

Introduced 04.07.2025  
Public Hearing 04.21.2025  
Council Action 05.05.2025  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2025 Legislative Session

Legislative Day No. 5

Bill No. 29-2025

Introduced by: Liz Walsh

SHORT TITLE: Subdivision and Land Development Regulations-Waivers- Repeal

AN ACT repealing a certain waiver exception granted by the Department of Public Works for development proposals in the Tiber Branch Watershed; and generally relating to subdivision and land development regulations waivers.

Introduced and read first time April 7, 2025. Ordered posted and hearing scheduled.  
By order Michelle Harrod  
Michelle Harrod, 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 April 21, 2025.  
By order Michelle Harrod  
Michelle Harrod, Administrator

This Bill was read the third time on May 5, 2025 and Passed \_\_, Passed with amendments \_\_, Failed ☒.  
By order Michelle Harrod  
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_\_ day of \_\_\_\_\_, 2025 at \_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Approved by the County Executive \_\_\_\_\_, 2025

\_\_\_\_\_  
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.

**Section 1. *Be It Enacted*** by the County Council of Howard County, Maryland, that the Howard County Code is amended as follows:

*By adding/amending/repealing:*

*Title - "Planning, Zoning And Subdivisions and Land Development Regulations"*

*Subtitle1.- "Subdivision and Land Development Regulations"*

*Section "16.104.-Waivers"*

## **HOWARD COUNTY CODE**

### **TITLE 16. – PLANNING, ZONING AND SUBDIVISIONS AND LAND DEVELOPMENT REGUALTIONS**

#### **SUBTITLE 1- SUBDIVISIONS AND LAND DEVELOPMENT REGUALTIONS**

##### **Sec.16.104.-Waivers.**

###### **(a) *Authority to Grant.***

(1) So that substantial justice may be done and the public interest secured, the Department of Planning and Zoning may grant waivers of the requirements of this subtitle, except as prohibited in subsection (d), in situations where the Department finds that unreasonable hardship or practical difficulties may result from strict compliance with this subtitle and for requests to waive or alter the requirements in article II and article III of this subtitle all of the following criteria are met:

- (i) Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas;
- (ii) The uniqueness of the property or topographical conditions would result in practical difficulty, other than economic, or unreasonable hardship from strict adherence to the regulations;
- (iii) The variance will not confer on the applicant a special privilege that would be denied to other applicants; and
- (iv) The modification is not detrimental to the public health, safety or welfare or injurious to other properties.

1 (2) Waivers may be granted without meeting the criteria of subsection (a) if the waiver:

2 (i) Is necessary for the reconstruction of existing structures or infrastructure damaged  
3 by flood, fire, or other disaster;

4 (ii) Is necessary for the construction of a stormwater management or flood control  
5 facility as part of a capital project; or

6 (iii) Is necessary for the retrofit of existing facilities or installation of new facilities  
7 intended solely to improve stormwater management or flood control for existing  
8 development.

9 (b) *Conditions Under Which Waiver May Be Granted.* The Department of Planning and Zoning  
10 may approve a waiver to a provision of this subtitle provided that:

11 (1) The developer has presented a petition demonstrating the desirability of waiver; if the  
12 County requests additional justifying information, the information must be submitted  
13 within 45 days of the Department's letter of request. If the information is not submitted  
14 by the deadline, the Department shall deny the petition.

15 (2) The waiver shall not have the effect of nullifying the intent and purpose of this subtitle.

16 (3) Within 30 days of the date of the Department's decision letter regarding a waiver  
17 petition, the developer may submit additional information to support a request for the  
18 Department to:

19 (i) Modify any approval conditions;

20 (ii) Reverse the Department's denial; or

21 (iii) Add or delete specific waiver requests.

22 (4) After 30 days, requests for reconsideration will require a new petition for a waiver and  
23 payment of fees in accordance with the adopted fee schedule.

24 (5) Any waiver to the minimum requirements of this subtitle in regard to a particular  
25 subdivision or development shall be appropriately noted on the final plat or site plan.

26 (c) *Period of Validity.* The waiver petition, if approved, will remain valid for 12 months from  
27 the date of approval or as long as a subdivision or site development plan is being actively

processed in accordance with the processing provisions of section 16.144 of this subtitle. Subdivisions or site developments which fail to meet the processing requirements will be required to submit a new waiver request.

(d) *No Waivers of Floodplain, Wetland, Stream, Forest Conservation, or Steep Slope Regulations in the Tiber Branch Watershed.* The Department may not grant waivers of any requirement of section 16.115 or section 16.116, or variances under section 16.1216 of this title, for any property located in the Tiber Branch Watershed unless the waiver:

- (1) Is necessary for the reconstruction of existing structures or infrastructure damaged by flood, fire, or other disaster;
- (2) Is necessary for the construction of a stormwater management or flood control facility as part of a redevelopment project;
- (3) Is necessary for the retrofit of existing facilities or installation of new facilities intended solely to improve stormwater management or flood control for existing development;

[[ (4) Is requested as part of a development proposal and the Director of the Department of Public Works, or his designee acting as Floodplain Administrator, finds that upon completion of construction of the development, which may include off-site improvements within the Tiber Branch Watershed, there will be improvement to flood control in the Tiber Branch Watershed at least ten percent more than what would otherwise be required by law; ]]

[[ (5) ] 4) Is necessary for the construction of an addition, garage, driveway, or other accessory use improvement of an existing residential structure on property located within the Tiber Branch Watershed that increases the square footage of the impervious surfaces on the property by no more than 25 percent over the square footage of impervious surfaces that existed on the property prior to the effective date of this bill; [or]

[[ (6) ] 5) Is requested to use the limit of disturbance to calculate the 'net tract area' as defined in section 16.1201(v); or

(7)6 Is necessary for the removal of trees that a licensed forester, licensed landscape architect, or a certified arborist determines to be diseased, damaged, dead, or declining in a way that creates a hazard to people or property.

***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland that this Act shall become effective 61 days after its enactment.