

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 Feldmark
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 Feldmark
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 Feldmark
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 Feldmark
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 **~~DEVELOPMENTS~~ 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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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

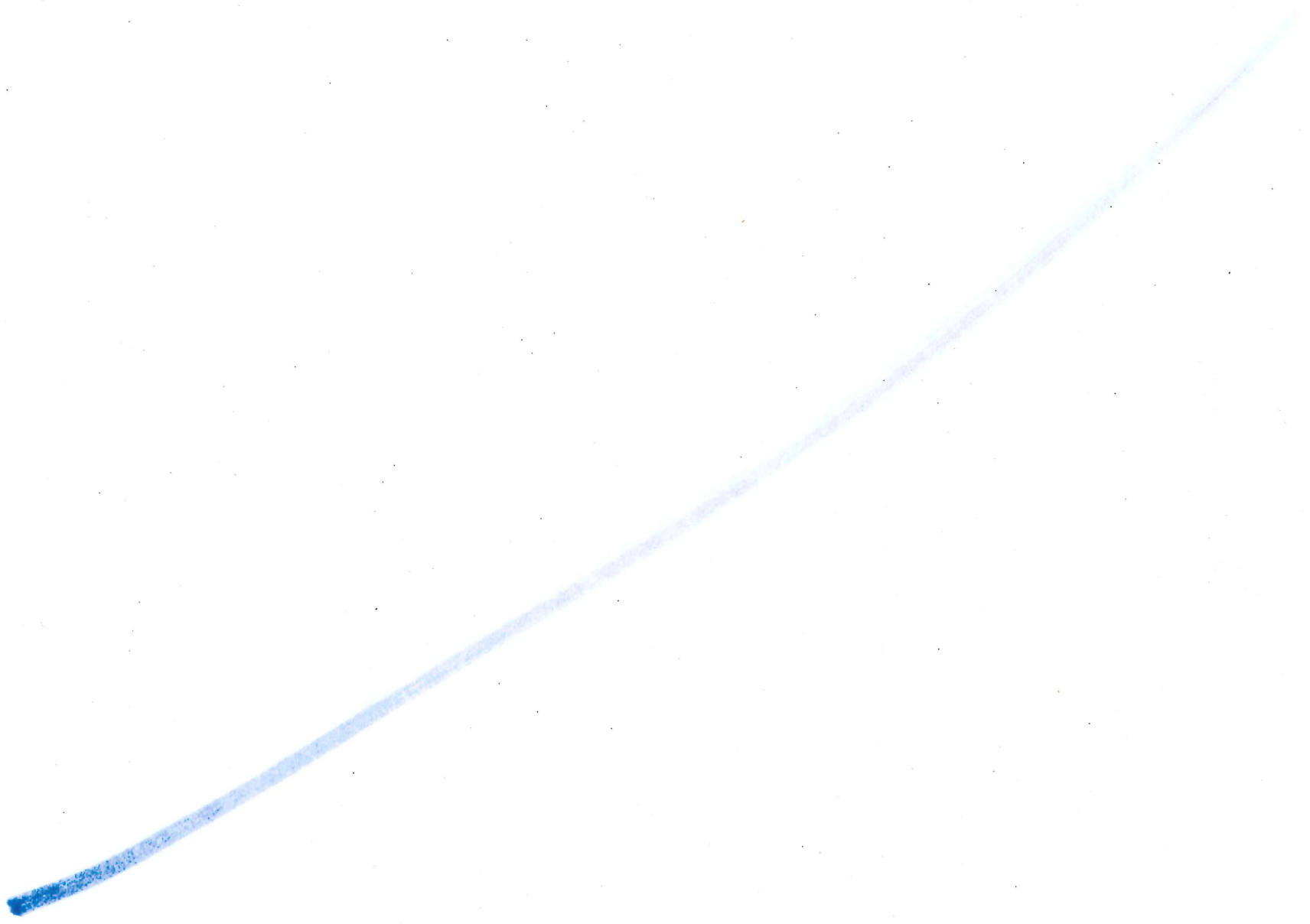
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On page 2, in line 3, before the period, insert “BY USING THE NEIGHBORHOOD PRESERVATION DENSITY EXCHANGE OPTION PROGRAM”.



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

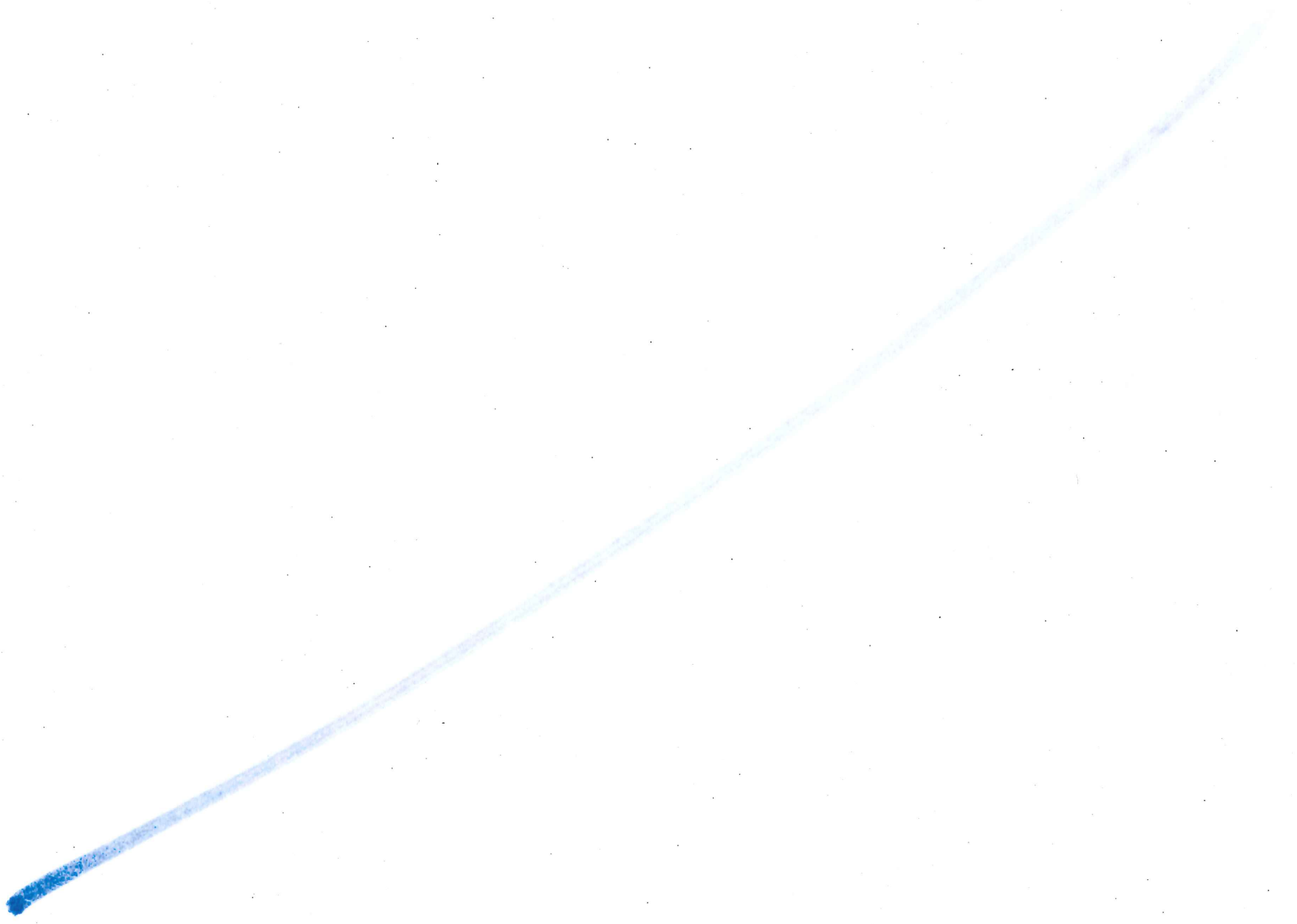
Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2016 at _____ a.m./p.m.

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.



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:

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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:**

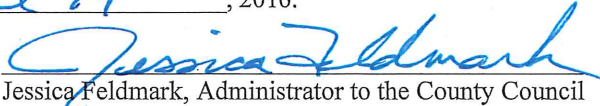
33 **(1) Accommodate growth within THE CONTEXT OF EXISTING COMMUNITIES AND FOCUS**
34 **DEVELOPMENT IN areas that already have infrastructure and public facilities [[in the context of**
35 **existing communities]];**

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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

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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Amendment 2 to Amendment #1
Council Bill No. 15-2016

BY: Jennifer Terrasa

Legislative Day No:

Date: April 4, 2016

Amendment No. 2 to Amendment #1

(This amendment would extend the infill compatibility standards in the bill to the R-SC and R-ED zoning districts).

1 On page 1, in line 10 strike "and". Also, in line 11, after "*communities*" insert ", and
2 extends the compatibility standards to the R-SC and R-ED zoning districts." Lastly, in line 22,
3 insert the following:

4 "On page 3, in line 11, strike "R-20 AND R-ED" and substitute "R-20, R-12, R-SC, AND
5 R-ED".

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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, 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”.

Sayers, Margery

From: Sigaty, Mary Kay
Sent: Monday, April 18, 2016 10:19 AM
To: Sayers, Margery
Cc: CouncilRecords
Subject: FW: Support for Council Bill 15-2016

FILE COPY

-----Original Message-----

From: Julia Hawrylo [<mailto:oychoolie@yahoo.com>]
Sent: Tuesday, March 15, 2016 2:20 PM
To: Weinstein, Jon; Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg
Cc: Smith, Gary; Prui, Kimberly; McLeod, Kate; Clay, Mary; knight@howardcountymd.gov
Subject: Support for Council Bill 15-2016

Dear council members,
I wanted to let you know that I am in full support of Council Bill 15-2016, and I hope that you will enact it. Upon reading the bill, it seems to be a logical step in dealing with the necessary growth that impacts this beautiful county. Obviously growth has to occur, but currently it's too easy to look around and see unthoughtful development, particularly where infill is concerned. It detracts from everything that we in Howard County have to be proud of.
On another note, I do want to let you all know that I really appreciate the very hard work you all do. I've attended a few council meetings and am impressed with your devotion to your job.
Thank you,
Julia Hawrylo
3615 Fels Lane
Ellicott City, MD 21043

Sent from my iPad

Hi Diane,

These are comments on Jon Weinstein's INFILL Bill Council Bill 15-2006 for you, and Allan.

The bill addresses some of our needs in the older neighborhoods but there are some things that need to be changed, also. It is a small step in the right direction. We still need more protections for the "already built environment" where, for most tax payers, this is the biggest investment (as well as commitment), in their lives: their homes and neighborhoods. I believe that Angie Boyter has discussed this way more eloquently than I can, and I have included her letter below. These are the trouble spots that I see.

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

The first sentence of this encourages infill. The bill was more demure as originally written. I don't want to focus development in already built environments. I want to protect any already built environments. The words FOCUS DEVELOPMENT IN should be removed.

(3) Encourage investment in older established communities.

Why not put encourage developers to use the "density trade" instead of building in backyards that were left there for drainage purposes (which is why many of the bigger lots were left open. The original developers would have built on these lots if they would have perced). This was brought up at the APFO committee meetings and the developers seemed to agree that this density trade is better than the infill.

(c) Design of Infill Development:

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

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

OLD WORDING: The developer of a residential infill project shall create compatibility with the existing neighborhood by designing the project to either:

(i) Be the same as the surrounding residential neighborhood in terms of unit type (SFD, SFA, APTS); or

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

NEW WORDING: The DESIGN of a residential infill DEVELOPMENT shall BE COMPATIBLE with AN existing ADJACENT RESIDENTIAL neighborhood AS DETERMINED by DPZ BY:

(i) CONSISTING OF THE same UNIT TYPES (E.G., DETACHED SINGLE FAMILY HOMES, ATTACHED SINGLE FAMILY HOMES, APARTMENTS) as the surrounding residential neighborhood; or

(ii) ENHANCING perimeter landscaping adjacent to existing homes. USING EITHER Type B landscaping within a 20 foot setback or Type C landscaping within a ten-foot setback.

I don't see much difference in the wording, but (ii) should be removed totally. It should ask for compatible units only, and extra consideration to drainage patterns as the new homes are changing an "already built environment's" current drainage. Water drainage plans, for the new impervious surfaces, should be added to this bill for every infill project.

The Dunloggin community approached Jon Weinstien to address a certain situation whereas the owner of one of the houses in our neighborhood is trying to use a conditional use to change his property, in a single family R-20 zoned neighborhood, to a multi-family dwelling. We asked for legislation to stop this type of incursion into our single family zoned neighborhood. This sentence does nothing to stop this unwanted, and unwarranted incursion. The way either one of these is written allows for new development (ii) to achieve compatibility by screening landscaping.

This encourages screening as a solution. My neighbors "screening" has now backed up even more water in to my yard because they put plantings right in the areas that used to drain water away from the yards, and now the water has nowhere to go. Water is the biggest infill problem. This sentence sounds like it makes sense BUT IT DOES NOT, ESPECIALLY IF YOU ARE SURROUNDED ON ALL SIDES BY NEW HOMES. IT ENCOURAGES DEVELOPERS TO USE PLANTINGS INSTEAD OF PROPER DRAINAGE, and plantings instead of compatible housing in an "already built environment". This is a bad deal for the existing homeowners. I don't see how this helps our existing neighborhoods. It asks for compatible units or plant screenings. It should ask for compatible units only.

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

Why are we adding IF PRACTICAL? This just allows the developer another loop hole to get around the existing laws. What is the purpose of this inclusion? It is better the original way that it was written.

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

This "interconnecting on-site streets" language concerns me. The streets in older neighborhoods were already designed to service the neighborhood. Adding new connecting streets have been very contentious in some projects, and this wording added to the legislation gives more credence to the new developer, than to the "already built environment's" concerns.

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

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

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

Walls in infill development (WHAT???) That is not consistent with the older neighborhoods. And sometimes, backyard fences end up being in other homes front yards, due to housing positioning. Where is this consistent?

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

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

This is an excellent addition. Site distance determinations were made when originally designing the older neighborhoods. The influx of additional driveways has made ingress and egress more difficult in our neighborhood and the extra driveways add considerably to the water problems. These water problems are already being exacerbated by the new housing's impervious surfaces, and lack of new drainage considerations, as cited above.

(iii) DRAINAGE: THE ENVIRONMENTAL CONCEPT PLAN SHALL ADDRESS POTENTIAL ADVERSE DRAINAGE IMPACTS ON ADJACENT PROPERTIES. IMPACTS SHALL BE EVALUATED BASED ON REQUIREMENTS IN DESIGN MANUAL VOLUME I, CHAPTER 4, DRAINAGE SWALES AND SURFACE DRAINAGE EASEMENTS. AFTER EXHAUSTING ALL ALTERNATIVES TO ADDRESS THE IMPACT WITH THE AFFECTED NEIGHBOR(S), IMPACTS MAY BE MITIGATED BY QUANTITATIVE MANAGEMENT BASED ON THE APPROPRIATE DESIGN YEAR STORM FOR THE GEOGRAPHICAL AREA AND PROPOSED CONVEYANCE SYSTEM; AND

Again, most infill lots were left large to accommodate drainage patterns, **and underground springs**. So far, the current regulations are not enough. To date, most infill projects have caused downhill water issues **for existing**, tax paying, homeowners. When the county has previously required drain fields for existing homes, these should never be allowed to be destroyed for new infill. There should, also, NEVER be "fees in lieu of" allowed for any drainage considerations.

(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.

All in all, the older neighborhoods were not designed to accommodate all of this extra infill. They were designed with the drainage in mind for the number of houses built, and specific lots were left large for this reason. The original 8 houses that are my direct neighbors, have now blossomed into 18 homes (already built or already planned)(built in the past, one at a time to avoid APFO). This is more than double the density that was planned for this beautiful neighborhood. My old neighbor visited last week and she did not even recognize the area, as the big trees had all been removed, the rolling landscape had all been reshaped into flat yards (causing downstream water issues), and she got stuck in the mud, the mud that used to be my yard. We do not have adequate facilities for all of this density and this bill is not enough to maintain these grand old neighborhoods that are the backbone of Howard County life. This bill needs to be stronger. Because of the change in districts, some of the council members that were not at all concerned with infill, are now finding themselves having to deal with some of these issues. Hopefully, this will help get their attention, as the quality of life in these older neighborhoods is declining, not growing.

Thank you,

Diane Butler

Testimony in support of CB 15-2016

Peter Green [pgreen547@gmail.com]

Sent: Monday, March 21, 2016 10:12 PM

To: CouncilMail

Cc: Meyers, Jeff; Jean Sedlacko [jsedlacko@verizon.net]

Chairman Ball and members of the council:

My name is Peter Green. My wife Ann and I have lived at 9117 Northfield Road Ellicott City 21042 for almost 40 years.

I support CB 15-2016. If it passed as written, that would be fine. You could improve it by adding the following new section on rear yard setback after Front Yard Setback (p.3) -

REAR YARD SETBACKS: THE REQUIRED FRONT YARD SETBACK SHALL BE ESTABLISHED AS THE AVERAGE OF THE EXISTING FRONT YARD SETBACKS OF THE BLOCK FACE AREA OR THE AREA WITHIN 500 FEET IN EITHER DIRECTION OF THE SUBJECT PROPERTY, WHICHEVER IS LESS. THE BLOCK FACE AREA CONSISTS OF THE AREA BETWEEN THE SUBJECT PROPERTY AND THE INTERSECTION OF ANY TWO STREETS MEASURED ALONG THE SIDE OF THE STREET THAT THE SUBJECT PROPERTY IS LOCATED. WHERE THERE IS A VACANT LOT IN THE BLOCK FACE AREA, THE REQUIRED REAR YARD SETBACK FOR THE ZONING DISTRICT SHALL BE USED FOR THAT LOT IN CALCULATING THE AVERAGE REAR YARD SETBACK. IF THE SETBACK ESTABLISHED IN THIS SECTION CONFLICTS WITH THE SETBACK ESTABLISHED IN THE ZONING REGULATIONS, THEN THE MORE RESTRICTIVE SETBACK SHALL APPLY;

The rationale for this proposed addition is that behind my house is a wedge-shaped 1.03 acre lot at 4218 Club Court. There is just about enough street frontage on Club Court for a driveway. For the first 38 years we lived in our house, this was a vacant lot. Then a developer bought it and put a house at one end of it, submitting a subdivision plan to create another lot (and build another house) by dividing the lot. The back of the new house, at its closest point, is 58.5 feet from the property line between 4218 and 9117. My house is 90 feet from that same line. Similarly for my neighbors' houses (90 feet).

The subdivision plan has been caught by APFO (Dunloggin MS is more than 15% over capacity for the next several years), but this only delays subdivision and construction by 4 years under APFO.

The front yard setback provision of CB 15, along with the rear yard setback addendum I have proposed, might have made the lot unbuildable, as many of us had thought for about 40 years that it was because of the shape and the steep slope. Back in the late '70s, I proposed to my then-neighbor, Charles Irwin - a former member of the Howard County Planning Board - that we go together, buy that lot, divide it in some way and basically make it disappear. He declined to do so, saying that it was not a buildable lot. He's not around to see the two-story house that I see out my back windows every day in the erstwhile vacant lot.

Nowhere is it written that every lot ever created in Howard County must be buildable.

Thanks for your consideration.

Angie Boyter
3914 MacAlpine Road
Ellicott City MD 21042
boyter@boyter.net

410 465-1444

March 21, 2016

Howard County Council

George Howard Building

Ellicott City MD 21042

SUBJECT: CB 15-2016

Dear Calvin, Jon, Jen, Greg, and Mary Kay,

I will not be able to come testify at your public hearing tonight, but I wanted to go on record in support of Council Bill 15-2016 and to thank Councilmember Weinstein for his continuing interest in the established communities and older neighborhoods of Howard County.

Although I support the bill, I consider it a “tweak” in the direction of protecting the neighborhoods. We need much more attention to the protection of neighborhoods where people already live as opposed to those where people have not yet made a commitment. One of the stated purposes of Section 16.127, Residential Infill Development, is to “Encourage investment in older established communities.” The best investment is that made by existing homeowners, who maintain and improve their properties, as my neighbors and I have in Dunloggin since the community was established in the mid-1950s. In order for homeowners to want to make such investments and to feel they will recoup those investments when they sell their homes, they need to feel some confidence that their neighborhood will not decline.

It is the responsibility of our county to implement land use policies that keep established neighborhoods from decline, and poorly done infill is a major threat. My community has already suffered irreparable deterioration as a result of infill that should not have been allowed. You can’t tear down those homes that are causing increased runoff, more traffic problems, and deterioration in the aesthetic appearance of our yards, but I am calling on you to act so that the community I have called home for almost 50 years does not deteriorate any further.

In the current bill, I especially appreciate the requirements that setbacks be more compatible with that of existing homes and, most important, that drainage and stormwater management be considered. Runoff has been a serious problem in my neighborhood since infill began accelerating, and I have significant

boggy areas in my yard after every heavy rain. This did not occur for the first 40 or so years I lived there.

The new section setting standards on driveways is an attempt to address some of the issues involving shared driveways, but shared driveways are simply a bad idea and should be discouraged. If lots cannot be configured so that each property has access to the street, that should be a sufficient basis for denying the subdivision of the property. Stacking homes behind each other in an R-12 or R-20 community is ugly and unnecessary. It creates an environment that is not as appealing to potential buyers and hurts property values for existing residents. Overall, it is not beneficial to the county.

Section 16.127 (c) (1) strengthens the buffering required if the unit type of the infill is not the same as the existing homes, but it does not go NEARLY far enough. ALL infill should be the same as existing unit types. It would be irresponsible of the county to allow different types of units to be put down in the middle of an existing community that has an established character.

There is one proposed change to Section 16.127 that I do not support, and that is to Section 16.127 (a) (1) that says the purpose of the section is to “focus development” in areas with public facilities. I can understand that you do not want to overdevelop areas without public services, but wording like this has been used to ENCOURAGE development of and disruption to existing neighborhoods. If it happens, it happens, but do not encourage it.

This bill is a start, but I urge you to do more to regulate infill. Properly implementing infill will likely result in less infill, which means less overall growth. If so, so be it. Howard County should be more interested in quality of life and not just quantity of residents.

Sincerely,

Angie Boyter

Diane Butler
2456 Saint John's Ln E.C.
politico.diane@msn.com

INFILL Bill

(1) Accommodate growth within THE CONTEXT OF EXISTING COMMUNITIES AND FOCUS 33

DEVELOPMENT IN areas that already have infrastructure and public facilities [[in the context of 34

existing communities]]; 35

The first sentence of this encourages infill. The bill was more demure as originally written. I don't want to focus development in already built environments. I want to protect any already built environments. The words FOCUS DEVELOPMENT IN should be removed.

(3) Encourage investment in older established communities. 3

Why not put encourage developers to use the "density trade" instead of building in backyards that were left there for drainage purposes (which is why any of the bigger lots were left open. The original developers would have built on these lots if they would have perked).

(c) Design of Infill Development: 9

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

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

The developer of a residential infill project shall create compatibility with the existing neighborhood by designing the project to either:

(i) Be the same as the surrounding residential neighborhood in terms of unit type (SFD, SFA, APTS); or 15

(ii) use screening

The DESIGN of a residential infill DEVELOPMENT shall BE COMPATIBLE with AN existing ADJACENT RESIDENTIAL 11 neighborhood AS DETERMINED by DPZ BY:

(i) CONSISTING OF THE same UNIT TYPES (E.G., DETACHED SINGLE FAMILY HOMES, 13 ATTACHED SINGLE FAMILY HOMES, APARTMENTS) as the surrounding residential neighborhood

The Dunloggin community approached Jon Weinstien to address a certain situation whereas the owner of one of the houses in our neighborhood is trying to use a conditional use to change his property, in a single family R-20 zoned neighborhood, to a multi family dwelling. We asked for legislation to stop this type of incursion into our single family zoned neighborhood. This sentence does nothing to stop this unwanted, and unwarranted incursion. The way either one of these is written allows for (ix) to achieve compatibility by screening landscaping.

new development

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

This encourages screening as a solution. My neighbors screening has now backed up even more water in to my yard because they put plantings right in the areas that used to drain water away from the yards, and now the water has no where to go. Water is the biggest infill problem. This sentence sounds like it makes sense BUT IT DOES NOT, ESPECIALLY IF YOU ARE SURROUNDED ON ALL SIDES BY NEW HOMES. IT ENCOURAGES DEVELOPERS TO USE PLANTINGS INSTEAD OF PROPER DRAINAGE, and plantings instead of compatible housing in an "already built environment". I don't see how this helps our existing neighborhoods. It asks for compatible units or plant screenings. It should ask for compatible units only, and extra consideration to drainage patterns as the new homes are changing an "already built environment's" current drainage. Water drainage plans, for the new impervious surfaces, should be added to this bill for every infill project.

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

Why are we adding IF PRACTICAL? This just allows the developer another loop hole to get around the existing laws. What is the purpose of this inclusion? It is better the original way that it was written.

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

This "interconnecting on-site streets" language concerns me. The streets in older neighborhoods were already designed to service the neighborhood. Adding new connecting streets have been very contentious in some projects, and this wording added to the legislation gives more credence to the new developer than to the "already built environment's" concerns.

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

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

(ii) INCREASING LANDSCAPING IN COMBINATION WITH BERMS, FENCES OR WALLS, TO 7

Walls in infill development (WHAT???)

Sometimes back yard fences end up being in other homes front yards due to housing position

SCREEN VIEWS OF REAR YARDS AND DECKS FROM PROPOSED AND EXISTING RESIDENCES AND FROM ROADS.

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


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

This is an excellent addition. Site distance determinations were made when originally designing the older neighborhoods. The influx of additional driveways has made ingress and egress more difficult in our neighborhood and the extra driveways add considerably to the water problems. These water problems are already being exacerbated by the new housing's impervious surfaces, and lack of new drainage considerations, as cited above.

(iii) DRAINAGE: THE ENVIRONMENTAL CONCEPT PLAN SHALL ADDRESS POTENTIAL ADVERSE DRAINAGE IMPACTS ON ADJACENT PROPERTIES. IMPACTS SHALL BE EVALUATED BASED ON REQUIREMENTS IN DESIGN MANUAL VOLUME I, CHAPTER 4, DRAINAGE SWALES AND SURFACE DRAINAGE EASEMENTS. AFTER EXHAUSTING ALL ALTERNATIVES TO ADDRESS THE IMPACT WITH THE AFFECTED NEIGHBOR(S), -4- IMPACTS MAY BE MITIGATED BY QUANTITATIVE MANAGEMENT BASED ON THE APPROPRIATE DESIGN YEAR STORM FOR THE GEOGRAPHICAL AREA AND PROPOSED CONVEYANCE SYSTEM; AND

Again, most infill lots were left large to accommodate drainage patterns, and **underground springs**. So far, the current regulations are not enough. To date, most infill projects have caused downhill water issues for existing homeowners. When the county has previously required drain fields for existing homes, these should never be allowed to be destroyed for new infill.

(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.



All in all, the older neighborhoods were not designed to allow all of this extra infill. They were designed with the drainage in mind for the number of houses built, and specific lots were left large for this reason. The original 8 houses that are my direct neighbors, have now blossomed into 18 homes (already built or already planned)(built in the past one at a time to avoid APFO). This is more than double the density that was planned for these beautiful neighborhoods. My old neighbor visited last week and she did not even recognize the area, as the big trees had all been removed, the rolling landscape had all been reshaped (causing downstream water issues) and she got stuck in the mud, the mud that used to be my yard. We do not have adequate facilities for all of this density and this bill is not enough to maintain these grand old neighborhoods that are the backbone of Howard County life. Because of the change in districts, some of you council members are now having to deal with your own infill issues. Hopefully, this will help us to get your attention.

TESTIMONY

ST. JOHN'S COMMUNITY ASSOCIATION

CB 15-2016

March 21, 2016

Good evening, Chairman Ball, County Councilmembers and staff. My name is Jean Sedlacko. My address is 9114 Northfield Road, Ellicott City. I am testifying on behalf of the St. John's Community Association which represents the Dunloggin community of Ellicott City. I am President of the Association and the Association's Board voted that I speak tonight in FAVOR of Council Bill 15-2016.

The Dunloggin community is a well-established community of over 1,000 homes. Our main north-south corridor is the southern end of St. John's Lane. We are bounded by Route 40 on the north, Route 29 on the east, Dorsey Search on the south and Gray Rock to the west. Many of the homes in the neighborhood were built in the early 1960s, with further development through the 80s and 90s. At that point, we thought our neighborhood was "done" – and to use the County's term, "Established". However, over the last several years, we have had nearly 200 homes built as infill.

The community has 3 main concerns: primarily the character of neighborhoods which also leads to privacy and water runoff issues.

- 1) The character of the neighborhood....We speak as a group that "has gone through it". The houses in our neighborhood are mostly 25-50 years old. There is a certain style to the whole neighborhood, whether it's house by house or the general look and feel. But we have been hit with houses that are hardly set back from the road, wedged into lots at all sorts of angles and dwarf and tower over the houses that provide the charm of our neighborhood. We're not against development, we're not against developers making money, but we are against development that doesn't fit – either literally or figuratively. We feel that CB 15-2016 is a good start to help preserve our and other established neighborhoods, especially the requirements for setback. We need reasonable rules and regulations that help preserve the investments homeowners have made in their communities.**
- 2) This leads to my other two points...**
 - a. First, privacy - we chose our neighborhood because of the character and the feel of living within a tight-knit community that isn't tight-built. Some of the houses are so tall and open, that that expected feel of privacy vanishes.**

Additional protections as proposed in the bill will help with some of that but we also encourage more proactive, in person investigations of the sites to determine what is actually reasonable. In addition, and I realize not part of this bill, but presubmission hearings need to be presented by people who are knowledgeable about the details of the proposed house (square footage, height, etc.), rather than their main contribution being setting up the easels or hanging up the drawings on the walls.

- b. Second, water run off. We support the bill in that it addresses water run off as well as storm management issues. If there is anything I hear the most about infill is that people who never had water in their basements or water-logged property now are suffering from those issues, due to increased infill on their streets or in the near vicinity. Although no “cause and effect” studies have been undertaken, there is a very strong correlation. If this bill passes, which we hope it does, we hope to work with Councilmember Jon Weinstein and others to perhaps design a better, more complete process for providing restitution to folks affected by water runoff..., which we as a community, believe is foreseen but not adequately addressed.**

For these reasons, SJCA supports CB15-2016 as a great start to narrowing the parameters of infill development, especially within Established Communities. As noted, we’ve been through it...and are looking forward to the day when there is simply no more land available. But in the meantime, we want to protect ourselves, as well as use our experience to advocate for the protection of other similarly situated communities.

On behalf of the entire Association, thank you for your attention. And we particularly thank Councilmember Jon Weinstein for his efforts in this important area.