

ORDINANCE NO. 751

INTRODUCED BY: _____

AN ORDINANCE OF THE TOWN OF DENTON AMENDING CHAPTER 73,
LAND SUBDIVISION OF THE TOWN CODE WITH RESPECT TO MINOR
SUBDIVISIONS

WHEREAS, Article XI-E, Constitution of the State of Maryland; Section 4-103(b)(3), Subtitle 1, Title 4, Division II, Local Government Article, Annotated Code of Maryland; and the Charter and Code of the Town of Denton provide the authority under which the Town Council may adopt, repeal, and/or amend the ordinances of the Town of Denton; and,

WHEREAS, the Town of Denton is authorized by Maryland Land Use Article to enact and administer subdivision regulations, which regulations are Chapter 73 of the Denton Town Code; and

WHEREAS, Chapter 73 (Land Subdivision) of the Denton Town Code sets forth guidelines for minor subdivisions; and

WHEREAS, in order to amend current regulations relative to minor subdivision design and specifications and definitions in Chapter 73, Land Subdivision of the Town Code; and

WHEREAS, the Denton Planning Commission considered the amendments for Chapter 73, Land Subdivision and has recommended that the Town Council approve this Ordinance; and

WHEREAS, the Town Council has determined that it is desirable and in the public interest to amend Denton Town Code Chapter 73, related to Subdivision Regulations; and

NOW, THEREFORE, the Town of Denton hereby ordains:

SECTION 1: The Denton Town Code §73 Land Subdivision Regulations are hereby modified and reenacted with amendments as follows:

§ 73-3. Definitions.

B. PRIVATE STREET – An improved road or right of way held or maintained in private ownership and which is not a component of the Town, County, State, or Federal road systems.

§ 73-6. Design requirements and standards.

D. Street design standards.

(2) Right-of-way widths.

(e) Private streets: 50 feet

(3) Roadways widths.

(b) Roadway widths for other street types shall be not less than the following:

[7] Private streets: 26 feet.

[a] The design and construction specifications for private streets shall be consistent with the Town of Denton Specifications & Details for Public Works Construction Manual (most recent addition) and approved by the Department of Public Works as adequate for the level and expected frequency of use of the private street. Repair and maintenance covenants shall be approved by the Planning Commission to assure that a private street will be maintained and remain safe for those using the private street and include clear notice that the Town is not responsible for the repair or maintenance of private streets. Private streets shall be conspicuously marked as a private street on both the subdivision plat and at the intersection with a public street. A private street that bisects a parcel of land or lot of record is not a subdivision of the parcel or lot provided that ownership of the private street is the same as ownership of the parcel or lot.

F. Lots.

~~(5) Every lot shall abut upon, and have access to, a public street.~~

(5) Every lot in a major subdivision shall abut, and have access to, a public street. Every lot in a minor subdivision shall abut, and have access to, a public street or, with the approval of the Planning Commission, a private street.

SECTION 2: If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Denton Town Council hereby declares that it would have passed this Ordinance and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 3: In accordance with Md. Code Ann., Land Use §§ 4-203(b)(3), this Ordinance shall not be effective until at least ten (10) days after a public hearing.

ADOPTED THIS _____ DAY OF _____, 2024.

DENTON TOWN COUNCIL:

Abigail McNinch, Mayor

Dallas Lister, Councilperson

Lester L. Branson, Councilperson

Walter Keith Johnson, Councilperson

Frank Taylor, Councilperson

ATTEST:

Karen L. Monteith, Clerk-Treasurer

Approved for legal sufficiency this _____ day of _____, 2024.

Christopher F. Drummond, Town Attorney

Date Introduced _____

Date Amendments Introduced _____

Date Passed _____

Effective Date _____

Text that is stricken reflects language omitted from the Town Code

Text in **bold** and *italicized* reflects additions to the Town Code