

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. **10**

Bill No. 50-2021

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending Council Bill No. 59-2018 to provide an additional two years before certain adjustments will be null and void unless certain conditions are met related to Zoning Board approval and the connection to public water and sewer related to the development of Property located west of Clarksville Pike (Md Route 108) and south of Sheppard Lane, in Clarksville, Howard County, Maryland; and generally relating to PlanHoward 2030.

Introduced and read first time _____, 2021. Ordered posted and hearing scheduled.

By order _____
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 _____, 2021.

By order _____
Michelle Harrod, Administrator

This Bill was read the third time on _____, 2021 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2021 at ____ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2021

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 **WHEREAS**, the General Plan for Howard County (“PlanHoward 2030”) establishes the
2 Planned Service Area, which is the area within which the County provides public water and
3 sewer service; and
4

5 **WHEREAS**, PlanHoward 2030 also establishes the Growth Tier Maps of Howard County
6 which maps were adopted by Howard County in fulfillment of its obligations under the
7 Sustainable Growth and Agricultural Preservation Act of 2012 (Senate Bill 236); and
8

9 **WHEREAS**, PlanHoward 2030 further establishes the Designated Place Type Maps of
10 Howard County which maps were also adopted by Howard County in fulfillment of its
11 obligations under the Sustainable Growth and Agricultural Preservation Act of 2012 (Senate Bill
12 236); and
13

14 **WHEREAS**, on July 27, 2018, the County Council unanimously approved Council Bill No.
15 59-2018 (a copy of which is attached as Exhibit A); and
16

17 **WHEREAS**, Council Bill No. 59-2018 was signed by the County Executive, enacted on
18 August 6, 2018, and effective on October 6, 2018; and
19

20 **WHEREAS**, among other things, Council Bill No. 59-2018 had the effect of modifying the
21 Planned Service Area boundary, the Growth Tier Designation and the Designated Place type, to
22 include approximately 61 acres of property located west of Clarksville Pike (Md Route 108) and
23 south of Sheppard Lane, in Clarksville, Howard County, Maryland and further identified as Tax
24 Map 34, Parcel 185 and a part of Tax Map 28, Parcel 100 (the “Property”); and
25

26 **WHEREAS**, as enacted, the final version of Council Bill No. 59-2018 contained a
27 reversionary provision that provided:

28 *Section 2. Be It Further Enacted by the County Council of Howard County, Maryland*
29 *that the provisions of this Act providing for expansion of the Planned Service Area and*
30 *amendments to the Growth Tier Maps and Designated Place Types for Howard County*
31 *shall be null and void and the Planned Service Area, Growth Tier Map, and Designated*

1 *Place Type as it relates to this Property, shall revert to the Planned Service Area, Growth*
2 *Tier, and Designated Place Type in place prior to this Act without any additional action*
3 *of the County Council if:*

4 (1) *The Howard County Zoning Board shall fail to issue a Decision and Order*
5 *approving a Petition to Amend the Zoning Maps of Howard County to rezone the*
6 *Property to CEF-M for the stated purpose of developing a CCRC community within 3*
7 *years from the effective date of this Act; or*

8 (2) *The connection between the Property and the public water and sewer infrastructure*
9 *for the purpose of serving a CCRC development is not made within 10 years of the*
10 *effective date of this Act.*

11
12 **WHEREAS**, on November 6, 2018, a Petition to Amend the Zoning Maps of Howard
13 County to rezone the Property to CEF-M for the stated purpose of developing a CCRC
14 community (the “Zoning Petition”) was filed with the Howard County Zoning Board (“Zoning
15 Board”); and

16
17 **WHEREAS**, subsequent to the filing of the Zoning Petition, the initial public hearing on the
18 Rezoning Petition was not scheduled until March 4, 2020; and

19
20 **WHEREAS**, after the initial public hearing on the Rezoning Petition unforeseen
21 circumstances arose that further delayed the ability of the Zoning Board to schedule and conduct
22 public hearings related to the Rezoning Petition; foremost among these unforeseen circumstances
23 was the outbreak of the Covid-19 pandemic; and

24
25 **WHEREAS**, as a result of the Covid-19 pandemic the County Executive issued an
26 Emergency Order directing County owned buildings to be closed to the public; and

27
28 **WHEREAS**, subsequent to the issuance of the County Executive’s Emergency Order, the
29 Zoning Board has held numerous internet-based and well-attended virtual public hearings
30 relating to the Rezoning Petition but the hearings have not concluded as of the submission of this
31 request; and

1 **WHEREAS**, in consideration of the above described unforeseen circumstances that include
2 the Covid-19 pandemic, the County Council believes it to be in the public interest that the
3 Zoning Board have additional time to fully consider the testimony of all interested parties as it
4 considers the Rezoning Petition without the impending time constraints as currently imposed by
5 the provisions of Council Bill No. 59-2018.

6
7 **Now, Therefore,**

8
9 ***Section 1. Be It Enacted by the County Council of Howard County, Maryland that the Section 2***
10 ***of Council Bill No. 59-2018 (page 3, line 29 through page 4, line 7 of Exhibit A) is hereby***
11 ***amended as provided in Section 2, below.***

12
13 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that***
14 ***the provisions of this Act providing for expansion of the Planned Service Area and amendments***
15 ***to the Growth Tier Maps and Designated Place Types for Howard County shall be null and void***
16 ***and the Planned Service Area, Growth Tier Map, and Designated Place Type as it relates to this***
17 ***Property, shall revert to the Planned Service Area, Growth Tier, and Designated Place Type in***
18 ***place prior to this Act without any additional action of the County Council if:***

19 (1) *The Howard County Zoning Board shall fail to issue a Decision and Order approving a*
20 *Petition to Amend the Zoning Maps of Howard County to rezone the Property to CEF-M*
21 *for the stated purpose of developing a CCRC community within 5 years from the effective*
22 *date of this Act (referring to the effective date of Council Bill No. 59-2018); or*

23 (2) *The connection between the Property and the public water and sewer infrastructure are*
24 *not made within 12 years of the effective date of this Act (referring to the effective date of*
25 *Council Bill No. 59-2018).*

26
27 ***Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that***
28 ***this amendment be attached to PlanHoward 2030.***

29
30 ***Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland that***
31 ***if any provision of this Act or the application thereof to any person or circumstance is held***

1 *invalid for any reason in a court of competent jurisdiction, the invalidity shall not affect other*
2 *provisions or any other application of this Act which can be given effect without the invalid*
3 *provisions or application, and for this purpose the provisions of this Act are severable.*

4

5 ***Section 5. And Be It Further Enacted*** by the County Council of Howard County, Maryland that
6 *this Act 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 August 6, 2018.

Jessica Feldmark
Jessica Feldmark, 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 _____, 2018.

Jessica Feldmark, 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 _____, 2018.

Jessica Feldmark, 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 _____, 2018.

Jessica Feldmark, 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 _____, 2018.

Jessica Feldmark, 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 _____, 2018.

Jessica Feldmark, Administrator to the County Council