

Introduced Nov. 4, 2019  
Public hearing Nov. 18, 2019  
Council action Dec. 2, 2019  
Executive action Dec. 11, 2019  
Effective date Feb 5, 2020

## County Council of Howard County, Maryland

2019 Legislative Session

Legislative day # 13

### Bill No. 63 - 2019

**Introduced by: Liz Walsh, Deb Jung, and Christiana Mercer Rigby**

**AN ACT** amending the Howard County Code by clarifying that new developments outside of the Planned Service Area must continue to maintain a certain buffer; altering the requirements for a certain buffer between a road and a new major subdivision that is located along a Scenic Road; altering a certain approval process for a major or minor subdivision that abuts or adjoins a scenic road; and generally relating to Scenic Roads.

Introduced and read first time November 4, 2019. Ordered posted and hearing scheduled.

By order Diane A. Jones  
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on November 18, 2019.

By order Diane A. Jones  
Diane Schwartz Jones, Administrator

This Bill was read the third time on December 2, 2019 and Passed   , Passed with amendments   , Failed   .

By order Diane A. Jones  
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4th day of December, 2019 at 3 a.m. (p.m.)

By order Diane A. Jones  
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive December 6, 2019

Calvin Ball  
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ 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 as follows:  
3

4 *By Amending:*

5  
6 Title 16. "Planning, Zoning and Subdivisions and Land Development Regulations"

7 Subtitle 1. "Subdivisions and Land Development Regulations"

8 Article II. "Design Standards and Requirements"

9 Section 16.125. "Protection of Scenic Roads."  
10

11 **HOWARD COUNTY CODE**

12  
13 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations**

14 **Subtitle 1. Subdivisions and Land Development Regulations**

15 **Article II. Design Standards and Requirements**  
16

17 **Section. 16.125. – Protection of Scenic Roads.**

18 (a) *Application of Regulations.* The Subdivision and Land Development Regulations, Zoning  
19 Regulations, Forest Conservation ordinance and Landscape Manual shall be applied to  
20 development along a scenic road in a manner which helps to preserve the scenic character of  
21 the landscape viewed from these roads and the features of the road right-of-way that contribute  
22 to the road's scenic character.

23 (b) *Guidelines for Development of Land Abutting a Scenic Road.* Because scenic landscapes  
24 vary greatly, design solutions for development will vary. The following guidelines provide  
25 direction for the development of land abutting a scenic road. They are to be applied as  
26 appropriate, given the constraints of the particular site and the relative priority of other County  
27 policies and requirements such as public safety, farmland preservation, forest conservation,  
28 protection of sensitive environmental features and the need to construct public facilities.

29 (1) *General.*

30 (i) Use the cluster subdivision provisions of the zoning regulations to site buildings and  
31 roads in locations that minimize the impact of the subdivision on views from the  
32 scenic road. Generally structures and uses should be located away from the right-of-  
33 way for scenic roads unless screened by topography or vegetation.

34 (ii) Minimize tree and vegetation removal. In addition to requirements for protection

1 of forests, steep slopes, streams and wetlands, emphasize the protection of vegetation  
2 adjacent to the scenic road, as well as mature trees and hedgerows visible from the  
3 road.

4 (iii) Minimize grading; retain existing slopes along the scenic road frontage.

5 (iv) Orient lots so that houses do not back up to a scenic road. If this cannot be avoided,  
6 houses should be sited as far as possible from the road and well screened.

7 (v) Locate and design utilities, stormwater management facilities, drainage structures,  
8 bridges, lighting, fences and walls to be unobtrusive and to harmonize with the  
9 surroundings to maintain existing view corridors. Subdivision entrance features  
10 should be low, open, and in keeping with the scenic character of the area in  
11 accordance with section 128 of the zoning regulations.

12 (vi) Locate parking lots, loading areas and storage areas so that these uses are screened  
13 from the scenic road.

14 (vii) Use vegetation commonly found on the site or in the area for landscaping.

15 (viii) For density receiving subdivisions in the RC and RR zoning districts, achieving  
16 the maximum possible density is not sufficient justification to allow impacts on  
17 scenic roads.

18 (2) ~~For forested or wooded areas. Any new developments OUTSIDE OF THE PLANNED SERVICE  
19 AREA located along scenic roads must maintain at least a 35-foot buffer of existing forest  
20 or wooded area between the road and the new development. The buffer shall be wide  
21 enough to maintain the road's visual character with a minimum width of at least 35 feet  
22 from the road right-of-way.~~

23 ~~**BUFFERS.** FOR NEW MAJOR SUBDIVISIONS, A MINIMUM 100-FOOT CONTINUOUS VEGETATED  
24 BUFFER, AS MEASURED FROM THE RIGHT-OF-WAY, SHALL BE MAINTAINED BETWEEN THE  
25 ROAD AND SUBDIVISION TO PRESERVE, MAINTAIN, OR ENHANCE THE VISUAL CHARACTER  
26 OF THE ROAD. THE BUFFER SHALL CLOSELY REFLECT THE NATURAL CHARACTER OF THE  
27 UNDEVELOPED LAND. ANY INVASIVE SPECIES SHALL BE REMOVED FROM THE BUFFER, AND  
28 THE BUFFER SHALL BE REPLANTED AND ENHANCED WITH NATIVE SPECIES OF THE SAME  
29 COMMUNITY TYPES, WHETHER FOREST, WETLANDS, FIELD, PASTURE, MEADOW,  
30 HEDGEROW, OR OTHERWISE.~~

1 (3) *Areas with open views.*

- 2 (i) Cluster development to retain as much as possible of the open character of the site  
3 and to minimize interference with panoramic views from the road.
- 4 (ii) Where possible, site new buildings behind natural screening or cluster development  
5 in or along the edges of forests, at the edges of fields and hedgerows, or near existing  
6 buildings.
- 7 (iii) Preserve the foreground meadow, pasture or cropland and place development in  
8 the background as viewed from the road.
- 9 (iv) Avoid placing structures on the tops of prominent ridges.
- 10 (v) If new construction cannot be made unobtrusive through siting or the use of natural  
11 screening, use landscaping, including berms, to buffer development from the scenic  
12 road.

13 (C) *APPROVALS.*

14 (1) FOR ANY MAJOR OR MINOR SUBDIVISION THAT ABUTS OR ADJOINS A SCENIC ROAD, AN  
15 INITIAL PLAN SUBMITTAL MUST BE APPROVED BY THE PLANNING BOARD PRIOR TO  
16 FINAL APPROVAL BY THE DEPARTMENT OF PLANNING AND ZONING. THIS PROVISION  
17 SHALL NOT APPLY TO ANY DEVELOPMENT THAT IS OUTSIDE THE PLANNED SERVICE  
18 AREA OR THAT IS SUBJECT TO THE CLARKSVILLE PIKE STREETScape PLAN AND DESIGN  
19 GUIDELINES, THE DOWNTOWN-WIDE DESIGN GUIDELINES, OR THE DOWNTOWN  
20 NEIGHBORHOOD DESIGN GUIDELINES FOR DOWNTOWN COLUMBIA REVITALIZATION.

21 (2) FOR NEW MAJOR SUBDIVISIONS INSIDE THE PLANNED SERVICE AREA, A MINIMUM  
22 100-FOOT CONTINUOUS VEGETATED BUFFER, AS MEASURED FROM THE RIGHT-OF-  
23 WAY, SHALL BE MAINTAINED BETWEEN THE ROAD AND SUBDIVISION TO PRESERVE  
24 OR ENHANCE THE VISUAL CHARACTER OF THE ROAD.

25 ~~(2)~~ (3) THE PLANNING BOARD SHALL EVALUATE THE PROPOSED INITIAL PLAN SUBMITTAL  
26 AT A PUBLIC MEETING AND CONSIDER A VISUAL ASSESSMENT OF THE AFFECTED SCENIC  
27 ROAD.

28 ~~(3)~~ (4) THE INITIAL PLAN SUBMITTAL SHALL INCLUDE ALL INFORMATION REQUIRED BY THE  
29 SUBDIVISION AND LAND DEVELOPMENT REGULATIONS OF THE HOWARD COUNTY  
30 CODE, AND THE FOLLOWING:

- 1 (i) SITE ACCESS AND METHODS TO MINIMIZE BUFFER DISTURBANCE; HOWEVER, A  
2 MULTI-USE PATHWAY NOT EXCEEDING 40 15 FEET IN WIDTH OF DISTURBANCE  
3 MAY BE LOCATED WITHIN A VEGETATED BUFFER.;
- 4 (ii) A CONCEPT LANDSCAPE AND GRADING PLAN FOR THE BUFFER; WHICH MAY INCLUDE  
5 A MULTI-USE PATHWAY NOT EXCEEDING 40 15 FEET IN WIDTH OF DISTURBANCE  
6 THAT MAY BE LOCATED WITHIN A VEGETATED BUFFER.; AND
- 7 (iii) A VISUAL ASSESSMENT, INCLUDING POTENTIAL VIEWPOINTS OF THE DEVELOPMENT  
8 TAKEN FROM THE SCENIC ROAD, INCLUDING:
- 9 A. PLANS AND AERIAL PHOTOGRAPHS SHOWING THE SUBJECT PROPERTY, ITS  
10 CONTEXT, AND SURROUNDING LAND USES AND DEVELOPMENT CHARACTER,  
11 INCLUDING THE SETBACKS AND LOT LAYOUTS OF THE SURROUNDING AREA;
- 12 B. PERSPECTIVE DRAWINGS, PHOTOGRAPHIC SIMULATIONS, CROSS SECTIONS  
13 AND/OR ELEVATIONS SHOWING EXISTING CONDITIONS AND PROPOSED  
14 CHANGES ASSOCIATED WITH THE PROPOSED DEVELOPMENT;
- 15 C. A SURVEY OF EXISTING VEGETATION SHOWING TREES 12 INCHES OR  
16 GREATER IN CALIPER AND NON-NATIVE, INVASIVE SPECIES;
- 17 D. A DESCRIPTION SUMMARIZING THE CHARACTER AND QUALITY OF THE  
18 SCENIC ROAD, AS VIEWED FROM THE ROAD, USING THE SCENIC ROADS  
19 INVENTORY AS A GUIDE; AND
- 20 E. A DETAILED ASSESSMENT OF ANY PROPOSED VISUAL IMPACTS TO SCENIC OR  
21 HISTORIC FEATURES AND PROPOSED MITIGATION MEASURES, INCLUDING AN  
22 ASSESSMENT OF WHETHER THE PROPOSED CHANGES COMPLY WITH THE  
23 GUIDELINES FOR DEVELOPMENT OF LAND ABUTTING A SCENIC ROAD IN  
24 SUBSECTION (B) OF THIS SECTION.

25 (4) (5) THE PLANNING BOARD SHALL USE THE CRITERIA SPECIFIED IN THIS PARAGRAPH TO  
26 EVALUATE THE INITIAL PLAN SUBMITTAL.

- 27 (i) ACCESS. THE PLANNING BOARD SHALL CONSIDER WHETHER THE PROPERTY HAS  
28 FRONTAGE ON A NON-SCENIC ROAD, THE IMPACTS TO ENVIRONMENTAL FEATURES, AND  
29 TRAFFIC SAFETY.
- 30 A. WHEREVER PRACTICABLE, ACCESS SHALL BE LOCATED ALONG A NON-SCENIC ROAD.
- 31 B. ONLY TO THE EXTENT VEHICULAR ACCESS CANNOT BE PRACTICABLY LOCATED  
32 ALONG A NON-SCENIC ROAD, ACCESS ALONG A SCENIC ROAD SHALL BE PERMITTED

1 AT AN EXISTING DRIVEWAY LOCATION.

2 C. ONLY TO THE EXTENT VEHICULAR ACCESS CANNOT BE PRACTICABLY LOCATED  
3 ALONG A NON-SCENIC ROAD OR AT AN EXISTING DRIVEWAY, ADDITIONAL ACCESS  
4 ALONG A SCENIC ROAD MAY BE PERMITTED.

5 D. TO THE EXTENT THAT ANY ACCESS IS PERMITTED ALONG A SCENIC ROAD, SUCH  
6 ACCESS SHALL ~~UTILIZE AND~~ PRESERVE THE ~~LOCATION~~, ALIGNMENT, TOPOGRAPHY  
7 AND SURROUNDINGS SO AS TO MINIMIZE INTERFERENCE WITH ~~PANORAMIC~~ VIEWS  
8 FROM THE ROAD ~~FOR AT LEAST THE WIDTH OF THE REQUIRED BUFFER~~ WHILE  
9 ENSURING PUBLIC SAFETY.

10 (ii) BUFFERS. THE PLANNING BOARD SHALL DETERMINE WHETHER THE BUFFER  
11 PRESERVES, ~~MAINTAINS~~, OR ENHANCES THE VISUAL CHARACTER OF THE ROAD AND  
12 SURROUNDING AREA, AND WHETHER ACCESS MINIMIZES IMPACTS TO THE BUFFER.  
13 AFTER CONSIDERING THE SITE ACCESS, THE BUFFER CONCEPT PLAN, AND THE VISUAL  
14 ASSESSMENT AND POTENTIAL IMPACTS TO THE BUFFER, THE PLANNING BOARD MAY  
15 REDUCE AN EXISTING NON-WOODED BUFFER TO NO-LESS THAN 75 FEET IF A BUFFER  
16 LESS THAN 100 FEET WIDE COULD PROVIDE NATURAL SCREENING OR IF REPLANTED AS  
17 FOREST OR WOODED AREA.

18 ~~(5)~~ (6) ROAD IMPROVEMENTS. ROAD IMPROVEMENTS REQUIRED PURSUANT TO DESIGN  
19 MANUAL VOLUME III (ROADS AND BRIDGES) SHALL SERVE TO PRESERVE, MAINTAIN,  
20 AND ENHANCE THE EXISTING CHARACTER OF A SCENIC ROAD AS PRACTICABLE AND  
21 MINIMIZE VISUAL IMPACTS BY LIMITING IMPROVEMENTS TO THOSE NECESSARY FOR  
22 PUBLIC SAFETY. IF THE DIRECTOR OF PLANNING AND ZONING, AFTER CONSULTATION  
23 WITH THE DIRECTOR OF PUBLIC WORKS, DETERMINES THAT THE TIMING OF A CAPITAL  
24 PROJECT(S) OR THE NEED TO ENSURE CONTINUITY IN THE TRANSPORTATION NETWORK  
25 MAKES IT MORE EFFICIENT TO DELAY CONSTRUCTION OF ALL OR PART OF THE PRESCRIBED  
26 ROAD IMPROVEMENTS UNDER VOLUME III (ROADS AND BRIDGES) OF THE DESIGN  
27 MANUAL, THE DIRECTOR OF PLANNING AND ZONING SHALL REQUIRE THAT THE  
28 DEVELOPER:

29 (i) DELAY THE ROAD CONSTRUCTION OF ALL OR PART OF THE IMPROVEMENTS TO  
30 A DATE CERTAIN NOT TO EXCEED 12 MONTHS AND SIGN A MAJOR FACILITIES  
31 AGREEMENT GUARANTEEING THE CONSTRUCTION OF THE DELAYED ROAD  
32 IMPROVEMENTS; OR

1 (II) SIGN A MAJOR FACILITIES AGREEMENT TO PAY THE COUNTY THE CURRENT  
2 ESTIMATED COST OF THE ROAD IMPROVEMENTS, WHICH MONEY SHALL BE  
3 USED BY THE COUNTY TO FUND ALL OR PART OF A CAPITAL PROJECT TO  
4 IMPROVE THE SCENIC ROAD.

5 ~~[(4)]~~ (D) *Administrative waivers.*

6 ~~[(i)]~~ (1) A developer seeking an administrative waiver from the scenic road  
7 requirements shall give written notice within one week of the filing date of the waiver  
8 petition, via first-class mail to:

9 ~~[(a.)]~~ (I) All adjoining property owners identified in the records of the State  
10 Department of Assessments and Taxation; and

11 ~~[(b.)]~~ (II) All attendees of record of the presubmission community meeting; and

12 ~~[(c.)]~~ (III) All interested parties on file with the Department of Planning and  
13 Zoning.

14 ~~[(ii)]~~ (2) The Department shall not approve any petition for a scenic road requirement waiver  
15 within 30 days of meeting the written notice requirement to allow for public comment.

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

Introduced Nov. 4, 2019  
Public hearing Nov. 18, 2019  
Council action Dec. 2, 2019  
Executive action \_\_\_\_\_  
Effective date \_\_\_\_\_

## County Council of Howard County, Maryland

2019 Legislative Session

Legislative day # 13

**Bill No. 63 - 2019**

**Introduced by: Liz Walsh, Deb Jung, and Christiana Mercer Rigby**

**AN ACT** amending the Howard County Code by altering the requirements for a certain buffer between a road and a new major subdivision that is located along a Scenic Road; altering a certain approval process for a major subdivision that abuts or adjoins a scenic road; and generally relating to Scenic Roads.

Introduced and read first time November 4, 2019. Ordered posted and hearing scheduled.

By order *Diane A. Jones*  
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on November 18, 2019.

By order *Diane A. Jones*  
Diane Schwartz Jones, Administrator

This Bill was read the third time on December 2, 2019 and Passed , Passed with amendments , Failed .

By order *Diane A. Jones*  
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_ day of \_\_\_\_\_, 2019 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2019

\_\_\_\_\_  
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ 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 as follows:

3  
4 *By Amending:*

5  
6 *Title 16. "Planning, Zoning and Subdivisions and Land Development Regulations"*

7 *Subtitle 1. "Subdivisions and Land Development Regulations"*

8 *Article II. "Design Standards and Requirements"*

9 *Section 16.125. "Protection of Scenic Roads."*

10  
11 **HOWARD COUNTY CODE**

12  
13 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations**

14 **Subtitle 1. Subdivisions and Land Development Regulations**

15 **Article II. Design Standards and Requirements**

16  
17 **Section. 16.125. – Protection of Scenic Roads.**

18 (a) *Application of Regulations.* The Subdivision and Land Development Regulations, Zoning  
19 Regulations, Forest Conservation ordinance and Landscape Manual shall be applied to  
20 development along a scenic road in a manner which helps to preserve the scenic character of  
21 the landscape viewed from these roads and the features of the road right-of-way that contribute  
22 to the road's scenic character.

23 (b) *Guidelines for Development of Land Abutting a Scenic Road.* Because scenic landscapes  
24 vary greatly, design solutions for development will vary. The following guidelines provide  
25 direction for the development of land abutting a scenic road. They are to be applied as  
26 appropriate, given the constraints of the particular site and the relative priority of other County  
27 policies and requirements such as public safety, farmland preservation, forest conservation,  
28 protection of sensitive environmental features and the need to construct public facilities.

29 (1) *General.*

30 (i) Use the cluster subdivision provisions of the zoning regulations to site buildings and  
31 roads in locations that minimize the impact of the subdivision on views from the  
32 scenic road. Generally structures and uses should be located away from the right-of-  
33 way for scenic roads unless screened by topography or vegetation.

34 (ii) Minimize tree and vegetation removal. In addition to requirements for protection

1 of forests, steep slopes, streams and wetlands, emphasize the protection of vegetation  
2 adjacent to the scenic road, as well as mature trees and hedgerows visible from the  
3 road.

- 4 (iii) Minimize grading; retain existing slopes along the scenic road frontage.
- 5 (iv) Orient lots so that houses do not back up to a scenic road. If this cannot be avoided,  
6 houses should be sited as far as possible from the road and well screened.
- 7 (v) Locate and design utilities, stormwater management facilities, drainage structures,  
8 bridges, lighting, fences and walls to be unobtrusive and to harmonize with the  
9 surroundings to maintain existing view corridors. Subdivision entrance features  
10 should be low, open, and in keeping with the scenic character of the area in  
11 accordance with section 128 of the zoning regulations.
- 12 (vi) Locate parking lots, loading areas and storage areas so that these uses are screened  
13 from the scenic road.
- 14 (vii) Use vegetation commonly found on the site or in the area for landscaping.
- 15 (viii) For density receiving subdivisions in the RC and RR zoning districts, achieving  
16 the maximum possible density is not sufficient justification to allow impacts on  
17 scenic roads.

18 (2) *[[Forested or wooded areas. Any new developments located along scenic roads must*  
19 *maintain at least a 35-foot buffer of existing forest or wooded area between the road and*  
20 *the new development. The buffer shall be wide enough to maintain the road's visual*  
21 *character with a minimum width of at least 35 feet from the road right-of-way.]]*

22 *BUFFERS. FOR NEW MAJOR SUBDIVISIONS, A MINIMUM 100-FOOT CONTINUOUS VEGETATED*  
23 *BUFFER, AS MEASURED FROM THE RIGHT-OF-WAY, SHALL BE MAINTAINED BETWEEN THE*  
24 *ROAD AND SUBDIVISION TO PRESERVE, MAINTAIN, OR ENHANCE THE VISUAL CHARACTER*  
25 *OF THE ROAD. THE BUFFER SHALL CLOSELY REFLECT THE NATURAL CHARACTER OF THE*  
26 *UNDEVELOPED LAND. ANY INVASIVE SPECIES SHALL BE REMOVED FROM THE BUFFER, AND*  
27 *THE BUFFER SHALL BE REPLANTED AND ENHANCED WITH NATIVE SPECIES OF THE SAME*  
28 *COMMUNITY TYPES, WHETHER FOREST, WETLANDS, FIELD, PASTURE, MEADOW,*  
29 *HEDGEROW, OR OTHERWISE.*

1 (3) *Areas with open views.*

- 2 (i) Cluster development to retain as much as possible of the open character of the site  
3 and to minimize interference with panoramic views from the road.
- 4 (ii) Where possible, site new buildings behind natural screening or cluster development  
5 in or along the edges of forests, at the edges of fields and hedgerows, or near existing  
6 buildings.
- 7 (iii) Preserve the foreground meadow, pasture or cropland and place development in  
8 the background as viewed from the road.
- 9 (iv) Avoid placing structures on the tops of prominent ridges.
- 10 (v) If new construction cannot be made unobtrusive through siting or the use of natural  
11 screening, use landscaping, including berms, to buffer development from the scenic  
12 road.

13 (C) *APPROVALS.*

- 14 (1) FOR ANY MAJOR SUBDIVISION THAT ABUTS OR ADJOINS A SCENIC ROAD, AN INITIAL  
15 PLAN SUBMITTAL MUST BE APPROVED BY THE PLANNING BOARD PRIOR TO FINAL  
16 APPROVAL BY THE DEPARTMENT OF PLANNING AND ZONING. THIS PROVISION SHALL  
17 NOT APPLY TO ANY DEVELOPMENT THAT IS OUTSIDE THE PLANNED SERVICE AREA OR  
18 THAT IS SUBJECT TO THE CLARKSVILLE PIKE STREETSCAPE PLAN AND DESIGN  
19 GUIDELINES, THE DOWNTOWN-WIDE DESIGN GUIDELINES, OR THE DOWNTOWN  
20 NEIGHBORHOOD DESIGN GUIDELINES FOR DOWNTOWN COLUMBIA REVITALIZATION.
- 21 (2) THE PLANNING BOARD SHALL EVALUATE THE PROPOSED INITIAL PLAN SUBMITTAL AT A  
22 PUBLIC MEETING AND CONSIDER A VISUAL ASSESSMENT OF THE AFFECTED SCENIC  
23 ROAD.
- 24 (3) THE INITIAL PLAN SUBMITTAL SHALL INCLUDE ALL INFORMATION REQUIRED BY THE  
25 SUBDIVISION AND LAND DEVELOPMENT REGULATIONS OF THE HOWARD COUNTY  
26 CODE, AND THE FOLLOWING:
- 27 (I) SITE ACCESS AND METHODS TO MINIMIZE BUFFER DISTURBANCE;  
28 (II) A CONCEPT LANDSCAPE AND GRADING PLAN FOR THE BUFFER; AND  
29 (III) A VISUAL ASSESSMENT, INCLUDING POTENTIAL VIEWPOINTS OF THE DEVELOPMENT  
30 TAKEN FROM THE SCENIC ROAD, INCLUDING:

- 1 A. PLANS AND AERIAL PHOTOGRAPHS SHOWING THE SUBJECT PROPERTY, ITS
- 2 CONTEXT, AND SURROUNDING LAND USES AND DEVELOPMENT CHARACTER,
- 3 INCLUDING THE SETBACKS AND LOT LAYOUTS OF THE SURROUNDING AREA;
- 4 B. PERSPECTIVE DRAWINGS, PHOTOGRAPHIC SIMULATIONS, CROSS SECTIONS
- 5 AND/OR ELEVATIONS SHOWING EXISTING CONDITIONS AND PROPOSED
- 6 CHANGES ASSOCIATED WITH THE PROPOSED DEVELOPMENT;
- 7 C. A SURVEY OF EXISTING VEGETATION SHOWING TREES 12 INCHES OR
- 8 GREATER IN CALIPER AND NON-NATIVE, INVASIVE SPECIES;
- 9 D. A DESCRIPTION SUMMARIZING THE CHARACTER AND QUALITY OF THE
- 10 SCENIC ROAD, AS VIEWED FROM THE ROAD, USING THE SCENIC ROADS
- 11 INVENTORY AS A GUIDE; AND
- 12 E. A DETAILED ASSESSMENT OF ANY PROPOSED VISUAL IMPACTS TO SCENIC OR
- 13 HISTORIC FEATURES AND PROPOSED MITIGATION MEASURES, INCLUDING AN
- 14 ASSESSMENT OF WHETHER THE PROPOSED CHANGES COMPLY WITH THE
- 15 GUIDELINES FOR DEVELOPMENT OF LAND ABUTTING A SCENIC ROAD IN
- 16 SUBSECTION (B) OF THIS SECTION.

17 (4) THE PLANNING BOARD SHALL USE THE CRITERIA SPECIFIED IN THIS PARAGRAPH TO  
18 EVALUATE THE INITIAL PLAN SUBMITTAL.

- 19 (i) ACCESS. THE PLANNING BOARD SHALL CONSIDER WHETHER THE PROPERTY HAS
- 20 FRONTAGE ON A NON-SCENIC ROAD, THE IMPACTS TO ENVIRONMENTAL FEATURES, AND
- 21 TRAFFIC SAFETY.
- 22 A. WHEREVER PRACTICABLE, ACCESS SHALL BE LOCATED ALONG A NON-SCENIC ROAD.
- 23 B. ONLY TO THE EXTENT VEHICULAR ACCESS CANNOT BE PRACTICABLY LOCATED
- 24 ALONG A NON-SCENIC ROAD, ACCESS ALONG A SCENIC ROAD SHALL BE PERMITTED
- 25 AT AN EXISTING DRIVEWAY LOCATION.
- 26 C. ONLY TO THE EXTENT VEHICULAR ACCESS CANNOT BE PRACTICABLY LOCATED
- 27 ALONG A NON-SCENIC ROAD OR AT AN EXISTING DRIVEWAY, ADDITIONAL ACCESS
- 28 ALONG A SCENIC ROAD MAY BE PERMITTED.
- 29 D. TO THE EXTENT THAT ANY ACCESS IS PERMITTED ALONG A SCENIC ROAD, SUCH
- 30 ACCESS SHALL UTILIZE AND PRESERVE THE LOCATION, ALIGNMENT, TOPOGRAPHY
- 31 AND SURROUNDINGS SO AS TO MINIMIZE INTERFERENCE WITH PANORAMIC VIEWS
- 32 FROM THE ROAD FOR AT LEAST THE WIDTH OF THE REQUIRED BUFFER WHILE

1 ENSURING PUBLIC SAFETY.

2 (ii) BUFFERS. THE PLANNING BOARD SHALL DETERMINE WHETHER THE BUFFER  
3 PRESERVES, MAINTAINS, OR ENHANCES THE VISUAL CHARACTER OF THE ROAD AND  
4 SURROUNDING AREA, AND WHETHER ACCESS MINIMIZES IMPACTS TO THE BUFFER.  
5 AFTER CONSIDERING THE SITE ACCESS, THE BUFFER CONCEPT PLAN, AND THE VISUAL  
6 ASSESSMENT AND POTENTIAL IMPACTS TO THE BUFFER, THE PLANNING BOARD MAY  
7 REDUCE AN EXISTING NON-WOODED BUFFER TO NO-LESS THAN 75 FEET IF A BUFFER  
8 LESS THAN 100 FEET WIDE COULD PROVIDE NATURAL SCREENING OR IF REPLANTED AS  
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10 (5) ROAD IMPROVEMENTS. ROAD IMPROVEMENTS REQUIRED PURSUANT TO DESIGN  
11 MANUAL VOLUME III (ROADS AND BRIDGES) SHALL SERVE TO PRESERVE, MAINTAIN,  
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23 AGREEMENT GUARANTEEING THE CONSTRUCTION OF THE DELAYED ROAD  
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25 (ii) SIGN A MAJOR FACILITIES AGREEMENT TO PAY THE COUNTY THE CURRENT  
26 ESTIMATED COST OF THE ROAD IMPROVEMENTS, WHICH MONEY SHALL BE  
27 USED BY THE COUNTY TO FUND ALL OR PART OF A CAPITAL PROJECT TO  
28 IMPROVE THE SCENIC ROAD.

29 ~~[(4)]~~ (D) *Administrative waivers.*

30 ~~[(i)]~~ (1) A developer seeking an administrative waiver from the scenic road  
31 requirements shall give written notice within one week of the filing date of the waiver

1 petition, via first-class mail to:

2 [[a.]] (I) All adjoining property owners identified in the records of the State  
3 Department of Assessments and Taxation; and

4 [[b.]] (II) All attendees of record of the presubmission community meeting; and

5 [[c.]] (III) All interested parties on file with the Department of Planning and  
6 Zoning.

7 [[(ii)]] (2) The Department shall not approve any petition for a scenic road requirement waiver  
8 within 30 days of meeting the written notice requirement to allow for public comment.

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

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on December 6, 2019.

Diane Schwartz Jones  
Diane Schwartz Jones, 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Diane Schwartz Jones, 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Diane Schwartz Jones, 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Diane Schwartz Jones, 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Diane Schwartz Jones, 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Diane Schwartz Jones, Administrator to the County Council