

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2026 Legislative Session

Legislative Day No. 6

### Bill No. 31 -2026

**Introduced by:** Christiana Rigby

**SHORT TITLE:** S.M.A.R.T. (Strategic Moratorium for Assessing Responsible Technology) Siting Act

**TITLE:** AN ACT temporarily prohibiting issuance of certain approvals of development plans for data processing centers; creating a task force to consider defining “Data Centers” in the Zoning Regulations, study the potential impacts of data centers on the public health, safety, and welfare, and to report and make recommendations on best practices for data center development, including but not limited to siting and location, setbacks and screening, water and energy consumption, noise mitigation, and removal of the data center tax credit; and generally relating to data center development in Howard County.

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Introduced and read first time \_\_\_\_\_, 2026. 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 \_\_\_\_\_, 2026.

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

This Bill was read the third time on \_\_\_\_\_, 2026 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 \_\_\_\_\_, 2026 at \_\_\_ a.m./p.m.

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

Approved by the County Executive \_\_\_\_\_, 2026

\_\_\_\_\_  
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**, data centers are large-scale facilities that house computer systems and  
2 infrastructure used to process, store, and transmit vast amounts of digital information, and their  
3 rapid expansion has been driven by increased demand for cloud computing, artificial  
4 intelligence, and online services; and

5  
6           **WHEREAS**, when Howard County’s Zoning Regulations were updated in 1993 to  
7 include uses related to data processing and similar technology functions, those uses reflected a  
8 smaller-scale, lower-intensity form of development that differs significantly from modern data  
9 centers, which now operate across a spectrum including larger, energy-intensive facilities in  
10 many cases, supporting global digital infrastructure, and therefore the County’s existing zoning  
11 framework does not fully account for the scale, impacts, and operational characteristics of  
12 contemporary data center development; and

13  
14           **WHEREAS**, the development of large-scale data centers is a relatively new and  
15 evolving land use in many jurisdictions, including Howard County, and local governments are  
16 working to understand their long-term impacts on land use, infrastructure, and surrounding  
17 communities; and

18  
19           **WHEREAS**, data centers require substantial amounts of electricity, water, and land, and  
20 may place significant strain on local energy grids, water resources, and public infrastructure,  
21 while also raising concerns about environmental impacts, noise, and compatibility with nearby  
22 residential areas; and

23  
24           **WHEREAS**, without clear regulatory frameworks, zoning standards, and infrastructure  
25 planning, the approval of data center projects may outpace a jurisdiction’s ability to ensure that  
26 such development aligns with community goals, environmental sustainability, and long-term  
27 fiscal responsibility; and

28  
29           **WHEREAS**, a strategic and temporary moratorium on new data center development  
30 would provide the County with the necessary time to conduct comprehensive studies, engage

1 with residents and stakeholders, and develop appropriate policies, zoning regulations, and  
2 performance standard recommendations to guide future data center development; and  
3

4 **WHEREAS**, jurisdictions across Maryland have already taken steps to pause or study  
5 data center development, including Baltimore County, which enacted a temporary moratorium to  
6 allow for planning and analysis of impacts, as well as Prince George’s County and Frederick  
7 County, which have similarly implemented or considered pauses or limitations on such  
8 development; and  
9

10 **WHEREAS**, implementing a temporary moratorium is a necessary and proactive step to  
11 ensure that future data center development in Howard County is carefully planned, equitably  
12 sited, and aligned with the County’s environmental, economic, and community priorities; and  
13

14 **WHEREAS**, this moratorium is intended not to prohibit data center development  
15 permanently, but to ensure that when and if such development occurs, it does so in a manner that  
16 is safe, sustainable, and in the best interest of Howard County residents.  
17

18 **NOW THEREFORE,**  
19

20 ***Section 1. Be It Enacted*** by the County Council of Howard County, Maryland, that the  
21 *Department of Planning and Zoning shall not accept plan submissions for any proposed*  
22 *development of a data processing and telecommunications center (“Data Center”) during the*  
23 *Effective Period, unless otherwise exempted in Section 6.E of this Act. Data centers shall not be*  
24 *considered under any other approved use during this Effective Period.*  
25

26 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland  
27 *that, subject to the exception for emergency legislation as provided in the County Charter or any*  
28 *zoning regulation text amendment introduced after receipt of the recommendations of the task*  
29 *force commission by this Act, the County Council shall not pass any zoning regulation text*  
30 *amendment for any proposed Data Center development during the Effective Period.*  
31

1 **Section 3. And Be It Further Enacted** by the County Council of Howard County, Maryland,  
2 *that the Zoning Board shall not take final action on any petition for approval of any development*  
3 *plans or piecemeal map amendments for a proposed Data Center development during the*  
4 *Effective Period.*

5  
6 **Section 4. And Be It Further Enacted** by the County Council of Howard County, Maryland that  
7 *the Hearing Authority shall not hear or take final action on any application or petition related to*  
8 *the development of a proposed Data Center development during the Effective Period.*

9  
10 **Section 5. And Be It Further Enacted** by the County Council of Howard County, Maryland,  
11 *that, in accordance with Section 902 of the County Charter, a temporary task force be formed*  
12 *during the Effective Period to develop a definition of “Data Center” for the Zoning Regulations,*  
13 *and consider best practices for data center siting and location, setbacks and screening, water*  
14 *consumption and impact, power and energy infrastructure, noise and acoustic mitigation, impact*  
15 *fees or excise tax application, decommissioning plans, and removing the data center tax credit.*  
16 *This temporary task force, with technical assistance and support from the Department of*  
17 *Planning & Zoning, along with other appropriate units of County Government, shall report its*  
18 *findings and recommendations to the County Council and County Executive within 12 months*  
19 *following the Effective Date of this Act.*

20  
21 **Section 6. And Be It Further Enacted** by the County Council of Howard County, Maryland that:

22 *A. Short Title. This Act shall be known as the “S.M.A.R.T. (Strategic Moratorium for*  
23 *Assessing Responsible Technology) Siting Act”.*

24  
25 *B. Purpose. The purpose of this Act is to:*

26 *1. Provide the Department of Planning and Zoning, with help from other*  
27 *appropriate units of County government, time to evaluate the most appropriate*  
28 *criteria and zones for data center siting and development and develop suitable*  
29 *recommendations; and*

30 *2. To provide the County Council time to study and act on any recommendations.*

31

1 C. *Definitions. For the purposes of this Act:*

- 2 1. *“Development Review Process” means the process of review and decision on an*  
3 *application submitted to the Department of Planning and Zoning or any other*  
4 *applicable authorized County agency for a proposed subdivision or development*  
5 *or redevelopment plan.*
- 6 2. *“Data center” means a facility primarily used to house, operate, and maintain*  
7 *computer servers, networking equipment, and associated infrastructure for the*  
8 *storage, processing, transmission, or management of digital data.*

9

10 D. *Development Review Process. Site development plan applications made to the*  
11 *Department of Planning and Zoning under the development review process as*  
12 *outlined in the Subdivision and Land Development Regulations (Title 16, Subtitle 1),*  
13 *filed after the Effective Date of this Act may not proceed and shall not be considered*  
14 *for plan approval by the Department of Planning and Zoning.*

15

16 E. *Exemption. This Act shall not apply to any State or local government entity or allied*  
17 *agencies, including Howard County Public School System (HCPSS), Howard*  
18 *Community College (HCC), and the Howard County Library System (HCLS).*

19

20 F. *Notice. During the Effective Period, the Department of Planning and Zoning shall*  
21 *notify any current or future applicant in the development review process, any current*  
22 *or future petitioner to the Zoning Board, or any current or future applicant to the*  
23 *Hearing Authority of this Act.*

24

25 G. *Severability. Should any part of this Act be declared unconstitutional or invalid by a*  
26 *court of competent jurisdiction, such decision shall not affect the validity of the*  
27 *remaining parts of this Act.*

28

29 H. *Conflict with Existing Law. In case of a conflict between this Act and other applicable*  
30 *law, this Act shall prevail.*

31

1           I. *Effective Date & Effective Period. This Act is adopted as an interim measure and*  
2           *shall sunset either*

3           1. *Once the task force issues a recommendation and a Zoning Regulation text*  
4           *amendment has been passed into law; or*

5           2. *Once the Comprehensive Rezoning process has concluded; or*

6           3. *No later than 18 months after the Effective Date of this Act.*

7

8           ***Section 7. And Be It Further Enacted*** *by the County Council of Howard County, Maryland, that*  
9           *this Act shall become effective 61 days after its enactment.*