

Article 21 – Plats and Subdivision Regulations

25.21.01 – Plats

- a. There are two (2) types of plats:
 1. Final record plats which are either:
 - (a) Subdivision plats (when there is an assemblage or division of land); or
 - (b) Recordation of an existing single unit detached residential lot; and
 2. Ownership plats.
- b. *Recordation required for development.*
 1. Every structure must be erected and located on a record lot.
 2. Except as provided in this chapter, there cannot be more than one (1) single unit detached residential dwelling on one (1) lot.

25.21.02 – Final Record Plats

- a. *Subdivision Plats* - Subdivision is the process of assembling or dividing land. Final record plats are the illustrated system of mapping and identifying lots within densely populated areas into a single mapping system.
- b. *Record Plats* - Record plats illustrate a metes and bounds description of the property into a system of lot and block numbering, the naming of the tract (subdivision name), and the assignment of a plat number when recorded among the Land Records of Montgomery County, Maryland.
- c. *Legal Description* - The lot, block, subdivision name, plat number along with the notation that it is recorded among the Land Records of Montgomery County, Maryland becomes the legal description for the land included on the plat.

25.21.03 – Recordation of an Existing Single Unit Detached Dwelling Residential Lot or Property

- a. *Purpose* – To provide a process for recording an existing residential property on a Final Record Plat among the Land Records of Montgomery County, Maryland, whether or not the property meets the current standards for a developable lot, so as to allow for the development or redevelopment of the property.
- b. *Required Criteria* – The Planning Commission must approve a plat, only when one or more of the following conditions are met and the plat has frontage as required in the zone or public access to a public street:
 1. The property being platted is a deeded lot that has existed in the same configuration since at least October, 1957;
 2. The property being platted is:

- (a) a multiple-lot property that required a minimum of two (2) lots for development at the time the substandard lots were created,
 - (b) the property has been under common ownership since at least October, 1957, and
 - (c) the plat seeks to consolidate the lots into a single record lot; or
3. The property being platted is a multiple-lot property that contains an existing house that straddles the common lot line and the plat seeks to consolidate the property into a single record lot.
- c. *Other Properties* – The assemblage or division of properties that do not meet the above criteria are considered subdivision or resubdivision and must be processed under the subdivision plat process.

25.21.04 – Subdivision Approval Required

- a. *General Approval Requirement* - A person cannot subdivide or resubdivide land within the City without the approval of the Planning Commission and the recording of a Final Record Plat among the land records of the County in accordance with the provisions of this Article.
- b. *Exclusions* - The approval of the Commission is not required for the following types of subdivision:
 - 1. Any division of land that creates a lot that has an area of at least ten (10) acres or more, so long as no new streets or roads are created as a result;
 - 2. The division or sale of land by judicial decree; and
 - 3. The sale or exchange of parcels of land between owners of adjoining properties, provided that additional lots are not created and that the original lots are not reduced below the minimum sizes required by this Chapter or other applicable law.

25.21.05 – Applications

Applications for approval of a preliminary subdivision plan or final record plat must be submitted in accordance with the provisions of Section 25.05.02. The application for a residential subdivision must contain the information required by Chapter 4 of the Code regarding the provision of publicly accessible art in private development.

25.21.06 – Adequate Public Facilities

A preliminary plan of subdivision must not be approved unless it complies with the requirements for adequate public facilities as set forth in Article 20 of this Chapter.

25.21.07 – Waivers; Modification

- a. *Application* - Where a subdivider desires a waiver from, or modification to, any provision of this Chapter, an application must be submitted to the Planning Commission with a statement of reasons for such request and such information as may reasonably be required by the Planning Commission.

- b. *Findings* - If the Planning Commission finds that undue hardship will result from strict compliance with any requirement of this Chapter, it may grant a waiver or modification from such requirement so that substantial justice may be done if the public health, safety, aesthetics, or general welfare will not be impaired and the waiver will not be contrary to the intent and purpose of the Plan or this Chapter.
- c. *Conditions* - In granting waivers and modifications, the Planning Commission may impose such reasonable conditions as will substantially secure the objectives of the standards or requirements so waived.
- d. *Prohibition on the Creation of Pipestem Lots* - The Planning Commission cannot grant a variance or waiver from these regulations in order to create a new pipe stem lot in a Single Dwelling Unit Residential Zone.

25.21.08 – Submission Requirements for Preliminary Subdivision Plans

- a. *Natural Resources Inventory* - Prior to submission of a preliminary subdivision plan, the applicant must have an approved valid Natural Resources Inventory (NRI) on file with the City Forester, prepared according to the adopted *Environmental Guidelines*.
- b. *Clarity and Scale* - The preliminary plan must be clearly and legibly drawn or reproduced at a scale of not less than one (1) inch equals 100 feet, and on one (1) sheet wherever possible.
- c. *Information to Include* - The preliminary plan must be designed in compliance with the provisions of this Article, and must give or show the following information and such other information as the Planning Commission reasonably deems necessary:
 - 1. A key map showing the entire subdivision and its relationship to surrounding areas;
 - 2. The tract name, liber and folio number, tax map sheet, subdivision name, block and lot number, and the following names and addresses:
 - (a) The record owner or owners,
 - (b) The subdivider; and
 - (c) The person who prepared the plan.
 - 3. Acreage of tract to be subdivided to nearest tenth of an acre;
 - 4. Contours at five (5) foot intervals for slopes averaging ten (10) percent or greater and at two (2) foot intervals for land of lesser slope;
 - 5. Location of existing and proposed property lines, streets, easements (including public utility easements), buildings, watercourses, railroads, bridges, culverts, drainpipes, location of existing utility systems, Historic Districts, identified archaeological sites, and any natural features such as forested areas and rock formations. Rights-of-way and roadway widths, grades and gradients must be indicated on the plan;

6. A preliminary storm and sanitary drainage study must be included as part of the preliminary plan application indicating the location of the proposed connections to the existing system;
7. Location of sites to be dedicated or reserved for public use, including, but not limited to, parks, playgrounds and schools;
8. One hundred year flood limit and floodplain study;
9. Certification that the subdivider is agent or owner of the land or that the owner has given consent under an option agreement;
10. A copy of the U.S.D.A. Soils Map with the boundary of the subdivision shown at the same scale as the plan submitted; and
11. A copy of the preliminary Forest Conservation Plan (FCP) as submitted to the Forestry Department of the City.

25.21.09 – Preliminary Plan Approval Procedure

- a. *Filing Requirement* - The subdivider must prepare and file with the Planning Commission a preliminary plan in accordance with Section 25.21.08, above.
- b. *Copies* - Seven (7) copies of the preliminary plan and supplementary material specified must be submitted to the Planning Commission with an application at least ten (10) days prior to the meeting at which it is to be considered.
- c. *Notice* – The applicant must send notice of the application for a preliminary plan in accordance with the provisions of Section 25.05.03.c to all property owners and residents within 750 feet from the boundaries of the area described in the application. Notification must state that all interested parties have 30 days from the date of the letter to provide comments.
- d. *Staff Recommendation* - Following a review by the staff of the preliminary plan and other material submitted for conformity with the provisions of this Chapter and all other applicable laws and a review with the subdivider of changes deemed advisable and the kind and extent of improvements to be made by the subdivider, a written staff recommendation will be made available to the subdivider.
- e. *Planning Commission Action* - The Commission must, within 60 days after the preliminary plan has been deemed complete and accepted for review, act thereon as submitted or modified. The Commission may approve, approve with conditions or disapprove, and must state its action in the records of the Commission and notify the subdivider and such agencies of referral of its action. Failure to act within 60 days constitutes approval of the preliminary plan. However, the applicant may waive this requirement and consent to an extension or waiver of such period.
- f. *Findings* - A preliminary plan will be approved if the Planning Commission finds that the proposed subdivision will not:
 1. Constitute a violation of any provision of this Chapter or other applicable law;

2. Violate or adversely affect the Plan;
 3. Overburden existing public services, including but not limited to water, sanitary sewer, public roads, storm drainage, and other public improvements;
 4. Adversely affect the health or safety of persons residing or working in the subdivision or neighborhood;
 5. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood;
 6. Be unsuitable for the type of development, the use contemplated, and available public utilities and services; or
 7. Unreasonably disturb existing topography, in order to minimize stormwater runoff and to conserve the vegetation cover and soil.
- g. Conditions* - The Planning Commission may attach such conditions to the approval of the preliminary plan as may be reasonable and necessary to assure that the proposed subdivision will be consistent with the purpose and intent of this Chapter.
- h. County and State Recommendation* - A preliminary plan must not be approved by the Commission unless there is on file with the Commission the recommendation of such County or State government departments which have jurisdiction in the area affected by the subdivision. Each agency to which a plan is referred will return one (1) copy of the plan to the Commission within 30 days of referral, with its recommendation noted thereon. If such recommendation is not made within the 30 day period by any agency to which referred, the preliminary plan is deemed to be approved by it, unless the period has been extended by the Commission.
- i. Revocation of Approval* - Approval of the preliminary plan may be revoked by resolution of the Commission at any time prior to the recordation of the final plat, upon a finding by the Commission that the preliminary plan does not comply with these regulations, any other applicable laws or regulations, or with the Plan or any portion thereof.
- j. Link between Preliminary Plan and Final Plat* - Approval of a preliminary plan does not constitute approval of the final plat, but must be a guide to the preparation of the final plat.

25.21.10 – Plats and Data for Final Approval

- a. *Clarity and Scale* - The final plat must be drawn with a permanent media on tracing cloth or other stable base material 18 inches high by a minimum of 18 inches wide and must be at a scale of 100 feet to one (1) inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision.
- b. *Information to Include* - The final plat must show the following:
 1. Title of the plat, The subdivision's name, the name of the subdivision's owner, and the appropriate data, scale, and north arrow of the plat;
 2. The tract boundary lines, right-of-way lines of streets, existing and proposed public easements, and other rights-of-way and property lines of residential lots and other sites

with accurate dimensions, bearings, and distances. A curve table indicating central angle, radius, tangent, arc, chord, and chord bearings for all curves; name and right-of-way width of each street or other right-of-way;

3. The location, dimensions, and purposes of any easements;
 4. New lots within an existing subdivision must continue the previously established lot and block numbering system;
 5. The purpose for which parcels, other than residential lots, is dedicated;
 6. A statement by the owner establishing minimum building setback lines on all lots, or a showing of any building setback lines established greater than the minimum;
 7. The location and description of monuments;
 8. The names of record owners of adjacent unplatted land;
 9. The lot, block and subdivision name of adjacent platted land.
 10. Certification and seal by a land surveyor registered in the State, certifying the accuracy of survey and plat;
 11. Certification by the Planning Commission approving the plat;
 12. A statement of dedication by the owner of dedicated streets, rights-of-way, and any sites to public use;
 13. All bearings must be generated in the Maryland Coordinate System (MCS). Where no MSC monument exists, the Department of Public Works may determine the acceptable meridian; and
 14. A certification that the subdivider is the owner of the land.
- c. *Additional Information to Include* - Other detailed plans and data that must accompany the final plat include:
1. Cross Sections and profiles of streets including storm and sanitary sewers and water mains, approved by the Department of Public Works; and
 2. Such other certificates, affidavits, or endorsements as may reasonably be required by the Planning Commission or the Department of Public Works in the enforcement of the Chapter;
- d. *Format for Digital Submission* - The final plat must be submitted in one (1) of the following electronic media formats, except where a substitute format is approved by the Chief of Planning based upon a finding by the Chief of Planning that it would be an unusual hardship for an applicant to comply with the provisions of this subsection.
1. AutoCAD-compatible DWG or DXF file of the record plat, in a layering format acceptable to the Planning Commission, with all property line work accessible on a separate layer.

2. Coordinate file in ASCII format containing point numbers and values for all property line work. A plat legibly showing the property line work (i.e., worksheet) and point numbers must accompany the file. If the subdivision has multiple plats, one (1) coordinate file and plat for the whole subdivision (with boundaries of each record plat designated) will be accepted.
- e. *Media for Digital Submission* - The final record plat must be submitted on electronic media, such as high-density 3.5-inch diskettes, CD-ROM disks, or such other electronic media as may be developed, from time to time, and commonly used.

25.21.11 – Final Record Plat Approval Procedures – Generally

- a. *Confirmation with Preliminary Subdivision Plan* – Except where a Preliminary Subdivision Plan is not required, the final record plat must substantially conform to the preliminary subdivision plan as approved.
- b. *Copies* - Copies of the final plat and other exhibits required for approval must be prepared in accordance with the provisions of this Article and submitted to the Planning Commission within two (2) years after approval of the preliminary or concept plan; otherwise, the approval of the preliminary subdivision plan is deemed to have expired. For good cause shown, not more than two (2) extensions not exceeding one (1) year each may be granted by the Planning Commission.
- c. *Application for Final Plat Approval* - Application for approval of the final plat must be submitted in writing to the Planning Commission at least ten (10) days prior to the meeting at which it is to be considered. If not previously approved for the subject property, an approved Natural Resources Inventory must be on file with the City Forester prior to application submission.
- d. *Notice* - The applicant must send notice of the application of a Final Record Plat in accordance with the provisions of Section 25.05.03.c to all property owners and residents within 750 feet from the boundaries of the area described in the application. Notification must include the date for action on the plat by the Planning Commission and state that all interested parties have 15 days from the date of the letter to provide comments.
- e. *County and State Approval* - No final plat will be approved by the Commission without prior approval of any County or State government departments which have jurisdiction. Such agencies must approve, with or without modification, or disapprove the plat to the extent that each has jurisdiction. Such departments or agencies must be requested to submit their approval or disapproval to the Commission in writing within 15 days of the receipt of the final plat from the Commission. If they fail to act, such failure is deemed to be approval.
- f. *Acceptance of Portion of Plan* - The final plat may represent only a portion of the preliminary subdivision plan, provided that the public improvements to be constructed in the area covered by the plat are sufficient by and of themselves to accomplish a proper development and to provide adequately for the public health, aesthetics, safety, and welfare, including adequate access to contiguous areas.
- g. *Planning Commission Action* - The Commission must approve or disapprove a final plat within 30 days after accepting the complete application; otherwise, such plat is deemed approved, and a certificate to that effect must be issued by the Commission on demand; provided, however, that the applicant may waive this requirement and consent to an

extension of such period. The grounds for disapproval of any plat must be stated in the records of the Commission and a copy furnished to the applicant.

- h. *Recordation* - After all conditions are satisfied, the Commission must record the plat in the land records of the County and notify the subdivider of the date of recording and the plat book and plat number.
- i. *Revocation of Approval* - In the event that the final plat is not so recorded within two (2) years after receiving approval, due to the failure of the subdivider to comply with any conditions, the application is considered withdrawn and any previous approval is revoked. For good cause shown, not more than two (2) extensions not exceeding one (1) year each may be granted by the Planning Commission; except that the Commission may extend the time for recording the final plat to the expiration date of any existing site plan or Project Plan approval.

25.21.12 – Resubdivision and Minor Subdivisions

The procedure for the filing of a final plat for the resubdivision of a lot or parcel, or for a minor subdivision, is the same as indicated in this Article for an original subdivision, except that the submission of a preliminary plan is at the option of the applicant.

25.21.13 – Ownership Plats

- a. *Purpose* – an ownership plat may be approved for the purpose of designating land as separate ownership lots within a single record lot where the requirements of this section are met. Lots shown on the plat must be depicted with metes and bounds descriptions and resemble a Final Record Plat but the lots shown on the ownership plat do not constitute a resubdivision of the original record lot or lots.
- b. *Conditions for approval* - Where more than one (1) building or building component exists, or is to be located, on a tract of land, the Planning Commission may approve an ownership plat where the following conditions exist:
 - 1. The land is located in a zone other than the R-400, R-200, R-150, R-90, R-75, R-60, and R-40 Zones, except that an ownership plat is permitted in the previously mentioned zones if the property contains or is approved for a use other than single-unit detached residential;
 - 2. The ownership plat is reasonably necessary to accommodate the financing, phasing, or separate ownership of a building or group of buildings or building components on a recorded lot, and/or;
 - 3. The subdivision into individual record lots for each building or building component is not feasible because:
 - (a) Setback, open space or lot size requirements or other development standards of the zone reasonably preclude such subdivision;
 - (b) Amenity features required in the zone or pursuant to an approved use permit or site plan for the tract are designed to serve the various buildings or building components, or other design features of the project are integrated among the buildings or components;

- (c) Density calculations or bonus densities allowed in the zone and approved in a use permit or site plan are based on the area of the entire tract; or
 - (d) The creation of ownership lines or financing lines is intended principally to accommodate the separate ownership or financing rather than its formal subdivision.
- c. *Conditions* - The Planning Commission may attach such conditions to the approval of the ownership plat as may be reasonable and necessary to assure that the proposed ownership plat will be consistent with the purposes and intent of this Chapter.
- d. *Approval Required for Recordation or Sale* - No person can record an ownership plat among the land records of the County, or sell any property with reference to an ownership plat, until such ownership plat has first been approved by the Planning Commission. The Planning Commission must not consider an ownership plat for approval until a final subdivision plat and site plan or a Project Plan has first been approved for the entire tract of land. Any person seeking to erect, modify, or delete any building or other structure on a tract of land included on an ownership plat must first apply for, and obtain, approval of a new or amended site plan or Project Plan for the entire tract.
- e. *Application Requirements* - Each application for approval of an ownership plat must be submitted in accordance with the provisions of Section 25.05.02. The ownership plat must be prepared in compliance with the requirements of Section 25.21.10. Individual sewer and water connections for buildings are to be made in accordance with Chapter 24 of the City Code.
- f. *Revocation of Approval* – In the event that the ownership plat is not recorded within two (2) years after receiving approval, due to the failure of the subdivider to comply with any conditions, the application is considered withdrawn and any previous approval is revoked. For good cause shown, not more than two (2) extensions not exceeding one (1) year each may be granted by the Planning Commission; except that the Commission may extend the time for recording the ownership plat to the expiration date of any existing site plan or Project Plan approval.

25.21.14 – Cluster Development

- a. *Cluster Development*
 - 1. *Generally* – Development of single-unit detached dwellings with varying individual lot areas, lot widths, and setbacks, some of which are less than required by Section 25.10.05, may be permitted by the Planning Commission in accordance with the provisions set forth in the following table. Lots of varying area must be distributed throughout the development, and not concentrated in any particular location.

Zone	Minimum Area of Development (Acres)¹	Maximum Density (d.u/acre)	Smallest Lot Area (sq. ft.)
R-60	5	5	4,800
R-75	5	4.3	6,000
R-90	5	3.6	7,200

R-150	5	2.6	10,500
R-200	10	2	15,000
R-400	20	1	30,000

¹No minimum area is required where the Master Plan recommends the site as suitable for cluster development.

2. *Limitation on Reduction in Minimum Lot Area* – The Planning Commission cannot authorize a reduction in the area of any lot in any cluster subdivision below the areas indicated on the above chart pertaining to the zone in which such lot is located.
3. *Limitation on reduction of setback and lot width requirements.* The Planning Commission cannot authorize a reduction requirement for a lot in a cluster subdivision in a proportion greater than the proportion by which the area of that lot has been reduced.
4. *Calculation of Density*
 - (a) Density is calculated over the entire area of the tract proposed for development. Any areas devoted to common open space or dedicated for a public park are included in the density calculation and no further subdivision of the property is permitted.
 - (b) If the tract includes an area of 100-year flood plain or areas within stream buffers as defined in the *Environmental Guidelines* that exceeds ten (10) percent of the entire tract area, the area of the 100-year flood plain must be deducted from the area over which the density is calculated.
5. *Application for Development*
 - (a) Applications for cluster development must be submitted to the Planning Commission in accordance with the provisions for preliminary plan approval under procedures set forth above.
 - (b) Each application must be submitted in accordance with the provisions of Section 25.05.02.
6. *Required Findings* – The application will be granted for cluster development if the Planning Commission finds that the proposed development:
 - (a) Will not adversely affect the health or safety of persons who will reside or work in the neighborhood of the proposed development;
 - (b) Will not be detrimental to the public welfare or injurious to property or improvements located or to be located in or adjacent to the development;
 - (c) Will not overburden existing and programmed public facilities as set forth in Article 20 of this Chapter and as provided in the adopted Adequate Public Facilities Standards; and
 - (d) Will not be inconsistent with the intent or purpose of this Article.

25.21.15 – Performance Guarantees

- a. *Performance Bond* – In order to assure the construction and installation of roads, curbs, gutters, sidewalks, water lines, storm and sanitary sewer lines, street trees, streetlights, monuments, and other public facilities, the subdivider must, prior to recordation of a final plat, deliver to the City a performance bond issued by a surety company authorized to do business in the State and satisfactory to the City Manager and the City Attorney in such amount as is estimated by the City Manager to be the total cost of the construction and installation of the required public facilities. The bond must run to the City and be conditioned as follows:
 - 1. That the subdivider and the subdivider’s agents and assigns will faithfully complete the construction and installation of the required public facilities within three (3) months after substantial completion of any building or structure which the facilities are designed to serve, or within two (2) years of the date of approval of the final plat;
 - 2. That the subdivider and the subdivider’s agents and assigns will comply with all the applicable ordinances and requirements of the City; and
 - 3. That the subdivider and the subdivider’s agents and assigns will save harmless the City from any expense incurred through the failure of the subdivider, the subdivider’s agents and assigns, to complete the required public facilities, or from any damages growing out of the negligence of the subdivider and the subdivider’s agents or assigns.

- b. *Alternative to Bond* – In lieu of the performance bond, the subdivider may deliver to the City cash, a certified check, or other security satisfactory to the City Manager and the City Attorney, in such amount as is estimated by the City Manager to be the total cost of the construction and installation of the required public facilities. The cash, certified check, or other security will be accepted at the sole discretion of the City Manager or the City Manager’s designee and under the terms and conditions set forth in Section 25.21.15.a of this Section.

- c. *Acceptance by City and Release of Performance Bond* – All subdividers, their agents and assigns must comply with all applicable ordinances and regulations of the City and remain liable for all public facilities until they are accepted for maintenance by the City. After completion and final inspection of the public facilities, the City Manager must either accept the facilities upon a finding that the construction of same has complied with all applicable ordinances and regulations, and release the bond or other security, or reject the facilities or any unsatisfactory part by written notification to the subdivider. The written notification must specify the reasons for such rejection by reference to the particular ordinance or regulation which has been violated and allow a reasonable time, to be specified therein, for the subdivider to comply. If the subdivider does not, within the time specified, complete the construction according to the provisions of the applicable ordinance or regulation then the City Manager may proceed to do whatever is necessary to cause the construction to comply with the ordinance or regulation and the subdivider is liable for any expenses incurred by the City. Any acceptance of the facilities by the City Manager must be on behalf of the City by written order, fully identifying the facilities.

- d. *Effect* – No bond or other security delivered under the provisions of this Section, 25.21.15, is deemed to relieve the subdivider, the subdivider’s agents or servants from full compliance with all other applicable ordinances of the City, including the security requirements of Chapter 21, *Streets and Public Improvements*, Article II. Delivery of security under the

provisions of Chapter 21, Article II does, however, to the extent of the facilities guaranteed thereby, entitle a subdivider to an exemption from the requirements of this Section, 25.21.15.

25.21.16 – Streets and Public Infrastructure

- a. *Conformance with the Transportation Element of the Plan* – Whenever a tract to be subdivided includes any part of a street, road, or highway indicated on the Plan, such parts must be suitably incorporated by the subdivider in the preliminary and final plat.
- b. *Compliance with Chapter 21 of the Code* - All streets and highway improvements must be constructed in accordance with the specifications and requirements of Chapter 21, Article II. In addition, the subdivider must comply with the following criteria for such improvements in connection with the subdivision:
 1. Streets must reasonably conform to the natural contours of the land. However, in order to discourage through and high-speed traffic and to improve the stability of the subdivision by avoiding monotonous development in level or nearly level areas, straight portions of primary and secondary residential streets of undue length must be avoided wherever possible by the use of slight amounts of curvature.
 2. Where the subdivision abuts or contains an existing or proposed arterial street or major highway, the Planning Commission must require a service drive or lots with reverse frontage containing screen planting in a non-access reservation or easement along a property line or such other treatment as may be necessary for the adequate protection of such properties and to afford the separation of through and local traffic.
 3. Where a railroad right-of-way or limited access highway right-of-way abuts a subdivision, the preliminary plan and final plant must provide full use of the intervening land. Provisions must be made for future grade separations whenever the Commission finds that the same are, or will be, necessary.
 4. Streets must be continuous and in alignment with existing roads as far as practicable, and compose a convenient system to ensure free circulation of vehicular and pedestrian traffic.
 5. If adjoining property is not subdivided, provision must be made for the projection of proposed roads by continuing the full widths of rights-of-way laid out for the roads to the boundaries of the subdivision. This provision does not prevent the establishment of cul-de-sacs within the subdivision.
 6. Where the preliminary plan and final plant submitted include only part of the tract owned by the subdivider, the Commission may require a sketch of the tentative road system for all or any part of the unsubdivided contiguous land, supported by such other data as the Commission may reasonably determine to be necessary.
 7. No street names can be used which will duplicate or be confused with the names of existing streets in the County. Street names will be established by the Commission.
 8. Permanent cul-de-sac streets must not be longer than 1,500 feet in length and be provided at the closed end with a circular turnaround area having a minimum 110-foot diameter right-of-way.

9. Property lines at street intersections must be rounded with a radius of 25 feet or of greater radius where the Commission may reasonably deem it necessary. The Commission may permit comparable cutoffs or chords in place of rounded corners.
 10. Street junctions with centerline offsets of less than 125 feet are prohibited.
 11. Reservation strips controlling access to streets are prohibited if they conflict with a needed pedestrian or vehicular thoroughfare.
 12. A tangent at least 100 feet long must be introduced between reverse curves on business, arterial, and primary residential streets.
 13. Streets must be laid out so as to intersect as nearly as possible at right angles and no street may intersect any other street at less than 60 degrees.
 14. Street right-of-way widths must be as shown in the Transportation Element of the Plan, and Chapter 21, Article II. Where not shown therein, the right-of-way for secondary residential streets must be at least 60 feet in width, except that on permanent cul-de-sac streets a right-of-way of 50 feet may be permitted.
- c. The subdivider must provide the following public utility and street improvements in connection with the subdivision, except those improvements provided by the City and paid for on an assessment basis. All such improvements must be constructed in accordance with the specifications and requirements of the applicable codes, ordinances or regulations of the City.
1. Roads, including such related improvements as are required by Chapter 21, Article II.
 2. Stormwater drainage as required by Chapter 21, Article II.
 3. Every portion of a subdivision must be supplied with public water and sanitary sewerage facilities in accordance with Chapter 21 of the City Code or WSSC standards as applicable.
 4. Mid-block access, when required by the Commission as provided in division 3 of this Article.
 5. Streetlights, in accordance with plans and specifications approved by the appropriate public utility and the Director of Public Works.

25.21.17 – Mid-Block Access

- a. Mid-block access may be required by the Commission where reasonably necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities. This will include, when deemed necessary by the Planning Commission, pedestrian overpasses, or underpasses in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses which generate a substantial amount of pedestrian traffic.
- b. Mid-block access must be constructed by the subdivider in accordance with the construction standards of the City.

- c. Mid-block access must not be less than ten (10) feet in width, and paved not less than five (5) feet in width.

25.21.18 – Easements and Rights-of-Way

- a. Easements or rights-of-way across lots must not be less than ten (10) feet in width, or of such greater width as may reasonably be required by the Commission.
- b. Where a residential subdivision includes or adjoins an easement or right-of-way for an underground high volume and pressure gas transmission main, the subdivider must provide lots of sufficient size to allow a 50 foot minimum distance between the easement or right-of-way and any proposed dwelling units on the lots.
- c. The Public Utility improvements (water, sewer and storm drains) must comply with the Department of Public Works Standard Details for Construction for City Utility Easements or other applicable Washington Suburban Sanitary Commission (WSSC) and Montgomery County standards.

25.21.19 – Public Sites and Open Spaces

- a. Where a proposed park, playground, or other public use shown in the Plan is located in whole or in part within a subdivision, the subdivider must dedicate or reserve, at the option of the Commission, adequate space for such purpose in such area within the subdivision when the Commission finds the requirements to be reasonably necessary to the public health, aesthetics, safety, or welfare.
- b. Where reasonably deemed necessary by the Commission, upon consideration of the particular type of development proposed in the subdivision, the Commission may require the dedication or reservation of such other areas or sites of a character, extent, and location reasonably related to the needs generated by such development.
- c. Whenever a preliminary plan or final plat proposes the dedication of land to public use and the Commission finds that such land is not required or suitable for public use, the Commission may either refuse to approve the preliminary plan or final plat or it may require rearrangement of lots to include such lands.

25.21.20 – Floodplain Regulations

- a. No lot may be platted within the limits of the 100 year floodplain of any stream or other drainageway, the limits of which are defined as set forth in Chapter 10 of the Code using generally accepted engineering methods approved by the Director of Public Works and conducted by or at the expense of the subdivider.
- b. The Commission may waive this requirement where land bordering on a stream is used in conjunction with private recreation or conservation uses.

25.21.21 – Tree Planting

- a. The subdivider shall plant at least one (1) street tree per 40 feet of lot frontage within the public right-of-way or if approved by the Approving Authority, adjacent to the public right-of-way. The species, location and method of planting to be approved by the City Forester.

- b. The subdivider shall plant a minimum of one (1) tree in the front yard and two (2) trees in the rear yard of every residential lot as approved by the City Forester.
- c. Tree planting must be done in accordance with the provisions of Chapter 10.5 of the City Code, "Forest and Tree Preservation".

25.21.22 – Lots

- a. *Generally* – The lot size, width, depth, shape, and orientation, and minimum building setback line must be in accordance with the provisions of this Chapter and all other applicable laws.
- b. *Resubdivision of Existing Lots* – In any resubdivision of developed or undeveloped lots within an existing residential area, the plat must maintain, to the extent feasible, the average area and frontage of existing lots within 500 feet of the proposed resubdivision. This requirement supersedes the minimum lot size and frontage requirements of the applicable zone, except where the average lot size or frontage of the existing lots is smaller than the minimum requirements of the zone, in which case the minimum requirements of the zone apply.
- c. *Pipe Stem Lots* – The following provisions apply only to platting of deeded pipe stem lots that were in existence prior to April 24, 2006 and are now being platted:
 - 1. It must be noted on the final subdivision plat that for pipe stem lots municipal refuse collection, snow removal, and road maintenance are provided to the junction of the pipe stem lot driveway and public street.
 - 2. Front setback distance must be measured from the point where the lot and pipe stem join.
 - 3. The City may not accept for filing any application for subdivision, resubdivision, or any other application that creates a new pipe stem lot or lots for single-unit detached residential dwellings. This restriction cannot be waived under Section 25.21.07.
 - 4. Any record lot which is a pipe stem lot is considered a buildable lot.
 - 5. Any parcel meeting the definition of a pipe stem lot that was in existence prior to April 24, 2006 may be platted as a record lot.

25.21.23 – Sediment Control and Stormwater Management

The approval of all preliminary and final plans and extensions of previously approved plans must include provisions for stormwater management erosion and sediment control in compliance with the provisions of Chapter 19.

25.21.24 – Erosion Area Regulations

No lot may be platted within the limits of an erosion area of any stream or other drainageway as determined by the procedures as set forth in Chapter 19 of the Code and the adopted City of Rockville *Environmental Guidelines*. The procedures must be conducted by or at the expense of the subdivider.

25.21.25 – Monuments

- a. Two (2) stone or concrete reference monuments of a size and type approved by the City Manager must be set within each block or portion thereof and the location of each must be established on the final plat.
- b. Metal monuments of a size and type approved by the City Manager must be located in the ground at all intersections of streets and alleys with plat boundary lines where there is a change in direction or curvature.
- c. All monuments must be clearly visible upon the completion of all improvements and must be flush with the ground.