

# TOWN OF LAYTONSVILLE

## Subdivision Regulations

Amended June 3, 2003

Amended June 7, 2011

Sec. 1. These regulations shall be known and may be cited as the "Subdivision Regulations of the Town of Laytonsville, Maryland."

### Definitions

Sec. 2. The term "subdivision" means the division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural purposes into lots or parcels of five (5) acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Sec. 3. The term "street" means a way for vehicular traffic, whether designated as a street, road, highway, lane, alley, or by any other name.

Sec. 4. The term "arterial street" means any street used or to be used regularly for through traffic, and shall include all Federal, State, and dual lane highways.

Sec. 5. The term "business street" means any street which is not an arterial street and which is contiguous to or within an area zoned for commercial use.

Sec. 6. The term "alley" means a minor way used or to be used primarily for vehicular service access to the rear or side of properties.

Sec. 7. The term "primary residential street" means any street used or to be used as the principal means of access to any arterial or business street from an existing or prospective residential development.

Sec. 8. The term "secondary residential street" means any street which is not an arterial street, business street, primary residential street, or alley, and which is used or to be used primarily for access to abutting properties.

### General Provisions

Sec. 9. No person shall subdivide land in the Town of Laytonsville unless and until a plat of subdivision prepared and approved in accordance with these regulations is first recorded among the land records of Montgomery County.

Sec. 10. No plat of subdivision which includes land in the Town of Laytonsville shall be recorded among the land records of Montgomery County unless the approval of the Planning Commission **(Amended June 7, 2011)** of Laytonsville is endorsed in writing on said plat; and the Clerk of the Circuit Court of Montgomery County shall not accept for recordation any plat of subdivision of land in the Town unless said endorsement appears thereon.

Sec. 11. In the event that a plat is recorded among the land records of Montgomery County in violation of these regulations, the Mayor and Council shall have the right to institute proceedings to compel said plat to be stricken from said land records and the Circuit Court for Montgomery County is hereby granted jurisdiction to issue appropriate orders in any such proceeding; provided that the Clerk of said Court and the owners of the property which is the subject of said plat are made parties defendant in said proceedings.

### Preliminary Plan

Sec. 12. As a first step, all persons seeking to subdivide land within the Town shall submit twelve copies of a preliminary plan of subdivision to the Town Planning Commission **(Amended June 7, 2011)** for approval, together with a fee as hereinafter specified to defray the cost of processing said plan. As soon as said plan is filed, the Planning Commission **(Amended June 7, 2011)** shall forward one copy to the Deputy State Health Officer for Montgomery County.

Sec. 13. The preliminary plan shall be at a scale of 100 feet to one inch or larger depending on the size of the development.

Said plan, or other papers, plats, or documents filed therewith as exhibits, shall show the following: **(Amended June 7, 2011)**

- (a) Name of proposed subdivision
- (b) Names and addresses of owners of the tract to be subdivided; name and addresses of subdivider and surveyor
- (c) All existing and proposed streets, including alleys, on and adjacent to the tract; their names; right-of-way and roadway widths; and approximate grades and gradients
- (d) Other existing and proposed rights-of-way or easements; their location, width, and purpose

- (e) Names and liber and folio numbers of adjacent subdivisions, and the owners of adjoining lands which are not subdivided
- (f) Lot lines, lot numbers, and block numbers
- (g) Location of utilities, if any, and if not shown on other exhibits
- (h) Areas, if any, to be reserved or dedicated for parks, playgrounds, or other public use
- (i) Minimum building setback lines
- (j) Proposed method of sewage disposal and water supply
- (k) Proposed location of sewage disposal system and water supply for each lot (except where public sewer and public water are available)
- (l) Proposed uses of property
- (m) Date, scale, and north point
- (n) Metes and bounds description or survey of the boundary of the land proposed for subdivision
- (o) Contours of the land at intervals of 5 feet or less
- (p) Water courses, flood plains, wetlands, existing or proposed forest conservation areas, marshes, wooded areas, buildings, and other significant features  
**(Amended June 7, 2011)**
- (q) Street profiles, whenever required by the Town Planning Commission **(Amended June 7, 2011)**
- (r) Any proposed sidewalks and bike paths **(Amended June 7, 2011)**

Sec. 14(a). No plan shall be accepted for filing unless and until the applicant shall pay a fee as follows:

Preliminary plan of subdivision

Residential

1 - 9 lots	\$ 500.00
10 - 49 lots	1,000.00
50 or more	1,500.00
For each lot over 50	10.00 for each

Commercial or industrial

Up to 9,999 s.f.	\$ 750.00
10,000 to 24,999 s.f.	1,000.00
25,000 s.f. or more	1,500.00
For each s.f. over 25,000	.01 for each

Institutional or Religious \$ 500.00

Amendments or revisions of approved plans \$ 500.00

Record Plat \$ 300.00

(4.4.95)

(b) Prior to approving the Record Plat, the Town shall compute the engineering, planning, legal, and other costs it has incurred in reviewing the application for approval of the Subdivision Plan, and shall charge and collect the same from the applicant, to the extent that such costs exceed the fees previously charged and collected pursuant to sec. 14(a) hereof. (4.4.95)

The Mayor and Council may change the amount of said fees from time to time by a duly adopted resolution, provided that the fees so set do not exceed those reasonably calculated to defray the actual cost of reviewing and acting upon such plan. (5.7.1981)

Sec. 15. The Town Planning Commission shall approve, approve with conditions or disapprove a preliminary plan within 45 days after it is filed, unless the applicant agrees to an extension of time for approval or disapproval. If the plan is approved by the Town Planning Commission, with or without conditions or modifications, one copy showing said modifications, if any, shall be returned to the subdivider. The other twelve copies shall be retained, one for the files of the Planning Commission, and the other for the files of the Deputy State Health Officer for Montgomery County. **(Amended June 7, 2011)**

#### Final Plat

Sec. 16. Within twelve months after the approval of a preliminary plan of subdivision, the subdivider shall file with the Town Planning Commission a final plat of subdivision which shall conform to preliminary plan as approved. If a final plat is not submitted within said six month period, the approval of the preliminary plan shall expire (in which case it shall be necessary for any person desiring to subdivide said land to start again with the filing of a preliminary plan). The Planning Commission may grant not more than one extension of twelve month duration to file the final plat upon timely request by the Subdivider. **(Amended June 7, 2011)**

Sec. 17. The final plat of subdivision shall be clearly and legibly drawn in black india ink upon tracing cloth 18 inches x 18 inches in size, including a margin of one-half inch outside ruled border lines. The Plat shall be at such scale as the Mayor and Council shall prescribe and shall be large enough to show details clearly.

Sec. 18. The final subdivision plat shall show: **(Amended June 7, 2011)**

- (a) Street and alley lines, lot lines, building lines, reservations, easements and areas to be dedicated to public use
- (b) Sufficient data to determine readily the location, bearing, and length of every street line, lot line, block line, and boundary line, as well as sufficient data to reproduce the same on the ground
- (c) The length of radii, arcs, tangents, and chords with chord bearings, and central angles of street curves

- referenced to a curve table
- (d) Name and right-of-way width of each street or other right-of-way
  - (e) Location, dimensions, and purpose of all easements
  - (f) All dedications and reservations and purpose of same
  - (g) All minimum building setback lines
  - (h) Lots numbered in numerical order. If a subdivision contains more than one block, blocks shall be lettered in alphabetical order. In case there is a resubdivision of lots in any block, such resubdivided lots shall be numbered numerically beginning with the number following the highest lot number in the block
  - (i) Location and description of monuments. Metal monuments three-quarters of an inch in diameter and twenty-four inches in length, shown thus: ○ shall be located at all intersections of streets, intersections of streets and alleys with plat boundary lines, and at all points on street, alley, and boundary lines where there is a change in direction or curvature. Permanent stone or concrete monuments shown thus: □ shall be placed wherever required by the Town Planning Commission. Such permanent monuments of stone or concrete shall be at least thirty-six inches in length and six inches square, or six inches in diameter, with a suitable center point.

All monuments, metal and stone or concrete, shall be set in the ground flush to the finished grade before the final plat is approved.

- (j) Names of adjoining subdivisions and names of owners of adjoining unsubdivided property
- (k) Reference to adjoining subdivisions by liber and folio number
- (l) Name of subdivision, which shall be subject to approval of the Town Planning Commission, location, north point, scale and date
- (m) Certificate by surveyor or engineer certifying to Accuracy of the plat and all features and representations reflected thereon.
- (n) Statement by owner dedicating streets, rights-of-way, and other areas to public use and also establishing easements, building restriction lines and other restrictions of record and those proposed.
- (o) The plat shall set forth verbatim or shall contain an appropriate reference to all restrictions and conditions required by the Deputy State Health Officer

for Montgomery County

- (p) On all lots where individual water supply systems and/or individual sewage disposal systems are to be installed, the plat must show:
- i. The outline identifying the restricted areas reserved for all well locations;
  - ii. The outline of the approved sewage disposal area;
  - iii. The outline of the associated septic building restriction line;
  - iv. A notation that the approving agency of the County have approved the well(s) and septic areas depicted on the plat.
- (q) A Title Block in the lower right-hand corner of the sheet which shall include the following information:
- i. The words "Subdivision Record Plat."
  - ii. Approved name of the subdivision and the section thereof, including blocks, lots, parcels and outlots.
  - iii. Election district and name of town.
  - iv. Scale of drawing, including a bar scale, and date of completion.
  - v. Name of firm of licensed land surveyor who prepared the Subdivision Record Plat.
  - vi. A description of the general purpose of the Subdivision Record Plat, including without limitation, original subdivision record plat, plat of correction, or resubdivision plat.

A signature block shall also be provided for the signature of the Chairman or Vice Chairman of the Planning Commission.  
**(Amended June 7, 2011)**

Sec. 19. When the final plat is submitted to the Town Planning Commission for approval, the subdivider shall also file with the Town Planning Commission a title report, certificate of title, or comparable evidence showing the names and addresses of the holders of all legal and equitable interests in and to said land. At the same time, the subdivider shall also file with the Town Planning Commission two copies of any easements and covenants he intends to record which will affect any portion of the proposed subdivision. **(Amended June 7, 2011)**

Sec. 20. The Town Planning Commission shall approve, approve

with conditions or disapprove a final subdivision plat within 45 days after the same is submitted. Otherwise such plat shall be deemed to be approved and a certificate to that effect shall be endorsed on the plat upon demand. However, with the applicant's consent, the Town Planning Commission may extend the time for approval or disapproval. **(Amended June 7, 2011)**

Sec. 21. Upon approval of a final subdivision plat, the approval of the Town Planning Commission shall be endorsed thereon by signature of the Chairman or Vice Chairman of the Town Planning Commission. The Town Planning Commission shall thereupon inform the Deputy State Health Officer for Montgomery County that such plat has been approved and shall further inform him of any changes on said plat not shown on the preliminary plan. If the Town Planning Commission shall refuse to approve any final subdivision plat, it shall deliver to the applicant in writing its reasons for such disapproval. **(Amended June 7, 2011)**

#### Design Standards -- Streets

Sec. 22. Streets shall be arranged and located with due regard to existing streets, topographical conditions, public convenience and safety, surface drainage and the proposed use of the land to be served by such streets.

Sec. 23. Minimum right-of-way widths for streets shall be provided as follows:

- (1) For an arterial street -- 100 feet
- (2) For a business street -- 70 feet
- (3) For an alley -- 20 feet
- (4) For a primary residential street -- 70 feet
- (5) For a secondary residential street -- 60 feet

Sec. 24. One-half streets are prohibited; reserve strips controlling access to streets are also prohibited. Street jogs

with centerline offsets of less than 125 feet shall be avoided wherever possible. A tangent at least 100 feet long shall be introduced between reversed curves on arterial, business, and primary residential streets. Secondary residential streets shall be laid out so that their use by through traffic will be discouraged. Sight distance adequate to meet the prevailing traffic conditions shall be provided wherever possible. Streets shall intersect at right angles as nearly as possible.

Sec. 25. Wherever possible, an alley shall be provided at the rear or side, preferably at the rear, of lots intended or zoned for commercial use.

#### Design Standards -- Blocks

Sec. 26. The lengths, widths, and shapes of blocks shall be determined with due regard to the zoning requirements, the uses to which the land may be put, the need for access, circulation, and control of traffic, and the limitations and opportunities presented by the topography. The Town Planning Commission may require sidewalks and/or bike paths, not less than 5 feet wide, handicapped accessibility features and pedestrian cross-walks, 10 feet wide, wherever the same are deemed essential to provide access to schools, playgrounds, shopping centers, transportation, or any other community facilities or residential neighborhood. **(Amended June 7, 2011)**

#### Design and Sewerage Disposal Standards - Lots

Sec. 27. The size, width, depth and shape of lots shall conform to the requirements of the Zoning Ordinance and shall be appropriate for the location of the subdivision and the use to which the land may be put. Corner lots for residential use shall have extra width to permit the proper setback for orientation to both streets. Every lot shall be provided with satisfactory access to an existing public street. Side lot lines shall be substantially at right angles or radial to street lines. **Amended June 3, 2003.**

Sec. 27.1. All lots not served by public sewer system must have all private sewerage disposal facilities including but not limited to primary and reserve drain fields located within the confines of the lot boundaries which are being approved to serve buildings and structures on each lot. In the case of system failures, the Town Planning Commission may approve the use of adjacent property to locate sewerage disposal facilities to prevent a health hazard. A perpetual easement across adjacent property must be obtained and recorded in the County Land Records by the applicant for such approval together with the approval by the appropriate County health agency or officer to

locate any sewerage disposal facility off-site. **Amended June 3, 2003. (Amended June 7, 2011)**

#### Areas for Public Use

Sec. 28. Where deemed essential, the Mayor and Council or the Town Planning Commission may require the dedication or reservation of areas or sites for streets, schools, parks, playgrounds, or other public use. Whenever land is reserved for a public use, the reservation shall expire at the end of a period of three years (except that it may be renewed once as hereinafter provided). During the period of reservation, the land may be acquired by any public agency by condemnation, purchase or otherwise. A reservation may be renewed once, for a period not exceeding one year, whenever a public agency shall deliver to the Mayor and Council a statement in writing that it wishes to acquire the land in question for public use, the particular public use is specified, and said agency states that it has good reason to believe that it will acquire said land for such purpose within a period of one year. Land dedicated to public use and land reserved for public use shall be exempt from State, County, and Town real estate taxes so long as said dedication or reservation shall continue. **(Amended June 7, 2011)**

A plat or deed of reservation for land reserved for public use shall be recorded among the land records. Property which is in reservation may not be cleared, graded or improved with new buildings without the express consent of the Mayor and Council. **(Amended June 7, 2011)**

#### Resubdivision

Sec. 29. Lots shown on any plat of resubdivision shall be of substantially the same character, area, street frontage, and size as other lots within the existing subdivision and similarly situated lots in the vicinity.

#### Approval of Health Officer

Sec. 30. The Town Planning Commission shall not approve any subdivision plat which includes a lot or parcel of ground for which public water or public is not available, unless such plat is first approved by the Deputy State Health Officer for Montgomery County or other official or agency which has authority for approving private well and sewage disposal systems. **(Amended June 7, 2011)**

#### Hearing and Decision

Sec. 31. A public hearing shall be conducted by the Town Planning Commission on any application which is the subject of a requested subdivision or resubdivision. Notification of the

subdivision application and public hearing shall be as required for zoning reclassification within Sections 123 and 124 of the Town Zoning Ordinance. A decision by the Town Planning Commission on any application for subdivision or resubdivision shall be set forth in writing stating the reason for the approval, approval with conditions or denial, as the case may be and the vote thereon shall be entered into the minutes of the Commission. **(Amended June 7, 2011)**

#### Building Permits

Sec. 32. No permit for the erection of any building or structure within a subdivision shall be issued unless the building or structure is to be located on a lot having satisfactory access to a public street; nor shall a building permit be issued when the lot has no access except to a street which was dedicated or constructed in violation of the laws, ordinances, or regulations of the Town in effect at the time of such dedication or construction, as the case may be.

No building permit shall be issued for the erection of any building which does not have an approved water supply and sewage disposal system or is in violation of any provision of these subdivision regulations or The Town Zoning Ordinance. **(Amended June 7, 2011)**

No building permit shall be issued for the erection of any building after approval of a final plan of subdivision or resubdivision by the Town Planning Commission until a site development plan is approved by the Mayor and Council. **(Amended June 7, 2011)**

#### Construction of Streets

Sec. 33. No person shall construct any street, public or private, until a plat, showing the location thereof, is approved and recorded in accordance with these regulations; provided that this section shall not apply to driveways or any road which does not lead to or connect with other lots or parcels of land; nor shall it apply to any street shown on a subdivision plat legally recorded among the land records of Montgomery County prior to the effective date of these regulations.

#### Compliance With All Laws and Regulations

Sec. 34. Henceforth, all subdivision plats shall conform in all respects to the Zoning Ordinance of the Town, as well as to the health and all other applicable laws and regulations.

#### Remedies and Penalties

Sec. 35. The Mayor and Council of Laytonsville or any owner or occupant of neighboring property may institute injunction, mandamus or other appropriate action or proceedings to prevent or terminate any violation of this Ordinance, and the Circuit Court for Montgomery County is hereby granted jurisdiction to issue restraining orders, temporary and permanent injunctions, mandamus and other appropriate forms of remedy or relief.

Sec. 36. A violation of these Regulations is a 'municipal infraction' and punishable as such, as provided in sec. 3b of Art. 23A of the Anno. Code of Md. as now in force and effect and as hereinafter amended from time to time. (9.1.1981)

Appeals **(Amended June 7, 2011)**

Sec. 37. Any appeal of a decision of the Town Planning Commission on an application for subdivision plan approval shall be governed by Section 132.05(c) of the Town Zoning Ordinance. **(Amended: June 3, 2003, June 7, 2011)**