

## MINUTES of the LAND USE COMMITTEE 12-14-09

The meeting was called for 7 pm in the Town Hall. Present were Dedun Ingram (chair), Craig Brooks, Tom Collins, Kathy Flaxman, Georgia Guhin (7:25), Lees Hartman, Joe Rubin (7:15), Deborah Vollmer, and Linna Barnes (Council liaison).

Dedun called the meeting to order at 7:10. There were no members of the public present to comment.

**November minutes:** Craig moved to accept as circulated. Seconded, passed without dissent.

**Recommendations regarding the 35% rule:** The committee has been exploring the suggestion made in the Land Use Committee's (LUC) July 2009 report to the Town Council that driveway regulations might accomplish the goal of the 35% rule (to maintain the maximum amount of green space in front yards) and be simpler to administer/enforce. Note: the 35% rule is the regulation limiting non-vegetative surfaces to 35% of the front yard. At its November meeting, the committee discussed the pros and cons and legal issues surrounding use of driveway regulations to limit nonvegetative surface area in front yards with David Podolsky. He recommended that we not try to accomplish the goal of the 35% rule indirectly using driveway or parking rules (see November minutes) and cited a number of ways in which this approach would be less effective. We therefore returned to direct consideration of the 35% rule and a review of the changes and re-definitions proposed in the July report to make the 35% rule workable.

- 1) Discussed the proposed changes in terminology and re-definitions, including the substitution of "surfaced area" (and the county's definition of this term) for "nonvegetative".
- 2) Discussed further the issue of permits for front surface area improvements. Currently permits are not required for lead walks, sidewalks, patios and other such surfaced areas which makes enforcement of the 35% rule impossible. To remedy this, the committee recommended last July that the Town require permits for all front yard surface area improvements. Another reason to require a permit for driveways and lead walks is that they usually impact the public right of way and the Town does require a permit to disrupt the public right-of-way. As many residents are unaware that part of their front yard is in the public-right-of-way, they may not think to come to the Town for a permit. For projects involving new construction, the 35% rule is automatically invoked and so easily administered/enforced. The committee agreed that replacement of existing walkways and driveways (with upgrades to current Town regulations) not be subject to the 35% rule but still require a permit. They also agreed with the earlier committee recommendations' to relax the survey requirements except in the case of a new driveway along a property line.

There was some discussion about adding incentives or requirements for driveways to be constructed from permeable materials. It was noted that the primary goal of the 35% rule is maintenance of green space with limitation of water runoff a secondary benefit and that since implementation of the water ordinance, builders have tended to install permeable driveways so that the area of the driveway is not counted in the impermeable surface area of the lot (thus the Water Ordinance is in effect incentivizing permeable driveway surfaces). It was noted that the Water Committee is currently conducting a review of the water ordinance. Linna pointed out that the 35% rule could be looked at along with this review.

Craig moved the following proposal: The committee recommends the earlier committee recommendations listed in Attachment 1 of the July LUC report, except 1) delete #7 (possible alternate approach) and 2) strengthen #6 to a recommendation that for corner lots, both front yards be covered by the 35% rule. Seconded, passed without dissent.

**Defining ‘rear yard’:** Dave Walton had asked the committee for guidance in this matter, which impacts the possible locations for accessory buildings on corner and other irregular lots. The committee reviewed the County definitions for front, side and rear yards on standard lots. The County definition of “rear Yard” seemed reasonable but did not address corner lots. We will research County regulations regarding this and interpretations that we can look at. Linna will consult with Dave Walton and Alan Beale regarding this.

**Public Right of Way:** We are waiting for Dave Walton to provide some information. We will take up again in January.

**Front Building Line:** Dave Walton had pointed out an inconsistency in the building regulation regarding front-facing attached garages, namely that the garage was required to be set three feet behind or forward of the Front Building Line, but by definition no part of the building can be in front of the FBL. Therefore new wording is needed.

Lees moved the following proposal: Replace “front building line” in the current ordinance with “adjacent front wall plane of at least three feet in width”. Thus, it was moved to reword the ordinance so it would require a front-facing attached garage to be articulated three feet in front or back of the adjacent front wall plane of at least three feet in width. Seconded. Passed with dissent from Joe who believes that the 3-foot requirement is too large.

**Handbook of Town Building Regulations:** We have been looking for someone to help us create this. Linna spoke with Vic Travola, a lawyer with a Baltimore firm who helped with the Town’s original visioning document. He might be able to help us himself or perhaps to recommend someone. The handbook should be comprehensive and include not only building ordinances but also those covering trees, water, and anything else that could impact a possible building project. It was suggested that the full document should be presented in on-line form with links. It would then be easily updateable. Basic information could be provided in a small brochure.

The meeting adjourned at 9:10 pm.