

PROPOSED ZTA AND SRA - COMPLETE STREETS DESIGN GUIDE

Description

Staff recommends the Planning Board request the proposal of a new Zoning Text Amendment (ZTA) and Subdivision Code Amendment (SRA) to correspond with the changes that will be made to Chapter 49 (Road Code) as part of the Complete Streets Design Guide.

COMPLETE STREETS ZTA
AND SRA

COMPLETED: 3-24-2022

MCPB
Item No. 13
3-31-2022

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Summary

- Staff at Montgomery Planning, in coordination with staff at the Montgomery County Department of Transportation (MCDOT) have identified new street types and design standards through the Complete Streets Design Guide (CDSG).
- Planning Staff recommends the introduction of a new ZTA to amend all references to road types within Chapter 59 to be consistent with the new road types recommended by the CSDG and concurrent amendments to Chapter 49.
- Planning staff recommends the introduction of a new SRA to amend all references within Chapter 50 to street types and the relevant design standards for the various street types.

LEAD SPONSORS

Planning Staff

REVIEW BASIS:

Chapters 50 & 59

SECTION ONE

BACKGROUND

The Complete Streets Design Guide

The [Complete Streets Design Guide \(CSDG\)](#) was developed jointly by the Montgomery County Department of Transportation (MCDOT) and the Montgomery Planning Department to develop a comprehensive guide to street design in Montgomery County, with an emphasis on Complete Streets. Complete Streets are roadways that are designed and operated to provide safe, accessible, and healthy travel for all users of the roadway system, including pedestrians, bicyclists, transit riders, and motorists. On a Complete Street, it is intuitive and safe to cross the street, walk to shops, and bicycle to school. The guide is a critical component in implementing the county's Vision Zero goal of eliminating traffic deaths by 2030.

The CSDG introduces new street typologies, which are used to define road design standards and to master plan roads (per the Master Plan of Highways and Transitways). The street typologies and design standards identified in the CSDG modify how we plan and design county roads, and accordingly, this will require revisions to county code – primarily to Chapter 49 (the road code) and to a lesser extent, Chapter 50 (subdivision regulations) and 59 (the zoning code) as well.

The new street typologies introduce thirteen new street types (added to three street types that will remain in the road code), resulting in 16 total street types as follows:

1. Freeway (not in the CSDG but to remain in the road code)
2. Controlled Major Highway (titled Major Highways in the current CSDG, but will be renamed in the CSDG to match current code street type)
3. Downtown Boulevard
4. Town Center Boulevard
5. Boulevard
6. Parkway (not in the CSDG but to remain in the road code)
7. Downtown Street
8. Town Center Street
9. Industrial Street
10. Connector (with two sub-types: Area Connector and Neighborhood Connector)
11. Country Connector
12. Country Road
13. Neighborhood Street
14. Neighborhood Yield Street
15. Alley
16. Residential and Commercial Shared Streets

Following are some generalized translations between the current Chapter 49 Street classification and the new Complete Streets classification. Many of these translations are not universal, so the predominant new classification(s) are shown below in Table 1 for each existing street classification.

Table 1 – Generalized Road Translations with the CSDG

Current Chapter 49 Classification	New Chapter 49 (CSDG) Classification
Freeway	No Change
Controlled Major Highway	No Change
Major Highway	Boulevard, Downtown Boulevard, or Town Center Boulevard
Parkway	No Change
Arterial	Boulevard or Neighborhood Connector
Country Arterial	Country Connector
Minor Arterial	Connector - Neighborhood Connector
Business District Street	Downtown Street or Town Center Street
Industrial Street	No Change
Primary Residential Street	Neighborhood Connector
Country Road	No Change
Principal Secondary Residential Street	Neighborhood Street
Secondary Residential Street	Neighborhood Street
Tertiary Residential Street	Neighborhood Street
Rustic or Exceptional Rustic Road	No Change
Alley	No Change
NA	Residential and Commercial Shared Streets

The design of the new street types in the CSDG is based on both the function of the roadways and the surrounding land use context, which is referred to as an area type. The CSDG identifies five different area types as follows:

[Downtown Areas](#)

Downtown areas are envisioned as Montgomery County’s highest intensity areas including central business districts and urban centers. They are envisioned to have dense, transit-oriented development and a walkable street grid (existing or planned). Downtown areas share the following characteristics:

- Identified as central business districts
- Major employment centers
- Significant consolidated area of Commercial/Residential and Employment zoning designations

- Very high levels of existing or anticipated pedestrian and bicyclist activity and Non-Auto Driver Mode Share (NADMS) goals
- Very high levels of transit service
- Street grid with high levels of connectivity
- Continuous building frontage along streets, with minimal curb cuts
- Mostly below ground or structured parking

Town Center Areas

Town Center areas are similar to Downtown areas but generally feature less intense development and cover a smaller geographic area. While the Town Center area type includes a mixture of uses, it is commonly envisioned as high-to-moderate intensity residential development, including multifamily buildings and townhouses, and retail (existing or planned). These areas generally share the following characteristics:

- Identified as regional or neighborhood-serving retail nodes with housing and other uses
- Zoning includes Commercial/Residential, Residential Multi-Unit and lower intensity Employment zoning designations
- Medium to high levels of pedestrian and bicyclist activity and NADMS goals
- Medium levels of existing or planned transit service
- A street grid that ties into the surrounding streets
- Continuous building frontage along streets with some curb cuts
- A mixture of structured and underground parking as well as surface lots

Suburban Areas

The Suburban area type is envisioned as low-to-moderate intensity residential development. These areas are envisioned to generally share the following characteristics:

- Consolidate area of single-unit residential development
- Zoning includes Residential detached, Residential Multi-Unit and Residential Townhouse designations
- May include isolated retail establishments
- Medium to low levels of pedestrian and bicycle activity
- Medium to low levels of transit service, except along transit corridors
- A low-intensity grid network or a pattern of cul-de-sacs

- Buildings front the street but may be set back, curb cuts may exist to access individual addresses
- Structured parking is encouraged, but mostly surface parked

Industrial Areas

The Industrial area type is a unique area where employment and industrial uses are the primary activities. These areas often have higher densities of development but maintain lower to moderate levels of bicycle and pedestrian activity. The Industrial area type has the following characteristics:

- Medium intensity development, primarily focused around warehousing, light manufacturing, trucking, and equipment repair
- Small amounts of residential and retail may be allowed, but is not the norm
- Zoning includes Industrial designations zones
- Low to moderate levels of pedestrian and bicycle activity
- Moderate levels of transit service
- Traditionally wider streets that accommodate high levels of truck traffic
- Many existing curb-cuts along the street edge

Country Areas

The Country area type comprises the least dense portions of the county, with low intensity residential and agriculture land uses. The Country areas share many of the following characteristics:

- Low intensity large-lot single family dwellings, forests, or agricultural uses
- Uses may also infrequently include institutional uses or small-scale commercial uses
- Little to no availability of public water or sewer infrastructure
- Zoning includes various residential, rural residential and residential detached zones
- Low levels of pedestrian and bicycle activity
- Low levels of transit service
- Little or no grid pattern to streets; rather the development pattern is concentrated along existing roadways or short cul-de-sacs
- Many buildings have little to no direct relationship to the street frontage

Rationale for ZTA and SRA

A Zoning Text Amendment (ZTA) is needed to modify Chapter 59 to incorporate the new CSDG road types, which are being defined in Chapter 49 (the road code). A Subdivision Regulation Amendment (SRA) will similarly update Chapter 50's sections on road design standards to reference the new road types and to provide appropriate standards where applicable. These two code text amendments are happening simultaneously with changes to Chapter 49 to introduce the new road types. (The draft amendments to Chapter 49, which are being requested by MCDOT, are contained in Attachment 3.) Staff may have some comments as it relates to the draft changes to Chapter 49, but will provide those later in the spring once the Council introduces amendments to all three chapters for public review.

The changes to Chapter 59 are necessary because of numerous instances where use restrictions or development standards for certain land uses are based on their adjacency or access to particular road types.

A non-exhaustive list of the more common references to street types in Chapter 59 includes:

- Establishing use restrictions or design requirements based on whether a street is considered a residential street,
- Establishing restrictions that only allow a use if it is on a non-residential street,
- Standards that only allow a use if the access road is built to Primary or Primary Residential standards or higher,
- Standards that only allow a use if the access road is built to Arterial standards or higher,
- Establishing restrictions that are specific to when the adjoining road is a Business District street.

The requested ZTA replaces each reference to a road type found within Chapter 59 with the best corresponding new road type from the CSDG and the updated Chapter 49. A more detailed discussion of the different road type translations needed in Chapter 59 is discussed later in the ZTA analysis section of this report.

The SRA amending Chapter 50 is needed because this chapter contains certain road design standards, including intersection spacing and horizontal curve radii of each road type, plus a number of other specific design standards for certain road types under certain circumstances. Like in Chapter 59, the road types currently in Chapter 50 will be replaced with their corresponding CSDG and Chapter 49 road type.

It is important that all three chapters (49, 50 and 59) be reviewed by the Council simultaneously since there are multiple linkages between these codes as it relates to shared terminology and their roles in the development review and implementation process.

SECTION TWO

ANALYSIS

Proposed SRA

The proposed SRA modifies Chapter 50 (the subdivision ordinance) to include the new CSDG street types being added to Chapters 49 and 59. The necessary changes are mostly limited to the road planning and design requirements found within Section 4.3.E, which is the Roads subsection within the Technical Review of plans portion of the code.

[Section 4.3.E.2.f Intersections](#)

The first major changes are in Section 4.3.E.2.f *Intersection*, starting on line 30 of the attached draft SRA (Attachment 1). New guidance is added for protected crossings, which are crossings designed to improve the safety and comfort of pedestrians and bicyclists crossing the street with traffic control devices, such as full traffic signals and Pedestrian Hybrid Beacons, that prohibit conflicting left turns and through vehicular movements. This guidance includes specifying that protected crossings may include HAWK signals, all-way stops, or grade separation. Clarity is also added that when the included table of intersection spacing gives a range, the lower end of the range is the preference.

Within the table on intersection standards shown as line 40 in Attachment 1, all of the road typologies under the *Road Classification* column are updated to reflect the road types that will be in the amended Chapter 49 which are discussed on page 2 of this report. The *Locale* column is updated to reflect the new area types introduced by the CSDG. Minor updates are made to the *Distance Between Intersections* column based on updated standards in the CSDG, including adding ranges to some road types. A new column, *Maximum Protected Crossing Spacing Targets*, is added. The spacing between protected crossings is often different, and larger, than the distance between intersections because not every intersection may be a protected crossing.

[Section 4.3.E.2.g Horizontal alignment](#)

The next updated section, Section 4.3.E.2.g *Horizontal alignment* starting on line 45 of the attached SRA, is specific to roads that are more residential in character and specifies the minimum radii of curves on these types of roads. The changes do not impact any policy and instead only replace the previous road types of Primary, Secondary, and Tertiary with the new types of Connectors, Neighborhood Streets, and Neighborhood Yield Streets.

[Section 4.3.E.4 Additional standards for private roads](#)

The final section of Chapter 50 being updated by the proposed SRA is Section 4.3.E.4 *Additional standards for private roads*, starting on line 73 of the attached draft SRA. The updates proposed in this section also do not make any policy changes but instead are meant to replace the existing road typologies with the new road types from the CSDG that will be in Chapter 49.

Proposed ZTA

The proposed ZTA is intended to be a completely technical update, ensuring all references to the current road types are updated to reflect the new road types from the CSDG. There are no intended policy changes in Chapter 59. The references to road types in Chapter 59 are numerous and can be seen in detail in the attached draft ZTA (Attachment 2). Many land uses discussed within the zoning code have restrictions or standards that are based on the type of street the use either confronts or from which the use takes access. There are some re-occurring types of restrictions that are the same or similar across different uses. Below are summaries of the most common situations within the code that reference street types that are being translated.

Residential streets

One of the reoccurring contexts in Chapter 59 is the prohibition of certain land uses from taking access from a *Residential Street* or a *residentially classified street* under varying contexts. Sometimes, any instance of a use is prohibited from any access. Other times the provisions only apply if the use is allowed as a limited, or a conditional use. In the current code, residential streets are either Primary Residential, Secondary, or Tertiary. This ZTA would define Residential Streets to be Neighborhood Connector, Neighborhood Street, or Neighborhood Yield Street. The prominent land use instances where restrictions on access to residential streets occurs include:

- Light Vehicle Sales and Rental (indoor and outdoor)
- Filling Stations
- Repair (major and minor)
- Drive-thru
- Contractor Storage Yards

The requirements of open space contiguousness for Rural and Common Open Spaces also reference residential streets as a condition of design. In this instance, the code requires a certain amount of open space be contiguous and clarifies that the open space may only be bisected by a residentially classified street.

The current zoning code does not specifically define residential streets. Staff is adding a definition for clarity of interpreting the code. Residential streets could include Neighborhood Connectors, Country Roads, Rustic and Exceptionally Rustic Roads, Neighborhood Streets, and Neighborhood Yield Streets.

Non-residential streets

There are two instances in the zoning code where a reference to a *non-residential* street is made. Both are part of the requirements for requesting floating zones – one for non-residential floating zones and the other for mixed-use floating zones. Specifically, these floating zones must be located along a non-residential street. Non-residential streets include Downtown Boulevard, Town Center Boulevard, Boulevard, Controlled Major Highway, Area Connectors, and Industrial Street.

Primary Residential Roads

Another common context in Chapter 59 relating to streets is a requirement that a use have access to a road that is classified as a *primary or higher*, or a *primary residential road or higher* classification. There are two primary reasons for this requirement: for engineering considerations based on the anticipated type of traffic that would use the road, and because primary residential roads (or higher) are intended to carry some amount of non-local traffic, whereas roads below primary are generally for local traffic only. This ZTA would replace any reference to primary, or primary residential with the term Neighborhood Connector. Neighborhood Connectors are a type of Connector, which is intended to carry a mix of local and non-local traffic but is intended to have mostly residential uses along it.

Uses in the code that would have this text change include:

- Agricultural Processing as a conditional use
- Retail Nursery as a conditional use
- Slaughterhouse as a conditional use
- Breweries, distilleries and wineries in the residential zones
- Seasonal outdoor sales
- Charitable, Philanthropic Institutions in the residential zones
- Lodging as a conditional use
- Clinic up to 4 as a conditional use
- Outdoor Recreation facility up to 1,000 persons or over 1,000 persons as a conditional use

Arterial Roads

Similar to the references above to Primary Residential streets, there are instances in Chapter 59 where the requirement that uses have access to *an arterial or higher roadway*. The translation proposed by this ZTA would replace references to arterial or higher to read Area Connector or higher classified roadways. Area Connectors are another type of Connector. Like the Neighborhood Connector, the Area Connector is anticipated to carry a mix of local and non-local traffic but may have a slightly higher share of non-local traffic and may have some commercial uses along them.

The uses that are restricted to accessing arterial or higher roadways include:

- Equestrian Facilities that host major events
- Charitable, Philanthropic Institutions if approved as a Conditional Use
- Golf Courses or Country Clubs if approved as a Conditional Use
- Light vehicles and sales (indoor and outdoor) if in the EOF Zone

The Burtonsville Employment Area Overlay Zone also has setback requirements based on the adjacent roadway type, including arterial roads. One of the conditional use findings for Private Educational Institutions also must consider the proximity of arterial roadways, and the Office and Professional use if allowed by Conditional Use in the R-60 zone must be on an arterial road.

[Business District Streets](#)

Chapter 59 has a few references where certain land uses in certain situations must *front on* or *access a Business District street* including Medical Clinics approved by conditional use, or for surface parking in the Mixed Use or Employment Zones without a sketch plan. There are also requirements in both the Life Sciences Center (LSC) and Employment Office (EOF) zones for the design of parking, and the measurement of building orientation and ground floor transparency that only apply if a site is on a Business District street. This ZTA would replace all references to Business District Streets with Town Center Street and Downtown Street.

Coordination with Chapter 49, the Road Code

The changes proposed by this SRA and ZTA are directly tied to the changes concurrently being made in Chapter 49, the road code, implementing the CSDG. As stated before, the CSDG was a joint effort between M-NCPPC and MCDOT staff. Attached is a draft copy of the changes proposed for Chapter 49 (Attachment 3). The final text that is adopted is subject to minor adjustments but MCDOT is responsible for the introduction of changes to that portion of the code.

Modifications to the Complete Streets Design Guide

When creating the ZTA and SRA, the intent is to replace the existing road types in the code with the corresponding new road type from the CSDG. Through this process, there were two updates staff identified that should be made to the CSDG document pertaining to Controlled Major Highways and Neighborhood Connectors.

The first update to the guide would replace references to Major Highways with Controlled Major Highways. Most existing Major Highways today will become the Boulevard street type. The only sections of Major Highway that remained were sections of highway that are limited access, hence the ‘controlled’ aspect. By making this name modification to include the word controlled, the name better aligns with the reality of how this limited street type is used and is consistent with Chapter 49.

The other update to the CSDG relates to the street type called Neighborhood Connector. The CSDG, looking at the design and context elements of roads, determined that multiple road types including Primary Residential Streets, Minor Arterials, two lane Arterials, and two lane Major Highways should all be consolidated into one road type called the Neighborhood Connector. The approach recognized that these roads are all two lanes, share similar geometric standards, and serve the same function of connecting activity centers within the county to each other. However, in trying to implement this change in Chapter 59, it became apparent that the zoning code distinguishes Primary Residential Streets from Arterials from the land use and access perspectives. Generally, the Primary Residential Streets are connectors, but are predominantly residential and serve to connect more local area traffic to local centers or higher classification roadways. Arterial roadways, while also often surrounded by residential uses, may have some commercial uses along them. Arterials also tend to have more non-local traffic and more directly connect centers of activity. With only one type of Connector, it presented translation issues for the sections of the code that prohibit access to residential streets or that only allow access to arterial or above type streets. Staff's solution is to rename the Neighborhood Connector in the CSDG to Connector and then create two sub-types of connectors: the Neighborhood Connector to capture streets previously identified as residential and the Area Connector for arterials.

These modifications have been discussed with MCDOT and are reflected in the draft amendments to Chapter 49 (Attachment 3). Once the amendments to Chapters 49, 50 and 59 are adopted by the Council, Planning staff will bring the appropriate CSDG revisions to the Planning Board for its review.

Conclusion

Staff recommends the Planning Board transmit the attached draft SRA, and ZTA to the District Council for introduction. These two pieces of draft code would be reviewed concurrently with the pending updates to Chapter 49 since the three chapters of the code are dependent on each other. It is anticipated the Council will formally introduce the SRA and ZTA in late spring of this year, providing the opportunity to publicly review the proposed amendments and proceed through the review and adoption process in early fall.

Attachments

[Attachment 1 – Proposed Subdivision Regulation Amendment \(Chapter 50\)](#)

[Attachment 2 – Proposed Zoning Text Amendment \(Chapter 59\)](#)

[Attachment 3 – Draft Road Code Amendment \(Chapter 49\)](#)

Attachment 1

Subdivision Regulation Amendment

No.: 22-**

Concerning: Road Types – Complete
Streets Design Guide and
Chapter 49 the Road
Code

Draft No. & Date: 1 - ***

Introduced:

Public Hearing:

Adopted:

Effective:

Ordinance No.:

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

Lead Sponsor: Councilmember ***

AN AMENDMENT to the Montgomery County Subdivision Ordinance to:

- Replace any reference to road or street types with new typology that implements the Complete Streets Design Guide and matches the updates to Chapter 49, the Road Code
- Modifies the design standards of certain road types including intersection spacing and horizontal alignment, based on the Complete Streets Design Guide

By amending the following sections of the Montgomery County Subdivision Ordinance, Chapter 50 of the Montgomery County Code:

DIVISION 50.4

“PRELIMINARY PLAN”

Section 50.4.3

“Technical Review”

EXPLANATION: **Boldface** indicates a Heading or a defined term.

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

* * * indicates existing law unaffected by the text amendment.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 50-* is amended as follows:

* * *

DIVISION 50.4 Preliminary Plans

* * *

Section 4.3. Technical Review

* * *

E. Roads.

1. Plan requirements.

- a. *Master plan roads.* Preliminary plans must include roads shown on any adopted Master Plan of Highways and Transitways, in satisfaction of the Road Design and Construction Code. Where applicable, an approved plan must include recommendations of the State Highway Administration for construction and access to State roads. Where private roads are specifically recommended by a master plan, the roads must be provided to the standards for private roads under this Section.

* * *

2. Design standards.

* * *

f. Intersection.

- i. Roads must be laid out to intersect as nearly as possible at right angles. The Board must not approve a proposed intersection of new roads at an angle of less than 70 degrees.
- ii. The distance between proposed road intersections, excluding alleys and driveways, must be spaced as shown in the table below, as measured from the centerline of the intersections. When the Board finds that a greater or lesser distance is appropriate, the Board may specify a greater or lesser distance

than otherwise required after considering the recommendation of the transportation agency responsible for maintaining the road. On streets with operating speeds of 30 mph or higher, protected crossings include HAWK signals, all-way stop controlled intersections, or grade-separated crossings. Protected crossing spacing targets are shown in the table below, as measured from the centerline of the intersections. Engineering judgement is needed to determine the ultimate placement and spacing between signals, with a focus on sight lines. Where ranges are provided, the lower end of the range is recommended in commercial areas, on BRT corridors, and near schools (or similar destinations.

<i>Road Classification</i>	<i>Locale</i>	<i>Distance Between Intersections (FT)</i>	<i><u>Maximum Protected Crossing Spacing Targets (FT)</u></i>
[Tertiary Residential]	[All]	[150]	
[Secondary Residential] <u>Neighborhood Street and Neighborhood Yield Street</u>	[Urban] <u>All</u>	200	<u>N/A</u>
	[Suburban]	[200]	
	[Rural]	[200]	
[Primary and Principal Secondary] <u>Connectors, Neighborhood and Area</u>	[Urban] <u>Downtown and Town Center</u>	300	<u>600</u>
	Suburban	400 – 600	600 – 1,200
	[Rural] <u>Country</u>	400 – 800	600 – 1,200
[Business District and] Industrial	[Urban] <u>All</u>	[300*] <u>400</u>	<u>800</u>
	[Suburban]	[400*]	
	[Rural]	[400*]	
Country Road	<u>All</u>	400	<u>1,300 – 2,700</u>
Country [Arterial] <u>Connector</u>	<u>All</u>	800	<u>1,300 – 2,700</u>
[Minor Arterial]	[Urban]	[300]	

	[Suburban]	[500]	
	[Rural]	[800]	
[Arterial]	[Urban]	[300*]	
	[Suburban]	[600*]	
	[Rural]	[800*]	
<u>Downtown Boulevard</u>	<u>All</u>	<u>400</u>	<u>400</u>
<u>Town Center Boulevard</u>	<u>All</u>	<u>600</u>	<u>600</u>
<u>Boulevard</u>	<u>All</u>	<u>800</u>	<u>800 – 1,000</u>
<u>Downtown Street</u>	<u>All</u>	<u>400</u>	<u>400</u>
<u>Town Center Street</u>	<u>All</u>	<u>400</u>	<u>400</u>
[Major Highway]	[Urban]	[300*]	
	[Suburban]	[800*]	
	[Rural]	[1000*]	
Controlled Major Highway	[Urban] <u>All</u>	[300] <u>1,000</u> *	<u>1,300</u>
	[Suburban]	[1000*]	
	[Rural]	[1000*]	
Parkway	[Urban] <u>All</u>	[300] <u>800</u> *	<u>800</u>
	[Suburban]	[600*]	
	[Rural]	[800*]	

*NOTE: Median breaks on divided roadways must be no closer than 600 feet except in Downtown Areas.

* * *

g. *Horizontal alignment.* In all public and private [primary, secondary and tertiary] residential streets and culs-de-sac, the alignment must be designed so that all deflections in horizontal alignment are accomplished through segments of circular curves properly incorporated into the design. The minimum permitted centerline radii must be:

- i. [Primary roads] Neighborhood Connectors 300 feet
- ii. [Secondary roads] Neighborhood Streets and Neighborhood Yield streets more than 500 feet in length 150 feet

- iii. [Tertiary roads] Neighborhood streets and Neighborhood Yield streets less than 500 feet in length 100 feet

The Board must specify greater radii when safety requires. A tangent at least 100 feet long must be used between two reverse curves, except in a [secondary or tertiary residential street] Neighborhood street or a Neighborhood Yield street. The Board may specify a lesser radius when the Department of Transportation has previously issued a design exception for a similar design.

* * *

4. *Additional standards for private roads.*

* * *

- d. *Road classifications.* When the Department of Transportation determines that the proposed road is not needed to maintain area circulation, provide continuous corridors to serve the general public and quasi-public needs such as communication, utility, and future potential transportation or other systemic needs that serve the public on a long-term basis, and is not needed to be part of the network modeled for area capacity, consideration will be given to making the following roads private:

- i. Only roads classified as either [Business District] Downtown street, Town Center street, Industrial, [Secondary, Tertiary] Neighborhood street, Neighborhood Yield street, or Alley may be considered by the Board to be private. All other road classifications must be public unless specifically permitted to be a private road by a master plan.

- 79 ii. Private roads with improvements above or below the pavement
- 80 are only allowed in projects that require site plan review and
- 81 approval.
- 82 iii. Private roads should not be permitted if they will create a
- 83 segmented road ownership pattern, unless approved by the
- 84 Planning Board.
- 85 iv. Private roads must not be permitted if they will negatively affect
- 86 development of other properties.
- 87 v. Except where a Master Plan indicates that a [Business District]
- 88 Downtown street or Town Center street could be private, a
- 89 [Business District road] Downtown street or Town Center street
- 90 may be a private road only when it is not required to provide an
- 91 adequate traffic level of service. A private [Business District]
- 92 Downtown street or Town Center street may be approved only
- 93 when the proposed road is either not a connector between two
- 94 higher classification roads or a road that is not planned to extend
- 95 beyond the boundary of the preliminary plan.
- 96 vi. An industrial road may be a private road only when the road is
- 97 part of roads internal to the industrial site and the road is not a
- 98 connector between higher classified roads.
- 99 vii. A [secondary road] Neighborhood street or a Neighborhood
- 100 Yield street may be a private road only when it
- 101 (a) connects to no more than one higher classification road
- 102 and the road does not need to be extended onto adjacent
- 103 property to facilitate a future subdivision of land[.], and
- 104 (b) when it has a cul-de-sac less than 500 feet in length.

[viii. A tertiary road, when a cul-de-sac, must be less than 500 feet in length.]

* * *

Sec. 3. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Selena M. Singleton, Esq.
Clerk of the Council

Attachment 2

Zoning Text Amendment No.: 22-**
Concerning: Road Types – Complete
Streets Design Guide and
Chapter 49 the Road
Code

Draft No. & Date: * - ***

Introduced:

Public Hearing:

Adopted:

Effective:

Ordinance No.:

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

Lead Sponsor: Councilmember ***

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- Replace any reference to road or street types to the new street typology being introduced into Chapter 49, the Road Code.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 1.4	“DEFINED TERMS”
Section 1.4.2	“Specific Terms and Phrases Defined
DIVISION 2.2	“ZONING MAP”
Section 2.2.4	“Zoning and Development within Rights-of-Way
DIVISION 3.2	“AGRICULTURAL USES
Section 3.3.2	“Agricultural Processing”
Section 3.2.4	“Equestrian Facility”
Section 3.2.7	“Nursery”
Section 3.2.8	“Slaughterhouse”
Section 3.2.10	“Accessory Agricultural Uses”
Section 3.2.11	“Temporary Agricultural Uses
DIVISION 3.4	“CIVIC AND INSTUTIONAL USES”
Section 3.4.2	“Charitable, Philanthropic Institutions”
Section 3.4.5	“Educational Institutions (Private)”
DIVISION 3.5	“COMMERCIAL USES”
Section 3.5.6	“Lodging”
Section 3.5.7	“Medical and Dental”

Section 3.5.8	“Office and Professional”
Section 3.5.9	“Parking”
Section 3.5.10	“Recreation and Entertainment”
Section 3.5.12	“Vehicle/Equipment Sales and Rental”
Section 3.5.13	“Vehicle Service”
DIVISION 4.6	“EMPLOYMENT ZONES”
Section 4.6.3	“Standard Method Development”
DIVISION 4.9	“OVERLAY ZONES”
Section 4.9.3	“Burtonsville Employment Area (BEA) Overlay Zone
DIVISION 6.2	“PARKING, QUEUING, AND LOADING”
Section 6.2.5	“Vehicle Parking Design Standards
DIVISION 6.6	“OUTDOOR DISPLAY AND STORAGE”
Section 6.6.3	“Design Standards”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 1.4 is amended as follows:

Division 1.4. Defined Terms

* * *

Section 1.4.2. Specific Terms and Phrases Defined

* * *

N.

* * *

Nonresidential Street: A right-of-way with a [business district street or higher] classification of Downtown Boulevard, Downtown Street, Town Center Boulevard, Town Center Street, Boulevard, Major Highway, Area Connector, and Industrial Street under Chapter 49.

* * *

R.

* * *

Residential Street: A right-of-way with a classification of Neighborhood Connector, Neighborhood Street, or Neighborhood Yield Street under Chapter 49.

* * *

Road[, Arterial] Freeway, Parkway, Controlled Major Highway, Boulevard, Town Center Boulevard, Downtown Boulevard, Town Center Street, Downtown Street, Industrial, Connector, Country Connector, Country, Rustic, Neighborhood Street, Neighborhood Yield Street or Alley: See Chapter

49.

[Road, Business: See Chapter 49.]

[Road, Primary Residential: See Chapter 49.]

* * *

Sec. 2. DIVISION 2.2 is amended as follows:

Division 2.2. Zoning Map

* * *

Section 2.2.4. Zoning and Development within Rights-of-Way

* * *

D. Development within Planned Rights-of Ways

1. In areas where the Commission has adopted a M[m]aster P[p]lan of H[h]ighways and Transitways showing a proposed new highway or street or a proposed relocation or widening of an existing highway or street, or a proposed rapid transit route or facility, no building or part of a building is permitted to be erected within the planned acquisition line of such proposed highway or street, or rapid transit line or facility.

* * *

Sec. 3. DIVISION 3.2 is amended as follows:

Division 3.2. Agricultural Uses

* * *

Section 3.2.2. Agricultural Processing

* * *

B. Use Standards

Where Agricultural Processing is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

1. The minimum lot area is 10 acres.
2. The minimum setback for an Agricultural Processing structure from any lot line is 75 feet.
3. The lot must front on and have access to a road built to [primary residential] Neighborhood Connector road or higher standards unless processing materials are produced on-site.

4. If the subject lot abuts property in the AR zone, screening under Division 6.5 is not required.

Section 3.2.4. Equestrian Facility

B. Use Standards

1. Where an Equestrian Facility is allowed as a limited use, it must satisfy the following standards:

- g. Equestrian events are restricted as follows:

Site Requirements	Hours of Operation		Number of Participants and Spectators			
	Su-Th	Fr-Sa	Event	Informal Event	Minor Event	Major Event
			0-25	26-50	51-150	151-300
Up to 17.9 acres	6am-9pm	6am-10pm	Unlimited on any day	None	None	None
18 - 24.9 acres	6am-9pm	6am-10pm	Unlimited on any day	Unlimited on Sat, Sun and holidays; maximum of 6 weekdays per month	None	None
25 - 74.9 acres	6am-9pm	6am-10pm	Unlimited on any day	Unlimited on Sat, Sun and holidays; maximum of 6 weekdays per month	Maximum of 7 per year	None
75+ acres and direct access to a roadway with [an arterial] <u>an Area Connector</u> or higher classification	6am-9pm	6am-10pm	Unlimited on any day	Unlimited on Sat, Sun and holidays; maximum of 6 weekdays per month	Maximum of 7 per year	Maximum of 3 per year lasting up to 3 consecutive days each

Section 3.2.7. Nursery

2. Use Standards

- a. Where Nursery (Retail) is allowed as a limited use, any Nursery (Retail) over 5,000 square feet of gross floor area, may be a maximum of 50% of the mapped FAR.
- b. Where a Nursery (Retail) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:
 - i. The minimum lot area is 2 acres.
 - ii. The minimum building setback from any lot line is 50 feet; the minimum outdoor storage setback is 25 feet.
 - iii. The lot must front on and have access to a road built to [primary residential] Neighborhood Connector or higher standards. In the AR, R, and RC zones, this standard is not required if the Hearing Examiner finds that:
 - (a) Road access will be safe and adequate for the anticipated traffic to be generated; and
 - (b) The use at this location will not be an intrusion into an established residential neighborhood.

* * *

Section 3.2.8. Slaughterhouse

* * *

B. Use Standards

Where a Slaughterhouse is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

1. The minimum lot area is 20 acres.
2. The minimum setback from any lot line is 75 feet.

3. If the subject lot abuts property in the AR zone, screening under Division 6.5 is not required.

4. The lot must front on and have direct access to a road built to [primary residential] Neighborhood Connector or higher standards.

* * *

Section 3.2.10. Accessory Agricultural Uses

* * *

B. Farm Alcohol Production

* * *

2. Use Standards

a. Where Farm Alcohol Production is allowed as a limited use, it must satisfy the following standards:

* * *

xvi. In the RE-1 and RE-2 zones, for breweries, distilleries, and wineries:

(a) the minimum site area is 25 acres;

(b) the site must be located in an area classified as sewer category 6 in the Ten Year Comprehensive Water Supply and Sewerage Systems Plan; and

(c) access must be directly from a roadway classified in the approved Master Plan of Highways and Transitways as a [primary residential] Neighborhood Connector or higher roadway

* * *

Section 3.2.11. Temporary Agricultural Uses

* * *

B. Seasonal Outdoor Sales

* * *

2. Use Standards

Where Seasonal Outdoor Sales is allowed as a limited use, it must satisfy the following standards:

* * *

e. In the Agricultural, Rural Residential, Residential, LSC, and EOF zones:

- i. The property must be vacant or used for nonresidential purposes.
- ii. Except where Seasonal Outdoor Sales occur on the site of a Religious Assembly use, the site must front on and have access to a road built to [primary residential] Neighborhood Connector or higher standards.

* * *

Section 3.2.12.

* * *

Sec. 4. DIVISION 3.4 is amended as follows:

Division 3.4. Civic and Institutional Uses

* * *

Section 3.4.2. Charitable, Philanthropic Institution

* * *

B. Use Standards

* * *

- 2. Where a Charitable, Philanthropic Institution is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

* * *

c. In the AR, R, RC, and RNC:

* * *

- ii. The site fronts on and has direct access to a public road built to [arterial] Area Connector or higher road standards. Frontage on and access to an [arterial] Area Connector or higher standard is not required where the Hearing Examiner finds that road access by a [primary residential or secondary residential road] Neighborhood Connector, Neighborhood Street or Neighborhood Yield Street will be safe and adequate for the anticipated traffic to be generated.

* * *

- g. In the RE-2, RE-2C, RE-1, R-200, R-90, and R-60 zones:

- i. The site fronts on and has direct access to a road built to [primary residential road] Neighborhood Connector or higher standards. Access to a corner lot may be from ~~an abutting primary street, constructed to~~ a [primary residential standards] Neighborhood Connector street, if the Hearing Examiner finds this access to be appropriate and not detrimental to existing residential uses on that [primary residential] Neighborhood Connector street.

* * *

Section 3.4.5. Educational Institution (Private)

* * *

C. Use Standards

* * *

2. Where an Educational Institution (Private) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

* * *

d. The number of pupils per acre allowed to occupy the premises at any one time must be specified by the Hearing Examiner considering the following factors:

i. traffic patterns, including:

(a) impact of increased traffic on residential streets;

(b) proximity to transit services, [arterial roads] Area Connectors, Town Center Streets, Downtown Streets, Boulevards, and Controlled major highways; and

(c) provision of measures for Transportation Demand Management in Chapter 42 (Section 42A-21).

* * *

Sec. 5. DIVISION 3.5 is amended as follows:

Division 3.5. Commercial Uses

* * *

Section 3.5.6. Lodging

* * *

2. Use Standards

* * *

b. Where a Bed and Breakfast is allowed as a conditional use, it may be permitted by the Hearing Examiner under all limited use standards, Section 7.3.1, Conditional Use, and the following standards:

i. The Hearing Examiner may deny a petition for a Bed and Breakfast with frontage on and access to a road built to less than [primary residential] Neighborhood Connector standards if it finds that road access will be unsafe and inadequate for the anticipated traffic to be generated or the level of traffic would have an adverse impact on neighboring residences.

* * *

Section 3.5.7. Medical and Dental

A. Clinic (Up to 4 Medical Practitioners)

* * *

2. Use Standards

* * *

b. Where a Clinic (Up to 4 Medical Practitioners) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section [7.3.1](#), Conditional Use, and the following standards:

i. The minimum lot width at the front lot line is 100 feet.

ii. The minimum setback from a lot that is vacant or residentially improved is 40 feet. The minimum setback from all other abutting lots is 20 feet.

iii. The site must front on and have direct access to a [business district] Town Center Street or Downtown street or higher classification; however, access to a corner lot may be from an abutting street built to [primary residential] Neighborhood Connector standards, if the Hearing Examiner finds the access to be appropriate and not detrimental to existing residential uses on the [primary residential] Neighborhood Connector street.

* * *

Section 3.5.8. Office and Professional

* * *

B. Office

* * *

2. Use Standards

* * *

b. Where an Office is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

i. In the R-200, R-90, and R-60 zones:

* * *

(g) In the R-60 zone, the site must be:

(1) designated as suitable for an Office or nonresident professional office in a master plan; and

(2) located along a highway with an existing right-of-way with a minimum width of 90 feet or along a portion of [an arterial road] a Boulevard, Downtown Boulevard, Town Center Boulevard, Area Connector, Downtown Street, or Town Center Street designated as a boundary of a Central Business District area.

* * *

Section 3.5.9. Parking

* * *

C. Surface Parking for Use Allowed in the Zone

* * *

2. Use Standards

* * *

b. Where a sketch plan is not required:

i. the parking layout must accommodate the landscaping required under Section 6.2.9; and

ii. in the CRT, CR, LSC, and EOF zones:

(a) the surface parking must be providing parking for a use on an abutting lot or be a municipal public parking lot; and

- (b) for properties on [a business district street] Downtown Street or Town Center Street, site plan approval is required under Section 7.3.4. The Planning Board must find that the surface parking supports commercial or residential uses that substantially conform with the recommendations of the applicable master plan.

Section 3.5.10. Recreation and Entertainment

* * *

D. Golf Course, Country Club

* * *

2. Use Standards

Where a Golf Course, Country Club is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

- a. The maximum coverage is no more than 3%.
- b. The minimum setback for a principal building is 50 feet.
- c. In a Residential zone, the minimum frontage is 200 feet on a road of [arterial] Area Connector or higher classification.

* * *

G. Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000 Persons)

* * *

2. Use Standard

Where a Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use and the following standards:

- a. In the RE-2C zone:

- i. Only a group picnic, catering and recreation facility is allowed.
- ii. The site must be a minimum of 80 acres.
- iii. The maximum building height is 50 feet.
- iv. Any structure or building must be set back from any lot line a minimum of 50 feet.
- v. The site must have direct access to a public road that is built to [primary residential] Neighborhood Collector or higher standards.

* * *

b. In the R-200 zone:

- i. Only an outdoor catering facility is allowed. An enclosed food preparation building is allowed but all catering parties must be held under pavilions, or in the open, and may include various recreational activities.
- ii. The site must be a minimum of 80 acres.
- iii. The maximum building height is 20 feet.
- iv. Any structure, building, or parking area must be setback from any lot line a minimum of 100 feet.
- v. The site must have direct access to a public road that is built to [primary residential] Neighborhood Collector or higher standards.

* * *

H. Recreation and Entertainment Facility, Major (Capacity over 1,000 Persons)

* * *

2. Use Standards

Where a Recreation and Entertainment Facility, Major (Capacity over 1,000 Persons) is allowed as a conditional use, it may be permitted by the

Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

a. In the RE-2C zone:

- i. Only a group picnic, catering and recreation facility is allowed.
- ii. The site must be a minimum of 80 acres.
- iii. The maximum building height is 50 feet.
- iv. Any structure or building must be set back from any lot line a minimum of 50 feet.
- v. The site must have direct access to a public road that is built to [primary residential] Neighborhood Connector or higher standards.

* * *

Section 3.5.12. Vehicle/Equipment Sales and Rental

* * *

B. Light Vehicle Sales and Rental (Indoor)

* * *

2. Use Standards

a. Where Light Vehicle Sales and Rental (Indoor) is allowed as a limited use, and the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the following standards:

- i. Access to the site from a street with a residential classification is prohibited.

* * *

b. In the EOF zone, the tract on which a Light Vehicle Sales and Rental (Indoor) use is allowed must also be:

- i. less than 10 acres in size;
- ii. located at least 3,000 feet from a Metrorail Station;
- iii. abutting land that is not zoned in a rural residential or residential classification with any residential use located on the abutting land; and
- iv. abutting 2 or more rights-of-way; at least one of the abutting rights-of-way must be classified as a freeway and one other abutting right-of-way must be classified at least as [an arterial] an Area Connector or higher classification roadway.

* * *

C. Light Vehicle Sales and Rental (Outdoor)

* * *

2. Use Standards

- a. Where Light Vehicle Sales and Rental (Outdoor) is allowed as a limited use, and the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the following standards:

- i. Access to the site from a street with a residential classification is prohibited.

* * *

- b. In the EOF zone, the tract on which a Light Vehicle Sales and Rental (Outdoor) use is allowed must also be:

- i. less than 10 acres in size;
- ii. located at least 3,000 feet from a Metrorail Station;

- iii. abutting land that is not zoned in a rural residential or residential classification with any residential use located on the abutting land; and
- iv. abutting 2 or more rights-of-way; at least one of the abutting rights-of-way must be classified as a freeway and one other abutting right-of-way must be classified at least as [an arterial] an Area Connector or higher classification roadway.

* * *

Section 3.5.13. Vehicle Service

* * *

E. Repair (Major)

2. Use Standards

- b. In the EOF zone, the tract on which a Repair (Major) use is allowed must also be:
 - i. less than 10 acres in size; and
 - ii. located at least 3,000 feet from a Metrorail Station;
 - iii. abutting land that is not zoned in a rural residential or residential classification with any residential use located on the abutting land; and
 - iv. abutting 2 or more rights-of-way; at least one of the abutting rights-of-way must be classified as a freeway and one other abutting right-of-way must be classified at least as [an arterial] an Area Connector or higher classification roadway.

* * *

Sec. 6. DIVISION 4.6 is amended as follows:

Division 4.6 Employment Zones

* * *

Section 4.6.3. Standard Method Development

* * *

D. LSC Zone, Standard Method Development Standards

1. Site	Detached House	Duplex - Side	Duplex - Over	Townhouse	Apartment	Multi Use	General
* * *							
Specification for Parking Setbacks for Surface Parking Lots and Build-to Area							
a. Parking Setbacks for Surface Parking Lots and Build-to Area requirements only apply when the development fronts on a business district street <u>Downtown street or Town Center street</u> or a build-to line is recommended in the applicable master plan. The Planning Board may modify the Parking Setbacks for Surface Parking Lots and Build-to Area requirements during site plan review under Section 7.3.4. In approving a site plan submitted under Section 4.6.3.B.2, the Planning Board must find that the plan: (1) deviates from the Parking Setbacks for Surface Parking Lots and Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.							
* * *							
Specification for Building Orientation and Transparency							
a. Building Orientation and Transparency requirements only apply when the development fronts on a business district street <u>Downtown street or Town Center street</u> or a build-to line is recommended in the applicable master plan. The Planning Board may modify the Building Orientation and Transparency requirements during site plan review under Section 7.3.4. In approving a site plan submitted under Section 4.6.3.B.2, the Planning Board must find that the plan: (1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.							

E. EOF Zone, Standard Method Development Standards

1. Site	Detached House	Duplex - Side	Duplex - Over	Townhouse	Apartment	Multi Use	General
* * *							
Specification for Parking Setbacks for Surface Parking Lots and Build-to Area							
a. Parking Setbacks for Surface Parking Lots and Build-to Area requirements only apply when the development fronts on a business district street <u>Downtown street or Town Center street</u> or a build-to line is recommended in the applicable master plan. The Planning Board may modify the Parking Setbacks for Surface Parking Lots and Build-to Area requirements during site plan review under Section 7.3.4. In approving a site plan submitted under Section 4.6.3.B.2, the Planning Board must find that the plan: (1) deviates from the Parking Setbacks for Surface Parking Lots and Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.							
* * *							

Specification for Building Orientation and Transparency

a. Building Orientation and Transparency requirements only apply when the development fronts on a ~~business district street~~ Downtown street or Town Center street or a build-to line is recommended in the applicable master plan. The Planning Board may modify the Building Orientation and Transparency requirements during site plan review under Section 7.3.4. In approving a site plan submitted under Section 4.6.3.B.2, the Planning Board must find that the plan: (1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

* * *

Sec. 7. DIVISION 4.9 is amended as follows:

Division 4.9. Overlay Zones

* * *

Section 4.9.3. Burtonsville Employment Area (BEA) Overlay Zone

* * *

C. Development Standards

1. When property in the Overlay zone abuts a property that is not located in the BEA Overlay zone, all buildings in the Overlay zone must be set back as follows:

- a. 100 feet from any Residential zone developed with or proposed for residential uses in a master plan, or from a Boulevard or a Controlled major highway separating the Overlay zone from such residential uses;
- b. 50 feet from a railroad or utility right-of-way that separates the employment area from a Residential zone;
- c. 50 feet from a limited-access freeway or parkway;
- d. 50 feet from property recommended in a master plan for a nonresidential public use including, but not limited to such uses as a public park, stormwater management facility, maintenance facility, or similar use;

- e. 25 feet from [an arterial] an Area Connector or higher classification
road that separates the employment area from a
Commercial/Residential or Employment zone;

* * *

Sec. 8. DIVISION 6.2 is amended as follows:

Division 6.2. Parking, Queuing, and Loading

* * *

Section 6.2.5. Vehicle Parking Design Standards

* * *

M. Surface Parking in R-200, R-90, R-60, and R-40 Zones

* * *

3. A surfaced parking area may exceed the size limits in Section 6.2.5.M.2 if:
- a. the surfaced parking area existed before October 26, 2010 and is not increased in size;
 - b. the property has primary access from a [primary residential street, minor arterial road] Neighborhood Connector Street, major highway, [arterial] Area Connector, Downtown Boulevard, Town Center Boulevard, boulevard, or any state road, and is equal to or less than 50% of the area between the lot line and the front or side street building line;

* * *

Sec. 9. DIVISION 6.6 is amended as follows:

Division 6.6. Outdoor Display and Storage

* * *

Section 6.6.3. Design Standards

* * *

B. Outdoor Storage

* * *

2. General Outdoor Storage

* * *

b. Standards

General outdoor storage is permitted and must:

- i. in the Industrial zones, include screening of inventory and equipment under Section 6.5.3, unless the use abuts or confronts property in an Industrial zone; and
- ii. in all other zones:
 - (a) have an approved plan illustrating the extent of the permitted area for general outdoor storage;
 - (b) be located on property that fronts on and has direct access to a road built to [primary] neighborhood connector street or higher standards;

* * *

Sec. 10. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Selena M. Singleton, Esq.
Clerk of the Council

Attachment 3

Bill No. _____ [Click - type number]
Concerning: _____ [short title]
Revised: _____ [date] Draft No. _____ [#]
Introduced: _____ [date]
Expires: _____ [18 mos. after intro]
Enacted: _____ [date]
Executive: _____ [date signed]
Effective: _____ [date takes effect]
Sunset Date: _____ [date expires]
Ch. _____ [#], Laws of Mont. Co. _____ [year]

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN ACT to:

- (1)
- (2)

By amending

Montgomery County Code

Chapter 49, Streets and Roads

Sections 49-1, 49-2, 49-3, 49-4, 49-5, 49-6, 49-7, 49-9, 49-10, 49-11, 49-11A, 49-12, 49-14, 49-17, 49-19, 49-19A, 49-19B, 49-20, 49-21, 49-22, 49-23, 49-25, 49-26, 49-27, 49-28, 49-29, 49-30, 49-31, 49-32, 49-33, 49-34, 49-35, 49-36, 49-36A, 49-37, 49-38, 49-39, 49-40, 49-45, 49-50, 49-51, 49-53, 49-57, 49-62, 49-77 and 49-78

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

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 49-1, 49-2, 49-3, 49-4, 49-5, 49-6, 49-7, 49-9, 49-10, 49-11, 49-11A, 49-12, 49-14, 49-17, 49-19, 49-19A, 49-19B, 49-20, 49-21, 49-22, 49-23, 49-25, 49-26, 49-27, 49-28, 49-29, 49-30, 49-31, 49-32, 49-33, 49-34, 49-35, 49-36, 49-36A, 49-37, 49-38, 49-39, 49-40, 49-45, 49-50, 49-51, 49-53, 49-57, 49-62, 49-77 and 49-78 are amended as follows:

ARTICLE 1. IN GENERAL.

Sec. 49-1. Compliance with standards; regulations; penalty for violations.

(a) A public road, bridge, sidewalk, or bikeway must not be constructed, reconstructed, repaired, graded, improved or maintained by any person unless the construction, reconstruction, repair, improvement, grading or maintenance fully complies with this Chapter and any regulations issued under it.

* * *

Sec. 49-2. Resolving doubt as to location of County roads.

(a) Whenever any doubt exists as to the proper location or width of a County road, the Director of Transportation may cause the road to be surveyed and a description and plat made of it and recorded [or filed] in the County land records. [This description and plat must be treated as correct by the County and in the State courts until shown to be incorrect.]

* * *

Sec. 49-3. Authority to classify road repairs.

The Director of Transportation may decide whether a [given] road repair [job] should be classified as maintenance or construction under this Chapter.

Sec. 49-4. Public-private participation.

The County Executive[, on behalf of the County,] may contract with any person[,] who is [building a real estate development or subdivision] developing land in the County[, to participate in the cost of any [street] road, including any sidewalk, bikeway, gutter, curb or drainage construction, landscaping, traffic control device, bikeshare station, electric vehicle charging station, or placement of utilities, conduits, or other amenities in a [street or] road dedicated to public use.

Sec. 49-5. Right to drain dedicated roads without liability to abutting owners.

If any road is dedicated to the use of the public by a private grant, the grant must include the right [at all times] to properly drain the road, including a grant to the County of any necessary easements, without liability of the County to any abutting owner for any resulting injury.

Sec. 49-6. Roads used for 20 years may be declared public highways.

[(a)] Whenever any road has been used by the public for 20 or more years, though the road may never have been condemned or granted as a public [highway] road and regardless of whether the road termini are public, the County Executive may by Executive order published in the County Register declare the road to be [a] public [highway].

[(b)] The public right-of-way of a road declared as a public highway under subsection (a) must include permanent maintenance easements which extend 10 feet beyond each pavement edge.]

Sec. 49-7. Authority of special taxing districts to regulate streets and roads.

[(a)] Any special taxing district which has the authority to pave and maintain streets and roads may adopt and amend reasonable regulations under method (2) governing the construction, maintenance, improvement,

grading, and repairing of the roads and streets in the district, including those dedicated for public use.

[(b) In adopting regulations, the special taxing district may, by resolution, incorporate any similar County regulation.]

Sec. 49-9. Removal of items that obstruct the vision of motorists on public highways or interfere with the use of public rights-of-way.

(a) Notice to owner of property. If the Director of Transportation finds that any tree, bush, vine, undergrowth, or other obstruction, except a building or similar structure affixed to the ground, on private property poses a threat to public safety by obstructing the vision of operators of vehicles traveling on any public [street,] road[, or highway,] interfering with the public rights-of-way as a traffic hazard, limiting access by Fire and Rescue Service vehicles, or restricting the use by pedestrians or bicyclists of the public rights-of-way, the Director promptly must serve on the owner, agent, lessee or any other person supervising the property a written notice that:

* * *

Sec. 49-10. Obstruction of public rights-of-way.

Except as provided in Section 49-11, in the public right-of-way, a person must not:

(a) Place, maintain, use, permit, allow, or exercise control over, any object or structure [in the public right-of-way];

[(b) allow any object or structure owned by the person to occupy, obstruct, or encroach upon the public right-of-way;]

[(c)](b) perform any reconstruction or maintenance work; or

74 [(d)](c) allow the erection or placement of any structure, fence, post, rock, or
 75 other object [in the public right-of-way], except:

- 76 (1) mail boxes mounted on a support that will bend or break away on
 77 impact by a vehicle;
- 78 (2) individual residential newspaper boxes mounted on a support that
 79 will bend or break away on impact by a vehicle;
- 80 (3) street trees placed and maintained under Section 49-33(j);
- 81 (4) ground cover placed and maintained under Section 49-33(k);
- 82 (5) a temporary, removable obstruction or occupation of a right-of-
 83 way installed under a permit issued under Section 49-11; or
- 84 (6) as otherwise permitted by law.

85 Any object placed in the public right-of-way under Section 49-10[(d)](c) must
 86 not [unreasonably] impede use of a sidewalk or other right-of-way by pedestrians or
 87 persons in wheelchairs, or impede or endanger automobiles or other vehicles.

88 **Sec. 49-11. Permit to obstruct public rights-of-way.**

89 (a) *Definitions.* In this [section] Section, the following terms have the
 90 meanings indicated.

91 *Public* includes pedestrians, bicyclists, and transit users.

92 *Safe alternative path* means an alternate [walkway or shared use path]
 93 sidewalk or sidepath that:

- 94 (A) is on the same side of the street as a temporary closure; and
- 95 (B) provides safe access and passage to pedestrians.

Temporary closure means a temporary obstruction, blockage, or occupation of a right-of-way under a permit issued by the Director of Permitting Services under this Section.

(b) [Notwithstanding Section 49-10, and subject] Subject to subsections (c) and (d) of this Section, the Director of Permitting Services may issue a permit to:

- (1) reconstruct or repair a sidewalk, [shared use path] sidepath, driveway, curb, or other structure;
- (2) repair, locate, or replace underground utilities or infrastructure under a sidewalk or [shared use path] sidepath;
- (3) install a temporary, removable obstruction or occupation of a right-of-way;
- (4) close a curb lane, sidewalk, or [shared use path] sidepath in conjunction with the construction or reconstruction of an abutting structure;
- (5) install permanent, nonstandard structures in the right-of-way that were approved by the Planning Board, the City of Rockville, or the City of Gaithersburg in a site plan as a site element of streetscape. Streetscape [includes] means street furnishings[, and] fixtures [and elements in connection with] used by the public [use of] in the right-of-way but does not include [enclosed] structures [or vaults] or improvements for private use. The permit applicant must execute a declaration of covenants that runs with the land on which [the project associated with] the streetscape [is being developed] will be installed to perpetually maintain the permitted streetscape in a good and safe condition; return the right-of-way to its condition before the permitted streetscape was installed if the

nonstandard permitted streetscape is removed; and indemnify the County from any cost or liability associated with the construction, maintenance, use or removal of the nonstandard permitted streetscape; or

- (6) install a private, non-commercial structure that is accessory to a residential use. The permittee must execute a maintenance and liability agreement that is approved by the Director of the Department of Permitting Services.

* * *

- (d) *Time limits for temporary closures without safe alternative paths.* Except as provided in subsections (e) and (f):

- (1) a temporary closure to reconstruct or repair a sidewalk or [shared use path] sidepath must not exceed 6 months without the provision of a safe alternative path; and
- (2) any other temporary closure must not exceed 15 days without provision of a safe alternative path.

* * *

- (f) *Short extensions for hardship.*

- (1) The Director may grant one extension of a time period under subsection (d), for no more than 15 days, on a showing of [extreme] undue hardship requiring significant difficulty or expense.
- (2) The Executive must adopt regulations under method [(2)] (3) to specify the standards a permittee must meet to demonstrate

[extreme] undue hardship requiring significant difficulty or
expense.

* * *

Sec. 49-11A. Permit to temporarily obstruct private roads.

(a) A person must not close any portion of a private road that is an urban road as defined in Section 49-32 without a permit from the Director of Permitting Services.

(b) The Director of Permitting Services may issue a permit for the complete or partial closure of a private road on a temporary basis if the closure does not:

(1) violate Chapter 22;

(2) [unreasonably] interfere with use of the private road by persons with disabilities;

(3) [unreasonably] impede or endanger the users of any building or structure adjacent to or abutting the private road; or

(4) adversely impact the use of connecting public roads.

* * *

(d) The Director of Permitting Services may charge a fee, set by [Method] method (3) regulation, for the permit application and may include conditions in each permit that provide for the safety of any user of a building or structure adjacent to or abutting the private road, including providing for safe alternate access to and egress from any building or structure.

* * *

Sec. 49-12. Exemptions from Sections 49-10 and 49-11.

(a) Subject to paragraphs (1) and (2), Sections 49-10 and 49-11 do not apply to, and no permit under those Sections is required of, any municipality, special taxing district or government agency [authorized by law] to construct streets, roads, sewers, or drainage facilities in the County over which the entity has jurisdiction. However:

(1) Sections 49-10 and 49-11 apply to any road that is located in a municipality and owned or maintained by the County; and

(2) if the County owns or maintains a right-of-way, Section 49-11 applies to any temporary closure of the right-of-way [in connection with construction or reconstruction on abutting property owned by the County].

[(b) Sections 49-10 and 49-11 do not apply to any vehicle operated by a fire department, public utility, or first aid provider, while that vehicle is being used to provide emergency services.]

Sec. 49-14. Debris likely to injure persons, animals, or vehicles.

A person must not place or leave in or on any public [highway or street] road, any debris liable to cause injury or damage to any vehicle or personal property. Any violation of this Section is a Class C violation.

Sec. 49-17. Accumulation of snow and ice on property prohibited.

(a) (1) In this Section:

(A) *Commercial property* means real property that either;

(i) is not designed for or intended for human habitation;
or

(ii) contains a multi-family dwelling of four or more units.

(B) *Residential property* means real property containing either:

- 198 (i) a single family dwelling; or
- 199 (ii) a multi-family dwelling of three or fewer units.
- 200 (2) A person is responsible for removing snow and ice on any
- 201 sidewalk, sidepath, other [walkway] areas intended for public
- 202 pedestrian access, [shared use path,] or parking area on or adjacent
- 203 to property that the person owns, leases, or manages, [including
- 204 any walkway in the public right-of-way,] to provide a pathway
- 205 wide enough for safe pedestrian and wheelchair use. For purposes
- 206 of this Section, commonly owned property between a single-
- 207 family residential lot and a common [walkway] sidewalk or
- 208 sidepath is considered part of the lot if the intervening common
- 209 property includes a [walkway] sidewalk, sidepath, or driveway that
- 210 serves only that lot.
- 211 (3) Except as provided in paragraph (5), each owner, tenant, or
- 212 manager is jointly and severally responsible for clearing snow and
- 213 ice from the property and complying with Section 31-26A(d).
- 214 (4) The requirements of this Section do not apply to:
- 215 (A) an unpaved [walkway] sidewalk;
- 216 (B) a private [walkway] sidewalk or parking area on the
- 217 property of a single-family residence;
- 218 (C) a public [walkway] sidewalk or sidepath behind a single-
- 219 family resident that is not directly accessible from the
- 220 owner's property; or
- 221 (D) a [walkway] sidewalk that:

- (i) is at least 25 feet from vehicular traffic;
- (ii) serves only pedestrian destinations that are also accessible by another [walkway] sidewalk that this Section requires to be cleared;
- (iii) was not routinely cleared of snow and ice after August 1999; and
- (iv) is not the primary route for pedestrian access to a winter recreational facility open to the public.

(5) (A) An individual who lives in a multi-family dwelling is not responsible for removing snow and ice from a common [walkway] sidewalk, sidepath, or parking area.

(B) A homeowners' association, as that term is used in State law, is not responsible for removing snow and ice from a [walkway] sidewalk or sidepath adjacent to a single-family residential lot, if the lot owner is responsible under paragraph (1) for removing snow and ice from that [walkway] sidewalk or sidepath.

(b) If ice or hardpacked snow is impossible or unreasonably difficult to remove, the person is responsible for applying sufficient sand, other abrasives, or salt to provide safe pedestrian use.

(c) The person is responsible for removing snow and ice within 24 hours after the end of the precipitation that caused the condition. If a snowplow redeposits snow or ice on a sidewalk, sidepath or other [walkway] area intended for pedestrian access after a person has complied with this

Section, the person is not responsible for clearing the [walkway] area
until 24 hours after the snowplow redeposited the snow or ice.

* * *

Sec. 49-19. Conversion of overhead lines to underground locations.

If the construction or improvement of any County road requires any person to relocate any overhead electric, telephone, or other overhead line or related facility in any County road right-of-way, the County Executive must, by regulation adopted under method (3), require that any affected line must be installed underground if the Executive finds that underground installation is desirable after considering the following factors:

* * *

Any regulation to implement this Section must require the replacement of any street light removed during the [conversion of any line to an underground location] installation of underground facilities.

Sec. 49-19A. [Energy-efficient street lights.

(a) *Definitions.* In this Section, the following words have the meanings indicated:

Director means the Director of the Department of Transportation.

Light-emitting diode or *LED light* means a semiconductor device that produces visible light when an electrical current is passed through it.

(b) When any contract to maintain street lights owned by the County in effect on January 21, 2014, expires, any later maintenance contract must be with

a company that commits to install LED lights or another energy-efficient technology that the Director finds is equivalent or superior to LED lights.

Sec. 49-19B] Permit exemption for the Purple Line.

(a) The State of Maryland, including its agencies and divisions, is exempt from any permitting requirement in Chapters 8 (“Buildings”), 17 (“Electricity”), 22 (“Fire Safety Code”), and 49 (“Streets and Roads”) for the construction of:

(1) any portion of the Purple Line that is located within the public right-of-way under a valid franchise agreement approved by the County Council under Section 49-21; and

(2) any structure related to the Purple Line owned by the State of Maryland or its agencies or divisions, including any hiker/biker trail that will be owned or maintained by the County.

(b) However, the State of Maryland, and its agencies, divisions, and contractors, must obtain any permit required under Chapter 8, 17, 22, and 49 for the construction or alteration of any structure owned by the County, except the hiker/biker trail, or by a private person or entity.

ARTICLE 2. FRANCHISES.

Sec. 49-20. Franchises for use of street; procedure for granting; notice and hearing.

The Council [must not grant any] may approve a franchise [in relation to] for the occupation of any [highway, avenue, street, lane, alley,] road or other right-of-way, either on, above, or below the surface[, until all requirements of this Article have been met] if the following requirements are met:

(a) *Application to be published.* The applicant must publish notice of each application for [any] a franchise once a week for 3 successive weeks in one or more newspapers of general circulation in the County, specifying:

(1) [the essential] a summary of terms of the proposed franchise;

(2) the compensation the County [will] may receive, [which may take the form of] including in-kind goods and services [as well as cash payments]; and

(3) the location, character, and extent of the use of the right-of-way.

(b) *Inquiry as to value.* [After the notice required by subsection (a) is published, the] The County Executive or a designee [must] may investigate the value of the proposed franchise and the adequacy of the compensation proposed to be paid for it.

(c) *Hearing on objections.* If any taxpayer, or any property owner whose property [right] rights may be affected by the grant of the franchise, files an objection to the granting of the franchise in writing with the County Executive within 10 days after the last notice required by subsection (a) appears, the County Executive or a designee must hold a hearing within 15 days after the objection is filed on the proposed franchise and any objections to it.

(d) *Recommendations of County Executive.* The County Executive must, [in each case,] after any hearings required by this Article, forward to the Council written recommendations concerning the proposed franchise, including the Executive's findings as to the value of the proposed franchise, any response to objections which have been raised, and any other relevant issues.

* * *

Sec. 49-21. Council action.

(a) [If the Council finds that granting the franchise is expedient and proper, the] The Council may grant [such] a franchise for such compensation as it, after considering the recommendations of the County Executive, finds proper, for a period not longer than 25 years. If the franchise allows the location of a permanent structure with a useful life [substantially] longer than 25 years in the County right-of-way, the initial term of the franchise may exceed 25 years.

(b) [At the option of the Council, the approved] The franchise may allow the [grantee] franchisee to renew the franchise, after [a fair revaluation,] the County determines the value of the renewed franchise [including the value, if any, derived from the franchise or renewals,] for one or more terms that each do not cumulatively exceed [another] 25 years.

(c) Every grant of any franchise must provide, by forfeiture of the grant, for compelling compliance with its terms [and to secure efficiency of public service at reasonable rates] and the maintenance of the [property] right-of-way in good condition, throughout the grant. [Each grant must also specify:

(1) the mode of determining any valuation and revaluation under this Article,

(2) the time limit to exercise the rights given, and

(3) the procedure for default for a lapse of the franchise.]

* * *

Sec. 49-22. County [Council] to retain [municipal] control.

When the Council grants a franchise under this Article, the [Council] County must [not part with, but must expressly reserve, the right and duty at all times] continue to exercise full [municipal] control [and regulation in respect to all matters connected with the franchise not inconsistent with its terms] over the franchise right-of-way.

Sec. 49-23. Certain private rights not affected.

Nothing in this Article is intended to affect any private right, [including the right of any adjacent property owner held by law in 1910,] except as necessary to comply with this Chapter.

ARTICLE 3. ROAD DESIGN AND CONSTRUCTION CODE.

Sec. 49-25. Complete streets policy and standards.

This Article is intended to guide the planning, design, and construction of transportation facilities in the public right-of-way. Each transportation facility in the County must be planned and designed to:

- (a) maximize the choice, safety, convenience, and mobility of all users, regardless of age, ability, or mode of transportation,
- (b) maintain or expand connectivity for users,
- (c) respect and maintain the [particular character of] master plan vision for the community where it is located,
- (d) ensure access, convenience, safety, and investment of resources are equitably applied,

363 ~~[(d)]~~(e) minimize stormwater runoff and otherwise preserve the natural
364 environment, and

365 ~~[(e)]~~(f) facilitate, to the maximum extent possible, the future accommodation
366 of improved transportation technology elements, such as intelligent
367 signals, smart parking meters, electric vehicle charging, car- and bicycle-
368 sharing, and way-finding systems.

369 To achieve these goals, each County road and street must be designed so that
370 the safety and convenience of all intended users of the roadway system [– including
371 pedestrians, bicyclists, transit users, automobile drivers, commercial vehicles and
372 freight haulers, and emergency service vehicles –] is accommodated. [Each road and
373 street must facilitate multi-modal use and assure that all users can travel safely in the
374 public right of way. A specified quantity of stormwater must be managed and treated
375 on-site, in the road or street right-of-way, including through the use of vegetation-based
376 infiltration techniques.] Complete Streets function as a road transportation network
377 that is safe and convenient for all users, regardless of mode. Stormwater management
378 requirements, including vegetated and structural practices, may be met on-site as well
379 as within the public right-of-way, in accordance with regulations adopted by the
380 County Executive under Method (3). These context-sensitive policies must be
381 employed in all phases of publicly or privately funded facility development, including
382 planning, design, construction, reconstruction, and streetscaping. [Each transportation
383 project must incorporate complete streets infrastructure sufficient to promote safe and
384 convenient travel along and across the right-of-way for all users.]

385 The County Executive must adopt under Method (3) a Complete Streets Design
386 Guide regulation that provides policy and design guidance on the planning, design, and
387 operation of roadways for all intended users.

This Article may be cited as the “Montgomery County Road Design and Construction Code.”

Sec. 49-26. Definitions.

In this Chapter, except where specified otherwise, the following words and phrases have the meanings indicated:

Bikeway[:] means any area expressly intended for bicycle travel, including any:

[(a) *Shared use path*: A paved path that abuts, is contiguous with, and is a part of the right-of-way for a County road or street, that is typically 10 feet wide but can vary between 8 feet and 14 feet wide, designated for bicycles and pedestrians, that is separated from motorized traffic by a curb, barrier, or landscape panel.

(b) *Shared use trail*: A paved or unpaved trail designated for bicycles and pedestrians, that is not part of the right-of-way for a County road or street because the trail does not abut and lie contiguous with the right of way for a County road or street.

(c) *Bike lane*: A portion of a roadway designated by striping, signing, or pavement markings for the preferential or exclusive use of bicycles, and on which through-travel by motor vehicles is not allowed.]

(a) *Bike lane* means a portion of a roadway designated by striping, signing, or pavement markings for the preferential or exclusive use of bicycles, and on which travel by motor vehicles is not allowed.

(b) *Off-street trail* means paths located outside of the road right-of-way that provide two-way travel for people walking, bicycling and using other

non-motorized modes. This facility was formerly referred to as a “shared use trail.”

(c) *Separated bike lane*, also known as a *protected bike lane* or *cycle track* means an exclusive bikeway that is physically separated from motor vehicles and distinct from the sidewalk. A separated bike lane may be in a one-way or two-way configuration.

(d) *Shared use roadway*[:] means [A] a roadway open to both bicycle and motor vehicle travel and which is designated as a preferred route for bicycle use by warning or informational signs.

[(e) *Separated bike lane*, also known as a protected bike lane or cycle track: a bikeway that is physically separated from motor vehicles and pedestrian facilities. The separation may be vertical, such as a curb; horizontal, such as a landscape panel or parking lane; or a combination. A separated bike lane may be in a one-way or two-way configuration.

(f) *Buffered bike lane*: a bikeway separated from a motor vehicle travel lane with an area of striped pavement.]

(e) *Sidepath* means a paved path that is located parallel to and within the road right-of-way. Sidepaths provide two-way travel routes designated for walking, bicycling, jogging and skating. Sidepaths are separated from motorized traffic by a curb, barrier, or landscape panel. This facility was formerly referred to as a “shared use path”.

(f) *Associated curbs and gutters*, which run along the side of a bikeway and provide physical separation from adjacent street elements as well as stormwater and drainage.

Complete streets[:] means streets that are planned, designed, and constructed to enable safe access for all intended users, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities, commercial vehicles, freight haulers, and emergency service vehicles.

Complete streets infrastructure[:] means any design feature that contributes to a safe, convenient, and comfortable travel experience, which may include such features as sidewalks; [shared use paths] sidepaths, bike lanes, and separated bike lanes; bike stations and bike storage facilities; narrow motor vehicle lanes and tight curb radii; street trees, planting strips, and other right-of-way landscaping; curbs and accessible curb ramps; curb extensions, crosswalks, and refuge islands; raised medians; pedestrian and traffic signals, including countdown and accessible signals; signage; streetlighting; street furniture; bicycle parking facilities; stormwater management; public transportation stops and shelters; dedicated transit lanes; and traffic calming devices.

Construction and *constructed* include “reconstruction” and “reconstructed” but not “maintenance,” and include grading, installation of drainage structures, paving, curbs and gutters, curb returns, sidewalks and other areas intended for pedestrian access, bikeways, driveway entrances, guardrails, retaining walls, sodding, and planting.

Curb extension[:] means an area that extends the line of a curb into a parking lane, reducing the width of a street.

Curbside Width[:] means the area beyond each curb necessary for sidewalks, [shared use paths] sidepaths, street trees and other landscaping, streetlights, utilities, and other elements.

Dedication plat[:] means [Any] any plat conforming to law, duly recorded in the County land records, which has the legal effect of dedicating one or more rights-of-way to public use. If the plat was recorded after the Maryland-National Capital Park and Planning Commission was created, and the property is located in the Commission's jurisdiction, the Commission must have approved the plat.

Design standard[:] means the standard adopted by regulation under this Article for each type of road, as defined in Section 49-31, except Freeways and Controlled Major Highways, which shows typical cross-sections and other dimensions to which the road must conform.

Director[:] means [The] the Director of Transportation or the Director of Permitting Services, as specified, and each Director's designee.

Drainage structure[:] means [Any] any culvert, bridge, storm drain, storm sewer, catch basin, canal, channel, inlet, ditch, or subsurface drain, and any other structure or watercourse designed to convey surface or other waters.

Dual road[:] means [Any] any road in which the travel directions are separated by a median.

Forest conservation plan[:] means [A] a plan for the retention, afforestation, or reforestation of forest and trees approved under Chapter 22A.

Ground cover[:] [Low] low-maintenance, non-invasive, leafy, grassy, or woody vegetation that covers and holds soil.

Maximum target speed[:] means the maximum speed at which vehicles should operate on a thoroughfare in a specific context, consistent with the level or multimodal activity generated by adjacent land uses, to provide mobility for motor vehicles and a safe environment for pedestrians and bicyclists.

[*Pedestrian walkway*: Any sidewalk, and any other land, way, or path designated by appropriate signs for a pedestrian route.]

Private road[:] means [Any] any road [street, highway, avenue, lane, alley, or viaduct,] or any segment of [any of them] a road, including any [pedestrian walkway] sidewalk, sidepath, or other area intended for pedestrian access adjacent to the private road that has not been deeded, dedicated or otherwise permanently appropriated to the public for public use or County maintenance.

Reconstruct and reconstruction include any change in the width, alignment, or design of a road or other structural features within or along a roadway [– that is, the width of the pavement or the area between curbs –] but [do] does not include resurfacing a road, bikeway, or sidewalk without any change in its width.

Road[:] means [Any] any road, street, highway, avenue, boulevard, lane, alley, bridge, [shared use path] sidepath, sidewalk, viaduct, or any segment of any of them, and any related storm drain and stormwater management facility.

Rural area means an area designated by the Rural East and Rural West policy areas defined by the Growth and Infrastructure Policy.

Sidewalk[:] means any portion of the right-of-way for a County road [or street] that is expressly intended [as a pedestrian walkway] for pedestrians, including pedestrian ramps.

Specimen tree[:] means [Any] any tree with a diameter measured at 4.5 feet above the ground of 30 inches or more, or any tree with 75% or more of the diameter of the current champion tree of that species, as designated by the County Forest Conservation District Board.

Speed hump means a parabolic or flat-top device used to create vertical deflection along a roadway for traffic calming purposes. These may include wheel gaps that allow target vehicles to pass through unaffected or flat-top devices may include crosswalks.

Street tree[:] means [A] a tree that is listed in the design standards as acceptable for planting in a public right-of-way. In a private road right-of-way or easement, a tree listed as acceptable for planting in the Planning Board technical manual for forest conservation.

Subdivision[:] means [The] the division or [partition] assemblage of a lot, tract or parcel of land into [2] one or more lots, plots, sites, tracts, parcels, or other divisions for immediate or future rental, sale, or building development. *Subdivision* includes a resubdivision, but not a division or partition of land for agricultural purposes.

Transitway[:] means a right-of-way for use exclusively by public transit vehicles.

Urban area means an area designated by maps included in the regulations .

Sec. 49-27. Applicability of Article.

This Article applies to all roads in the County, except any:

- (a) [State] state road;
- (b) [Federal] federal road;[.]
- (c) [Road] road located in any part under the jurisdiction of the Maryland-National Capital Park and Planning Commission;
- (d) [Private] private road; or
- (e) [Municipally] municipally owned and maintained road.

Nothing in this Article prevents the County from building, and assessing the cost of, any drainage structure, curb or gutter, sidewalk, [shared use path] sidepath, curb return, or sidewalk and driveway entrance, along a [State] state or [Federal] federal road.

Sec. 49-28. Standards and specifications.

(a) Except as otherwise provided in this Article, the construction of all roads must conform to the standards[, criteria] and specifications in this Article or any regulation adopted under this Article. As used in this Article, “standards” means County design standards including the regulation adopting the Complete Streets Design Guide, and “specifications” means the most recent [State] state standard specifications for road construction and materials. When no County standards or specifications are applicable, the County will apply the current guidance published by the American Association of State and Highway Transportation Officials (AASHTO) or National Association of City Transportation Officials (NACTO).

(b) The [Director of Transportation] Executive may set a fee by method [2] 3 regulation for the review of any plan or document submitted under Chapter 50 or this Chapter. Each fee must be based on the costs of reviewing any plan or document and any staff participation in the subdivision process. The Department must provide a copy of each fee regulation to the Planning Board.

(c) The Department of Transportation must make available to the public, free or at a reasonable cost, an up-to-date copy of all applicable County road design standards and specifications.

Sec. 49-29. Pedestrian [walkways] sidewalks, bikeways, and wheelchair traffic.

(a) Bikeways and [walkways] sidewalks must be constructed when any County road is constructed, reconstructed, or relocated, except [any walkway]:

(1) any sidewalk or sidepath in front of a lot that is larger than 25,000 square feet for a single-family detached dwelling in a rural [zone] area;

(2) any sidewalk or sidepath on any roadway that is classified as [exceptional rustic, rustic, country arterial, or country road] rustic or exceptional rustic;

(3) any sidewalk or sidepath on a [tertiary residential] neighborhood street or neighborhood yield street serving fewer than 75 dwelling units if the Planning Board and Department of Transportation [finds] find that a sidewalk is not expected to be [unnecessary] necessary for pedestrian movement[, or];

(4) any sidewalk if the site is located in an environmentally sensitive area with limits on the amount of impervious surface allowed[.] ;
or

(5) where the Department of Permitting Services finds that a bikeway or sidewalk is infeasible, will not connect to any destinations within the foreseeable future, or the facility qualifies for fee payments in lieu of construction under Section 49-40.

Each bikeway and [walkway] sidewalk must conform to approved capital improvements programs and be consistent with applicable area master plans and transportation plans adopted by the Planning Board.

- (b) To promote the safety of bicycle and wheelchair travel throughout the County, the County Executive must adopt, by method (3) regulation, standards and specifications to build and maintain ramps at curbed intersections and [storm water] stormwater gratings and other openings along roads and streets, in each case of a design and type that is not a hazard to bicycle and wheelchair traffic and is consistent with Americans with Disabilities Act best practices guidelines published by the United States Department of Justice. These ramps, gratings, and openings must be built and maintained as part of each project under subsection (a).

Sec. 49-30. Traffic [Calming] calming.

- (a) The Director of Transportation must consider installing traffic calming and bicycle- and pedestrian-friendly design features [in] on any [residential] area connector, neighborhood connector, neighborhood street, or neighborhood yield street over 1,000 feet long, [minor arterial, business district street] downtown street, town center street, and industrial street. Traffic calming features include raised crosswalks and raised intersections, traffic [circle] circles, medians, pedestrian refuge islands, chokers, smaller centerline radii, parking cut-outs, chicanes, other forms of horizontal or vertical deflection, and special paving and streetscaping in central business districts or other commercial areas.
- (b) [Speed humps that are 12 feet wide may be built on any principal secondary residential street, secondary residential street, tertiary

residential street, or alley, but must be spaced at least 500 feet from any other hump and 200 feet from any intersection. Speed humps that are 22 feet wide may be built on any primary residential street, but must be spaced at last 500 feet from any other hump and 200 feet from any intersection. Speed humps that are 22 feet wide may be built on a minor arterial, but must be spaced at least 750 feet from any other hump and 300 feet from any intersection. Before speed humps are installed in any road, all other requirements specified in applicable regulations must be met.] Speed hump location and placement:

(1) speed humps that are 12 feet wide may be built on any neighborhood street, neighborhood yield street, or alley, but must be spaced at least 500 feet from any other hump and 200 feet from any intersection;

(2) speed humps that are 22 feet wide may be built on any downtown street, town center street, or shared street, but must be spaced at least 500 feet from any other hump and 200 feet from any intersection;

(3) speed humps that are 22 feet wide may be built on a downtown boulevard, town center boulevard, area connector, neighborhood connector, or industrial street, but must be spaced at least 750 feet from any other hump and 300 feet from any intersection; and

(4) before speed humps are installed in any road, all other requirements specified in applicable regulations must be met.

Sec. 49-31. Classification of roads.

[Each road, except those listed in subsections (m)-(n), must be classified as designated in the applicable master or sector plan. This Section defines the vehicular functions of each road classification.

(a) A Freeway is a road meant exclusively for through movement of vehicles at a high speed. Access must be limited to grade-separated interchanges.

(b) A Controlled Major Highway is a road meant exclusively for through movement of vehicles at a lower speed than a Freeway. Access must be limited to grade-separated interchanges or at-grade intersections with public roads.

(c) A Major Highway is a road meant nearly exclusively for through movement of vehicles at a moderate speed. Access must be primarily from grade-separated interchanges and at-grade intersections with public roads, although driveway access is acceptable in urban and denser suburban settings.

(d) A Parkway is a road meant exclusively for through movement of vehicles at a moderate speed. Access must be limited to grade-separated interchanges and at-grade intersections. Any truck with more than 4 wheels must not use a Parkway, except in an emergency or if the trust is engaged in Parkway maintenance.

(e) An Arterial is a road meant primarily for through movement of vehicles at a moderate speed, although some access to abutting property is expected.

(f) A Country Arterial is an Arterial, typically in the County's agricultural reserve.

- 649 (g) A Minor Arterial is a 2-lane Arterial meant nearly equally for through
650 movement of vehicles and access to abutting property.
- 651 (h) A Business District Street is a road meant for circulation in commercial
652 and mixed-use zones.
- 653 (i) An Industrial Street is a road meant for circulation in industrial zones.
- 654 (j) A Primary Residential Street is a road meant primarily for circulation in
655 residential zones, although some through traffic is expected.
- 656 (k) A Country Road is a road that has the function of a Primary Residential
657 Street, typically in the County's agricultural reserve.
- 658 (l) A Principal Secondary Residential Street is a Secondary Residential
659 Street meant to carry somewhat more through traffic.
- 660 (m) A Secondary Residential Street is a road meant to provide access between
661 a residential development with fewer than 200 dwelling units and one or
662 more higher classification roads as defined in subsections (b) through (l).
- 663 (n) A Tertiary Residential Street is a road meant to provide direct access to a
664 residential development with 75 or fewer dwelling units. A Tertiary
665 Residential Street must not be built unless the Planning Board allows its
666 use when the Board approves a preliminary subdivision plan or site plan.
- 667 (o) A Rustic Road or an Exceptional Rustic Road means a road classified as
668 either under Article 8.
- 669 (p) An Alley is a right-of-way intended to provide secondary service access
670 to the rear or side of lots or buildings and not intended for transporting
671 through traffic. An alley may be used to provide primary vehicular access
672 if the Planning Board and the Director of Transportation concur that the

dimensions and specifications proposed in a project, preliminary subdivision, or site plan would provide adequate primary vehicular access.]

(a) In this Article and the regulations adopted under it:

(1) A downtown area consists of areas with the highest intensity of development. These areas are:

(A) Bethesda CBD;

(B) Friendship Heights CBD;

(C) Silver Spring CBD;

(D) Wheaton CBD;

(E) White Flint Sector Plan area; and

(F) White Flint 2 Sector Plan area.

(2) A town center area consists of areas with moderate to high development intensity. These areas are:

(A) Burtonsville Town Center;

(B) Clarksburg Town Center;

(C) Damascus Town Center;

(D) Germantown Town Center;

(E) Kensington Town Center;

(F) Olney Town Center; and

(G) All other designated Urban areas that are not downtown areas.

(3) A country area is located within the designated Rural area.

(4) A suburban area is an area with predominantly residential zoning that is not already a downtown, town center, or country area.

(5) These areas may be created, eliminated or modified by functional plans, master plans, or sector plans.

(6) Roads are included in the area within which they are located. Roads located on a border of an area will be considered to be within the area with the greater development intensity, in the order of, from greatest intensity to least: Downtown, Town Center, Suburban, Country.

(b) Each road must be assigned a County classification and a federal classification. Federal classifications are assigned in accordance with the most recent edition of the Federal Highway Administration Highway Functional Classification typologies.

(c) County classifications are:

(1) A Freeway is a road meant exclusively for through movement of vehicles at a high speed. Access must be limited to grade-separated interchanges.

(2) A Controlled Major Highway is a road meant exclusively for through movement of vehicles at a lower speed than a Freeway. Access must be limited to grade-separated interchanges or at-grade intersections with public roads.

(3) A Parkway is a road meant exclusively for through movement of vehicles at a moderate speed. Access must be limited to grade-separated interchanges and at-grade intersections. Any truck with more than four wheels must not use a Parkway, except in an emergency or if the truck is engaged in Parkway maintenance.

(4) A Downtown Boulevard is a road in a downtown area that serves a high volume of vehicles, pedestrians, bicyclists, or transit users.

Access to abutting properties is allowed but generally not preferable as compared to other street types. These were previously classified often as major highways and arterials.

(5) A *Downtown Street* is a road in a downtown area that serves a large share of pedestrians, bicyclists, or transit users. This type is meant for circulation in commercial and mixed-use zones. Access to abutting properties is expected. These were previously classified often as business streets.

(6) A *Boulevard* is a road that typically connects employment and entertainment centers, civic, commercial, and institutional land uses, and may also provide cross-country and regional connections. Pedestrian, bicycle, and transit users are a significant consideration. Some access to abutting properties is expected. These were previously classified often as major highways and arterials.

(7) A *Town Center Boulevard* is a road in a town center area that serves a moderate to high volume of vehicles, pedestrians, bicyclists, or transit users. Access to abutting properties is allowed but generally not preferable as compared to other street types. These were previously classified often as major highways and arterials.

(8) A *Town Center Street* is a road in a town center area that serves a larger share of pedestrians, bicyclists, or transit users. This type is meant for circulation in commercial and mixed-use zones. Access to abutting properties is expected. These were previously classified often as business streets.

- (9) An Area Connector is a two-lane street in a suburban area that typically connects employment and entertainment centers, civic, commercial, and institutional land uses, and may also provide limited regional connectivity and serve primary circulation in residential zones. These were previously classified often as minor arterials.
- (10) A Neighborhood Connector is a street in a suburban area providing primary circulation in residential zones and may also enable traffic to pass through a neighborhood. These were previously classified often as primary residential streets.
- (11) A Neighborhood Street is a street that provides internal circulation within suburban areas. Access to abutting properties is expected. These were previously classified often as secondary and tertiary residential streets.
- (12) A Neighborhood Yield Street is a Neighborhood Street that is designed as a bi-directional one-lane street.
- (13) An Industrial Street is a road meant for circulation in areas consisting predominantly of industrial zones.
- (14) A Country Connector is a road in a country area that was previously classified as major highways, arterials, or country arterials.
- (15) A Country Road is a low intensity road in a country area.
- (16) An Alley is a right-of-way intended to provide secondary access to the rear or side of lots or buildings and not intended for transporting through traffic. An alley may be used to provide primary vehicular access if the Planning Board and the Director of Transportation concur that the dimensions and specifications

proposed in a project, preliminary subdivision, or site plan would provide adequate primary vehicular access. An Alley is a Residential Alley if serving only residential zones, or a Commercial Alley is serving any non-residential zones.

(17) A Rustic Road or an Exceptional Rustic Road means a road classified as such under Article 8.

(18) A Residential Shared Street or Commercial Shared Street is a street designed to create a shared traffic environment where pedestrians, bicyclists, and other non-motorized traffic may comfortably occupy the same space as motor vehicle traffic. These streets prioritize pedestrian and bicycle movement by slowing vehicular speeds and communicating clearly through design features that motorists must yield to all other users. A Shared Street is a Residential Shared Street if serving only residential zones, or a Commercial Shared Street is serving any non-residential zones.

(d) County classifications are assigned as follows until the roads are re-designated by functional plans, master plans, or sector plans. The number of lanes is defined as the number of through lanes for motor vehicles and is tallied based on the number of planned lanes for that road, or the number of existing lanes if not specified by any functional plan, master plan, or sector plan.

(1) Freeways retain their classifications as Freeways.

(2) Controlled Major Highways retain their classifications as Controlled Major Highways.

(3) Parkways retain their classifications as Parkways.

- 803 (4) Major highways:
- 804 (A) Major highways located in a downtown area are classified
805 as Downtown Boulevards.
- 806 (B) Major Highways located in a town center area are classified
807 as Town Center Boulevards.
- 808 (C) Two-lane Major Highways located in a country area are
809 classified as Country Connectors.
- 810 (D) Two-lane Major Highways located in a suburban area are
811 classified as Area Connectors.
- 812 (E) All Major Highways not addressed by (A) through (D) are
813 classified as Boulevards.
- 814 (5) Arterials:
- 815 (A) Arterials with four or more lanes located in a downtown area
816 are classified as Downtown Boulevards.
- 817 (B) Arterials with fewer than four lanes located in a downtown
818 area are classified as Downtown Streets.
- 819 (C) Arterials with more than two lanes located in a town center
820 area are classified as Town Center Boulevards.
- 821 (D) Arterials with two lanes located in a town center area are
822 classified as Town Center Streets.
- 823 (E) Arterials located within a country area are classified as
824 Country Connectors.
- 825 (F) Two-lane Arterials located in a suburban area are classified
826 as Area Connectors.
- 827 (G) All Arterials not addressed by (A) through (F) are classified
828 as Boulevards.
- 829 (6) Minor Arterials:

- 830 (A) Minor Arterials with four or more lanes located in a
 831 downtown area are classified as Downtown Boulevards.
- 832 (B) Minor Arterials with fewer than four lanes located in a
 833 downtown area are classified as Downtown Streets.
- 834 (C) Minor Arterials with more than two lanes located in a town
 835 center area are classified as Town Center Boulevards.
- 836 (D) Minor Arterials with two lanes located in a town center area
 837 are classified as Town Center Streets.
- 838 (E) Minor Arterials located within a country area are classified
 839 as Country Connectors.
- 840 (F) All Minor Arterials not addressed by (A) through (E) are
 841 classified as Area Connectors.
- 842 (7) Business District Streets:
- 843 (A) Business District Streets with four or more lanes located in
 844 a downtown area are classified as Downtown Boulevards.
- 845 (B) Business District Streets with fewer than four lanes located
 846 in a downtown area are classified as Downtown Streets.
- 847 (C) Business District Streets with more than two lanes that are
 848 not located in a downtown area are classified as Town
 849 Center Boulevards.
- 850 (D) Business District Streets with two lanes that are not located
 851 in a downtown area are classified as Town Center Streets.
- 852 (8) Industrial Streets retain their classification as Industrial Streets.
- 853 (9) Primary Residential Streets:
- 854 (A) Primary Residential Streets located in a country area are
 855 classified as Country Connectors.

- 856 (B) Primary Residential Streets not located in a country area are
 857 classified as Neighborhood Connectors.
- 858 (10) Secondary Residential Streets are classified as Neighborhood
 859 Streets.
- 860 (11) Tertiary Residential Streets are classified as Neighborhood Streets.
- 861 (12) Country Arterials are classified as Country Connectors.
- 862 (13) Country Roads retain their classifications as Country Roads.
- 863 (14) Shared Streets with entirely residential zoning along its frontage
 864 are classified as a Residential Shared Street.
- 865 (15) Shared Streets with any non-residential zoning along its frontage
 866 are classified as a Commercial Shared Street.
- 867 (16) Alleys retain their classifications as Alleys.
- 868 (17) Rustic Roads retain their classifications as Rustic Roads.
- 869 (18) Exceptional Rustic Roads retain their classifications as
 870 Exceptional Rustic Roads.
- 871 (19) Transitions along continuous roadways:
- 872 (A) If a Downtown road type changes classification to or from
 873 a non-Downtown road type: the Downtown classification
 874 will extend to the next master planned cross-street, not to
 875 exceed 500 feet beyond the limits of the downtown area.
- 876 (B) If a Town Center road type changes classification to or from
 877 a non-Downtown and non-Town Center road type: the
 878 Town Center classification will extend to the next master
 879 planned cross-street, not to exceed 500 feet beyond the
 880 limits of the town center area.
- 881 (C) If a Downtown Boulevard, Town Center Boulevard, or
 882 Boulevard change classification to or from any other type:

the Downtown Boulevard, Town Center Boulevard, or Boulevard classification will extend to the next master planned cross-street, not to exceed 500 feet beyond the initial transition point.

(D) The transition areas noted in (A) through (C) are not additive; if the roadway meets multiple transition criteria the transition area will remain to the next master planned cross-street, not to exceed 500 feet from the nearest of either the limits of the downtown or town center area, or the initial transition point.

(20) If the Department of Transportation determines that the criteria under (d)(1) through (d)(19) are not suitable for a particular road, the Department may, in consultation with the Planning Department, determine that a more context-sensitive classification or transition length applies in lieu of the default classifications.

Sec. 49-32. Design standards for types of roads.

* * *

[(c) In this Article and the standards adopted under it:

- (1) an ‘urban’ road is a road segment in or abutting a Metro Station Policy Area, Town Center Policy Area, or other urban area expressly identified in a Council resolution;
- (2) a ‘rural’ road is a road segment located in a rural policy area as defined in the County Growth Policy; and
- (3) a ‘suburban’ road is a road segment located elsewhere in the County.]

908 [(d))(c) The minimum right-of-way for a road may be specified in the most
 909 recent applicable functional plan, master plan, or sector plan for the area
 910 where the road is located. Minimum rights-of-way include continuous
 911 features along a typical section, and do necessarily account for parking,
 912 drainage and stormwater management, spot conditions such as auxiliary
 913 lanes or transit stations, or infrastructure at intersections such as signal
 914 equipment and protected intersections. If a minimum right-of-way for a
 915 particular road is not specified [n] in a functional plan, master plan, or
 916 sector plan, the minimum right-of-way must be:

- 917 [(1) 80 feet for a Business District Street or Industrial Street;
- 918 (2) 100 feet for a Primary Residential Street with a median;
- 919 (3) 70 feet for a Primary Residential Street without a median;
- 920 (4) 60 feet for a Principal Secondary Residential Street or Secondary
- 921 Residential Street;
- 922 (5) 50 feet for a standard Tertiary Residential Street;
- 923 (6) 27 feet, 4 inches for a reduced-width Tertiary Residential Street
- 924 with two-way traffic;
- 925 (7) 21 feet, 4 inches for a reduced-width Tertiary Residential Street
- 926 with one-way traffic; and
- 927 (8) 20 feet for an Alley.]

- 928 (1) 80 feet for a Downtown Street;
- 929 (2) 80 feet for a Town Center Street;
- 930 (3) 70 feet for an Area Connector;
- 931 (4) 70 feet for a Neighborhood Connector;
- 932 (5) 60 feet for a Neighborhood Street;
- 933 (6) 50 feet for a Neighborhood Yield Street;

- 934 (7) 80 feet for an Industrial Street;
 935 (8) 74 feet for a Country Connector;
 936 (9) 70 feet for a Country Road;
 937 (10) 20 feet for an Alley serving any non-residential zoning;
 938 (11) 16 feet for an Alley serving only residential zoning;
 939 (12) 40 feet for a Commercial Shared Street;
 940 (13) 40 feet for a Residential Shared Street.

941 ~~[(e)]~~(d) Grass shoulders must be load bearing at any specific location designated
 942 by the Director of Permitting Services after consulting the Fire Chief and
 943 Director of Transportation.

944 ~~[(f)]~~(e) Unless otherwise specified in this Article, each grading, drainage
 945 structure, paving, shoulder, landscaping, and traffic control must be
 946 installed as provided in the latest applicable County design standards,
 947 storm drain criteria, and specification. Unless extenuating circumstances
 948 would result in a safety hazard, when a road is resurfaced the road must
 949 also be restriped to meet any applicable lane width standard and may
 950 include bike lanes where appropriate.

951 [(g) Each through travel or turning lane on an urban road must be no wider
 952 than 10 feet, except that a single travel lane adjacent to a parking lane
 953 must be no wider than 11 feet and a through travel or turning lane abutting
 954 an outside curb must be no wider than 11 feet, including the gutter pan.
 955 Each parking lane on an urban road must be no wider than 8 feet,
 956 including the gutter pan. The standards in this subsection do not apply if,
 957 for a road improvement required as a result of approving a subdivision or
 958 site plan, the Executive or the Executive's designee concludes that

applying a specific standard at a specific site would significantly impair public safety.]

[(h)](f) The curb radius at the corner of each intersection of two [urban] roads in Downtown or Town Center areas must not exceed 15 feet. The curb radius at the corner of intersections where all intersecting streets are Area Connectors, Neighborhood Connectors, Neighborhood Streets, or Neighborhood Yield Streets must not exceed 10 feet. Exceptions to these two requirements may be allowed as follows [except where]:

[(1) there is only one receiving lane;]

[(2) 1) there is a curb extension [is located]; [or]

(2) a default 25 foot radius is required where at least one street is an Industrial Street;

(3) a larger radius is needed to serve the design vehicle and control vehicle with consideration of the allowable encroachment defined by the Complete Streets Design Guide; or

[(3)](4) [for] a road improvement required [as a result of approving] by a subdivision or site plan [, the Executive or the Executive's designee concludes that applying this standard at a specific site] would significantly impair public safety.

[(i)](g) Each pedestrian refuge must be at least 6 feet wide. A pedestrian refuge must be located at each intersection approach along [on] a divided highway with 6 or more through travel lanes.

[(j)](h) Unless otherwise specified in a master plan or the approved capital improvements program, the maximum target speed for a road [in an urban area is 25 mph.] shall be as follows:

- (1) 25 mph for a Downtown Boulevard;
- (2) 20 mph for a Downtown Street;
- (3) 35 mph for a Boulevard, except 25 MPH if in an Urban Area;
- (4) 30 mph for a Town Center Boulevard, except 25 MPH if in an Urban Area;
- (5) 25 mph for a Town Center Street;
- (6) 25 mph for an Area Connector;
- (7) 25 mph for a Neighborhood Connector;
- (8) 20 mph for a Neighborhood Street;
- (9) 20 mph for a Neighborhood Yield Street;
- (10) 25 mph for an Industrial Street;
- (11) 40 mph for a Country Connector;
- (12) between 20 to 35 mph for a Country Road;
- (13) between 45 to 55 mph for a Major Highway;
- (14) case-by-case determinations for Alleys, Shared Streets, Rustic Roads, and Exceptional Rustic Roads;

Sec. 49-33. Road construction and reconstruction requirements.

* * *

- [(c) Cul-de-sacs or turnarounds are required if the paving of a road ends other than at a paved road intersection. Each turnaround or cul-de-sac must be

graded, paved, and include appropriate drainage structures and temporary curbs, if the Department of Permitting Services so requires.]

[(d)](c) If a preliminary drainage study indicates that a minimum right-of-way or storm drain easement width required in this Article is inadequate to properly drain a particular road, the Department of Permitting Services may require any additional right-of-way or storm drain easement necessary for proper drainage. The Department must notify the permittee of any added right-of-way before a dedication plat is approved by the Planning Board (or equivalent body in any municipality with land use authority) and recorded in the County land records, and must notify the permittee of any added easement when it approves a right-of-way permit.

(1) If a lot or lots front on a public road, the permittee must provide sufficient drainage easements to allow for the safe conveyance of stormwater from the public right-of-way to either an approved outfall or an approved public structure.

[(e)](d) (1) If a lot or lots front on a public road, the permittee must [install] construct sidewalks, master-planned bikeways, ramps, curbs, and gutters, except [any sidewalk]:

(A) any sidewalk or sidepath in front of a lot that is larger than 25,000 square feet for a single-family detached dwelling in a rural [zone] area;

(B) any sidewalk or sidepath on any roadway that is classified as [exceptional rustic, rustic, country arterial, or country road] rustic or exceptional rustic;

(C) any sidewalk or sidepath on a [tertiary residential] neighborhood street or neighborhood yield street serving

1031 fewer than 75 dwelling units [, or in an environmentally
 1032 sensitive area with limits on the amount of impervious
 1033 surface allowed,] if [in either case] the Planning Board and
 1034 Department of Transportation [finds] find that a sidewalk is
 1035 not expected to be [unnecessary] necessary for pedestrian
 1036 movement; [or]

1037 (D) any sidewalk if the site is located in an environmentally
 1038 sensitive area with limits on the amount of impervious
 1039 surface allowed if the Planning Board and Department of
 1040 Transportation find that a sidewalk is not expected to be
 1041 necessary for pedestrian movement; or

1042 [(D)](E) any sidewalk or sidepath on a [secondary or tertiary
 1043 residential] neighborhood street, neighborhood yield street,
 1044 or service drive where the Department of Permitting
 1045 Services finds that a sidewalk or sidepath is infeasible, will
 1046 not connect [potentially] to other sidewalk segments within
 1047 the foreseeable future, or qualifies for fee payments in lieu
 1048 of construction under Section 49-40.

1049 (2) However, the Planning Board may require the applicant to install
 1050 sidewalks, bikeways, ramps, curbs, and gutters if the Board finds,
 1051 as a condition of approval of a preliminary subdivision plan or site
 1052 plan, that sidewalks, [bikeway connections] bikeways, ramps,
 1053 curbs, and gutters at that location are necessary to allow access:

1054 (A) to [a] an existing or planned sidewalk or bikeway;

1055 (B) to a bus or other public transit stop;

1056 (C) to an amenity or public facility that will be used by
 1057 occupants of the site or subdivision; or

(D) by persons with disabilities.

Before the Planning Board approves any requirement under this paragraph, the Board must give the Departments of Permitting Services and Transportation a reasonable opportunity to comment on the proposed requirement.

[(f)](e) The construction of half roads or any road of less than the width required by this Article is prohibited except as permitted in Section 49-40. [However, construction] Construction of such portions of roads is permitted if the dedicated portion of the road established by a dedication plat and recorded in the County land records before August 15, 1950 is wide enough to permit the grading and construction of paving [18] 20 feet wide with curbs, gutters, and sidewalks required for the type of road.

[(g)](f) A road must not be constructed unless it connects with an existing public road at one end. A road must not be constructed short of an intersection unless it connects with an existing public road or the dedication of the right-of-way ends short of an intersection. If any road construction ends at or goes through an intersection, the intersection must be completed. If a road ends at other than an intersection or a point of connection with an existing road, [turnarounds or cul-de-sacs] a turnaround such as a cul-de-sac must be provided. Each turnaround must be graded, paved, and include appropriate drainage structures and temporary curbs if required by the Department of Permitting Services.

[(h)](g) If drainage structures are required for any particular class of road, the Planning Board must require the applicant to install or construct drainage structures that the Board finds are necessary or appropriate, after reviewing a preliminary drainage study approved by the Department of

Transportation, in accordance with applicable design standards and specifications.

[(i)](h) Driveway entrances to individual lots must be required if the Planning Board finds that off-street parking facilities are necessary and practicable.

[(j)](i) *Street trees.*

(1) On public road rights-of-way, street trees must be planted in accordance with design standards of the Department of Transportation. On private road rights-of-way and easements, street trees must be planted in accordance with the technical manual adopted by the Planning Board under Chapter 22A.

(2) The Department of Permitting Services, the Department of Transportation, and the staff of the Planning Board should coordinate the specific location and species of street tree plantings to promote compatibility of the plantings with road function and safety, signage, maintenance, appropriate visual buffering, utilities, other public or private improvements, and aesthetic considerations related to streetscape design.

[(k)](j) *Ground cover.*

(1) A property owner may plant and maintain ground cover in a public right-of-way adjacent to the owner's property if the owner:

(A) complies with [guidelines issued under paragraph (3)]
County regulations;

(B) maintains the ground cover to prevent any obstruction of the public right-of-way prohibited under Section 49-10; and

(C) holds the County harmless for any damage to the ground cover, and any damage or injury caused by the ground cover.

1111 However, ground cover in a public right-of-way adjacent to the
 1112 owner's property must not be planted where it will reduce public
 1113 safety or impede travel.

1114 (2) In this subsection, property owner or owner includes each person
 1115 with a legal interest in the property and any successor to that
 1116 person's interest.

1117 [(3) The Director of Transportation, after consulting the Directors of
 1118 Environmental Protection and Permitting Services, must issue
 1119 guidelines that allow and encourage a property owner to place and
 1120 maintain ground cover in the public right-of-way adjacent to the
 1121 owner's property. The guidelines must encourage use of ground
 1122 cover that is environmentally sensitive and promotes conservation
 1123 of natural resources and more sustainable landscaping, including
 1124 plant species that:

1125 (A) require reduced or no mowing, fertilizing, or other
 1126 maintenance;

1127 (B) are drought tolerant and require little watering at any time;

1128 (C) do not inhibit growth of nearby trees; and

1129 (D) include non-turf grasses.]

1130 (3) The County Executive must adopt method (3) regulations that
 1131 define the design and maintenance standards applicable to this
 1132 Section.

1133 (4) Except as provided in paragraph (1), this subsection does not
 1134 impair the County's right to enter, maintain, occupy, or otherwise
 1135 control any public right- of-way for any purpose.

1136 [(l)](k) *Curbs and gutters.*

* * *

Sec. 49-34. Construction by County.

(a) The County must not construct any road unless:

- (1) the County has previously acquired the right-of-way for the road, or the right-of-way has been dedicated to public use by appropriate recording in the County land records; and
- (2) the cost of the road will be charged against the benefitted property in according with Sections 49-51 to 49-62 and subsection [(b)] (c) of this Section.

* * *

(e) The County Executive may authorize the construction of [shared use paths] sidepaths or sidewalks to serve general community needs. Whenever a sidewalk or [shared use path] sidepath is built in a right-of-way where there is no pavement or other road construction, building the sidewalk or [shared use path] sidepath does not mean that the County is responsible for maintaining any part of the right-of-way except the sidewalk or [shared use path] sidepath.

Sec. 49-35. Right-of-way permit.

(a) (1) A [person must not construct any road, sidewalk, shared use path, curb and gutter, driveway, or drainage structure; begin any such construction (including clearing, grading, and tree cutting); or perform any tree work on any roadside tree (including removing a stump on a County right-of-way), without a permit] permit is required from the Director of Permitting Services for any work

1161 within the public right-of-way. Any permit issued for roadside tree
 1162 work must comply with Section 49-36A. In this Article, “roadside
 1163 tree” means any plant that has a woody stem or trunk which grows
 1164 all, or in part, in the right-of-way of any County public road.

1165 (2) In this Section and Sections 49-36, 49-36A, and 49-37, unless
 1166 otherwise specified, Director refers to the Director of Permitting
 1167 Services and Department refers to the Department of Permitting
 1168 Services.

1169 (3) [A person must apply for a permit on] Permit applicants must use
 1170 forms prescribed by the Director, submit detailed plans and
 1171 specifications, and include locations and record plats approved by
 1172 the Department and the Planning Board.

1173 (4) If the proposed activity requires a sediment control permit, the
 1174 Department must issue the permit before any activity occurs under
 1175 a permit issued under this subsection. The State Highway
 1176 Administration must approve any action under its jurisdiction
 1177 before the Director may approve the permit.

1178 (5) As a requirement to issue a permit under this Section, the Director
 1179 may require the applicant to designate and bond a haul route for
 1180 construction materials, as described in Section 49-8.

1181 (b) The Director must collect a fee, set by [Method 3] method 3 regulation,
 1182 for each right-of-way permit application. However, the Director must not
 1183 collect a fee for any permit to:

1184 (1) remove or pruning a tree that endangers a person or property;

1185 (2) remove a stump in the right-of-way; [or]

1186 (3) plant a tree; or

1187 [(3)](4) install a sign identifying a geographic area in the right-of-way if:

- 1188 (A) the primary applicant is an unincorporated or non-profit
 1189 civic or homeowners' organization that is either:
 1190 (i) listed on the Planning Board's most recent list of
 1191 civic and homeowners associations; or
 1192 (ii) exempt from federal income taxes and shows that its
 1193 annual revenue during its most recent fiscal year did
 1194 not exceed an amount set by a regulation;
- 1195 (B) in a homeowners' association, maintenance responsibility
 1196 of all common areas has been transferred from the
 1197 developer; and
- 1198 (C) the proposed sign would be smaller than a maximum size
 1199 set by regulation.
- 1200 (c) Before an applicant begins any road, sidewalk, sidepath, bikeway, curb
 1201 and gutter, driveway, retaining wall, steps, or drainage project, on a road
 1202 or within the boundaries of a dedication to public use, the applicant for a
 1203 permit to undertake any such project must pay to the County an inspection
 1204 and engineering fee set by the County Executive by method (3)
 1205 regulation.
- 1206 (d) If any such project is solely a grading project, the applicant must pay an
 1207 inspection and engineering fee to the County if Department staff does the
 1208 engineering work on the project and an inspection fee if the applicant
 1209 submits the engineering work.
- 1210 (e) Any violation of this Section is a Class A violation.
- 1211 (f) The Director must refund half the fees required by this Section to the
 1212 applicant if a permit is rejected or withdrawn before construction begins.
 1213 If an applicant proposes to undertake a project using materials, standards,
 1214 or specifications superior to those required under this Article, the fees

charged must be computed on the estimated cost of the project as if it met those requirements.

- (g) A person, including any utility corporation, must not cut [a road] within the right-of-way to install, replace, or maintain or connect any underground gas, electric power, or telephone line, or any other underground infrastructure, without a permit from the Director. The Director must supervise all backfilling and repaving of utility trenches to assure that the permittee complies with all applicable specifications. The permittee must restore the right-of-way to its prior condition.

* * *

Sec. 49-36. Permit conditions and procedures.

Each permit issued under Section 49-35 must be subject to the following conditions[, which the permit must specify]:

* * *

Sec. 49-36A. Roadside tree work.

* * *

- (b) *Applicability; exceptions.*

- (1) A person [(including a government agency)] may receive a right-of-way permit to perform tree work on a roadside tree if the person:

* * *

Sec. 49-37. Street and road bonds.

* * *

(d) (1) If the Director finds a violation of an applicable law or regulation, or a default in the performance of any term or condition of the permit or accepted security, the Director must give written notice of the violation or default to the principal and to the surety of the accepted security. The notice must specify the work to be done, the estimated cost of the work, and the period of time the Director finds reasonably necessary to complete the work.

(2) If a cash bond has been posted, the Director must give notice of default to the principal; and if compliance is not [acheived] achieved within the time specified, the Director may, without delay and without further notice or proceedings, use the cash deposited, or any portion of the deposit, to cause the required work to be performed by contract or otherwise in the Director's discretion. After any default in the performance of any term or condition of the permit or accepted security, the County, the surety, and any person employed or engaged on their behalf may enter the site to complete the required work.

* * *

Sec. 49-38. Acceptance of roads.

* * *

(b) Any action by the County to accept a road must be in writing and fully identify the portion accepted. Any accepted road must conform to [the standards and specifications of] this Chapter and all other applicable laws in force at the time of acceptance.

* * *

Sec. 49-39. Pre-acceptance review by County.

* * *

- (b) After completion and final inspection of a road, the County must either accept the road, if the Director of Permitting Services finds that its construction has met all requirements of this Article, and release the bond, or the Director must reject the road by written notice to the permittee and surety, where an acceptable security was posted, specifying the reasons for rejection by reference to the particular requirement which has been violated, and allow a specified reasonable time for the permittee or surety to comply with all applicable [requiements] requirements.

Sec. 49-40. Waivers of requirements of Article.

- (a) The Director of Permitting Services may waive any requirement of this Article for sidewalks, bikeways, rights-of-way widths, grade percentages, full-width grading, and the construction of both roadways of a dual road, or any combination of them, as allowed in this Section, for any road constructed by the County or a permittee.

- (b) The Director must apply the following standards for granting or denying waivers:

(1) *Sidewalks and Sidepaths.*

- (A) *Waiver authority.* The Director may waive any requirement, subject to (B), to install sidewalks or sidepaths if:

- (i) the lots abutting the right-of-way are unimproved;
- (ii) the street was lawfully graded before August 15, 1950, and the terrain is so steep and uneven that

- 1287 grading for sidewalks or sidepaths cannot be done
 1288 except at excessive cost, or
 1289 (iii) houses or buildings abutting the right-of-way which
 1290 were constructed before August 15, 1950, are so
 1291 situated, and the property upon which those houses
 1292 or buildings are located is so graded, that the
 1293 construction of sidewalks or sidepaths is undesirable.
- 1294 (B) *Waivers not allowed.* [Notwithstanding the preceding
 1295 subparagraph, the] The Director [may] must deny a waiver
 1296 if:
- 1297 (i) the street involved is [a Primary Residential Street]
 1298 an Area Connector, Neighborhood Connector,
 1299 Industrial Street, [Business District Street, Minor
 1300 Arterial or Arterial, Major Highway] Downtown
 1301 Street, Town Center Street, Downtown Boulevard,
 1302 Town Center Boulevard, Boulevard, or Controlled
 1303 Major Highway; or
- 1304 (ii) the required sidewalks or bikeways are necessary or
 1305 desirable to provide safe access for pedestrians and/or
 1306 bicyclists.
- 1307 (C) *Waiver and fee payment.* As an alternative to building a
 1308 sidewalk or bikeway on an existing or proposed street, the
 1309 Director may allow an applicant to pay a fee if the applicant
 1310 shows that building a sidewalk or bikeway as required
 1311 would cause extreme hardship. The sidewalk or bikeway
 1312 that would be waived must not connect to another existing
 1313 or proposed sidewalk, [shared use path] bikeway, bus stop,

school, or other public [faciity] facility. The fee must equal the full cost to build the sidewalk or bikeway, including the design and supervision costs. This fee must be paid, any necessary right-of-way must be dedicated, and any necessary perpetual easement must be recorded before the Director issues any road construction permit for the proposed public street. The revenue from these fees must be assigned to a capital account for sidewalk or bikeway construction and may be spent as appropriated by the County Council.

* * *

(4) *Full-width grading.* The Director may waive or reduce any requirement for full-width grading if:

* * *

(C) for a [Secondary Residential or Tertiary Residential] Neighborhood Street or Neighborhood Yield Street, the applicant proposes to extend an existing paved road which ends short of an intersection, the right-of-way containing the existing paved road is not graded to its full width and the waiver does not apply beyond the intersection.

* * *

ARTICLE 4. ACQUISTION OF LAND.

Sec. 49-45. Authority to acquire land for transportation purposes.

The County may buy land which is needed in connection with:

1338 (a) the opening of any new road, [shared use path] bikeway, or
1339 sidewalk,

1340 * * *

1341 **Sec. 49-50. Optional method of condemnation of land for streets or roads.**

1342 As authorized by Section 40A of Article III of the Maryland Constitution, the
1343 County may acquire any land or interest in land required for a right-of-way for
1344 a County road or street by using the following procedure:

1345 * * *

1346 (b) (1) Promptly after being appointed, the broker or appraiser must
1347 estimate the fair market value of the property or interest and submit
1348 a written report to the County.

1349 (2) The County then may be petition, naming the owner and all
1350 persons of record whose interest in the property would be taken,
1351 pay to the Circuit Court the amount estimated by the broker or
1352 appraiser to be the fair market value of the property, and record a
1353 copy of the resolution of taking in the County land records. A copy
1354 of the resolution must be attached to the petition and filed with the
1355 Circuit Court. A copy of the petition and resolution must be
1356 [served on] sent to each person named in the petition.

1357 * * *

1358 **ARTICLE 5. COUNTY ROADS – AUTHORITY AND FUNDING.**

1359 **Sec. 49-51. [Definitions] Reserved.**

1360 [As used in this Article:

1361 *Construction* means construction or reconstruction (but not maintenance), and
1362 includes grading, installation of drainage structures, and paving.

1363 *Road:* includes any road, street, highway, avenue, lane, alley, bridge, shared use
1364 path, sidewalk, viaduct, and any related storm drain and stormwater management
1365 facility.]

1366 **Sec. 49-53. Public hearing; notice.**

1367 * * *

(e) The Director need not hold a hearing under subsection (d) before a sidewalk or [shared use path] sidepath is constructed if:

1370 * * *

1371 **Sec. 49-57. Roads partly in unincorporated area and partly in city or town.**

1372 (a) *Building roads.*

(1) If a road, bridge, storm drain, sidewalk, [shared use path] sidepath, transitway, or other transportation facility is located partly in the unincorporated area of the [county] County and partly in a municipality or special taxing district that is authorized by law to build or maintain that part of the facility that is located in the municipality, either the County or the municipality or special taxing district may improve the entire facility according to applicable County laws or any law or regulation that applies in the municipality or special taxing district, respectively, as if the facility were completely located in the unincorporated area of the [county] County or in the municipality or special taxing district.

1384 * * *

(3) The County may build or improve a road, bridge, storm drain, sidewalk, [shared use path] sidepath, bikeway, transitway, or other transportation facility which it is authorized by law to construct and maintain, including when the facility is located partly or entirely in a municipality or special taxing district. Before taking any action under this paragraph, the Executive must consult each affected municipality.

* * *

ARTICLE 6. ABANDONMENT AND CLOSING OF RIGHTS-OF-WAY..

Sec. 49-62. Abandonment authority; scope of Article; procedures.

(a) *Authority.* The County Council, by adopting a resolution, may close to public use or abandon the County's right to use any right-of-way. As used in this Article, *right-of-way* means any road, [street, alley, crosswalk, pedestrian walkway, shared use path] sidewalk, bikeway, crosswalk, water main, sanitary sewer, storm sewer, or storm drainage right-of-way used at any time by the public, including use by pedestrians and bicyclists. This Article applies to all rights-of-way except as provided in subsection (j) and State road rights-of-way, and may apply to a State road right-of-way if the appropriate State agency expressly consents. Before the Council adopts a resolution under this Article, the procedures in this Article must be followed.

* * *

(h) *Agencies.* The government agencies and other parties from which the Executive must solicit a response are:

(1) the Department of Transportation;

(2) the Department of Permitting Services;

~~[(2)]~~ (3) the Maryland-National Capital Park and Planning Commission;

1410 ~~[(3)]~~(4) the Washington Suburban Sanitary Commission, if any part of the
 1411 right-of-way is located in the Washington Suburban Sanitary District;
 1412 ~~[(4)]~~(5) each public utility authorized by the Public Service Commission to
 1413 operate in the area and which has any overhead or underground facilities
 1414 in the vicinity;
 1415 ~~[(5)]~~(6) the governing body of each incorporated municipality or special taxing
 1416 district in which any of the right-of-way is located;
 1417 ~~[(6)]~~(7) [The] the Police Department;
 1418 ~~[(7)]~~(8) the County Fire and Rescue Service; and
 1419 ~~[(8)]~~(9) [Any] any grantee of a franchise under Article 2, if the franchise
 1420 authorizes the grantee to install or use any facility in, over, or under the
 1421 affected right-of-way.

1422 (i) *Temporary closure.* This Article does not apply to any temporary closure
 1423 required by a construction traffic control plan if the closure does not last longer
 1424 than 12 months. If special circumstances require that a temporary closure last
 1425 longer than 12 months, the Director of Transportation must apply to the Council
 1426 for approval to extend the closure [for a specified period that does not exceed
 1427 24 months]. The Council, by resolution, may approve an extended temporary
 1428 closure under this subsection without following the procedures in this Article.

1429 * * *

1430 **ARTICLE 8. RUSTIC ROADS PROGRAM.**

1431 * * *

1432 **Sec. 49-77. Definitions.**

1433 In this Article, the following terms have the meanings indicated:

1434 *Committee* means the Rustic Rods Advisory Committee.

1435 *Exceptional rustic road* means an existing public road or road segment which is
1436 so classified under Section 49-78.

1437 [*Master Plan of Highways* means the Master Plan of Highways Within
1438 Montgomery County, an amendment to the General Plan for the Physical
1439 Development of the Maryland-Washington Regional District.]

1440 *Public utility* means any private company or public agency that is regulated as
1441 a public utility under state law, or otherwise provides water, sewer, electric, gas,
1442 telephone, or cable service (as defined in Chapter 8A) in the County.

1443 *Rustic road* means an existing public road or road segment which is so classified
1444 under Section 49-78.

1445 **Sec. 49-78. Rustic road classification and reclassification.**

1446 (a) *Classification.* The County Council may classify, reclassify, or revoke
1447 the classification of an existing public road or road segment as a rustic
1448 road or an exceptional rustic road by approving an amendment to the
1449 [Master Plan of Highways] functional plan and the relevant area [Master
1450 Plan] master plan.

1451 * * *

1452 **Sec. 2. Transition.**

1453 The transitions defined in 49-31(d)(19) are not intended to be applied along
1454 intersecting streets. Streets that maintain the same designation or name but require a

1455 turn at an intersection to continue traveling along are similarly not intended for these
1456 transitions. Intersecting streets retain their otherwise designated classifications up to
1457 the intersection.

1458 *Approved:*

1459

1460

Tom Hucker, President, County Council

Date

1461 *Approved:*

1462

Marc Elrich, County Executive

Date

1463 *This is a correct copy of Council action.*

1464

Selena Mendy Singleton, Clerk of the Council

Date