

## Building Industry Letter of Opposition to CB56 - Two Family Conditional Use Moratorium

Joshua Greenfeld [jgreenfeld@marylandbuilders.org]

**Sent:** Monday, December 21, 2015 1:13 PM

**To:** Ball, Calvin B; Smith, Gary; Weinstein, Jon; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg; Knight, Karen; Pruim, Kimberly; Clay, Mary; CouncilMail; Gowan, Amy; Delorenzo, Carl; Siddiqui, Jahantab; Wilson, B Diane; allan.kittleman@gmail.com; Smith, Gary; Feldmark, Jessica

**Cc:** James Fraser [jamie@i-s-land.com]

**Attachments:** MBIA Opposition Letter to ~1.pdf (197 KB)

Dear Chairman Ball and Members of the Howard County Council,

Please find attached a letter of opposition to CB56, which places a 1 year moratorium on Two Family Conditional Use petitions.

In general, the MBIA believes that development moratoria create counter-productive public policy where non-legislative approaches better address the concerns of communities. Specific to this bill, a moratorium on two family infill and redevelopment conditional uses is counter-productive because it decreases housing affordability, takes property rights from current landowners, and there is no planning emergency sufficient to warrant a moratorium. Rather than impose a development moratorium, the MBIA proposes to work with the bill sponsor, the Department of Planning and Zoning and the County Council to craft a finely-tuned solution to the concerns of community members that respects the character of established communities while retaining property rights and housing affordability.

The MBIA urges the County Council to vote against this bill and to work with the MBIA and established communities to accommodate two family conditional uses without a development moratorium.

Please do not hesitate to contact me with any questions regarding this issue. Thank you for your continued support of the home building industry.

Happy holidays,

**Josh Greenfeld, Esq.**

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MBIA's 2016 Installation Dinner - Jan. 11, 2016  
with Honored Guest, Steven R. Schuh. [Register here.](#)

Land Development Council Networking Event - Jan. 13  
Join us at Galway Bay in Annapolis. [Click here.](#)

NAHB's International Builders Show - Jan. 19-21  
See you in Las Vegas! [Register here.](#)

Check out NAHB's Member Advantage Program at [www.nahb.org/ma](http://www.nahb.org/ma)

December 21, 2015

**Re: OPPOSITION TO CB56 – Two Family Dwelling Conditional Use Interim Development Act**

Dear Chairman Ball and Members of the Howard County Council:

On behalf of the Howard County Chapter of the Maryland Building Industry Association (MBIA), I write in opposition to Council Bill 56, which puts a 1 year moratorium on the approval of two family dwelling conditional uses. In general, the MBIA believes that development moratoria create counter-productive public policy where non-legislative approaches better address the concerns of communities. Specific to this bill, a moratorium on two family infill and redevelopment conditional uses is counter-productive because it decreases housing affordability, takes property rights from current landowners, and there is no planning emergency sufficient to warrant a moratorium.

The MBIA has conducted a search of the Decisions and Orders of the Hearing Examiner and Board of Appeals over the last two years and uncovered only one (1) case of a two family dwelling conditional use. On this evidence, there is not a sufficient need to impose a moratorium on two family dwelling conditional uses.

Further, there is an existing standard outlined in Zoning Code Section 131(N)(54) stating a conditional use may only be granted if the new structure or additions “will be designed to be compatible in scale and character with the surrounding residential neighborhood.” The code goes on to say that compatibility includes “architectural style, materials and details” and that is must be demonstrated through “architectural elevations or renderings.” As such, it appears the objections stated in this Bill’s preamble may be addressed through enforcement and possible changes to the existing code instead of a moratorium.

Rather than impose a development moratorium, the MBIA proposes to work with the bill sponsor, the Department of Planning and Zoning and the County Council to craft a finely-tuned solution to the concerns of community members that respects the character of established communities while retaining property rights and housing affordability.

The MBIA urges the County Council to vote against this bill and to work with the MBIA and established communities to accommodate two family conditional uses without a development moratorium. Thank you for your continued support of the home building industry.

If you have any questions about these comments and would like to discuss our position further, please do not hesitate to contact me at (443) 433-6287 or [Jamie@i-s-land.com](mailto:Jamie@i-s-land.com) or Josh Greenfeld at (443)515-0025.

Best regards,

James Fraser, Chair, MBIA of Howard County

Cc: County Executive Allan Kittleman  
Councilmember Greg Fox  
Councilmember Mary Kay Sigaty  
Councilmember Jen Terrassa  
Councilmember Jon Weinstein  
Jessica Feldmark  
Val Lazdins  
Diane Wilson  
Jahantab Siddiqui