

Introduced \_\_\_\_\_  
Public hearing \_\_\_\_\_  
Council action \_\_\_\_\_  
Executive action \_\_\_\_\_  
Effective date \_\_\_\_\_

## 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 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.

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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.

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),

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

- 4 (iv) STORMWATER MANAGEMENT: STORMWATER PRACTICES SHALL BE BASED ON THE  
5 MOST CURRENT GUIDELINES ACCEPTED BY THE MARYLAND DEPARTMENT OF THE  
6 ENVIRONMENT (MDE). NONSTRUCTURAL PRACTICES SHALL BE IMPLEMENTED TO  
7 THE MAXIMUM EXTENT PRACTICABLE. STORMWATER COMPLIANCE FOR  
8 ENVIRONMENT SITE DESIGN SHALL ONLY BE RECEIVED FOR THE DESIGN AND  
9 CONSTRUCTION OF MICRO-SCALE PRACTICES, ALTERNATIVE SURFACES, OR OTHER  
10 PRACTICES ACCEPTED BY MDE THAT RETAIN OR INFILTRATE RUNOFF BASED ON A  
11 QUANTITATIVE MEASUREMENT.  
12  
13  
14

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