




Howard County

Internal Memorandum

Subject: Council Bill 61 -2019

To: Lonnie R. Robbins, Chief Administrative Officer

From: Amy Gowan, Acting Director, Department of Planning and Zoning 

Date: October 25, 2019

Council Bill 61-2019 modifies the process and adds criteria for granting waivers to the Title 16 of the County Code- *Planning, Zoning, and Subdivision and Land Development Regulations*.

Section 16.104 sets forth the general criteria used to evaluate requests for waivers, or alternative compliance, to Title 16. The proposed changes clarify that economic hardship cannot be used to justify a waiver request and adds six additional criteria that need to be met for approval of a waiver.

Section 16.116 regulates disturbance of wetlands, streams and steep slopes, and the buffer area around them. The proposed changes to this Section, establish a waiver process to allow for alternative compliance in certain situations. To receive alternative compliance approval, private development projects must provide mitigation and meet the new criteria established in Section 16.104, as well as new criteria in this Section. Also, the amendments create a multi-disciplinary review process for these requests, that requires approval from the Director of Department of Planning and Zoning, The Director of Department of Public Works and the Administrator of Office of Community Sustainability.

Finally, CB 61 proposes a similar multi-agency review and approval process to waive certain sidewalk requirements.

Currently, the Department of Planning and Zoning is responsible for permitting alternative compliance to requirements in Title 16 in certain situations where strict conformance would result in a hardship or practical difficulty. For requests to alter regulations that protect sensitive environmental features, the new process established in this Bill, will allow for a more comprehensive evaluation by multiple departments with different subject matter expertise. It will also require alternative site design be considered and adverse impacts be mitigated.

This Bill is not expected to have a fiscal impact on the County.

Cc: Jennifer Sager, Legislative Coordinator