

**Amendment 2 to Council Bill No. 11 - 2019**

**BY: Christiana Mercer Rigby**

**Legislative Day 5  
Date: April 1, 2019**

**Amendment No. 2**

*(Creates a new approval process for certain developments along scenic roads.)*

1 On pages 3 through 4, strike beginning with “(4)” in line in line 12 on page 3 down through  
2 “PRACTICABLE.” in line 2 on page 4 and substitute:  
3

4 (C) APPROVALS

- 5 (1) FOR ANY MAJOR SUBDIVISION THAT ABUTS OR ADJOINS A SCENIC ROAD OR ANY NEW  
6 DEVELOPMENT FOR MORE THAN 99 RESIDENTIAL UNITS WITHIN ONE ROAD WAY MILE OF  
7 A SCENIC ROAD, AN INITIAL PLAN MUST BE APPROVED BY THE PLANNING BOARD PRIOR  
8 TO APPROVAL BY THE DEPARTMENT OF PLANNING AND ZONING. THIS PROVISION SHALL  
9 NOT APPLY TO ANY DEVELOPMENT THAT IS SUBJECT TO THE ROUTE 1 MANUAL, THE  
10 ROUTE 40 DESIGN MANUAL, THE CLARKSVILLE PIKE STREETScape PLAN AND DESIGN  
11 GUIDELINES, THE DOWNTOWN-WIDE DESIGN GUIDELINES, OR THE DOWNTOWN  
12 NEIGHBORHOOD DESIGN GUIDELINES FOR DOWNTOWN COLUMBIA REVITALIZATION.
- 13 (2) THE PLANNING BOARD SHALL EVALUATE THE PROPOSED INITIAL PLAN AT A PUBLIC  
14 HEARING AND CONSIDER A VISUAL ASSESSMENT OF THE AFFECTED SCENIC ROAD.
- 15 (3) THE INITIAL PLAN SUBMITTED FOR REVIEW SHALL INCLUDE ALL INFORMATION  
16 REQUIRED BY THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS OF THE  
17 HOWARD COUNTY CODE, AS WELL AS THE FOLLOWING:

1 (I) SITE ACCESS AND METHODS TO MINIMIZE BUFFER DISTURBANCE.

2 (II) A CONCEPT LANDSCAPE AND GRADING PLAN FOR THE BUFFER.

3 (III) A VISUAL ASSESSMENT, INCLUDING POTENTIAL VIEWPOINTS OF THE DEVELOPMENT  
4 TAKEN FROM THE SCENIC ROAD, INCLUDING:

5 A. PLANS AND AERIAL PHOTOGRAPHS SHOWING THE SUBJECT PROPERTY, ITS  
6 CONTEXT, AND SURROUNDING LAND USES AND DEVELOPMENT CHARACTER.

7 B. PERSPECTIVE DRAWINGS, PHOTOGRAPHIC SIMULATIONS, CROSS SECTIONS  
8 AND/OR ELEVATIONS SHOWING EXISTING CONDITIONS AND PROPOSED  
9 CHANGES ASSOCIATED WITH THE PROPOSED DEVELOPMENT.

10 C. A SURVEY OF EXISTING VEGETATION SHOWING TREES 12 INCHES OR  
11 GREATER IN CALIPER, AND NON-NATIVE, INVASIVE SPECIES.

12 D. A DESCRIPTION SUMMARIZING THE CHARACTER AND QUALITY OF THE  
13 SCENIC ROAD, AS VIEWED FROM THE ROAD, USING THE SCENIC ROADS  
14 INVENTORY AS A GUIDE.

15 E. A DETAILED ASSESSMENT OF ANY PROPOSED VISUAL IMPACTS TO SCENIC OR  
16 HISTORIC FEATURES AND PROPOSED MITIGATION MEASURES, INCLUDING AN  
17 ASSESSMENT OF WHETHER THE PROPOSED CHANGES COMPLY WITH THE  
18 GUIDELINES FOR DEVELOPMENT OF LAND ABUTTING A SCENIC ROAD,  
19 SECTION 16.125(B).

20 (4) THE FOLLOWING CRITERIA SHALL BE USED IN EVALUATING THE INITIAL PLAN:

21 (I) ACCESS. ALL NEW VEHICULAR ACCESS ONTO A SCENIC ROAD MUST DOCUMENT THAT  
22 ACCESS CANNOT BE PRACTICABLY LOCATED ALONG A NON-SCENIC ROAD. IN MAKING A  
23 DETERMINATION THE PLANNING BOARD SHALL CONSIDER WHETHER THE PROPERTY  
24 HAS FRONTAGE ON A NON-SCENIC ROAD, THE IMPACTS TO ENVIRONMENTAL FEATURES  
25 WHEN CONSIDERING ALTERNATIVE ACCESS, AND TRAFFIC-SAFETY CONSIDERATIONS.

26 (II) BUFFERS. WHETHER THE BUFFER PRESERVES, MAINTAINS, OR ENHANCES THE VISUAL  
27 CHARACTER OF THE ROAD AND SURROUNDING AREA; AND WHETHER ACCESS MINIMIZES  
28 IMPACTS TO THE BUFFER. AFTER CONSIDERING THE VISUAL ASSESSMENT AND

1 POTENTIAL IMPACTS TO THE BUFFER, THE PLANNING BOARD MAY REDUCE THE BUFFER  
2 TO NO-LESS THAN 75 FEET BASED ON THE FOLLOWING:

3 A. THE PROPOSED DEVELOPMENT HAS COMPLIED WITH THE GUIDELINES FOR  
4 DEVELOPMENT OF LAND ABUTTING A SCENIC ROAD, SECTION 16.125(B) TO THE  
5 MAXIMUM EXTENT PRACTICABLE.

6 B. FOR A WOODED BUFFER – CONSIDER THE CONDITION, QUALITY, AND CHARACTER OF  
7 EXISTING VEGETATION AND ANY PROPOSED ENHANCEMENTS TO DETERMINE:

8 I. WHETHER AN EXISTING BUFFER LESS THAN 100 FEET WIDE PROVIDES  
9 ADEQUATE SCREENING.

10 II. WHETHER AN EXISTING BUFFER LESS THAN 100 FEET WIDE COULD PROVIDE  
11 ADEQUATE SCREENING IF MORE TREES OR PLANTS WERE ADDED.

12 C. FOR A NON-WOODED BUFFER - WHETHER NATURAL SCREENING SUCH AS EXISTING  
13 MEADOWS, PASTURES, CROPLAND, AND LAND FORMS PROVIDE AN ADEQUATE  
14 BUFFER. IF A NEW SUBDIVISION CANNOT BE ADEQUATELY SCREENED FROM A  
15 SCENIC ROAD BY CAREFULLY SITING HOMES OR BY NATURAL SCREENING, CONSIDER  
16 WHETHER ADDING LANDSCAPED BERMS, OR OTHER VEGETATIVE BUFFERS COULD  
17 PROVIDE ADEQUATE SCREENING.

18  
19 (III) ROAD IMPROVEMENTS. ROAD IMPROVEMENTS REQUIRED PURSUANT TO DESIGN  
20 MANUAL VOLUME III (ROADS AND BRIDGES) SHALL SERVE TO PRESERVE,  
21 MAINTAIN, AND ENHANCE THE EXISTING CHARACTER OF A SCENIC ROAD AS  
22 PRACTICABLE AND MINIMIZE VISUAL IMPACTS BY LIMITING IMPROVEMENTS TO  
23 THOSE NECESSARY FOR PUBLIC SAFETY.”.

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25 On page 4, in line 6, after “PRESCRIBED”, insert “ROAD”; in lines 9 and 12, strike “(I)” and  
26 “(II)”, respectively, and substitute “A.” and “B.”, respectively; in line 9, after “THE”,  
27 insert “ROAD”; in line 11, after “DELAYED”, insert “ROAD”; in line 13, after “THE”,  
28 insert “ROAD”; and in line 16, strike “7” and substitute “D”.