

Introduced 3/7/16
Public hearing 3/21/16
Council action 4/4/16
Executive action 4/14/16
Effective date 6/14/16

County Council of Howard County, Maryland

2016 Legislative Session

Legislative day # 3

BILL NO. 15 – 2016

Introduced by

Jon Weinstein, Councilmember

AN ACT amending the Subdivision and Land Development of ~~Land~~ Regulations pertaining to residential infill developments with respect to compatibility, unit types, landscaping, interconnectivity and privacy; and generally relating to residential infill developments.

Introduced and read first time March 7, 2016. Ordered posted and hearing scheduled.

By order Jessica Feldman
Jessica Feldmark, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on March 21, 2016.

By order Jessica Feldman
Jessica Feldmark, Administrator to the County Council

This Bill was read the third time April 4, 2016 and Passed Passed with amendments Failed .

By order Jessica Feldman
Jessica Feldmark, Administrator to the County Council

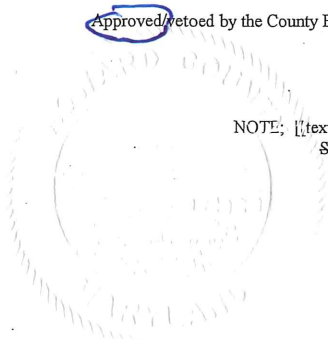
Sealed with the County Seal and presented to the County Executive for approval this 7th day of April, 2016 at 11 a.m./~~p.m.~~

By order Jessica Feldman
Jessica Feldmark, Administrator to the County Council

Approved/vetoed by the County Executive on April 14, 2016.

Allan H. Kittleman
Allan H. Kittleman, County Executive

NOTE: [text in brackets] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law. Strikeout indicates material deleted by amendment; Underlining indicates material added by amendment.



1 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that the Howard
2 County Code is hereby amended to read as follows:

3
4 *By amending:*

5 *Title 16: PLANNING, ZONING AND SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS*

6 *Subtitle 1. - Subdivision and Land Development Regulations*

7 *Article II. - Design Standards and Requirements*

8 *Section 16.127. "Residential Infill Development"*

9 *Subsection (a) "Purpose"*

10 *Number (1);*

11

12 *Subsection (c) "Design of Infill Development"*

13 *Numbers (1) and (2);*

14

15 *By adding:*

16 *Title 16: PLANNING, ZONING AND SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS*

17 *Subtitle 1. - Subdivision and Land Development Regulations*

18 *Article II. - Design Standards and Requirements*

19 *Section 16.127. "Residential Infill Development"*

20 *Subsection (c) "Design of Infill Development"*

21 *New Numbers (3) and (4);*

22

23

24 **Title 16: PLANNING, ZONING AND SUBDIVISIONS AND LAND DEVELOPMENT**
25 **REGULATIONS**

26

27 **Subtitle 1. - Subdivision and Land Development Regulations**

28

29 **Article II. - Design Standards and Requirements**

30

31 **Sec. 16.127. - Residential infill development.**

32 (a) Purpose:

33 (1) Accommodate growth within THE CONTEXT OF EXISTING COMMUNITIES ~~AND FOCUS~~
34 ~~DEVELOPMENT~~ IN areas that already have infrastructure and public facilities ~~[[in the context of~~
35 existing communities]];

1 (2) Ensure development occurs in a manner that protects the environment, achieves high quality design
2 and strengthens existing communities; and

3 (3) Encourage investment in older established communities.
4

5 (b) Presubmission Community Meeting. A presubmission community meeting is required prior to the
6 initial submittal of plans for new residential infill developments submitted after November 15, 2001,
7 according to the procedures established in section 16.128 of this title.
8

9 (c) Design of Infill Development:

10 (1) The [[developer]] DESIGN of a residential infill [[project]] DEVELOPMENT shall BE
11 COMPATIBLE [[create compatibility]] with AN [[the]] existing ADJACENT RESIDENTIAL
12 neighborhood AS DETERMINED by DPZ BY [[designing the project to either]]:

13 (i) [[Be the]] CONSISTING OF THE same UNIT TYPES (E.G., DETACHED SINGLE FAMILY HOMES,
14 ATTACHED SINGLE FAMILY HOMES, APARTMENTS) as the surrounding residential
15 neighborhood [[in terms of unit type (SFD, SFA, APTS)]]; or

16 (ii) [[Achieve compatibility by using enhanced]] ENHANCING perimeter landscaping adjacent
17 to [[lots with]] existing homes[. Either]] USING EITHER Type B landscaping within a 20-
18 foot setback or Type C landscaping within a ten-foot setback [[may be used]].

19 (2) The DESIGN OF A RESIDENTIAL INFILL DEVELOPMENT SHALL, IF PRACTICAL, BE INTEGRATED
20 WITH THE [[following provisions are intended to improve the design of a residential infill project
21 and its relationship to]] surrounding residential development BY:

22 (i) [[Provide connectivity between on-site and off-site vehicular and pedestrian systems,]]
23 INTERCONNECTING PROPOSED ON-SITE STREETS, SIDEWALKS, PATHS, protected
24 environmental lands, and other open space, WITH THOSE LOCATED OFF-SITE; AND

25 (ii) [[Incorporate into the design locally]] INCORPORATING AND PRESERVING significant site
26 features, such as historic structures, unique topographic features, specimen trees, or other
27 existing, healthy [[buffer]] landscaping.

28 [[(iii) Privacy:

29 a. Locate and design lots, buildings and site improvements to minimize infringement
30 on the privacy of adjoining residential properties.

1 b. Use increased landscaping, berms, fences or walls, to effectively screen views of
2 rear yards and decks from public roads.]]

3 (3) LOTS, BUILDINGS, AND SITE IMPROVEMENTS SHALL BE CONFIGURED TO MAXIMIZE
4 PRIVACY BY:

5 (i) POSITIONING STRUCTURES IN ACCORDANCE WITH SECTION 16.120(B)(6)(V) OF THESE
6 REGULATIONS; AND

7 (ii) INCREASING LANDSCAPING IN COMBINATION WITH BERMS, FENCES OR WALLS, TO
8 SCREEN VIEWS OF REAR YARDS AND DECKS FROM PROPOSED AND EXISTING
9 RESIDENCES AND FROM ROADS.

10 (4) THE FOLLOWING COMPATIBILITY STANDARDS SHALL APPLY TO RESIDENTIAL INFILL
11 DEVELOPMENTS IN OR ADJOINING EXISTING R-20 AND R-12 ZONED SUBDIVISIONS:

12 (i) LIMIT ON ADJOINING DRIVEWAY ENTRANCES: A SHARED USE-IN-COMMON DRIVEWAY
13 MUST BE PROVIDED IN ACCORDANCE WITH THE DESIGN MANUAL WITHIN A MINIMUM
14 24' WIDE ACCESS EASEMENT FOR ALL PROPOSED RESIDENTIAL INFILL DEVELOPMENT
15 LOTS. ANY EXISTING DRIVEWAY ENTRANCES ONTO THE PUBLIC ROAD RIGHT-OF-WAY
16 MUST BE CONNECTED TO A SINGLE USE-IN-COMMON DRIVEWAY OR ABANDONED;

17 (ii) FRONT YARD SETBACKS: THE REQUIRED FRONT YARD SETBACK SHALL BE
18 ESTABLISHED AS THE AVERAGE OF THE EXISTING FRONT YARD SETBACKS OF THE
19 BLOCK FACE AREA OR THE AREA WITHIN 500 FEET IN EITHER DIRECTION OF THE
20 SUBJECT PROPERTY, WHICHEVER IS LESS. THE BLOCK FACE AREA CONSISTS OF THE
21 AREA BETWEEN THE SUBJECT PROPERTY AND THE INTERSECTION OF ANY TWO
22 STREETS MEASURED ALONG THE SIDE OF THE STREET THAT THE SUBJECT PROPERTY
23 IS LOCATED.

24
25 WHERE THERE IS A VACANT LOT IN THE BLOCK FACE AREA, THE REQUIRED FRONT
26 YARD SETBACK FOR THE ZONING DISTRICT SHALL BE USED FOR THAT LOT IN
27 CALCULATING THE AVERAGE FRONT YARD SETBACK. IF THE SETBACK ESTABLISHED
28 IN THIS SECTION CONFLICTS WITH THE SETBACK ESTABLISHED IN THE ZONING
29 REGULATIONS, THEN THE MORE RESTRICTIVE SETBACK SHALL APPLY;

30 (iii) DRAINAGE: THE ENVIRONMENTAL CONCEPT PLAN SHALL ADDRESS POTENTIAL
31 ADVERSE DRAINAGE IMPACTS ON ADJACENT PROPERTIES. IMPACTS SHALL BE
32 EVALUATED BASED ON REQUIREMENTS IN DESIGN MANUAL VOLUME I, CHAPTER 4,
33 DRAINAGE SWALES AND SURFACE DRAINAGE EASEMENTS. AFTER EXHAUSTING ALL
34 ALTERNATIVES TO ADDRESS THE IMPACT WITH THE AFFECTED NEIGHBOR(S),

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IMPACTS MAY BE MITIGATED BY QUANTITATIVE MANAGEMENT BASED ON THE APPROPRIATE DESIGN YEAR STORM FOR THE GEOGRAPHICAL AREA AND PROPOSED CONVEYANCE SYSTEM; AND

- (iv) STORMWATER MANAGEMENT: STORMWATER PRACTICES SHALL BE BASED ON THE MOST CURRENT GUIDELINES ACCEPTED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE). NONSTRUCTURAL PRACTICES SHALL BE IMPLEMENTED TO THE MAXIMUM EXTENT PRACTICABLE. STORMWATER COMPLIANCE FOR ENVIRONMENT SITE DESIGN SHALL ONLY BE RECEIVED FOR THE DESIGN AND CONSTRUCTION OF MICRO-SCALE PRACTICES, ALTERNATIVE SURFACES, OR OTHER PRACTICES ACCEPTED BY MDE THAT RETAIN OR INFILTRATE RUNOFF BASED ON A QUANTITATIVE MEASUREMENT.

Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.

Amendment 1 to Council Bill 15-2016

BY: Jon Weinstein

Legislative Day No: 4

Date: April 4, 2016

Amendment No. 1

(This amendment corrects an error in the title of the bill, ~~and~~ removes language that calls for infill to be focused in certain areas, ~~and inserts the Neighborhood Density Exchange Option program to clarify the type of investment that is desired in established communities)~~

On the title page, in the first line of the title page, after “and”, insert “Land”. And in the same line, strike “of Land”.

On page 1, in lines 33 and 34, strike “AND FOCUS DEVELOPMENT”.

On page 2, in line 3, before the period, insert “BY USING THE NEIGHBORHOOD PRESERVATION DENSITY EXCHANGE OPTION PROGRAM”.

ADOPTED as amended 4/4/16
FAILED _____
SIGNATURE Jessica Feldman

Amendment 1 to Amendment #1
Council Bill No. 15-2016

BY: Jennifer Terrasa

Legislative Day No:
Date: April 4, 2016

Amendment No. 1 to Amendment #1

(This amendment would remove the Neighborhood Density Exchange Option clarification from the amendment).

1 On page 1, in line 9 strike the comma and substitute "and". Also, in lines 10 and 11,
2 strike "*and inserts the Neighborhood Density Exchange Option program to clarify the type of*
3 *investment that is desired in established communities*". Lastly, strike lines 19 and 20, in their
4 entirety.

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9

ADOPTED 4/4/16
FAILED _____
SIGNATURE Jessica Feldman

Amendment 1 to Council Bill 15-2016

BY: Jon Weinstein

Legislative Day No: 4

Date: April 4, 2016

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Introduced _____
Public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2016 Legislative Session

Legislative day # 2

BILL NO. 15-2016

Introduced by

Jon Weinstein, Councilmember

AN ACT amending the Subdivision and Development of Land Regulations pertaining to residential infill developments with respect to compatibility, unit types, landscaping, interconnectivity and privacy; and generally relating to residential infill developments.

Introduced and read first time _____, 2016. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2016.

By order _____
Jessica Feldmark, Administrator to the County Council

This Bill was read the third time _____, 2016 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Jessica Feldmark, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2016 at _____ a.m./p.m.

By order _____
Jessica Feldmark, Administrator to the County Council

Approved/vetoed by the County Executive on _____, 2016.

Allan H. Kittleman, County Executive

NOTE; [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law. ~~Strikeout~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

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21 *New Numbers (3) and (4);*

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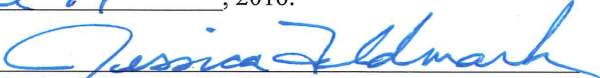
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31 **Sec. 16.127. - Residential infill development.**

32 **(a) Purpose:**

33 (1) Accommodate growth within THE CONTEXT OF EXISTING COMMUNITIES AND FOCUS
34 DEVELOPMENT IN areas that already have infrastructure and public facilities [[in the context of
35 existing communities]];

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on April 14, 2016.



Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2016.

Jessica Feldmark, Administrator to the County Council