county standards along the frontage of the lots being created plus a distance of 150 feet on either side of these lots. In those instances where a hard-surfaced county or state maintained road is within 1,000 feet of the property being subdivided and is being used for access; to the property being subdivided, the developer will also be required to construct this entire road segment to county standards.
 - (3) Replacing an old road. When a newly dedicated right-of-way replaces or parallels an older private right-of-way or driveway which continues to serve pre-existing lots, the new right-of-way must be used for vehicular access to newly created lots. It is the developer's responsibility to open and grade this right-of-way in a manner suitable for vehicular traffic.
 - (4) Construction of driveway entrances. Each lot must be directly accessible from the right-of-way which it fronts on. The transition zone from the right-of-way to the lot is to be graded at no more than 5% for a distance of at least 30 feet from the road shoulder. Driveway entrances must meet County Roads Division requirements.
- B. Water facilities. Major subdivisions and planned developments shall be provided with a water supply and distribution system as defined in COMAR 26.04.03.01. The source of supply may be a local government operated water system, in which case, the local distribution system shall meet the standards for such system and shall become a part thereof, or it may be a community source of supply approved by the state and the Allegany County Public Works Department, Utilities Division, in which case, the system must be owned and operated by a public or private utility company under the jurisdiction of the Public Service Commission or by an agency of the county. The state may allow the use of private wells in a major subdivision or planned developments, provided that a community sanitary sewer system, as defined in COMAR 26.04.03.01., is available to all lots in the subdivision. The state may require testing of nearby existing wells or springs in an aquifer to decide the adequacy of proposed wells in a minor subdivision, major subdivision or planned development.
- C. Sewer facilities. Major subdivisions and planned developments shall be provided with a complete sanitary sewer system connected to a county or municipal system or to an adequate community sewage disposal plant meeting the requirements of the state and Allegany County Public Works Department, Utilities Division. If connected to a county or municipal system, it shall be constructed to meet the standards and requirements for such a system and shall become a part thereof. If built as an independent system, the system must be owned and operated by a public utility company under the jurisdiction of the Public Service Commission or by an agency of the county. The state may allow the use of septic systems in a major subdivision or planned development, provided that a community water system, as defined in COMAR 26.04.03.01., is available to all lots.
- D. Stormwater management and drainage. Where required by the County Engineer, each subdivision and planned development shall be provided with storm drains, culverts, drainageways, ponds or other stormwater management works adequate to collect, store and dispose of all water originating on or flowing across the property, without inundating or damaging roads, lots, buildings or other properties. Such drainage works shall meet the standards and requirements of Part 3, Stormwater Management. A stabilized drainageway shall be provided outside road shoulders, conforming to the standards of cross-section and construction adopted by the county.

§141-23. Final plat design for all subdivision plats.

A. General style and form.

- (1) Final plats shall be legibly and accurately drawn on Mylar or similar material, 24 by 24 inches in size, and at a scale of one inch to 100 feet or less depending upon the size and nature of the subdivision.
- (2) When a large tract is being subdivided, plats may be submitted on multiple twenty-four-by-twenty-four inch sheets. All sheets must be signed, numbered and referenced to one another on a key sheet, with each new lot appearing in total on at least one sheet.
- (3) Final plats shall conform in all respects to the requirements of §32-4 of the latest edition of the Code of Public Local Laws of Allegany County.

B. Title information: Title information shall be as follows:

- (1) Subdivision name and Tax Map and parcel number.
- (2) Location by town or election district, county and state.
- (3) Names and address of all owners of record, the subdivider and the registered surveyor, licensed to practice in Maryland, and his seal in ink.
- (4) A general location map.

C. Graphic information. Graphic information shall be as follows:

- (1) Exact boundaries of the area included within the subdivision with dimensions to hundredths of a foot and bearings to half-minutes. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one in 10,000.
- (2) Bearings and distances to the nearest recorded property owners or other monuments, which shall be located or accurately described on the plat.
- (3) The accurate locations and descriptions of all permanent monuments. Permanent monuments shall be set by the surveyors, as required for markers in §32-4 of the latest edition of the Code of Public Local Laws of Allegany County, as administered by the Allegany County Engineer. All monuments shall be located and identified upon the final plat.
- (4) Names and locations of adjoining subdivisions or the locations and ownerships of adjoining and un-subdivided property.
- (5) Exact locations, width and name of each existing or recorded road or street adjoining or intersecting the boundaries of the tract.
- (6) The exact location and width of every road, street, alley, easement or other public or private way within the tract, with the length and bearing of every tangent, lengths of arcs, radii, internal angles, points of curvature and any other necessary engineering data, with the names of such ways, and the purposes of easement of other ways.
- (7) Accurate location of every lot line, with its dimension to hundredths of a foot and bearing to minutes, except that this data need not be repeated on a series of parallel lines or lines of same length.
- (8) Minimum building setback lines drawn to scale and dimensioned to street lines.

- (9) Where appropriate, blocks of lots lettered in alphabetical order and lots numbered in numerical order within each block.
 - (10) Accurate outlines of any areas dedicated or reserved for public use or for any purpose except sale, with the purpose indicated.
 - (11) Accurate location of any municipal or zoning district boundary line traversing or closely related to the tract.
 - (12) Existing and relocated courses of any waterways, including wet-weather streams traversing the tract, with the right-of-way or easement lines provided therefor.
 - (13) Nonbuildable areas, including slopes steeper than twenty-five-percent grade, one-hundred-year floodplains and areas within 50 feet of stream banks having basins larger than 400 acres or 25 feet of the center line of any streams and drainageways, including intermittent streams, and areas within 25 feet of designated wetlands and habitat areas shaded and noted as being nonbuildable on the plat.
- D. Certificates and other information. Certificates and other information shall be as follows:
- (1) Owner(s) certificate, signed by all owners and notarized, acknowledging ownership of the property and agreeing to the subdividing thereof as shown on the plat; also offering for dedication all streets, water and sewer facilities and other ways and places intended for public use.
 - (2) Certificate of the Maryland registered surveyor in ink to the effect that the plat represents a survey made by him that it is accurate to the best of his knowledge, that all permanent monuments indicated thereon actually exist and their locations and descriptions are correctly shown and that all requirements of these subdivision regulations and of other applicable laws have been fully complied with.
 - (3) A brief summary of the deed restrictions or agreements applying to the plat or to any lots created by the plat.
 - (4) Certificate of approval by the County Planning and Zoning Commission, signed by the Chairman of the Commission or the Planning Director, where appropriate, and other approving agencies.

ARTICLE VI
Miscellaneous Standards

§141-24. Index of Arterial Highways. [Amended 10/10/2002 by CHR Bill 08-02, Effective 11/24/2002 ²]

The Index of Arterial Highways shall be as follows:

Functional Class	Route Name or Number	Location in Allegany County
Principal Arterial		
	I-68 (National Freeway)	Garret County Line to Washington County Line
	Route 220 North ²	Pennsylvania State Line to I-68
Major Arterial		
	Route 220 South ²	I-68 to West Virginia State Line
	Route 36	Alternate Route 40 in LaVale to Route 135 at Westernport
	Alternate Route 40	Garrett County Line to Willow Brook Road
	Route 47	Route 36 at Barrellville to Pennsylvania State Line
	Route 35	Route 36 at Corriganville to Pennsylvania State Line
	Route 135	Garrett County Line to Route 220 in McCoole
	Route 956	Route 220 at Pinto to West Virginia State Line
	Route 51	I-68 in Cumberland to West Virginia State Line
Minor Arterial		
	Route 936	Route 36 at Midland to Alternate Route 40 in Frostburg
	Route 55	Route 36 at Vale Summit to Alternate Route 40 in Clarysville
	Midlothian Road	I-68 to Alternate Route 40 in Frostburg
	Rt. 53	Alternate Route 40 in LaVale to Rt. 220 in
	(Winchester Road)	Cresaptown
	Rt. 658	Alternate Route 40 in LaVale to Rt. 53 in
	(Vocke Road - Campground Road)	LaVale
	Rt. 636 (Warrior Drive)	Route 53 to Route 220 in Cresaptown
	Route 144	I-68 at Naves Crossroads to I-68 at Fifteen Mile Creek
	Scenic Rt. 40	I-68 at Fifteen Mile Creek to Washington Co. Line
	Route 639 (Willowbrook)	I-68 at Cumberland to Route 51
	Williams-Messick Roads	
	Town Creek-Bear Hill Roads	Route 144 at Flintstone to Route 51 at Oldtown
	Old Route 220 ²	Route 220 North at Smouses Mill Road to Route 144 at Naves Crossroad

§141-25. Minimum road design standards for county roads. [Amended 10/10/2002 by CHR Bill 08-02, Effective 11/24/2002.]

- A. Plans. Plans for all roadways showing full plan and profile information drawn to a scale no smaller than one inch equals 50 feet horizontal and one inch equals 10 feet vertical shall be submitted for review and approval of the County Roads Division. The plan shall show horizontal and vertical curve data, roadway cross section and detail of drainage facilities (including appropriate calculations).
- B. Right-of-way. Rights-of-way shall be as follows:

Type of Road	Feet
Major collectors and arterials	60 minimum
All other roads and streets	50
- C. Utilities. Utilities shall be set back outside of pavement and within 20 feet of outside edge of right-of-way.
- D. Drainage. The minimum shall be twelve inch pipe for driveway entrance and 15 inches for road crosspipes. Where a larger size pipe is necessary, the size is to be approved by the County Engineer and other affected agencies. All pipes shall be fitted with standard end sections or riprap inlet and outlet protection (with geotextile fabric).
- E. Gradient. The maximum allowed on new roads shall be 12% for sections of road up to 500 feet in length and less than fifteen-degree curve; otherwise, maximum allowed gradient is 10%.
- F. Curve. Curves shall comply with AASHTO standards for local roads and streets for 30 miles per hour design speed and 0.08 maximum superelevation rate.
- G. Access. Driveway access is not to exceed 5% for a distance of 30 feet beyond the road shoulder.
- H. Roadway widths (two lanes - county roads)². Roadway widths shall be as follows:

County Highway Function Classification	SPECIFICATIONS			
	Paved roadway		Shoulder width¹	Subbase width
	with curbing	without curbing		
Minor Arterial	34	24	10	-a-
Collector or Industrial Park Road	34	24	10	-a-
All Other Streets and Roads with ADT > 400	26	20	6	-a-
All Other Streets and Roads with ADT ≤ 400	18-22*	18-22*	-b-	-b-

NOTES:

ADT - Design Average Daily Traffic count as approved by the County Engineer.

- (1) for roadways without curbing.
- (*) roadway width depends upon design speed and functional use per AASHTO Standards.
- (a.) paved width plus shoulder width plus 6" each side.
- (b.) roadside clear zone determined per AASHTO Standards.

I. Road surface specifications. Specifications shall be as follows:

Type	Arterial and Major Collectors	All Others
Subbase*	Compacted earth	Compacted earth
Base course*	10 inches GASB stone	8 inches GASB stone
Surface paving	4 inches bituminous concrete in two layers	3 inches bituminous concrete in two layers
Curbing (no bituminous curbing allowed)	Poured in place concrete curb and gutter	Poured in place concrete curb and gutter or precast concrete curb(if applicable)

*NOTE: Subbase and base material shall be compacted to 95% of optimum density as determined by AASHTO Method T-180.

J. Triple surface treatment specifications.

- (1) Triple surface treatment may only be utilized when surface treatment portions of an existing county maintained road are being upgraded or extended for a major subdivision. All new roads taken into the county-maintained system must have a bituminous concrete surface.
- (2) All quantities shall be in place per square yard, with materials and construction methods to meet Maryland SHA specifications, as follows:

Layer	RS3K Emulsified Asphalt (gallons per sq. yd.)	Graded Stone
1 st	0.50	No. 54; 40 pounds per sq. yd.
2 nd	0.30	No. 7; 25 pounds per sq. yd.
3 rd	0.30	No. 8; 20 pounds per sq. yd.

K. Road construction appurtenances. The developer shall provide the following road construction appurtenances where the same are deemed necessary by the County Roads Division. (All materials and construction methods shall meet Maryland SHA Specifications.)

- (1) Standard traffic barriers guardrail.
- (2) Engineering stabilization fabric.
- (3) Traffic control devices (including signs and line striping).
- (4) Riprap for drainage ditch stabilization.
- (5) Street name signs.

L. Turnaround right-of-way diameter. Turnaround right-of-way diameter shall be as follows:

- (1) Industrial Park Access Road: 150 feet.
- (2) Major collector: 100 feet.

- (3) Other: 80 feet.
- M. Minimum overhead clearance. Minimum overhead clearance shall be 18 feet for utilities, bridges or other obstructions.
- N. Residential driveway setback². Residential driveway setback shall be 200 feet from intersection of arterials or major collectors.
- O. Driveway junctions. Driveway junctions shall match the grade of the street for a distance equal to shoulder width, then no more than 5% for a distance of 30 feet beyond the shoulder. Junctions should be at a ninety-degree angle to highway or street.
- P. Additional standards:
 - (1) All construction shall be inspected and approved by the County Engineer or authorized representative, while construction is in process. Final approval of construction must be made by the County Engineer prior to actual acceptance of roads or streets for maintenance by the county.
 - (2) Site specific conditions may result in modification of these requirements, subject to the County Engineer's approval.
 - (3) Industrial park access roads shall meet major collector standards.
 - (4) Any bridges or large-size culvert pipes shall be subject to special site specific design criteria which will be established by the County Engineer.

§141-26. Minimum water and sewer line standards.

See Allegany County Standard Specifications and Details for Water and Sewer Construction, latest edition, as administered by the Public Works Department, Utilities Division, or other public or private utility provider, as appropriate.

§141-27. (Reserved)

§141-28. Recreation land standards.

Recreation land standards shall be as follows:

Lot Size or Area per Unit (sf)	Percentage of Total Subdivision Area to be Dedicated for Recreation
Above 10,000	None required
8,000 to 10,000	2.5%
6,000 to 8,000	5.0%
4,000 to 6,000	7.5%
4,000 or less	10.0%

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Un-Official Text

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