

A
COMPREHENSIVE PLAN
FOR THE
TOWN OF LAYTONSVILLE
MONTGOMERY COUNTY,
MARYLAND

Prepared By: James D. Pammel, AICP
Urban & Environmental Planning Consultant

Date: August 15, 1989

TABLE OF CONTENTS

LETTER OF TRANSMITTAL

INTRODUCTION

CHAPTER I

LAYTONSVILLE - PAST AND PRESENT	PAGE 1
HISTORIC SITES	PAGE 2
PRESERVATION	PAGE 4
LAYTONSVILLE - TODAY	PAGE 5
EXISTING LAND USE	PAGE 5
POPULATION	PAGE 6
SOILS	PAGE 6
WATERSHEDS	PAGE 6
PUBLIC FACILITIES	PAGE 7 & 8

CHAPTER II

GOALS AND OBJECTIVES	PAGE 9
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CHAPTER III

THE PLAN	PAGE 10
HISTORIC PRESERVATION	PAGE 10
ECONOMIC DEVELOPMENT	PAGE 11
RESIDENTIAL DEVELOPMENT	PAGE 12
PUBLIC FACILITIES	PAGE 12
POPULATION	PAGE 13
PARKS AND RECREATION	PAGE 13
ENVIRONMENTAL	PAGE 13
TRANSPORTATION	PAGE 14
IMPLEMENTATION	PAGE 14
ZONING	PAGE 14
HISTORIC OVERLAY DISTRICT	PAGE 15
DISTRICT CRITERIA	PAGE 16
UNIT CRITERIA	PAGE 17
SOCIAL-HISTORICAL SIGNIFICANCE	PAGE 17
ARCHITECTURAL SIGNIFICANCE	PAGE 17
GOALS	PAGE 18
SUBDIVISION CONTROL REGULATIONS	PAGE 19
CAPITAL IMPROVEMENT PROGRAM	PAGE 19

MAPS

LAND USE PLAN
ENVIRONMENTAL AND HERITAGE RESOURCES

APPENDIX

SECTION 801 OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND (1983)

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August 15, 1989

Honorable Charles T. White, Mayor
Town of Laytonsville
Box 5127
Laytonsville, Maryland 20882

Dear Mayor White:

It is with pleasure that I transmit to you and the Town Council the Comprehensive Plan document for the Town of Laytonsville. I will look forward to a public presentation of this plan in mid September and subsequent deliberations and adoption shortly thereafter.

Sincerely yours,

James D. Pammel, AICP

A COMPREHENSIVE PLAN
FOR THE
TOWN OF LAYTONSVILLE
MONTGOMERY COUNTY, MARYLAND

INTRODUCTION

This plan to mandate the future character and development of the Town of Laytonsville is being prepared under a contract between the Town and James D. Pammel, AICP, Urban and Environmental Planning Consultant. The purpose of the plan is to spell out goals and objectives for the Town's future character and appearance and to implement these stated goals and objectives through a graphic illustration (map) that will depict the desired character of the community for the foreseeable future with the supporting facilities necessary to serve the planned population.

This plan incorporates the following visions Codified at Section 3.06 (b), Annotated Code of Maryland:

1. Development is concentrated in suitable areas;
2. Sensitive areas are protected;
3. In rural areas, growth is directed to existing population centers and resource areas are protected;
4. Stewardship of the Chesapeake Bay and the land is a universal ethic;
5. Conservation of resources, including a reduction in resource consumption, is practiced;
6. To assure the achievement of paragraphs (1) through (5) of this section, economic growth is encouraged and regulatory mechanisms are streamlined, and;
7. Funding mechanisms are addressed to achieve these visions;

adequacy of public facilities
The plan is conceived as a plan that provides guidance for specific land use decisions through the implementation process. The plan is not static and should be reviewed at least at five year intervals. The constraints to development that will be discussed later in the report significantly dictate the future character of development for the Town with limited flexibility to vary land use activities.

The Town is rich in historical terms with considerable significance attached to the Town's existence during the Colonial period and into the early 1800's. Therefore, considerable attention will be devoted to this legacy and preservation measures to retain this heritage.

CHAPTER I

LAYTONSVILLE - PAST AND PRESENT

Laytonsville, as it is known today, was incorporated almost a century ago, April 7, 1892. The Town was named for an early colonial family, the Laytons. John Layton was considered the first enterprising bureaucrat in the area. After becoming the first postmaster of what was then known as Cracklintown, John Layton took it upon himself to rename the community and so he did after his family and the Town became known as Laytonsville. It is significant today that the oldest remaining house in Laytonsville is the Layton House located on the southwest corner of Route 108 (Laytonsville Road) and Brink-Sundown Road. Reliable estimates now date this house from 1793 or even earlier.

Laytonsville is located in Upper Montgomery County approximately eight miles northeast of Gaithersburg. The Town situated on Maryland Route 108 midway between Olney and Damascus contains 614 acres (.96 square mile). The current size reflects annexation by the Town four years ago of 375 acres which almost tripled the size of the Town from the original 240 acres. The Town is strategically located at the very head of the Rock Creek Watershed and being almost equally divided into the two adjacent watersheds, Seneca and Patuxent. Maryland Route 108 follows the ridgeline that separates the two watersheds.

The origins of Laytonsville, then known as Cracklintown evolved because of the strategic location of this community at the crossroads of Brink-Sundown Road (Sunshine Road) and the Olney-Laytonsville Road, Damascus-Laytonsville Road then known as Buffalo Road because it linked Washington with Buffalo, New York. Brink-Sundown Road then was known as the Old Baltimore Road because it linked the areas to the west as far as the mouth of the Monocacy River with Baltimore. Cracklintown became a place for travelers to stop, rest and refresh themselves particularly farmers driving their herds to Baltimore.

The Cracklintown Tavern served the travelers well during this period but has disappeared into the past. The exact location of the tavern has not been determined, some saying that it was located about one mile east of the intersection at a spring near the headwaters of the Hawlings River, while others point to a possible location at the northwest corner of the intersection.

What is known is that Cracklintown became a prosperous farming community with numerous beautiful homes. Rolling Ridge Farms built in 1790 by a Georgetown merchant, Tusculum built by Henry Griffith, Edgehill, another Griffith home and Clover Hill remain today and link the community with the colonial period. Early settlers in the Laytonsville area were offspring of Anne Arundel County planters. Names of early settlers after the Revolutionary war included the Waters, Griffiths, and Riggs, names familiar today as succeeding generations have remained in the area. Historical sites located within the Town or adjacent to are identified on the Environmental and Heritage Resources Map and are discussed in more detail later.

Another early resident responsible for the early vitality of Laytonsville was William Mobley who was attributed to the introduction of a "spirit of commerce" into the community. Mobley moved from Brookeville where he had participated in the incorporation of Brookeville. He purchased land from Layton and opened a general store on the northeast corner of the intersection. This site is now vacant but evidence of foundations might be found today. An archeologic analysis of both the northwest corner and the northeast corner of this intersection might provide further historic documentation on early events at this major crossroads.

Mobley, because of his experience with Brookeville, became an instrumental party to the incorporation of Laytonsville in 1892. Mr. Mobley's business acumen resulted in a stock exchange being operated by him in Laytonsville in the late 1800's. Mobley would buy livestock from the farmers in the western part of the county and then sell the livestock to brokers from Baltimore. This all occurred on the site where the Methodist church now stands. Mr. Mobley later built a model farm and a Victorian house and an attached conservatory on the northeast corner of the intersection.

As can be seen by events, the center of activity in Laytonsville in the early period, late 1700's and 1800's occurred at and around the Route 108 and Brink-Sundown Road intersection. The prosperity of this area was reflected in the population which was recorded at 100 in 1879. This compared with 75 at Olney, a comparable population at Damascus, 25 for Bethesda and 200 for Gaithersburg. Surprisingly, the population has remained rather stable over the past 100 years with the current population estimated at 225 for an increase of 225% or 2.05% annually.

The original incorporated Town had four commissioners contrasted with the present mayor and four council members (mayor-council form of government) and was approximately one square mile. During this early period of incorporation, the Town maintained its streets and sidewalks through a Town Roads Department.

HISTORIC SITES

Following is a brief description of historic landmarks located in Laytonsville and recorded in the Inventory of Historic Places and the National, State or Local Register:

1. Layton House Planning Area/Site #14/37
Southwest corner Rt. 108 and Brink-Sundown Road
Occupied as a residence, substantially restored, restoration continuing
Private
Circa 1793 or earlier
May be the first house in town
Architectural style - Federal
Recorded on the National Register for Historic Places, the State and County Register.
2. Joseph Higgins House Planning Area/Site #14/37/3
21606 Laytonsville Road
Occupied as residence - private
Original, not altered or restored
Circa 1892
Architectural Style - Victorian
Unusual architectural features - see ACHS Summary Form
Recorded on the State and County Register
3. Ayton-White House
7011 Brink Road
Occupied as residence - private, may be site of early tavern
Original - altered
Circa 1892
Architectural Style - Victorian
Recorded on the State and County Register
4. Temperance Hall (Virginia Griffith House) Planning Area/Site #14/37/5
6920 Sundown Road
Occupied for "not new" sales, owned by Bartholemew Episcopal Church
Original, altered, original local cut stone foundation
Circa 1850
Architectural Style - Federal
Recorded on the State and County Register
5. Weeks House/Hawkins House Planning Area/Site #14/37
21601 Laytonsville Road
Residence - private
Original, altered, being restored
Circa 1868
Architectural Style - 19th century Maryland farm and tenant house
Recorded on the State and County Register

LAYTONSVILLE - TODAY

Laytonsville today retains much of its past identification, that being a rural town serving the agricultural interests that surround the Town. This service area of Laytonsville has changed though with large lot subdivision development becoming increasingly common particularly in those areas south and southwest of the Town. Generally, this development has been restricted to those areas south of Brink Road with agricultural uses predominate north of Brink Road. The Laytonsville service area extends west to Goshen Road, south to Muncaster Road, east to Zion Road and north to Etchison with some overlapping with adjacent service areas e.g., Montgomery Village.

A full range of services to meet most of the residents needs can be found in Laytonsville including a small shopping center of 17 shops. Supermarket facilities are lacking and require a trip to Olney, Damascus or Gaithersburg.

One other major change of significance is the location of the County landfill located on Route 108 approximately 2 miles southeast of Town.

The town does provide a regional service through the numerous antique shops that draw interest and support from throughout the Washington metropolitan area. The present size of the Town encompasses an area of 614 acres or .96 square mile. The original Town before annexation in 1984 contained 240 acres or about 40% of the current size.

EXISTING LAND USE

The largest single land use within the Town is the Stadler Nursery located on Route 108 at the southern entrance to the Town. The following is a tabulation of land use by generalized categories as of May 1989:

Vacant	335 acres
Vacant, committed for development	47 acres
Agricultural including nursery	159 acres
Commercial, all types	12 acres
Parks, open space	3 acres
Institutional, schools, churches, etc.	20 acres
Residential	85 acres

A statistical summary of this compilation indicates the following: 661

Vacant	55%
Agriculture	26%
Commercial	2%
Parks and Open Space	ineligible
Institutional	3%
Residential	14%

Parcel by parcel land use is illustrated on the Existing Land Use Map, a separate map on file with the Town.

POPULATION

The current population is estimated to be 225 persons. This population resides on 85 acres or 14% of the area of the Town. A density of development derived from this indicates a density yield of 2.65 persons per acre or an average density of 1 family per acre.

ENVIRONMENTAL

Soils

The generalized soils as they relate to septic capability are designated on the Generalized Soil Map, on file with the Town. The shaded areas as shown on this map represent soils that are not satisfactory for septic systems. The remaining areas are satisfactory. Approximately 20-25% of the vacant land or approximately 75 acres cannot accommodate on-site sewage disposal systems because of high water table or steep topography. Within the Town, the unsatisfactory soils have a high water table.

Predominate soils within the Town are Glenelg silt loam and Manor silt loam within the Seneca Watershed west of Route 108 and Chester silt loam in the Patuxent Watershed to the east. All of these soil groups are deep well drained fertile soils highly rated for agricultural uses. Glenville silt loam, a high water table soil is located in the swales that drain from the ridge lines. It is within these areas that most of the quality hardwood vegetation is found.

For designation purposes, these drainage areas will be referred to as environmental quality corridors (EQC's) in that they are not only a source of hardwood vegetation but also serve as a wildlife habitat where numerous species of native wildlife can be found. The Environmental and Heritage Resource Map illustrates the areas designated for EQC protection. Little development has occurred within these EQC areas so a conservation strategy is appropriate and will be discussed in the Comprehensive Plan Section.

Watersheds

Laytonsville is located within two watersheds or drainage sheds. Route 108 divides the Town almost equally into the Seneca Watershed to the west of Route 108 and the Patuxent Watershed to the east. The Rock Creek Watershed extends northward to the southern limits of the Town at the Laytons Village Shopping Center. Routes 108 and 124 generally serve as the boundaries of this watershed.

Because of the nature of the drainage areas and the fact that the Patuxent Watershed serves the Triadelphia Reservoir, development regulations as they relate to on-site sewage disposal systems vary with each watershed. The standards for the Patuxent Watershed are significantly higher in that the size of a septic field is a minimum of 17,000 square feet requiring a general minimum lot of two acres. The area requirements for both Seneca and Rock Creek Watersheds are 10,000 square feet requiring a minimum lot size of one acre.

PUBLIC FACILITIES

Public sewer and water are not available to the residents of Laytonsville nor are they planned in the foreseeable future. Laytonsville is presently designated in Service Area 6 and will require the approval of the Montgomery County Council to be placed in the 10 year plan. In as much as sewer is not planned, the state health regulations as now being applied will continue. It should be noted that public water is located approximately a mile southwest of the Town and water is planned to be extended to south of Dorsey Road.

Public schools serving the Laytonsville area provide an interesting history. Several public one-room primary schools were established in the area in the mid 1800's. One for black children was located near Brooke Grove Church. The other was located next to the Goshen Church on Sundown Road between Laytonsville and Unity. Later a new building was located one-quarter mile east of Laytonsville on the south side of Sundown Road. This occurred near the time of incorporation. By 1904, all one room schools were closed and a new two story grammar school was built within the town at the site of the present school.

The present school on an eleven acre site is being renovated and will be open in July 1990. This school contains 16 regular classrooms, 3 kindergarten and one headstart. The present enrollment is 468 students of which 10 reside within Laytonsville. The projected enrollment for 1990-91 is 548 students.

Fire protection is provided by the Laytonsville Volunteer Fire Department located within the Town on Route 108 across from the school.

Police protection is provided by the Montgomery County Police Department.

Public library facilities are provided on a regional basis with facilities in Gaithersburg.

TRANSPORTATION

Transportation facilities serving Laytonsville consist of Route 108 providing access to Olney and Shady Grove and Route 124 providing access to Gaithersburg. Both of these routes are planned for major highway status with a four lane divided roadway. Brink-Sundown Road, planned as an arterial roadway with a four lane divided cross section provides access to Unity and Georgia Avenue to the east and Route 124 to the west. The arterial cross section may be a two lane facility based on traffic projections. Right-of-way requirements range up to 150 feet for major highways to 120 feet for the arterials. Minimum requirements are 120 feet for major highways and 80 feet for arterial highways. Route 108 is not in the State 6 year construction program nor is Brink-Sundown Road in the County construction program.

CHAPTER II

GOALS AND OBJECTIVES

This section provides a statement through a set of goals as to the vision of the community at a determined point in the future. These goals should serve as a foundation for the comprehensive plan and serve as a mechanism to protect the established character of the community, promote economic activity while protecting community interests, protect natural resources and maintain the important link to the past that is so evident in Laytonsville. The following goals are recommended:

- Promote historical recognition and preservation of the Town and the landmarks within through the establishment of a historical district surrounding the Route 108, Brink-Sundown Road intersection extending south on Route 108 to the Laytonsville Elementary School and west on Brink Road to the Town limits with specific standards to protect and promote the historical character of the area.
- Retention of the present character of the Town with limited residential expansion in accord with Maryland State and Montgomery County Health Department regulations
- Protection and conservation of environmental resources and specifically those Environmental Quality Corridors as designated on the Comprehensive Plan.
- Provide a realignment of Route 108 west of the present alignment to minimize impact on the center of "Main Street" the Town.
- Establish a "main street" concept for the present alignment of Route 108 with emphasis on preserving the rural character and charm of the community as it was near the turn of the century. Antique sales and other related activities could become the focal point for this effort. Pedestrian circulation should be emphasized with new sidewalks, period style street lamps and areas for sitting. An annual "Laytonsville Day" might be appropriate and could include arts and crafts of the period.
- To adopt and implement new residential zones and development standards including incorporation of a cluster development option to provide for a more efficient use of land, increase open space as part of residential developments and protection of the environment. September 2, 2003.

The objective of the above goals is to protect elements of the past and present and preserve them allowing the Town the opportunity to establish itself as a unique entity in Montgomery County retaining the charm and grace of an era past. Time and financial resources of the community will be major elements of the effort to accomplish this ambitious program. The fruits of this effort may be very rewarding if a plan is prepared and followed. Laytonsville's major reason for its existence as a town is its past and this should be promoted enthusiastically.

CHAPTER III

THE PLAN

The underlying historical significance of Laytonsville will guide the plan recommendations to a significant extent with proposed development being supportive and compatible with this unique and important resource. This section will discuss:

- o Historical Preservation
- o Economic Development
- o Residential Development
- o Public Facilities
- o Population
- o Parks and Recreation
- o Environmental Protection
- o Transportation
- o Implementation

A plan map will illustrate and define the proposed limits of the various land use districts as recommended.

HISTORICAL PRESERVATION

As noted in Chapter I, Laytonsville has an unique and significant historical perspective that should be preserved and serve as the foundation for future economic growth. To accomplish this, it is recommended that a historical district encompassing the landmarks on the State and County register of historic places be established. This district should surround the Route 108, Brink-Sundown Road intersection and extend south on Route 108 to the Laytonsville Elementary School and west on Brink Road to the Town limits. Specific controls for this district which will be designed to protect and preserve those historical landmarks will be included in the zoning ordinance and the review criteria for the Historic District Commission.

Land use should be restricted to residential single-family and restricted commercial with architectural styles compatible with the landmarks. It is recommended that a historic commission be established to oversee the preservation program as well as do historical research to augment what has already been done by the County and the Maryland National Capital Park and Planning Commission (MNCPPC).

As a further recommendation, an architectural review board should be created to review all construction activity including additions and modifications within this district. The Board may consist of 3 to 5 members whose membership should include an architect, a landscape architect, a restoration contractor, a historian and an interested citizen.

As will be noted later, more than just historical preservation is involved. Economic development can be channeled into this theme and can result in a Town with the 21st century conveniences and the grace and charm of the 19th century. Successful examples of this occur throughout the United States and significantly in the nearby communities such as Clifton, Virginia.

ECONOMIC DEVELOPMENT

Economic development should be tied to the historical character of the community by providing a base of economic activity that supports, not detracts from this historical significance. The present economy is comprised of service facilities and contractors that provide a valuable service to not only Town residents but the adjacent agricultural community. These functions may remain intact where they are presently located but further expansion should be restricted if we are to maintain the historic charm of the Town. It is hopeful that the owners of the business activities in the central area will initiate the steps necessary to transfer this area into an architecturally compatible grouping of structures that will implement the goals of the Historic District.

The retail commercial on Route 108 at the southern Town limits provides adequate service to the Town and nearby residents. For future community needs within the time frame of this plan, this retail area is proposed to be expanded as shown on the plan to provide an additional 20 acres for a total retail area of 26 acres sufficient to provide community level services including major food markets, drugs, specialty stores and other services to serve the growing population in this area of Montgomery County. The commercial area within the center of the Town will be reduced somewhat by deleting commercial zoning along the east side of Laytonsville Road, however, a modest increase (1 lot) along the west side is proposed. The commercial zoning at the intersection of Laytonsville Road and Brink-Sundown Road is also proposed to be deleted primarily to protect the historic resources in that immediate area including the site on which is located the Layton House. The commercial zoning to be deleted is approximately one (1) acre. The commercial area remaining other than the planned expansion is approximately 3.5 acres or 5% of the area of the Town which is an optimum factor to plan for. More extensive shopping can be found in Olney, Damascus and Gaithersburg.

Future economic development should center around historic activities such as antique sales, arts and crafts and perhaps a country inn. This can be done with a phased street improvement for Route 108 after the realignment has been implemented and through traffic no longer uses the present route. This will allow the local use of the street only with emphasis on pedestrian and shopper use. Walks should be improved and expanded and sections of the street could be restricted for pedestrian use only. Streetscapes can be provided with benches, lamps and other amenities including generous landscaping. This can be accomplished as a joint effort with the local merchants and involved residents over a period of time that is comfortable for those involved.

RESIDENTIAL DEVELOPMENT -- AMENDED SEPTEMBER 2, 2003

Residential dwelling units presently at 84 units will increase primarily as a result of annexation and planned future development of several tracts of land: (1) The Stadler and Laytonville Properties and Laytonville Nurseries Corporation Properties; and (2) The Laytonville Communities, LLC property (a.k.a. Fulks property). These properties (except those areas currently zoned RH and CH) and other properties which are currently zoned R-1 are recommended for the new R3 Zone as reflected on the attached property description as Area One (Attachment A), and Area Two (Attachment B) and amended Zoning and Land Use Map (Attachment C) comprising a total area of approximately 497 acres. New residential development under this R3 Zone is encouraged, but not required, to use the cluster option to preserve open space, provide a more efficient utilization of property and provision of public facilities and allow for more flexibility of design. The extensive use of street trees and street scape design as well as pedestrian access and housing fronting to streets is also recommended in new development under the cluster option of the R3 Zone.

The construction of residential units where private sewage disposal systems are used must contain those systems entirely within each individual recorded lot. Roadway dedication for planned roadways set forth elsewhere in this plan should be made at time of subdivision approval.

The total number of units recommended for residential development in this plan will be considered in the future amendments to the General Plan. Multiple-family residential is not provided for in this plan as these densities cannot be achieved with on-site sewage disposal systems under the restrictions imposed by County and State regulatory authorities.

PUBLIC FACILITIES

Public facilities to serve Laytonville are limited and will continue to be so for several reasons: low population and lack of public water and sewage. The area will for the foreseeable future use individual on-site sewage disposal systems and well water and the long range development projections are based upon this and Maryland State Health Standards that control the installation of these systems. Public water may at a time in the future be extended to serve the Town but as of now there are no plans to do so. Wells in this area appear at this time to be adequate and future development projections are based on a continuation of well water supply. The additional residential units as projected should not impact the availability of water.

Fire protection is adequate. Library facilities may be expanded as more population locates in the upper county but as of now regional facilities e.g., Gaithersburg, provide the service.

POPULATION

Population projections for the Town as noted are approximately 225 presently. With an additional 120 dwelling units projected by 1995, the population should increase to 555. With the potential of the Stadler Nursery development perhaps after the year 2000, the population could increase to a total within the present Town of approximately 700. Some minor variance in these projections can occur if several of the larger lots in Town are subdivided or the families are larger or smaller in size than presently factored for. A standard projection of 2.75 persons per dwelling unit was used.

PARKS AND RECREATION

The Town has adequate park and recreation facilities available using the Maryland National Capital Park and Planning Park located on Sundown Road immediately east of the Town limits. This is a full scale park with full active recreational facilities including ball fields, courts and picnic facilities. In addition to this park, the methodist church has a designated park site north of the church on Route 108. A public golf course is located on Dorsey Road less than a mile south of the Town limits on Warfield Road. The private Montgomery Golf Club is located on Route 108 approximately 1/3 mile south of the Town limits.

ENVIRONMENTAL

Environmental constraints are rather limited. The Soil Analysis Map indicated those soils not satisfactory for development. The Environmental and Heritage Resources Map defines the environmentally sensitive areas associated with the stream valleys that serve the Seneca and Patuxent watersheds. For the most part, the vegetation that exists within the Town is associated with these environmentally sensitive areas. For purposes of definition these sensitive areas will be referred to as Environmental Quality Corridors.

It is recommended that the areas as defined as Environmental Quality Corridors be left in their undisturbed state either through the use of homeowners associations to care for and protect them in perpetuity or through private ownership with deed restrictions. This as well as our historical heritage is a valuable resource that cannot be duplicated once lost so it is imperative to apply appropriate conservation measures now so as to protect these resources for our future generations. The preservation of the Environmental Quality Corridors in their natural state does not preclude sensitive development within these areas so long as those areas where soil conditions permit are developed with minimal clearing and grading

and respect for steep slope conditions where such exist. As an alternative, cluster development on smaller lots may be appropriate as a method to preserve quality forested areas for vegetative and wildlife conservation. Where soils, because of high water tables or restricted bearing capacity preclude development, the policy should be to acquire these areas for community open space or conservation easement through dedication or conveyances to homeowners as noted above.

TRANSPORTATION

The major transportation problem is the volume of through traffic on Route 108 which is not related to the Town or its activities. The realignment of Route 108 has been identified and could be built within the next 10 years. This would permit the implementation of the economic transformation as discussed earlier and orient the present Route 108 for primarily pedestrian activities with a major focus on a 19th century small town character with streetscape to match. This given the rich history of Laytonsville could be the impetus for an economic rebirth, but at the same time maintaining the true rural character of the community mixing the old with the new in a compatible way.

The Town should provide the necessary rights-of-way to implement the transportation plan for the County on roadways within the Town. The new Route 108 should have a right-of-way of 150 feet, Brink-Sundown Road should have a right-of-way of 80 to 120 feet and Warfield Road should have a right-of-way of 70 feet. A north loop for Brink-Sundown Road is proposed as an alternative since it would be impractical to widen Brink-Sundown Road and at the same time preserve the historical structures on this road.

IMPLEMENTATION

The implementation tools, the zoning ordinance, the historic overlay district, the subdivision control ordinance and the capital improvement program will implement the plan once approved and lead the community in achieving its goals and objectives.

ZONING

The major tool for plan implementation will be the zoning ordinance which will be revised and presented to the Council in 1990. It is anticipated that public hearings on the revised ordinance will be held in the spring with adoption in early summer. By the end of the year, the historic overlay district should be adopted along with the criteria for the district, the review mechanism and an architectural review board.

To implement the comprehensive plan, the zoning ordinance will be modified to provide for four (4) residential districts, two (2) commercial districts and a historic overlay district. A significant feature will be a proposal to establish two zoning classifications for use with the historic overlay district along Laytonsville Road, Route 108.

In furtherance of the Comprehensive Plan, the zoning ordinance has been amended to create a new R3 Zone with cluster option. Those properties recommended for the R3 Zone are described in the Residential Development Section and Attachments A, B and C to this plan amendment. It is however recommended that only the following properties be comprehensively rezoned to the R3 Zone at this time: (1) The Stadler and Laytonsville Properties and Laytonsville Nursery Corporation property containing approximately 107 acres of land (Attachment D); and (2) The Laytonsville communities property (with the exception of those areas currently zoned historic in the RH and CH Zones) containing approximately 114 acres of land (Attachment E). The remaining areas recommended for the R3 Zoning will retain their existing zoning until such time as application for local map amendments to the R3 Zone are received and approved by the Mayor and Town Council.

The two large tracts of land recommended for comprehensive zoning to the R3 Zone following adoption of this plan amendment are ready for development activity and as noted elsewhere in this plan amendment are recommended for development under the Cluster Option. All open space preserved under the cluster option should be maintained by private homes associations unless otherwise indicated by the Mayor and Council to be dedicated to public use at the time of subdivision.

A residential district which will apply to the entire frontage of Laytonsville Road from Brink-Sundown Road extending south to Laytonsville Elementary School on the east side of Laytonsville Road and the Laytonsville Volunteer Fire Department with the exception of a limited area of commercial will provide flexibility through the special exception process to allow limited business activities such as antique and craft sales, professional offices including real estate, art studios and other similar or related uses. All uses will require the owner to be a full time resident of the residential structure for which the use is approved. Several properties on the east side of Laytonsville Road that are presently classified commercial will become residential and the commercial activity will become non-conforming unless provided for under the special exception process.

A commercial district for specific application to the historic overlay district will extend from Erdle's Automobile Repair Shop to the MAGNA Equipment Repair Shop. A special exception option will be available to these properties to encourage eventual transformation of the uses to economically viable uses that will be in compliance with the Goals and Objectives of the Comprehensive Plan and the Historical District. Appropriate activities that might replace the present uses at some point in the future include an antique mall, a hardware store, speciality shops and boutiques, a country restaurant, a small inn or other uses that are compatible with Victorian style or motif.

The districts not related to the historic overlay district will apply to agricultural activity and residential uses on minimum one-half acre lots and minimum one acre lots. It is recognized that new development well into the foreseeable future will occur on lots that will average two acres or larger because of the Montgomery County Health Department criteria for on-site sewage disposal systems. One additional commercial district will be provided that will apply to the expanded commercial area east of Laytonsville Road at the Stadler Nursery and to the rear of the Citizen Bank. As noted earlier, this area has been expanded to accommodate the future needs of the community.

HISTORIC OVERLAY DISTRICT

As previously noted, a major element of the comprehensive plan as proposed is a historical overlay district. This district is described below.

PURPOSE

The purpose of the district is to:

1. Safeguard and protect the heritage of the Town of Laytonsville and Montgomery County by identifying areas and structures of unique and significant importance historically and establishing districts to preserve these resources which reflect and represent this significant cultural, social, economic, political or architectural history.

2. Stabilization and promotion of improved property values within this district.
3. Promotion and fostering of civic beauty
4. Improvement and strengthening of the Town economy; and
5. Promoting the use and preservation of historic districts for the education, welfare and pleasure of the residents of Laytonsville and Montgomery County.

DISTRICT CRITERIA

The eligibility as an Historic District can be ascribed to a contiguous group of buildings, structures, appurtenances, environmental settings, sites, objects and spaces which reflect the following qualifications:

Location: Areas which consist of a contiguous grouping of buildings, sites, objects and spaces, a majority of which continue to exist within the area where they were first created in a mutual relationship of traditional acceptability.

Design: Areas which have a sense of cohesiveness expressed through a similarity and/or variety of detail relatedness, architectural or otherwise, based upon abstracts of aesthetic quality. These include scale, height, proportion, materials, colors, textures, rhythm, silhouette, siting, etc.

Setting: Areas which are readily definable by man-made and/or natural boundaries and/or which have a major focal point or points within the given area.

Materials: Areas which have a sense of cohesiveness expressed through a similarity and/or variety of material relatedness based upon traditional material use which contributes to a sense of locality.

Workmanship: Areas which have a sense of homogeneity reflective of quality aesthetic effort of those periods which represent the majority percentage of the units which comprise the District.

Feeling: Areas which impact human consciousness with a sense of time and place.

Association: Areas which relate nationally, state-wide or locally, to the lives of individuals, to events created by these individuals and/or to those visual aesthetic qualities which reflect the feeling of time and place.

UNIT CRITERIA

The selection of structures and sites constituting a Historic District, or recommended for Landmark status (structures and sites not part of a contiguous Historic District but deemed to meet District and Unit criteria) is based on social-historical and architectural significance. Structures representing styles, periods and methods of construction which have particular significance to Laytonsville will be given special attention. Integrity of workmanship and materials are considered. There are no date restrictions.

SOCIAL-HISTORICAL SIGNIFICANCE

- o Structures and sites associated with events significant in Laytonsville, Montgomery County or national history and social development.
- o Structures and sites associated with the lives of persons making significant contribution in Laytonsville, Montgomery County or national history.
- o Structures and sites associated with the development of the culture of a particular local ethnic group.

ARCHITECTURAL SIGNIFICANCE

- o Structures attributed to architects and/or builders of acknowledged local or national importance.
- o Structures of distinctive quality as evaluated by recognized authorities.
- o Structures that are definitive examples of a particular style, period, or method of construction.
- o Structures which are among the last surviving examples of a particular style, period or method of construction.
- o Structures which embody the distinctive characteristics of a particular style, period or method of construction and which possess those characteristics of visual relatedness which collectively create a sense of the whole within a district or help deem a structure or site outside a district worthy of Landmark status through:

Scale: Local traditional scale relationships between space and facade defining it and component parts within that facade as they relate to man and which reflect the majority of the visual elements in the area contributing to the feeling of the District.

Proportion: Local traditional height-width relationship of facade and the component parts within that facade which reflect the majority of the visual elements in the area contributing to the feeling of the District.

Rhythm: Local traditional solid-void relationship of the facade and the component parts within that facade which reflect the majority of the visual elements in the area contributing to a feeling of District.

Massing: Local traditional methods of handling the component elements of a structure which dictate the visual impact of mass and which reflects the majority of the visual elements in the area contributing to a feeling of District.

Materials, Colors and Textures: Local traditional materials, colors and textures reflective of or similar to those of the majority of the other visual elements in the area.

Design: The reflection of potential reflection of local traditional design characteristics of a type, period or method of construction that embodies quality aesthetic effort representative of the time, place, period of construction and the majority of the visual elements in the area, or that represents the work of a known artisan, craftsman or architect, local or otherwise.

Association: Significant events and/or individuals whose activities are linked with building, structure, site or object which have made a contribution to the nation, state or locality.

- o Sites of distinctive quality as examples of landscape architecture or planned open space, as evaluated by recognized authorities.

GOALS

Specific goals of the town should be to identify the historic resources of the town of Laytonsville and through a management plan present recommendations and implementation steps to protect and preserve these historic resources. A historic commission and an architectural review board whose membership may overlap will be essential elements in the development and implementation of this management plan. Three broad long-term historic preservation goals for Laytonsville should be:

1. Identify and protect the historic resources as visual and physical reminders of the themes and periods in the Town's development.
2. Preserve and maintain the integrity of the designated resources in the Town of Laytonsville.
3. Promote the Town's historic resources to a wider audience and develop a deeper appreciation of Laytonsville's history.

The management plan will further develop objectives, policies and strategies to accomplish the above goals and will accompany the revised zoning ordinance and subdivision regulations.

The Historic Overlay District as illustrated on the proposed Comprehensive Plan will define those areas of the Town where historical resources of unique and significant importance are located and where, through the use of this overlay district, these valuable resources can be preserved and protected by standards and criteria as provided for by Section 8.01 of Article 66B of the Annotated Code of Maryland, a copy of which is appended to this plan as well as the Charter of the Town which provides broad powers.

SUBDIVISION CONTROL REGULATION

These regulations which control development design and public facility installation will be reviewed and updated as necessary to achieve maximum responsiveness to environmental concerns and yet provide sufficient flexibility to accomplish the long term goals of the community.

CAPITAL IMPROVEMENT PROGRAM

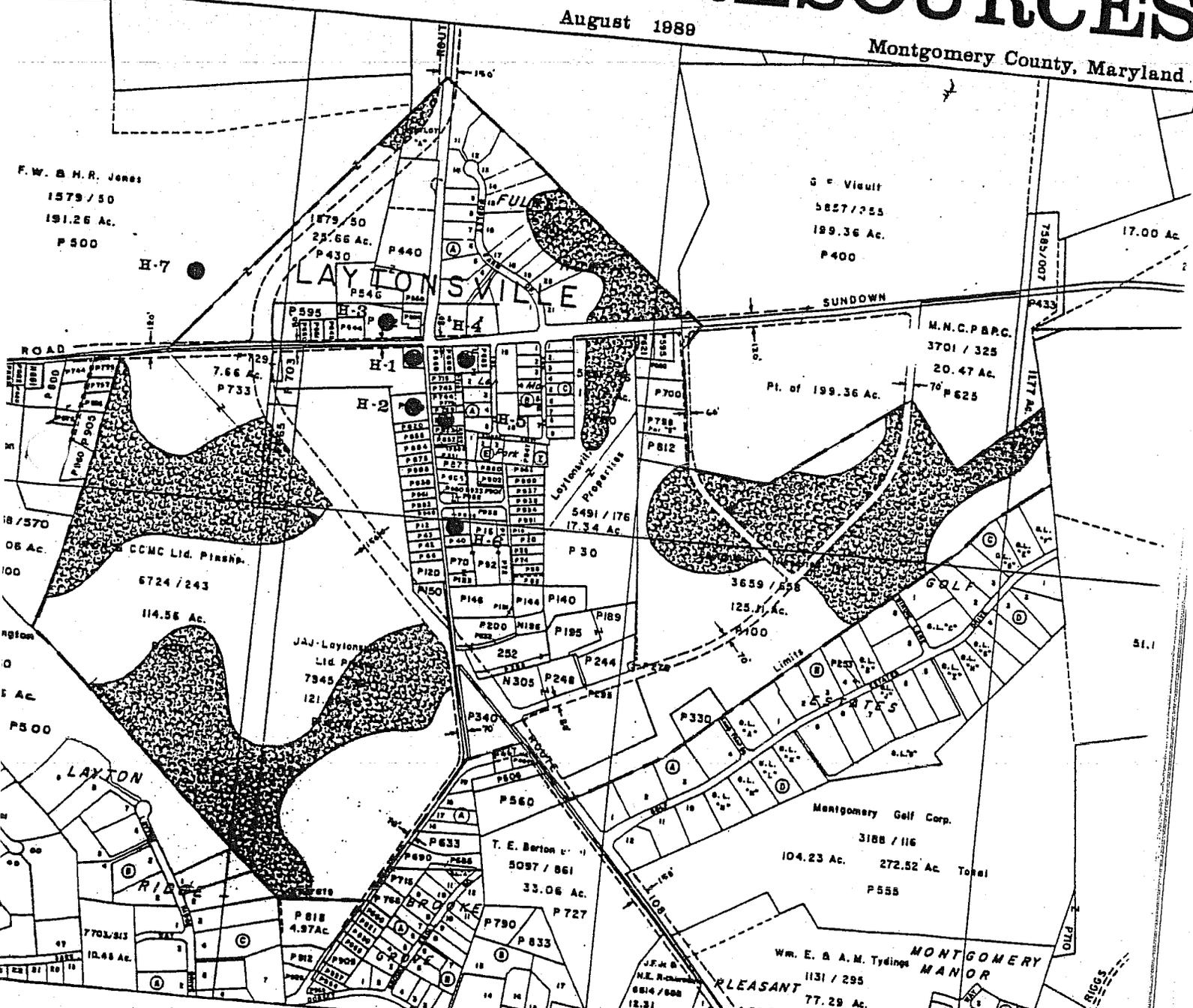
A long-range capital improvement program will be proposed as a vehicle to implement various aspects of the historic preservation goals and to support elements of the historical "Main Street Theme".

ENVIRONMENTAL & HERITAGE RESOURCES

Town of Laytonsville

August 1989

Montgomery County, Maryland

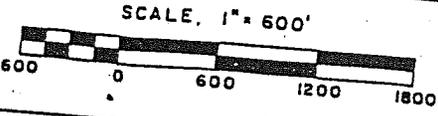


LEGEND

Environmental Quality Corridor
Historic Site



DIST. CURRENT TO	
1	1-1-89



Map

G 4

G 5

GU 563

APPENDICES

Art. 66B, § 7.04 ANNOTATED CODE OF MARYLAND

§ 7.04. Severability.

If any clause, sentence, part or parts of this article, or of any section thereof shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this article or of any section thereof. The legislature hereby declares that it would have passed the remaining parts of this article or any section thereof, if it had known such clause, sentence, part or parts of any section thereof should be declared unconstitutional. (An. Code, 1951, § 36; 1939, § 36; 1933, ch. 599, § 27; 1970, ch. 672, § 1.)

§ 7.05. Repeal of inconsistent laws.

Except as otherwise provided herein, all acts and parts of acts, laws and parts of law [laws], ordinances and parts of ordinances, inconsistent herewith or contrary hereto, are hereby repealed to the extent of such inconsistency, provided, however, that §§ 2.01-2.11 and all laws and ordinances passed pursuant thereto shall not be affected hereby, and that this article shall be deemed to be in addition to said §§ 2.01-2.11 and not in substitution therefor. (An. Code, 1951, § 37; 1939, § 37; 1933, ch. 599, § 28; 1970, ch. 672, § 1; 1971, ch. 793; 1972, ch. 131.)

HISTORIC AREA ZONING

§ 8.01. Declaration of public purpose; power to regulate historic, etc., structures; purpose of ordinance or resolution; "structure" and "appurtenances and environmental settings" construed.

(a) (1) The preservation of structures of historic and architectural value together with the appurtenances and environmental settings is a public purpose in this State.

(2) The board of county commissioners of every county in the State and the mayor and city council, by whatever name known, of every municipal corporation, except the Mayor and City Council of Baltimore City may, by ordinance or resolution regulate the construction, alteration, reconstruction, moving and demolition of such structures, their appurtenances and environmental settings within their respective limits. Hereafter in this subtitle such counties and municipal corporations are referred to as "county" or "counties" or "municipal corporation" as the case may be.

(3) In this subtitle, "structure" means a combination of material to form a construction that is stable; including among other things, buildings, stadiums, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks and towers, trestles, piers, paving, bulkheads, wharves, sheds, coal bins, shelters, fences and display signs. The term also includes natural land formations and appurtenances and environmental settings. The term shall be construed as if followed by the words "or part thereof." "Appurtenances" and "environmental settings" include walkways and driveways (whether paved or

SECTION 8.01 OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND
(1983 REPLACEMENT VOLUME)

ZONING AND PLANNING

Art. 66B, § 8.01

not), trees, landscaping, and rocks. In this subtitle, "demolition" includes, in municipal corporations only, any wilful neglect in maintenance and repair of a structure, not including any appurtenances and environmental settings, held or used in a trade or business or for the production of income, that does not result from financial inability to maintain and repair the structure and that threatens to result in any substantial deterioration of the exterior features of the structure.

(b) The purpose of an ordinance or resolution in any county or municipal corporation shall be (1) to safeguard the heritage of the county or municipal corporation by preserving the district therein which reflects elements of its cultural, social, economic, political, or architectural history; (2) to stabilize and improve property values in such a district; (3) to foster civic beauty; (4) to strengthen the local economy; and (5) to promote the use and preservation of historic districts for the education, welfare, and pleasure of the residents of the county or municipal corporation. (1963, ch. 874; 1965, ch. 294; 1966, chs. 463, 546; 1969, ch. 471; 1970, ch. 672, § 1; 1971, chs. 225, 440, 793; 1972, ch. 131; 1975, ch. 70, § 3; 1977, ch. 423.)

Subtitle affords due process to property owners. — The protections for the property owner contained in this subtitle and the Historic District Ordinance quite sufficiently afford a property owner due process of law. *Mayor of Annapolis v. Anne Arundel County*, 271 Md. 265, 316 A.2d 807 (1974).

It does not unconstitutionally confiscate property. — Provisions of this subtitle and Annapolis Historic District Ordinance provide that the Commission may prevent the destruction or change in the exterior of the building only and do not deprive owner of all reasonable use of the property, and thus, they do not unconstitutionally confiscate. *Mayor of Annapolis v. Anne Arundel County*, 271 Md. 265, 316 A.2d 807 (1974).

Areas rightly preserved by exercise of police power. — The police power may rightly be exercised to preserve an area which is generally regarded by the public to be pleasing to the eye or historically or architecturally significant. *Mayor of Baltimore v. Mano Swartz, Inc.*, 268 Md. 79, 299 A.2d 828 (1973).

Subtitle inapplicable to chartered counties. — The enabling law for historic area zoning set forth in this subtitle does not apply to chartered counties. 60 Op. Att'y Gen. 569 (1975).

Specific method established by subtitle must be followed. — The enabling legislation for historic zoning set forth in this subtitle establishes a specific method for the consideration of applications for new construction or alteration of existing structures within a historic district, and a local government, exercising historic zoning pursuant to the enabling authority, cannot depart from this

method by considering individual applications to delete specific sites or structures from a historic district. 62 Op. Att'y Gen. 490 (1977).

Changing boundaries of district. — A local government may change the boundaries of a historic district since the ability to change the boundaries of a historic district always exists with the local government. 62 Op. Att'y Gen. 490 (1977).

Change-mistake rule is not applicable to historic zoning. 62 Op. Att'y Gen. 490 (1977).

Aesthetic considerations can play proper role in zoning process. *Mayor of Baltimore v. Mano Swartz, Inc.*, 268 Md. 79, 299 A.2d 828 (1973).

Permit required for change in exterior appearance of building in historic district. — If one proposes to do anything to a building within a historic district which will involve changes to the exterior appearance of the structure visible from a street or alley in the district, then one must obtain a permit. *Faulkner v. Town of Chestertown*, 290 Md. 214, 428 A.2d 879 (1981).

Commission's jurisdiction to extend to all owners. — The General Assembly could well conclude that, in order to accomplish historic and architectural preservation, the jurisdiction of the commission should extend to all owners be they private persons or governmental agencies. *Mayor of Annapolis v. Anne Arundel County*, 271 Md. 265, 316 A.2d 807 (1974).

The historically or architecturally valuable building is just as much lost by destruction by a public body as it would be by a private owner. *Mayor of Annapolis v. Anne Arundel County*, 271 Md. 265, 316 A.2d 807 (1974).

SECTION 8.01 OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND
(1983 REPLACEMENT VOLUME)

Art. 66B, § 8.02 ANNOTATED CODE OF MARYLAND

To accomplish the primary purposes of historic area zoning, it is necessary that the exterior of the building having historic or architectural value be preserved against destruction or substantial impairment by everyone, whether a private citizen or a governmental body. *Mayor of Annapolis v. Anne Arundel County*, 271 Md. 265, 316 A.2d 807 (1974).

There are substantial and significant differences between traditional zoning and historic area zoning, which indicate that the General Assembly by this subtitle, as amended, intended that the political subdivisions owning land within a historic district be subject to the

jurisdiction of the historic area commission. *Mayor of Annapolis v. Anne Arundel County*, 271 Md. 265, 316 A.2d 807 (1974).

The fact that the procedure for traditional zoning is mandated for the establishment of the historic areas — giving of notice, filing of plats, etc. — indicates that the General Assembly intended that the substance of the legislation in regard to historic area zoning was to be different from that of traditional zoning, rather than the contrary. *Mayor of Annapolis v. Anne Arundel County*, 271 Md. 265, 316 A.2d 807 (1974).

§ 8.02. Power to establish, etc., districts.

For the purposes of this subtitle each county and each municipal corporation may establish, change, lay out, and define districts which are deemed to be of historic or architectural value, following the procedure in such county or municipal corporation applicable to the establishment or change of areas and classifications of zoning. (1963, ch. 874; 1970, ch. 672, § 1; 1971, ch. 793.)

Substantial differences between historic area and traditional zoning. — The fact that the procedure for traditional zoning is mandated for the establishment of the historic areas — giving of notice, filing of plats, etc. — indicates that the General Assembly intended that the substance of the legislation in regard to historic area zoning was to be different from that of traditional zoning, rather than the contrary. *Mayor of Annapolis v. Anne Arundel County*, 271 Md. 265, 316 A.2d 807 (1974).

Process by which historic boundaries are altered is analogous to process of comprehensive zoning rather than the zoning or rezoning of an individual property. 62 Op. Att'y Gen. 490 (1977).

Power to change boundaries of district not limitless. — While a local government may change the boundaries of a historic district, a local government is not free to make any changes it wishes in the boundaries of a historic district. 62 Op. Att'y Gen. 490 (1977).

Removal of property from district. — Any action by the local governing body which produces the removal of a single property or an extremely limited number of parcels from a historic district must be the consequence of a process whereby the overall configuration of the district is considered and the impact on the entire district and surrounding areas of historic district regulation is taken into account. 62 Op. Att'y Gen. 490 (1977).

§ 8.03. Historic district commission generally; report by Maryland Historical Trust.

(a) A county or a municipal corporation may create a commission to be called "the historic district commission." The commission shall have a membership of from three to seven persons all of whom are qualified by special interest, knowledge or training in such fields as history, architecture, preservation or urban design and agree to serve on this commission and all of whom are residents of the county or municipal corporation as the case may be. The members shall be appointed for terms of three years each except that in making the initial appointments some appointments shall be established for less than three years in order that as these initial terms expire all appointments shall be for three years and shall not expire at the same time. Members of any commission are eligible for reappointment. Any vacancy on a commission shall

ZONING AND PLANNING

Art. 66B, § 8.05

be filled by the appointing authority for the unexpired term of the particular position. County or municipal authorities may consult private societies or agencies to request the names of possible members on a commission. The commission shall have the right to accept and use gifts for the exercise of its functions.

(b) The Maryland Historical Trust may be designated by the commission to make an analysis of and recommendation concerning the preservation of structures of historic and architectural value within the area served by the commission. Such report may include proposed boundaries of districts and the use recommended to be permitted in the districts as well as identify and designate particular structures recommended to be preserved. (1963, ch. 874; 1968, ch. 162; 1970, ch. 672, § 1; 1971, ch. 440.)

Quoted in *Mayor of Annapolis v. Anne Arundel County*, 271 Md. 265, 316 A.2d 807 (1974).

§ 8.04. Architectural easements.

The commission may purchase architectural easements in connection with structures located in or adjacent to the historic district. Such easement shall grant to the commission, the residents of the historic district, and the general public the perpetual right to have the exterior appearance of any structure upon which it is applied retained in substantially the same character as when the easement took effect. (1968, ch. 162; 1970, ch. 672, § 1.)

Difference between historic district zoning and negative trust easement is the difference between a prediction that undesired change will not occur to any given structure, and an enforceable proprietary right to prevent such change. The former device does not take the place of the latter. 57 Op. Atty Gen. 361 (1972).

If historic zoning were fully equivalent to easements, authority granted by this section would be entirely superfluous. 57 Op. Atty Gen. 361 (1972).

Quoted in *Mayor of Annapolis v. Anne Arundel County*, 271 Md. 265, 316 A.2d 807 (1974).

§ 8.05. Application for permission to build, alter, etc.

Before the construction, alteration, reconstruction, moving, or demolition of any structure is made within the county or municipal corporation, if any changes are involved which would affect the exterior appearance of a structure visible or intended to be visible from an adjacent public way in the district, the person, individual, firm, or corporation proposing to make the construction or change shall file with the commission an application for permission to build, alter, reconstruct, move, demolish, or make the addition. Every such application shall be referred to and considered by the historic district commission and accepted or rejected by the commission. No permit for any such change may be granted until the commission has acted thereon as hereinafter provided. (1963, ch. 874; 1970, ch. 672, § 1; 1971, ch. 440.)

SECTION 8.01 OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND
(1983 REPLACEMENT VOLUME)

Art. 66B, § 8.06

ANNOTATED CODE OF MARYLAND

Applied in *Faulkner v. Town of Arundel County*, 271 Md. 265, 316 A.2d 807 (1974); *Chestertown*, 290 Md. 214, 428 A.2d 879 (1981).
Quoted in *Mayor of Annapolis v. Anne*

§ 8.06. Factors for consideration in reviewing plans for construction or change.

In reviewing the plans for any such construction or change the commission shall give consideration to (1) the historic or architectural value and significance of the structure and its relationship to the historic value of the surrounding area; (2) the relationship of the exterior architectural features of the structure to the remainder of the structure and to the surrounding area; (3) the general compatibility of exterior design, arrangement, texture, and materials proposed to be used; (4) to any other factors including aesthetic factors which the commission deems to be pertinent. (1963, ch. 874; 1970, ch. 672, § 1.)

Quoted in *Mayor of Annapolis v. Anne* (1974); *Faulkner v. Town of Chestertown*, 290 Arundel County, 271 Md. 265, 316 A.2d 807 (1974); *Md. 214, 428 A.2d 879 (1981)*.

§ 8.07. Only exterior features to be considered.

The commission shall consider only exterior features of a structure and shall not consider any interior arrangements. Also, the commission shall not disapprove an application except with respect to the several factors specified in § 8.06 above. (1963, ch. 874; 1970, ch. 672, § 1; 1971, ch. 793; 1972, ch. 131.)

Aim of historic area zoning. — Historic area zoning is directed only at the preservation of the exterior of buildings having historic or architectural merit. *Mayor of Annapolis v. Anne Arundel County*, 271 Md. 265, 316 A.2d 807 (1974).

Traditional zoning is directed at limited control of land within the framework of the police power; historic area zoning is directed at preservation of the exterior of certain buildings. *Faulkner v. Town of Chestertown*, 290 Md. 214, 428 A.2d 879 (1981).

Exterior of building to be preserved against destruction. — To accomplish the primary purposes of historic area zoning, it is necessary that the exterior of the building having historic or architectural value be preserved against destruction or substantial impairment by everyone whether a private citizen or a governmental body. *Mayor of Annapolis v. Anne Arundel County*, 271 Md. 265, 316 A.2d 807 (1974).

Plans must be submitted to commission for review and approval. — The zoning of historic areas requires that whenever an application is made for a permit for the erection of any new building or for the alteration or additions to any existing building within the historic district, the plans therefor so far as they relate to appearance, color, texture or materials, and architectural design of the exterior thereof must be submitted to a commission for review and approval, and in this manner to prevent the intrusion of any building which would be destructive of the nature of the district. *Faulkner v. Town of Chestertown*, 290 Md. 214, 428 A.2d 879 (1981).

Building in historic district subject to commission's jurisdiction. — Notwithstanding the fact that it has no architectural or historical significance, a building located within a historic district is subject to the commission's jurisdiction. *Faulkner v. Town of Chestertown*, 290 Md. 214, 428 A.2d 879 (1981).

ZONING AND PLANNING

Art. 66B, § 8.09

§ 8.08. Strictness and leniency in judgment of plans; limiting architectural style to one period.

The commission shall be strict in its judgment of plans for those structures deemed to be valuable according to studies performed for districts of historic or architectural value. The commission shall be lenient in its judgment of plans for structures of little historic value or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding structures of the surrounding area. A commission is not required to limit new construction, alteration, or repairs to the architectural style of any one period. (1963, ch. 874; 1970, ch. 672, § 1.)

Quoted in Mayor of Annapolis v. Anne Arundel County, 271 Md. 265, 316 A.2d 807 (1974); Faulkner v. Town of Chestertown, 290 Md. 214, 428 A.2d 879 (1981).

§ 8.09. Application for reconstruction, alteration, etc., of structure of unusual importance.

(a) If an application is submitted for reconstruction or alterations affecting the exterior appearance of a structure or for the moving or demolition of a structure, the preservation of which the commission deems of unusual importance to the county or municipal corporation or unusual importance to the entire State or nation, the commission shall attempt with the owner of the structure to formulate an economically feasible plan for the preservation of the structure. Unless in these circumstances the commission is satisfied that the proposed construction, alteration, or reconstruction will not materially impair the historic value of the structure, the commission shall reject the application for reconstruction or alteration, filing a copy of its rejection with the building inspector by whatever name known of the county or municipal corporation. An application for any such reconstruction or alteration, if rejected, shall not be renewed within a period of one year after the rejection.

(b) If an application is submitted for reconstruction, alteration, or for moving or demolition of a structure that the commission deems of unusual importance and no economically feasible plan can be formulated, the commission shall have ninety days from the time it concludes that no economically feasible plan can be formulated to negotiate with the owner and other parties in an effort to find a means of preserving the building. (1963, ch. 874; 1970, ch. 672, § 1; 1971, ch. 440.)

Quoted in Mayor of Annapolis v. Anne Arundel County, 271 Md. 265, 316 A.2d 807 (1974).

Art. 66B, § 8.10 ANNOTATED CODE OF MARYLAND

§ 8.10. Same—Approval under certain circumstances.

In the case of a structure deemed to be valuable for the period of architecture it represents and important to the neighborhood within which it exists, the commission may approve the proposed reconstruction or alteration despite the fact the changes come within the provisions of subsection 8.09 [§ 8.09] above if (1) the structure is a deterrent to a major improvement program which will be of substantial benefit to the county or municipal corporation; (2) retention of the structure would cause undue financial hardship to the owner; or (3) the retention of the structure would not be to the best interests of a majority of persons in the community. (1963, ch. 874; 1970, ch. 672, § 1; 1971, chs. 440, 793.)

Quoted in Mayor of Annapolis v. Anne Arundel County, 271 Md. 265, 316 A.2d 807 (1974).

§ 8.11. Commission meetings to be public; right to appear and be heard; records of commission.

All meetings of a commission shall be open to the public. Any interested person or his representative is entitled to appear and be heard by the commission before it reaches a decision on any matter. The commission shall keep an open record of its resolutions, proceedings, and actions which shall be kept available for public inspection during reasonable business hours. (1963, ch. 874; 1970, ch. 672, § 1.)

Stated in Mayor of Annapolis v. Anne Arundel County, 271 Md. 265, 316 A.2d 807 (1974).

§ 8.12. Certificate of approval, modification or rejection of application and plans.

The commission shall file with the building inspector by whatever name known of the county or municipal corporation a certificate of its approval, modification, or rejection of all applications and plans submitted to it for review. Work shall not be commenced on any such project until such a certificate of approval has been filed, and the building inspector shall not issue a building permit for such change or construction unless and until he has received such a certificate of approval. If there is no building inspector in the county or municipal corporation, the owner, lessee, or tenant of the property and premises shall not commence the proposed work or change until and unless he or it has received such a certificate of approval from the commission. The failure of the commission to act upon an application within forty-five (45) days from the date the application was filed shall be deemed to constitute automatic approval of the proposed changes unless an extension of this forty-five day period is agreed upon mutually by the applicant and the commission or the

application has been withdrawn. (1963, ch. 874; 1970, ch. 672, § 1; 1971, ch. 440.)

Quoted in Mayor of Annapolis v. Anne Arundel County. 271 Md. 265. 316 A.2d 807 (1974).

§ 8.13. Ordinary maintenance not affected; completion of work under prior permit.

Nothing in this subtitle shall be taken or construed to prevent work and repairs on any structure coming under the heading of ordinary maintenance. Nothing in this subtitle affects the right to complete any work covered by a permit or authorization issued prior to January 1, 1971. (1963, ch. 874; 1970, ch. 672, § 1; 1971, ch. 793.)

§ 8.14. Appeal from decision of commission.

Any person or persons, firm, or corporation aggrieved by a decision of the historic district commission has a right of appeal therefrom similar to that provided from the decision of the zoning board or commission within the county or municipal corporation. (1963, ch. 874; 1970, ch. 672, § 1.)

This section's reference to "zoning board or commission" is a reference to the commission established under § 3.01 of this article. 67 Op. Att'y Gen. December 20, 1982).

Cited in Urbana Civic Ass'n v. Urbana Mobile Village, Inc., 260 Md. 458, 272 A.2d 628 (1971).

§ 8.14.1. Underground placement of overhead utility lines and facilities.

(a) Every county, municipal corporation and Baltimore City may enact laws in which an historical district is located, requiring that utility companies relocate underground existing overhead lines and facilities within the defined part of the historic district or the entire historic district, and requiring the connection thereto to be placed underground if necessary by private owners then receiving service from the overhead lines and facilities. The law shall provide:

(1) The estimated cost to property owners for work to be performed on private property be determined and made available to affected property owners;

(2) Financing of these costs to private owners be provided including any charges for the amortization of the bonds issued to initially cover such private costs. The county, municipal corporation, or Baltimore City may enter into agreement with individual property owners whereupon it will advance funds to cover the property owner's costs involved in the conversion of the overhead lines and facilities and may appropriate funds, levy taxes or borrow funds to pay and advance the costs of such conversion. The county or municipal corporation and Baltimore City also may impose a benefit assessment against the

SECTION 8.01 OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND
(1983 REPLACEMENT VOLUME)

Art. 66B, § 8.14.1 ANNOTATED CODE OF MARYLAND

property in the historic district for which the conversion is made in order to recapture such expended costs and make appropriate provision for the collection thereof;

(3) Any other provisions reasonably related to the objective of placing underground overhead lines and facilities, and the administration of such projects.

(b) The Baltimore Gas and Electric Company, the Chesapeake and Potomac Telephone Company of Maryland, any other applicable utilities, and any CATV company whose overhead lines and facilities may be involved shall place underground existing overhead lines and facilities within the historic area of the City of Annapolis as that area is defined by the historic district commission of the City of Annapolis. The provisions of subsection (a) of this section are applicable in reference to the costs and financing to property owners.

(c) The Potomac Edison Company, the Chesapeake and Potomac Telephone Company of Maryland, any other applicable utilities, and any CATV company whose overhead lines and facilities may be involved shall place underground existing overhead lines and facilities within the historic area of the City of Frederick as that area is defined by the historic district commission of the City of Frederick. The provisions of subsection (a) of this section are applicable in reference to the costs and financing to property owners.

(d) Notwithstanding any other provision in this section the Public Service Commission shall prescribe the amount of the monthly surcharge required to support the net capital costs and determine which customers of the applicable utility are subject to the surcharge, or the Commission shall include the related net capital costs in the rate base, or shall adopt any other method to appropriately apportion the said costs. However, in no event shall the utility be required to pay more than 50 percent of the net capital costs. The county, municipal corporation, or Baltimore City is authorized to make appropriations for such relocation projects from any appropriate federal, State, and local funds it receives for this purpose.

(e) The provisions of § 7.03 of this article do not apply to the provisions of this section. (1974, ch. 651, § 2.)

Properties subject to section. — This section deals only with properties within historic districts, and therefore, property owners outside the historic district would not be entitled to any benefits arising under this section. 60 Op. Att'y Gen. 148 (1975).

Section is directory rather than mandatory insofar as it relates to a requirement that the City of Annapolis appropriate funds necessary to place overhead utility lines underground in the historic district. 60 Op. Att'y Gen. 148 (1975).

Subsection (a) of this section mandates that any subdivision of the State provide financing of the estimated costs to private property owners for work to be performed on private property. The terms of repayment are within the discretion of the local government. 60 Op. Att'y Gen. 148 (1975).

Subsection (d) mandatory. — The specific provisions of subsection (d) of this section applicable to utilities establish a clear and affirmative obligation and are mandatory. 60 Op. Att'y Gen. 148 (1975).

ZONING AND PLANNING

Art. 66B, § 9.02

§ 8.15. Severability.

The provisions of §§ 8.01-8.15 are severable, and if any of their provisions are held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions. (1969, ch. 471; 1970, ch. 672, § 1; 1971, ch. 793.)

TRANSITIONAL PROVISIONS

§ 9.01. Continuation of commissions, boards, plans, ordinances, etc.

(a) Any planning and zoning commission, board of appeals, or historic district commission which was legally in existence as of December 31, 1970, shall be deemed to be legally constituted until the local legislative body in accordance with the provisions of this article as enacted by Chapter 672, Acts of 1970, or as subsequently amended, recreates the board or commission, or until December 31, 1975, whichever first occurs.

(b) Notwithstanding any provisions of this article as enacted by Chapter 672, Acts of 1970, effective January 1, 1971, or as subsequently amended, all comprehensive plans, zoning ordinances and district maps, subdivision regulations and historic zoning ordinances in effect as of December 31, 1970, shall continue in full force and effect as interim comprehensive plans, zoning ordinances, district maps, subdivision regulations, historic zoning ordinances, until they are lawfully replaced, modified, altered, or amended in accordance with this article as enacted by Chapter 672, Acts of 1970, or as subsequently amended, or until December 31, 1975, whichever first occurs.

(c) In Somerset County, (1) notwithstanding the provisions of subsections (a) and (b) of this section, any planning and zoning commission, board of appeals, or historic district commission which was legally in existence on December 30, 1974, is legally constituted until the local legislative body recreates the board or commission, or until October 31, 1975, whichever first occurs; and (2) all comprehensive plans, zoning ordinances and district maps, subdivision regulations and historic zoning ordinances in effect on December 30, 1974, continue in full force and effect as interim comprehensive plans, zoning ordinances until they are lawfully replaced, modified, altered, or amended, or until October 31, 1975, whichever first occurs. (1971, ch. 64; 1973, ch. 341; 1975, ch. 8, § 1; ch. 363, § 1.)

MORATORIUM IN ST. MARY'S COUNTY

§ 9.02. Legislative findings.

The General Assembly finds that:

(a) St. Mary's County is presently experiencing great development pressures, including proposals for the location of major industrial facilities.

PROPOSED
LAYTONSVILLE COMPREHENSIVE PLAN
AMMENDMENT

PROPOSED LOCATION OF R-3 ZONE

AREA ONE

Beginning at the northern most point of the Town's Corporate Limits, on the centerline of Maryland State Route 108, and following those limits in a southeasterly direction for approximately 2,800' to a point in the centerline of Sundown Road. Then follow the Town Limits in a southwesterly direction for approximately 260' to the property line of Parcel 660. Thence follow those Limits in a southerly direction along the eastern property lines of Parcels 660, 700, 758 B, and 812 a distance of approximately 980' to the south eastern property corner of Parcel 812 and at a point on line of Parcel 100, Laytonsville Nurseries Inc.. Then to continue following the Town Limits S. 69 - 08 - 00 E approximately 300' to a point on line where the legal description of Laytonsville Nurseries Inc application for a change of zoning is encountered. This description is a deed plotting which has not been varified by a field survey also it may not be in the same datum as others in the Town. Therefore, it should be used with caution and adjusted as necessary. Following that description, beginning at course 18:

18. S 20 - 52 - 00 W 479.00'
19. S 19 - 32 - 13 E 269.84'
20. N 72 - 37 - 35 E 328.76'
21. S 85 - 12 - 16 E 469.70'
22. N 71 - 55 - 44 E 509.99'
23. N 54 - 32 - 11 E 786.38' to a point on the Town of Laytonsville Town Limits and following those Limits for the next six courses.
24. S 24 - 08 - 00 E 187.85'
25. N 60 - 52 - 00 E 892.65'
26. S 00 - 46 - 20 W 641.85'
27. S 63 - 28 - 40 W 622.88'
28. S 59 - 58 - 40 W 330.00'
29. S 63 - 00 - 05 W 2,345.70' to the point of beginning of the subject description and following it for the next 14 courses.

1. N 26 - 42 - 47 W 250.00' following the western right-of way line of the extension of Sand Trap Drive.:
2. N 26 - 42 - 47 W 531.34'
3. S 68 - 39 - 59 W 277.55'
4. N 09 - 50 - 30 E 451.16'
5. S 89 - 49 - 01 W 402.94'
6. N 09 - 14 - 26 E 184.07'
7. N 80 - 45 - 34 W 357.21'
8. N 07 - 56 - 20 E 952.41'
9. S 86 - 14 - 06 E 41.45'
10. N 03 - 45 - 54 E 180.48'
11. S 86 - 14 - 06 E 28.62'
12. N 03 - 45 - 54 E 40.00'
13. S 86 - 14 - 06 E 207.37'
14. N 06 - 07 - 30 E 797.92' to a point in Sundown Road.

Then Leaving the description of the Laytonsville Nurseries, Inc. and continuing on along Sundown Road for a distance of approximately 619' to the intersection of the lot line between Lots 1 and 2 of Fulks North subdivision extended southward across Sundown Road. Then in a northerly across Sundown Road along said line approximately 310' to a point that coincides with an extension in an easterly direction of the east/west lot line between Lots 3 and 4 of Fulks North. Then with an extension of that same line between Lots 3 and 4 across Laytonsville Road approximately 90' to its eastern right-of-way line. Then following that right-of-way line in a southerly direction 80' to a point that coincides with an extension eastward of the lot line of Parcels 550 and 604. Then from that point and following the lot line between Parcels 550 and 604 for a distance of approximately 190' to a point of the property line of Parcel 600. Then following the property line between Parcels 550 and 600 for a distance of approximately 20' to the property corner between Parcels 550, 602 and 546. Then follow the property line between Parcels 546 and 600 in a westerly direction for a distance of approximately 550' to the property corner between Parcel 546, 600, 595, and 430. Then continuing on in a westerly direction along the property line between Parcels 430 and 595 and continuing on in a westerly direction beyond the right angle turn in said property line for a distance of approximately 500' to the Towns Corporate Limits. Then following the Towns Limits in a north-easterly direction for a distance of approximately 2,650' to the place of beginning at the centerline of Maryland State Route 108.

The area included in the above description is 248.2 acres more or less as determined by graphic methods and is intended as a general description for comprehensive planning uses only.

PROPOSED
LAYTONSVILLE COMPREHENSIVE PLAN
AMMENDMENT

PROPOSED LOCATION OF R - 3 ZONE

AREA TWO

Beginning at a point in the centerline of Brink Road at the western most limit of the Town of Laytonsville and following the Corporate Limits of the Town along the centerline of the road for a distance of approximately 370' to the point where the Town Corporate Limits bear off to the left in a north eastward bearing. Then continuing on with the centerline of the road for a distance of approximately 260'. Then turning right at right angles with the road and proceeding in a southerly direction for a distance of approximately 330. Then turning at approximate right angles to the left and following parallel to Brink Road for approximately 580' to a point on the western north/south property line of Parcel 703. Then continuing on in an easterly direction and still parallel to Brink Road for a distance of approximately 250' to a point on the eastern north/south property line of Parcel 703. This point concedes with the angle point of line 6 of the description of Part of the Property of Laytonsville Communities, L. L. C. and following that description for the next seven courses:

6. N 84 - 25 - 28 E 733.35'

7. S 12 - 48 - 58 E 1674.41'

8. S 49 - 25 - 23 E 441.64' and then following the Corporate Limits of the

Town of Laytonsville for the next 10 courses to the point of beginning of this description.

9. S 11 - 47 - 13 E 562.01'

10. S 12 - 47 - 41 E 490.64' to the Point of Beginning of said description and

following on from Course One of that description:

1. S 29 - 33 - 05 W 1382.34'

2. S 87 - 06 - 26 W 724.54'

3. N 47 - 27 - 49 W 337.19'

4. N 00 - 00 - 06 E 2883.47'

5. N 00 - 22 - 03 W 1005.01'

6. N 84 - 25 - 28 E 733.35' to the property corners of Parcels 400 and 600 and Lot 1 Block C Layton Ridge subdivision.

Then continuing on in a north westerly direction with the property line between Parcels 400 and 500 for a distance of approximately 2,655' to the property corner between Parcels 400 and 500 and Lot 5 of Goshens Edge subdivision. Then in a

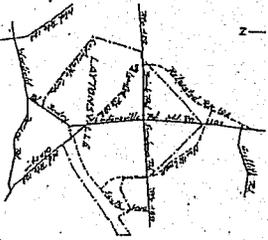


north easterly direction along the western property line of Parcel 400 for approximately 2,300' to the Point of Beginning of this description jokin the centerline of Goshen Road.

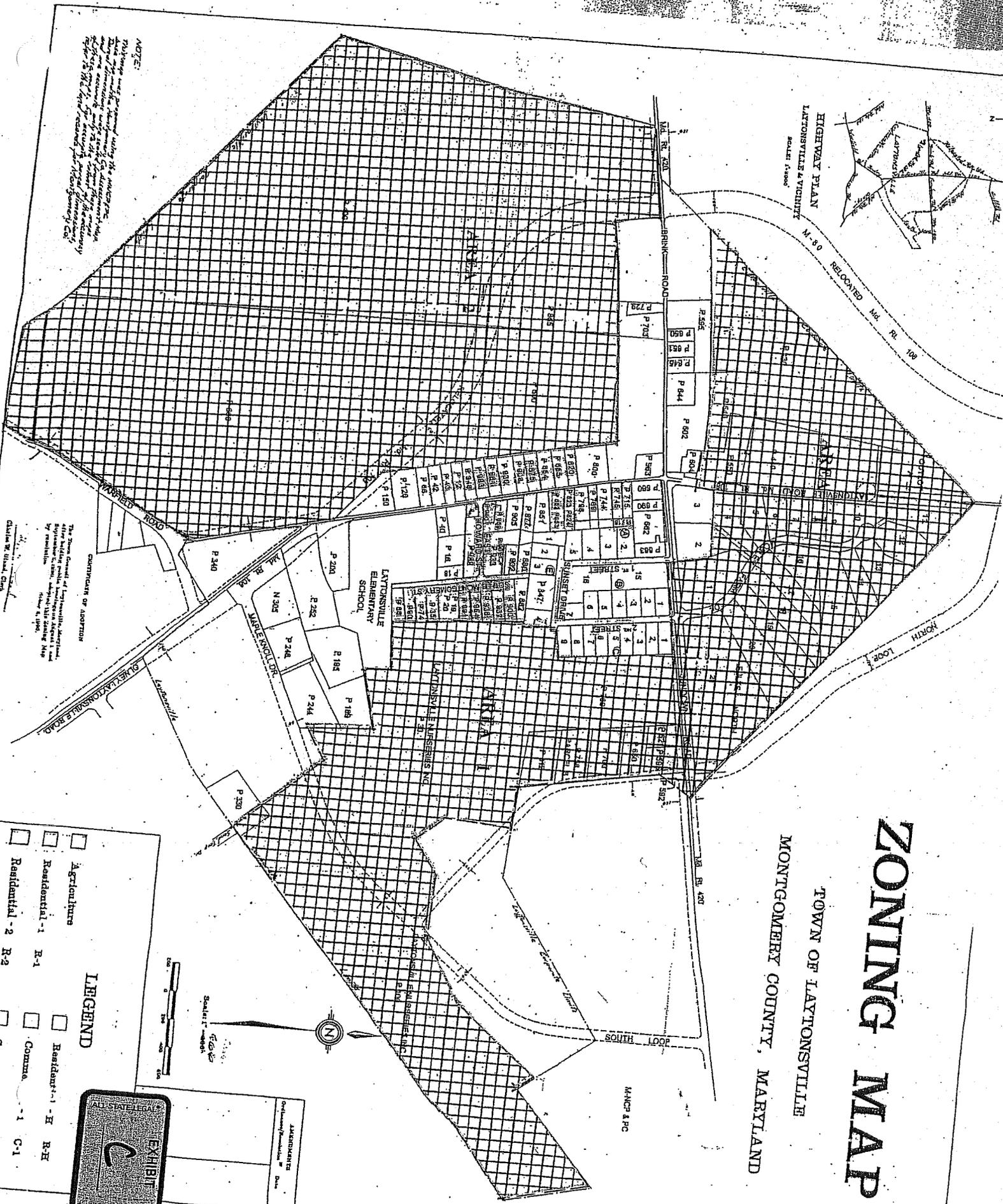
This description contains approximately 248.9 acres as determined by graphic methods and is subject to correction when surveyed by field methods.

ZONING MAP

TOWN OF LAYTONSVILLE
MONTGOMERY COUNTY, MARYLAND



HIGHWAY PLAN
LAYTONSVILLE & VICINITY
SCALE: 1"=500'



NOTE:

This map was prepared using the information provided by the Planning Commission and the Board of Zoning Adjustments. It is intended to show the zoning classification for each lot in the Town of Laytonville. It is not intended to show the boundaries of the lots or the location of the buildings on the lots. The boundaries of the lots and the location of the buildings on the lots are shown on the official zoning map of the Town of Laytonville.

The Town Council of Laytonville, Maryland, has adopted this zoning map by resolution on the 14th day of May, 1988.

Charles W. Hadd, Clerk

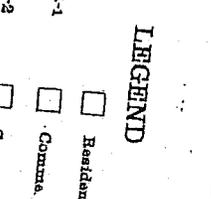
LEGEND

- Agriculture
- Residential-1 R-1
- Residential-2 R-2
- Residential-1-H R-1H
- Commercial C-1
- Commercial-1 C-1

EXHIBIT

ALL STATE LEGAL

LANDOWNERS
Date

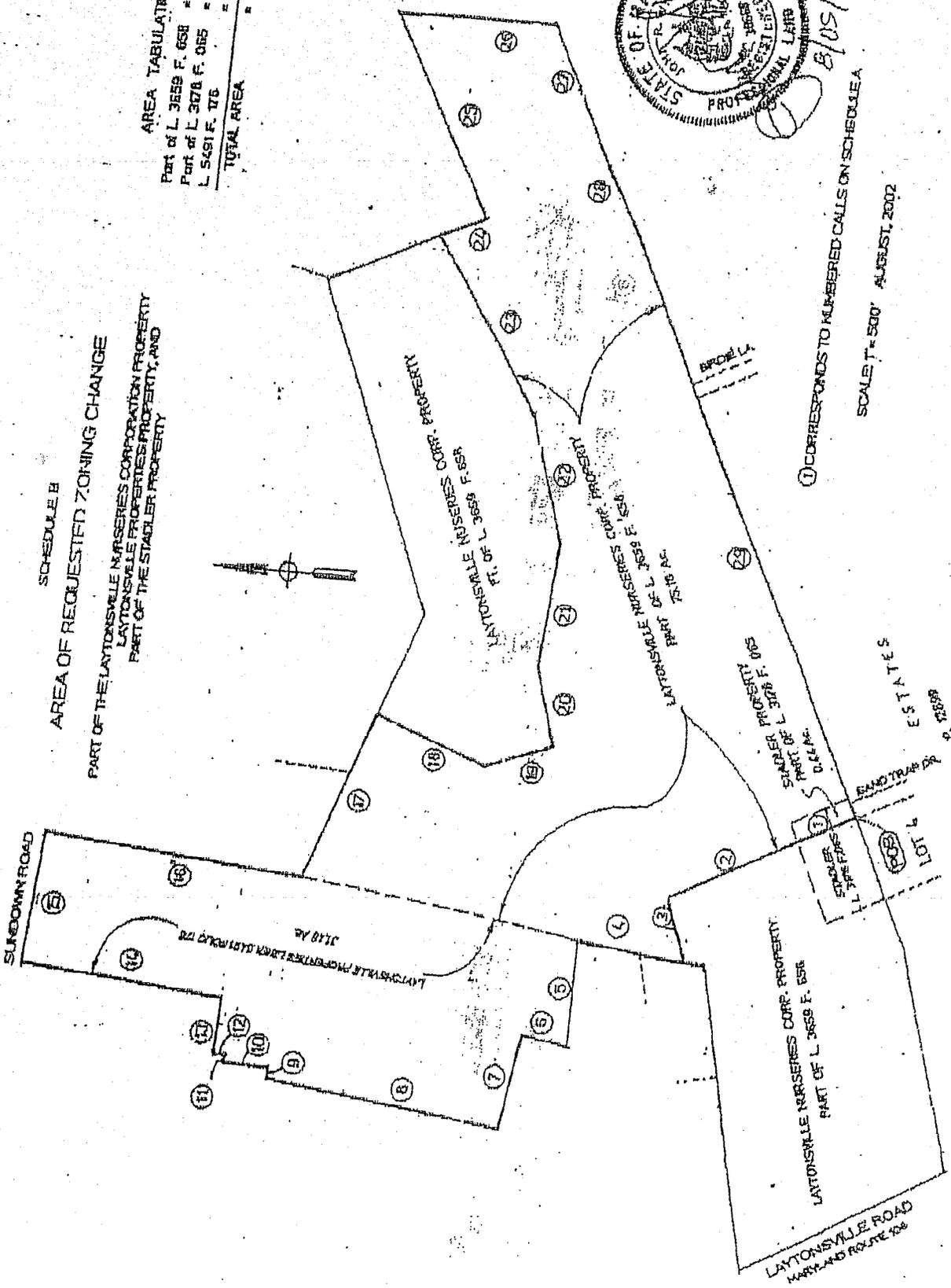
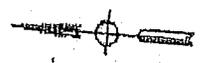


MIL MIL & CANBY

AREA TABULATION	
Part of L. 3659 F. 658	= 75.39 AC.
Part of L. 3078 F. 085	= 0.44 AC.
L. 5491 F. 176	= 31.05 AC.
TOTAL AREA	= 107.08 AC.

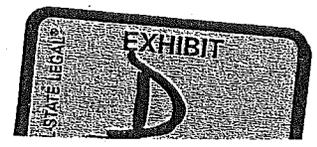


SCHEDULE B
 AREA OF REQUESTED ZONING CHANGE
 PART OF THE LAYTONSVILLE NURSERIES CORPORATION PROPERTY,
 LAYTONSVILLE PROPERTIES PROPERTY, AND
 PART OF THE STADLER PROPERTY



SCALE: 1" = 500' AUGUST, 2002

W WITMER ASSOCIATES, LLC
 Land Surveying, Land Planning & Design
 314-A Hagerwood Blvd., Rockville, MD 20850
 Tel: (301) 395-8888 Fax: (301) 395-8893



SCHEDULE A

August 5, 2002
Tax ID No. - 01-002-0000285
- 01-002-00009113
- 01-001-00002178
- 01-002-00011297

METES AND BOUNDS DESCRIPTION
AREA OF REQUESTED ZONING CHANGE
Part of the
LAYTONSVILLE NURSERIES CORPORATION PROPERTY
and the
LAYTONSVILLE PROPERTIES PROPERTY
and Part of the
STADLER PROPERTY

All of that parcel or tract of land situate in the First Election District of Montgomery County, Maryland, said parcel or tract of land being:

Part of Assessment Parcel 01-0000285
being part of the residue of that 128.251 acres parcel or tract of land conveyed to Laytonsville Nurseries Corporation, a Maryland Corporation from Paul Stadler and Rebecca J. Stadler, his wife by Deed, dated July 19, 1967, recorded among the Land Records of Montgomery County in Liber 3659 at Folio 658,

Part of Assessment Parcel 01-00009113
part of that tract or parcel of land conveyed to Peter Paul Stadler and Janet F. Stadler, his wife, from Paul Stadler and Rebecca J. Stadler, his wife by Deed, dated December 26, 1963, recorded among said Land Records in Liber 3178 at Folio 065,

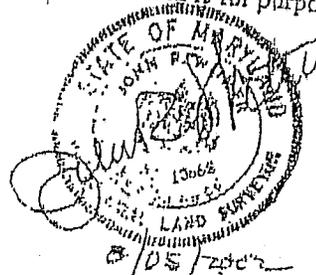
Assessment Parcels 01-00002178 & 01-00011297
all of that tract or parcel of land conveyed to Laytonsville Properties, a Maryland Limited Partnership from Rebecca Stadler by Deed, dated January 29, 1980, recorded among said Land Records in Liber 5491 at Folio 176

said parcel or tract of land being more particularly described in the meridian of said Liber 3659 Folio 658 as follows:

Beginning for the same at a point on the North 63° 00' 05" East 400.00 foot line of said Liber 3178 Folio 065, said point being at the northwesterly limit of the right-of-way of Sand Trap Drive (60' Wide) at the northeasterly corner of Lot 4, Block A, Golf Estates, as shown and included on a Subdivision Record Plat recorded among said Land Records in Plat Book 110 as Plat 12898; then leaving said Sand Trap Drive and said Lot 4 to cross and include part of said Liber 3178 Folio 065 following the computed extension of the westerly right-of-way line of said Sand Trap Drive
1. North 26° 42' 47" West 250.00 Feet; then leaving said Liber 3178 Folio 065 to continue

- 2. with the extension of said roadway to cross and include part of said Liber 3659 Folio 658
- 3. North 26° 42' 47" West 531.34 Feet; then
- 4. South 68° 39' 59" West 277.55 Feet to a point on the South 09° 50' 30" West 758.66 foot line of said Liber 3659 Folio 658; then reversely with a portion of said line
- 5. North 09° 50' 30" East 451.16 Feet to the beginning of the South 80° 25' 10" West 409.10 foot line of said Liber 5491 Folio 176; then leaving the outline of said Liber 3659 Folio 658 continuing with the outline of said Liber 5491 Folio 176 the following 12 (twelve) courses and distances
- 6. South 89° 49' 01" West 402.94 Feet; then
- 7. North 09° 14' 26" East 184.07 Feet; then
- 8. North 80° 45' 34" West 357.21 Feet; then
- 9. North 07° 56' 20" East 952.41 Feet; then
- 10. South 86° 14' 06" East 41.45 Feet; then
- 11. North 03° 45' 54" East 180.48 Feet; then
- 12. South 86° 14' 06" East 28.52 Feet; then
- 13. North 03° 45' 54" East 40.00 Feet; then
- 14. South 86° 14' 06" East 207.37 Feet; then
- 15. North 06° 07' 30" East 797.92 Feet to a point on Stradown Road; then along said road
- 16. South 86° 12' 46" East 501.08 Feet; then leaving said road
- 17. South 06° 26' 43" West 1,018.79 Feet to the end of the North 69° 08' 00" West 1,084.08 foot line of said Liber 3659 Folio 658; then leaving the outline of said Liber 5491 Folio 176 reversely with a portion of said line
- 18. South 69° 08' 00" East 674.08 Feet; then leaving the outline of said Liber 3659 Folio 658 to cross and include a portion of said thereof
- 19. South 20° 52' 00" West 497.00 Feet; then
- 20. South 19° 32' 13" East 269.84 Feet; then
- 21. North 72° 37' 35" East 328.76 Feet; then
- 22. South 85° 12' 16" East 469.70 Feet; then
- 23. North 71° 55' 44" East 509.99 Feet; then
- 24. North 54° 32' 11" East 786.38 Feet to a point on the North 24° 08' 00" West 660.00 foot line of said Liber 3659 Folio 658; then reversely with a portion of said line and the outline of said Liber 3659 Folio 658 the following 6 (six) courses and distances
- 25. South 24° 08' 00" East 187.85 Feet; then
- 26. North 60° 52' 00" East 892.55 Feet; then
- 27. South 00° 46' 20" West 641.25 Feet; then
- 28. South 63° 28' 40" West 622.88 Feet; then
- 29. South 59° 58' 40" West 330.00 Feet; then
- 30. South 63° 00' 05" West 2,345.70 Feet to the point of beginning containing a computed area of 4,664,981 Square Feet or 107.09 acres of land.

This description is not the product of a boundary survey; it has been compiled from Deed and Plat information obtained from the Montgomery County, Maryland Land Records and is for purposes of describing the parcel and its area for zoning purposes only.



June 11, 2003

Page 1 of 4

529-01

TPQ

06/11/03

DESCRIPTION OF
PART OF THE PROPERTY OF
LAYTONSVILLE COMMUNITIES, L.L.C.
LAYTONSVILLE (1ST) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

Being part of the property acquired by Laytonsville Communities, L.L.C., from Jayne F. Young, Substitute Trustee, by a deed dated November 27, 1995 and recorded among the Land Records of Montgomery County, Maryland in Liber 13789 at Folio 063 and being more particularly described as follows

Beginning for the same at the beginning of the 1st or South 29° 33' 05" West, 1382.34 foot line as described in the aforesaid deed recorded in Liber 13789 at Folio 063; thence running with said 1st deed line and with the center of Warfield Road the following course and distance

1. South 29° 33' 05" West, 1382.34 feet to a point; thence running with the 2nd line as described in the aforesaid deed recorded in Liber 13789 at Folio 063 and binding on the northerly lines of the property acquired by Siegfried D. Schubert, et al., by deed recorded among the aforesaid Land Records in Liber 13389 at Folio 226 the following course and distance
2. South 87° 06' .26" West, 724.54 feet to a point; thence running with the 3rd line as described in the aforesaid deed recorded in Liber 13789 at Folio 063 and binding on the northeasterly lines as shown on plats of subdivision entitled "Layton Ridge" and recorded among the aforesaid Land Records in Plat Book 102 as Plat Number 11563 and Plat Number 11564 the following course and distance

PROPOSED REZONING AREA

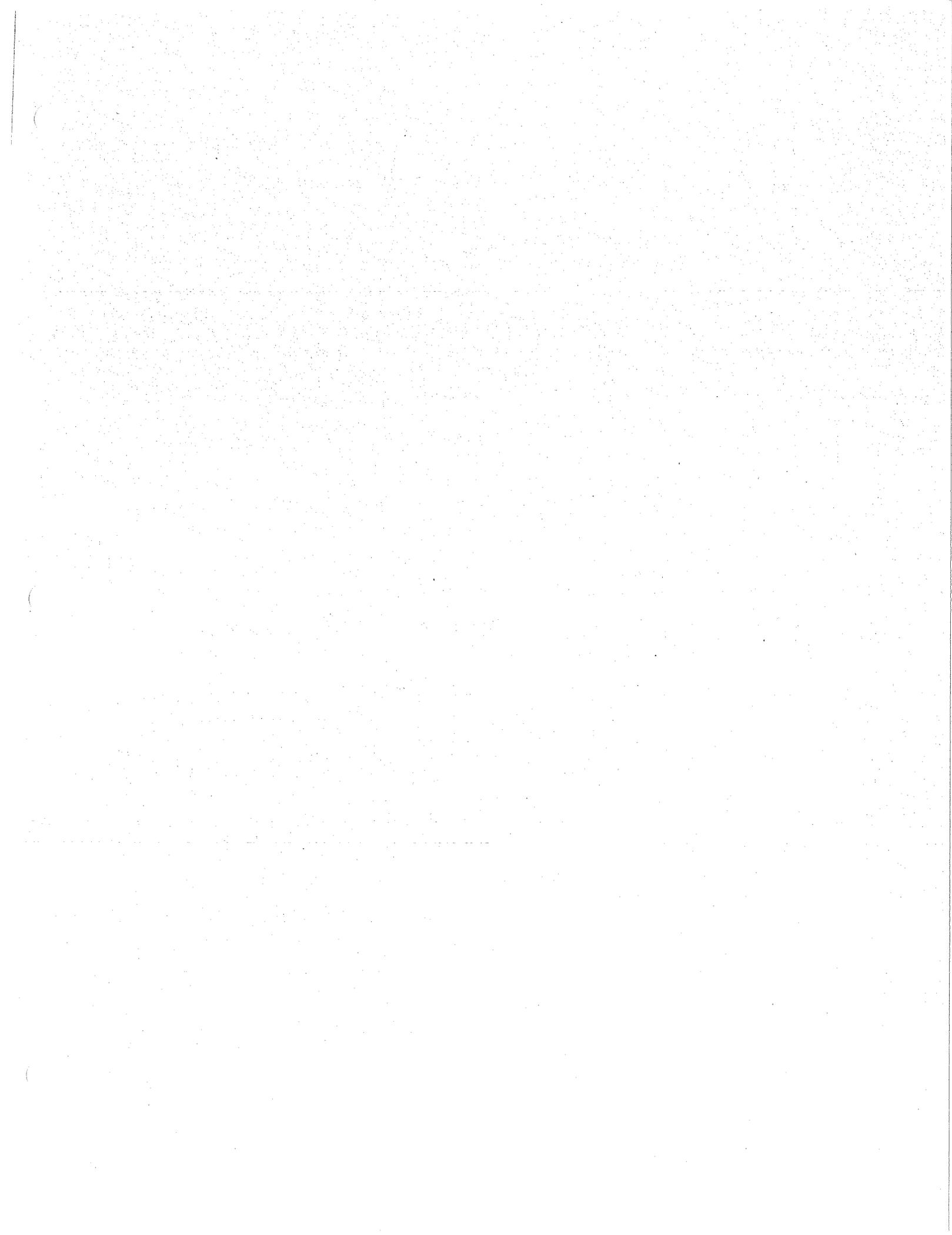
JOB NO. 529-01



June 11, 2003

Page 2 of 4

3. North $47^{\circ} 27' 49''$ West, 337.19 feet to a point; thence running with the 4th line as described in the aforesaid deed recorded in Liber 13789 at Folio 063 and binding on the easterly lines as described in a deed to YCK & CCMC Limited Partnership recorded among the aforesaid Land Records in Liber 6724 at Folio 243 the following course and distance
4. North $00^{\circ} 00' 06''$ East, 2883.47 feet to a point; thence running with the 5th line as described in the aforesaid deed recorded in Liber 13789 at Folio 063 and binding on the easterly lines as described in a deed to Stanley A. Mills recorded among the aforesaid Land Records in Liber 4294 at Folio 518 and binding on the easterly lines as described in a deed to Douglas C. Prasher and Virginia K. Eckenrode recorded among the aforesaid Land Records in Liber 20060 at Folio 488 the following course and distance
5. North $00^{\circ} 22' 03''$ West, 1005.01 feet to a point; thence running across the property as described in the aforesaid deed recorded in Liber 13789 at Folio 063 the following course and distance
6. North $84^{\circ} 25' 28''$ East, 733.35 feet to a point; thence running across the property described in the aforesaid deed recorded in Liber 13789 at Folio 063 to run with the 11th and 15th lines as described in the aforesaid deed recorded in Liber 13789 at Folio 063 and binding on the westerly lines of property acquired by:
 - (i) Susan S. Coronéos by deed recorded among the aforesaid Land Records in Liber 21124 at Folio 1;



June 11, 2003

7. South 12° 48' 59" East, 1674.41 feet to a point; thence running with the 16th line as described in the aforesaid deed recorded in Liber 13789 at Folio 063 and binding on the westerly line of the property acquired by The Laytonsville Volunteer Fire Department by deeds recorded among the aforesaid Land Records in Liber 13961 at Folio 227 and Liber 5852 at Folio 873 the following course and distance
8. South 49° 25' 23" East, 441.64 feet to a point; thence running with the 17th and 18th lines as described in the aforesaid deed recorded in Liber 13789 at Folio 063 and binding on the westerly side of Warfield Road the following 2 courses and distances
9. South 11° 47' 13" East, 562.01 feet to a point; thence
10. South 12° 47' 41" East, 490.64 feet to the Point of Beginning, containing 4981382 square feet or 114.35679 acres of land.

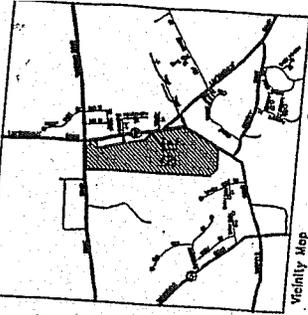
This description has been prepared by Rodgers Consulting, Inc., is in datum established by Washington Suburban Sanitary Commission and is in conformance with a Boundary Survey prepared by Rodgers & Associates dated July, 1987.



y:\52901\survey\rezoning desc.doc

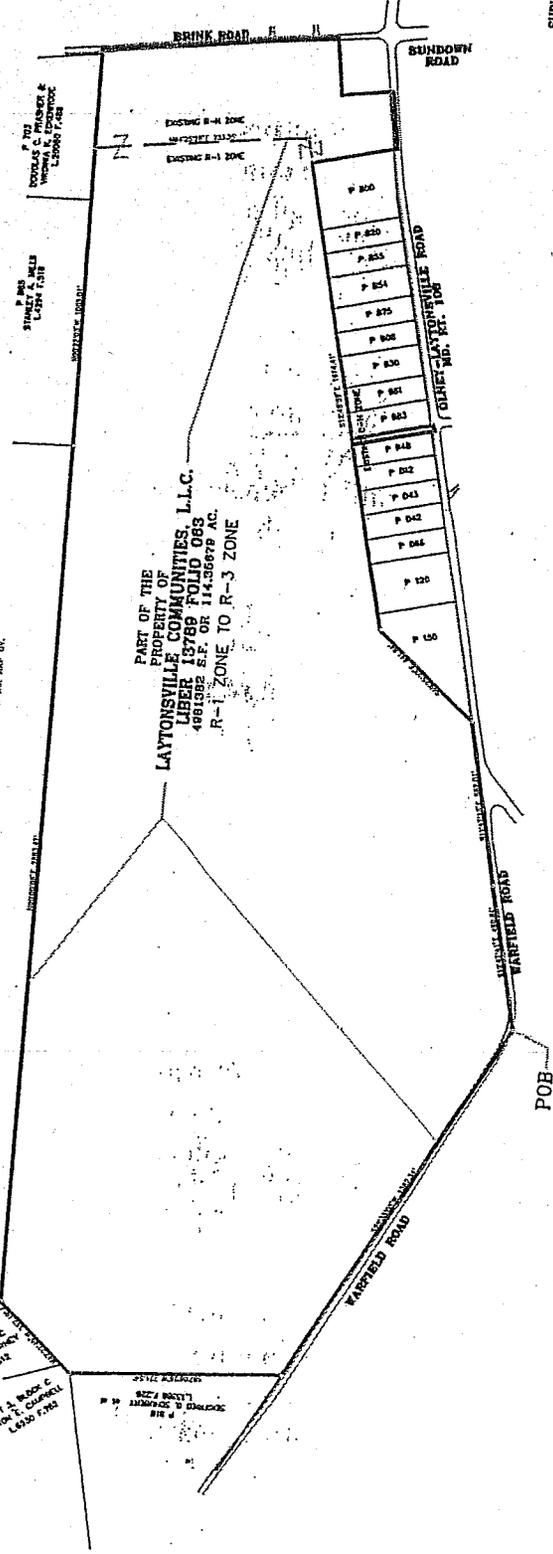
PROPOSED REZONING AREA

JOB NO. 529-01



ADJACENT PROPERTY OWNERS TABLE

PLAT	OWNER	DATE	RECORD
P 100	STIMET & MILLS	1/28/18	1800017-008
P 101	STIMET & MILLS	1/28/18	1800017-008
P 102	STIMET & MILLS	1/28/18	1800017-008
P 103	STIMET & MILLS	1/28/18	1800017-008
P 104	STIMET & MILLS	1/28/18	1800017-008
P 105	STIMET & MILLS	1/28/18	1800017-008
P 106	STIMET & MILLS	1/28/18	1800017-008
P 107	STIMET & MILLS	1/28/18	1800017-008
P 108	STIMET & MILLS	1/28/18	1800017-008
P 109	STIMET & MILLS	1/28/18	1800017-008
P 110	STIMET & MILLS	1/28/18	1800017-008
P 111	STIMET & MILLS	1/28/18	1800017-008
P 112	STIMET & MILLS	1/28/18	1800017-008
P 113	STIMET & MILLS	1/28/18	1800017-008
P 114	STIMET & MILLS	1/28/18	1800017-008
P 115	STIMET & MILLS	1/28/18	1800017-008
P 116	STIMET & MILLS	1/28/18	1800017-008
P 117	STIMET & MILLS	1/28/18	1800017-008
P 118	STIMET & MILLS	1/28/18	1800017-008
P 119	STIMET & MILLS	1/28/18	1800017-008
P 120	STIMET & MILLS	1/28/18	1800017-008
P 121	STIMET & MILLS	1/28/18	1800017-008
P 122	STIMET & MILLS	1/28/18	1800017-008
P 123	STIMET & MILLS	1/28/18	1800017-008
P 124	STIMET & MILLS	1/28/18	1800017-008
P 125	STIMET & MILLS	1/28/18	1800017-008
P 126	STIMET & MILLS	1/28/18	1800017-008
P 127	STIMET & MILLS	1/28/18	1800017-008
P 128	STIMET & MILLS	1/28/18	1800017-008
P 129	STIMET & MILLS	1/28/18	1800017-008
P 130	STIMET & MILLS	1/28/18	1800017-008
P 131	STIMET & MILLS	1/28/18	1800017-008
P 132	STIMET & MILLS	1/28/18	1800017-008
P 133	STIMET & MILLS	1/28/18	1800017-008
P 134	STIMET & MILLS	1/28/18	1800017-008
P 135	STIMET & MILLS	1/28/18	1800017-008
P 136	STIMET & MILLS	1/28/18	1800017-008
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P 141	STIMET & MILLS	1/28/18	1800017-008
P 142	STIMET & MILLS	1/28/18	1800017-008
P 143	STIMET & MILLS	1/28/18	1800017-008
P 144	STIMET & MILLS	1/28/18	1800017-008
P 145	STIMET & MILLS	1/28/18	1800017-008
P 146	STIMET & MILLS	1/28/18	1800017-008
P 147	STIMET & MILLS	1/28/18	1800017-008
P 148	STIMET & MILLS	1/28/18	1800017-008
P 149	STIMET & MILLS	1/28/18	1800017-008
P 150	STIMET & MILLS	1/28/18	1800017-008



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE DATA SHOWN HEREON IS CORRECT, THAT THE PLAT IDENTIFIES PART OF THE PROPERTY DESCRIBED IN A DEED WHICH PART OF THE PROPERTY BELONGS TO LAYTONSVILLE COMMUNITIES, L.L.C. RECORDED IN THE BOOKS OF MONTGOMERY COUNTY, MARYLAND, AND PREPARED BY RODGERS CONSULTING, INC. DATED JULY TWENTY SEVEN LAST THAT THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.

DATE _____

FOR RODGERS CONSULTING, INC.
 ROBERT P. QUINN
 PROFESSIONAL LAND SURVEYOR
 MARYLAND REGISTRATION NO. 80002

LAYTONSVILLE COMMUNITIES, L.L.C.

LINE# 13789 FOLIO 066
 TOWN OF LAYTONSVILLE DISTRICT
 MONTGOMERY COUNTY, MARYLAND

**PROPERTY IDENTIFICATION PLAT
 PROPOSED REZONING**

LAYTONSVILLE COMMUNITIES, L.L.C.
 C/O NATELLI COMMUNITIES
 816 WEST DIAMOND AVENUE
 SUITE 300
 GAITHERSBURG, MARYLAND 20878
 ATTN: THOMAS NATELLI

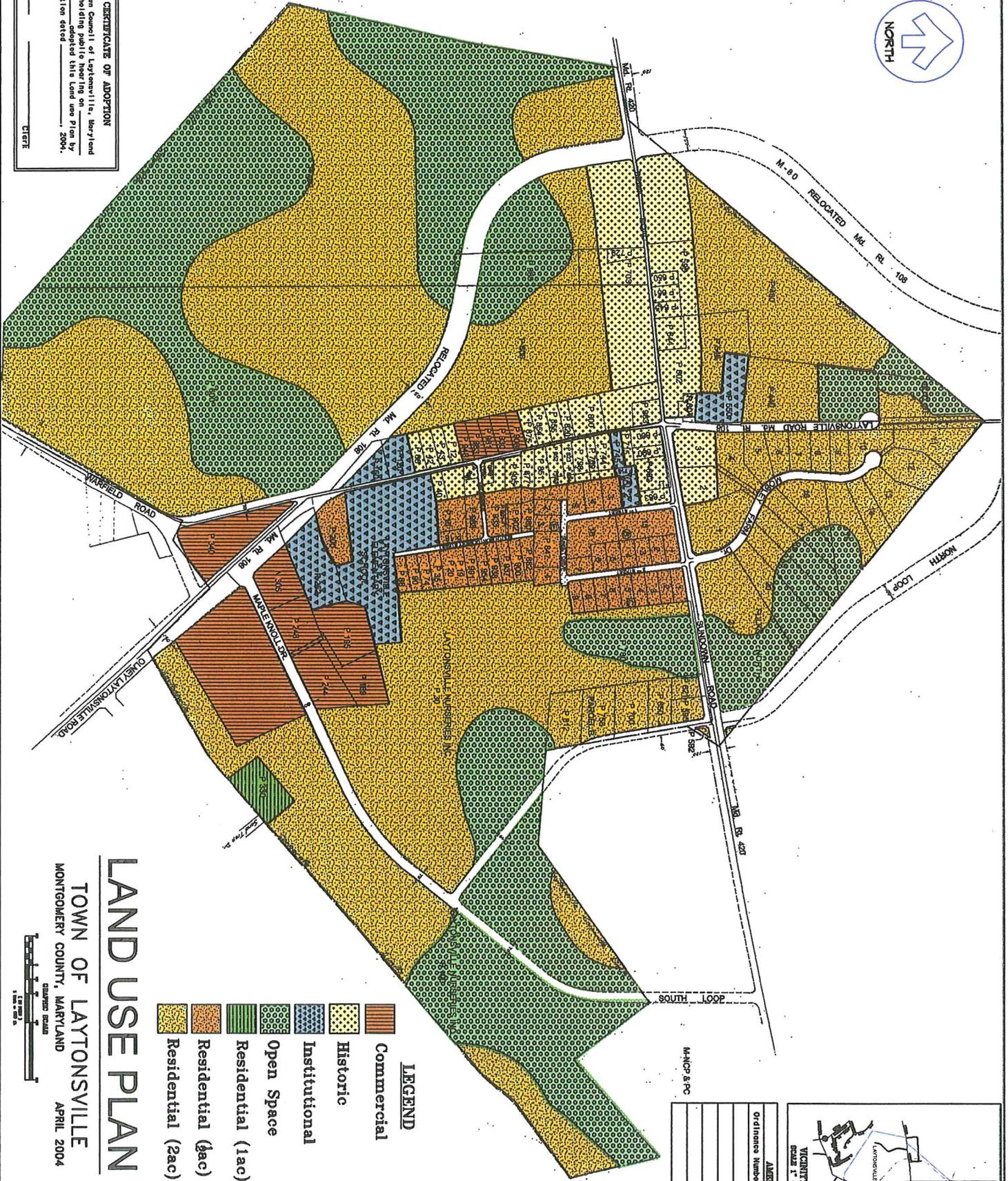
RODGERS CONSULTING
 Enhancing the value of land assets
 10000 Greenway Dr.
 Gaithersburg, MD 20877
 Tel: 301-251-2000 Fax: 301-251-2009
 www.rodgersinc.com

FILED	DATE	BY	DATE	BY

SCALE: 1" = 200'
 JOB NO. 528-01
 DATE: 9/13/03
 SHEET NO. 1 OF 1



CERTIFICATE OF ADOPTION
 The Town Council of Laytonsville, Maryland
 after holding public hearing on _____
 adopted this Land Use Plan by
 resolution dated _____, 2004.
 DATE _____



- LEGEND**
- Commercial
 - Historic
 - Institutional
 - Open Space
 - Residential (1ac) R1
 - Residential (3ac) R2
 - Residential (2ac) R3

LAND USE PLAN

TOWN OF LAYTONSVILLE
 MONTGOMERY COUNTY, MARYLAND
 APRIL 2004



M-HOP & PC

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