

Introduced 04.04.2022
Public Hearing 04.18.2022
Council Action 05.04.2022
Executive Action 05.05.2022
Effective Date 07.05.2022

County Council of Howard County, Maryland

2022 Legislative Session

Legislative Day No. 4

Bill No. 26-2022

Introduced by: Liz Walsh

AN ACT amending the Howard County Code to include building development or other development in the process for reserving land for public facilities; and generally relating to reserving land for public facilities.

Introduced and read first time Apr 4, 2022. Ordered posted and hearing scheduled.

By order Michelle Harrod
Michelle R. 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 18, 2022.

By order Michelle Harrod
Michelle R. Harrod, Administrator

This Bill was read the third time on May 4, 2022 and Passed , Passed with amendments _____, Failed _____.

By order Michelle Harrod
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 5 day of May, 2022 at 12⁰⁰ a.m. (p.m.)

By order Michelle Harrod
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive May 5, 2022

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

3 By amending:

4 Title 16. "Planning, Zoning and Subdivisions and Land Development Regulations"

5 Subtitle 1. "Subdivision and Land Development Regulations"

6 Article I. "General"

7 Section 16.108.(b) (45). "Reservation; reserve"

8 Article II. "Design Standards and Requirements"

9 Section. 16.122. "Reservations of land for public facilities."

10
11
12 **HOWARD COUNTY CODE**

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14 **Title 16 - Planning, Zoning and Subdivisions and Land Development Regulations**

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16 **Subtitle 1. – Subdivision and Land Development Regulations**

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18 **ARTICLE I. - GENERAL**

19 **Sec. 16.108. Rules of construction; definitions.**

20 (b) *Definitions.* As used in these regulations, the following terms shall be defined as follows:

21 (45) *Reservation; reserve* means the identification and setting aside of an area of land,
22 BUILDING DEVELOPMENT OR OTHER DEVELOPMENT on a subdivision or site
23 development plan for future condemnation or acquisition for public use, which
24 subjects the land, BUILDING DEVELOPMENT OR OTHER DEVELOPMENT reserved to use
25 limitations for a specified period of time. Such land, BUILDING DEVELOPMENT OR
26 OTHER DEVELOPMENT may be designated on the general plan or in the County or State
27 capital improvement program or the State highway needs inventory.

1 **ARTICLE II. DESIGN STANDARDS AND REQUIREMENTS**

2 **Sec. 16.122. Reservations of land, BUILDING DEVELOPMENT, OR OTHER**
3 **DEVELOPMENT for public facilities.**

4 (a) *Land, BUILDING DEVELOPMENT, OR OTHER DEVELOPMENT Not Being Dedicated as Open*
5 *Space OR A PUBLIC FACILITY.* When land, BUILDING DEVELOPMENT, OR OTHER DEVELOPMENT
6 in a subdivision or development is needed for a County park, school, road, or other public
7 facility which is proposed in the general plan or in the County's or State's capital program
8 and the land, BUILDING DEVELOPMENT, OR OTHER DEVELOPMENT is not being dedicated as
9 open space pursuant to section 16.121, the County may require that the land, BUILDING
10 DEVELOPMENT, OR OTHER DEVELOPMENT be reserved.

11 (b) *Reserved at Written Request of Agency Which Requires the Land, BUILDING DEVELOPMENT,*
12 *OR OTHER DEVELOPMENT.* A reservation shall be required only when the agency charged
13 with the responsibility for the designated use makes a written request to the Department of
14 Planning and Zoning for reservation of the land, BUILDING DEVELOPMENT, OR OTHER
15 DEVELOPMENT.

16 (c) *Value.* Acquisition of the reserved land, BUILDING DEVELOPMENT, OR OTHER DEVELOPMENT
17 by Howard County, the Board of Education or other public agency shall be: [[at the
18 unimproved value of the land.]]

19 (1) FOR LAND, AT THE UNIMPROVED VALUE OF THE LAND; OR

20 (2) FOR BUILDING DEVELOPMENT OR OTHER DEVELOPMENT, AT FAIR MARKET VALUE.

21 (d) *Conditions.* The following conditions apply to land, BUILDING DEVELOPMENT, OR OTHER
22 DEVELOPMENT reserved pursuant to this section:

23 (1) No reservation shall continue for longer than three years from the date of recordation
24 of the plat or approval of the site development plan except with written approval of
25 all legal and equitable owners of the property.

26 (2) The period of time for which the land, BUILDING DEVELOPMENT, OR OTHER
27 DEVELOPMENT is reserved shall be specified on the recorded plat or site development
28 plan.

1 (3) Upon written approval of the Department of Planning and Zoning the reserved land,
2 BUILDING DEVELOPMENT, OR OTHER DEVELOPMENT may be used for agricultural
3 purposes and other temporary uses permitted by the zoning regulations.

4 (4) The reserved land, BUILDING DEVELOPMENT, OR OTHER DEVELOPMENT may be
5 included within the area of lots in a subdivision as long as that area is not used to
6 satisfy minimum lot size requirements or other zoning requirements.

7
8 ***Section 2. And Be It Further Enacted by the County Council of Howard County,***
9 ***Maryland, that 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 May 5, 2022.

Michelle Harrod
Michelle Harrod, 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 _____, 2022.

Michelle Harrod, 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 _____, 2022.

Michelle Harrod, 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 _____, 2022.

Michelle Harrod, 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 _____, 2022.

Michelle Harrod, 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 _____, 2022.

Michelle Harrod, Administrator to the County Council