



# Howard County Council

George Howard Building  
3430 Court House Drive  
Ellicott City, Maryland 21043-4392

Liz Walsh  
Councilmember

---

District 1

CB-3 aims to strengthen County law safeguarding established historic districts in old Ellicott City and Lawyers Hill. Within either of those two districts, County Code reserves primary authority to approve construction of new structures—and demolition of old ones—to the Historic Preservation Commission. Anyone looking to undertake any such work first must obtain from the Commission a “certificate of approval.” ([§16.603](#)) In deciding whether to issue a certificate of approval, the Commission assesses whether the work proposed would be compatible with the historic character of the applicant’s own property, and with the historic district as whole. In the Lawyers Hill historic district particularly, taking down large trees (a foot or more in diameter) and/or clearing and grading more than 5,000 square feet of land requires Commission approval. ([Lawyers Hill Historic District Design Guidelines](#), p. 44)

This bill proposes to eliminate a seeming exception to Historic Preservation Commission authority in the case of very largest-scale work proposed within the historic districts: new multi-lot subdivisions. This office learned from its Lawyers Hill constituents—and the Office of Law since has confirmed—that the Developer of a wooded eight-acre lot within that historic district intends to avoid Commission authority and applicable preservation standards by resort to a certain provision of the County Code, read in isolation.

Section 16.603(c) states as follows:

*Preparation for New Development.* A certificate of approval is not required for the following work when carried out in accordance with an approved subdivision plan, site development plan, forest conservation plan, or grading plan:

- (1) Construction or alteration of public streets and sidewalks, use-in-common driveways, storm drains and drainage swales, stormwater management facilities, and utility lines;
- (2) Tree clearing and removal; or
- (3) Installation of forest conservation plantings, street trees, and other required landscaping.

By this provision—Developer would claim—a site in the historic district may be clear-cut and regraded without regard for otherwise explicit historic preservation requirements so long as the proposed subdivision otherwise proceeds through the balance of the County’s non-historic review process and ultimately obtains approval of associated subdivision or site development plans (as though Historic Preservation Commission certificates of approval had issued). Of course, by this interpretation, the most potentially destructive work within a historic district would be subject to the least regulatory scrutiny. Read as whole, County land-use law does not and should not support any such exception.

