

Introduced Nov. 5, 2012
Public hearing Nov. 19, 2012
Council action Dec. 3, 2012
Executive action Dec 5, 2012
Effective date Feb 4, 2013

County Council of Howard County, Maryland

2012 Legislative Session

Legislative day # 14

BILL NO. 39 – 2012 (ZRA – 142)

**Introduced by the Chairperson
at the request of Bith Energy, Inc.**

AN ACT amending the Howard County Zoning Regulations to permit Commercial Solar Facilities as a Conditional Use in the RC and RR zoning district subject to certain criteria; and generally related to the Zoning Regulations.

Introduced and read first time November 5, 2012. Ordered posted and hearing scheduled.

By order Stephen LeGendre
Stephen LeGendre, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on November 19, 2012 and concluded on _____, 2012.

By order Stephen LeGendre
Stephen LeGendre, Administrator to the County Council

This Bill was read the third time December 3, 2012 and Passed , Passed with amendments , Failed .

By order Stephen LeGendre
Stephen LeGendre, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this 4th day of December, 2012 at 12:00 a.m./p.m.

By order Stephen LeGendre
Stephen LeGendre, Administrator to the County Council

Approved/vetoed by the County Executive on December 5, 2012.

Ken Ulman
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law. ~~Strikeout~~ 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 Zoning Regulations are hereby amended to read as follows:*

3
4 *By adding:*

5 *Section 103: "Definitions"*

6 *numbers 210 and 211*

7 *Section 131: "Conditional Uses"*

8 *Subsection N. "Conditional Uses and Permissible Zoning Districts"*

9 *A new Number 59 "Solar Facility, Commercial"*

10
11 *By amending:*

12 *Section 104: "RC (Rural Conservation) District"*

13 *Subsection G. "Conditional Uses"*

14 *Section 105: "RR (Rural Residential) District"*

15 *Subsection G. "Conditional Uses"*

16
17
18
19 **Howard County Zoning Regulations**

20
21 **SECTION 103: Definitions**

22
23 A. Except as provided for in Section 101 herein, terms used in these regulations shall have the
24 definition provided in any standard dictionary, unless specifically defined below or in any other
25 provision of these regulations:

26
27 210. SOLAR FACILITY, COMMERCIAL: A SERIES OF GROUND MOUNTED SOLAR
28 COLLECTORS USED TO GENERATE PHOTOVOLTAIC POWER, WHERE LESS
29 THAN 50% OF THE POWER GENERATED IS CONSUMED BY THE PRINCIPAL
30 USE ON THE SITE.

31
32 211. SOLAR COLLECTOR: A DEVICE, STRUCTURE OR A PART OF A DEVICE OR
33 STRUCTURE FOR WHICH THE PRIMARY PURPOSE IS TO TRANSFORM SOLAR
34 RADIANT ENERGY INTO ELECTRICAL ENERGY.

SECTION 104: RC (Rural Conservation) District

G. Conditional Uses

The following are conditional uses in the RC district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

1. Age-restricted Adult Housing
2. Agribusiness
3. Aircraft Landing and Storage Areas (Private Ownership)
4. Animal Hospitals
5. Antique Shops, Art Galleries and Craft Shops (Commercial)
6. Athletic Facilities, Outdoor
7. Beauty Parlor/Barber Shop
8. Bed and Breakfast Inns
9. Boarding Houses
10. Bottling of Spring or Well Water
11. Cemeteries and Mausoleums
12. Charitable and Philanthropic Institutions
13. Communication Towers or Antennas (Commercial)
14. Country Clubs and Golf Courses
15. Country Inns
16. Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities
17. Entrance Features for Subdivisions – Buildings
18. Farm Tenant House
19. Farm Winery – Class 2 [*Council Bill 9-2011 (ZRA-130) Effective 7/4/11*]
20. Funeral Homes and Mortuaries
21. Historic Building Uses: Apartments, Business and Professional Offices and Community Meeting Halls
22. Home-Based Contractors
23. Home Occupations
24. Kennels and Pet Grooming Establishments
25. Landscape Contractors and Retail Greenhouses or Nurseries
26. Museums and Libraries
27. Nonprofit Clubs, Lodges, Community Halls and Camps

- 1 28. Nursing Homes and Residential Care Facilities
- 2 29. Quarries - Rock, Stone, Sand and Borrow Pits
- 3 30. Religious Activities, Structures Used Primarily for
- 4 31. Retreat Center
- 5 32. Riding Academies and Stables
- 6 33. Rubble Landfill and Land Clearing Debris Landfill Facilities
- 7 34. Sawmills and Mulch Manufacture
- 8 35. School Buses (Parking and Storage)
- 9 36. Schools, Colleges, Universities - Private (Academic)
- 10 37. Shooting Ranges - Outdoor Rifle, Pistol, Skeet and Trap
- 11 38. Small Wind Energy System, Freestanding tower on properties less than 5 acres*
- 12 39. SOLAR FACILITY, COMMERCIAL
- 13 [[39]]40. Two-Family Dwellings
- 14 [[40]]41. Utility Uses, Public
- 15 [[41]]42. Yard Waste Composting Facility

16

17

18 **SECTION 105: RR (Rural Residential) District**

19

20 **G. Conditional Uses**

21 The following are conditional uses in the RR district, subject to the detailed requirements for

22 conditional uses given in Section 131. If there is a conflict between this Section and Section 131,

23 Section 131 shall prevail.

24

- 25 1. Age-restricted Adult Housing
- 26 2. Agribusiness
- 27 3. Aircraft Landing and Storage Areas (Private Ownership)
- 28 4. Animal Hospitals
- 29 5. Antique Shops, Art Galleries and Craft Shops (Commercial)
- 30 6. Athletic Facilities, Outdoor
- 31 7. Beauty Parlor/Barber Shop
- 32 8. Bed and Breakfast Inns
- 33 9. Bottling of Spring or Well Water
- 34 10. Boarding Houses
- 35 11. Cemeteries and Mausoleums

- 1 12. Charitable and Philanthropic Institutions
- 2 13. Communication Towers or Antennas (Commercial)
- 3 14. Country Clubs and Golf Courses
- 4 15. Country Inns
- 5 16. Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities
- 6 17. Entrance Features for Subdivisions – Buildings
- 7 18. Farm Tenant House
- 8 19. Farm Winery – Class 1B [*Council Bill 9-2011 (ZRA-130) Effective 7/4/11*]
- 9 20. Farm Winery – Class 2 [*Council Bill 9-2011 (ZRA-130) Effective 7/4/11*]
- 10 21. Funeral Homes and Mortuaries
- 11 22. Historic Building Uses: Apartments, Business and Professional Offices and
- 12 Community Meeting Halls
- 13 23. Home-Based Contractors
- 14 24. Home Occupations
- 15 25. Kennels and pet Grooming Establishments
- 16 26. Landscape Contractors and Retail Greenhouses or Nurseries
- 17 27. Museums and Libraries
- 18 28. Nonprofit Clubs, Lodges, Community Halls and Camps
- 19 29. Nursing Homes and Residential Care Facilities
- 20 30. Quarries - Rock, Stone, Sand, and Borrow Pits
- 21 31. Religious Activities, Structures Used Primarily For
- 22 32. Retreat Center
- 23 33. Riding Academies and Stables
- 24 34. Rubble Landfill and Land Clearing Debris Landfill Facilities
- 25 35. Sawmills and Mulch Manufacture
- 26 36. School buses (Parking and Storage)
- 27 37. Schools, Colleges, Universities - Private (Academic)
- 28 38. Shooting Ranges - Outdoor Rifle, Pistol, Skeet and Trap
- 29 39. Small Wind Energy System, Freestanding Tower [*Council Bill 41-2010 (ZRA-*
- 30 *129)Effec.10/5/10*]
- 31 40. SOLAR FACILITY, COMMERCIAL
- 32 [[40]]41. Two-Family Dwellings
- 33 [[41]]42. Utility Uses, Public
- 34 [[42]]43. Yard Waste Composting Facility
- 35

1 (7) THE SYSTEMS SHALL COMPLY WITH ALL APPLICABLE LOCAL, STATE,
2 AND FEDERAL LAWS AND PROVISIONS.

3 (8) A COMMERCIAL SOLAR FACILITY THAT IS NO LONGER USED SHALL BE
4 REMOVED FROM THE SITE WITHIN ONE YEAR OF THE DATE THAT THE USE
5 CEASES.

6
7 (9) THE PREMISES SHALL BE MAINTAINED AT ALL TIMES IN A CLEAN AND
8 ORDERLY CONDITION, INCLUDING THE CARE OR REPLACEMENT OF
9 PLANT MATERIALS REQUIRED IN THE LANDSCAPING PLAN. THE
10 RESPONSIBILITY FOR COMPLIANCE WITH THIS PROVISION SHALL BE WITH
11 ALL PARTIES HAVING A LEASE OR OWNERSHIP INTEREST IN THE
12 COMMERCIAL SOLAR FACILITY. THE APPLICANT SHALL PROVIDE THE
13 HEARING AUTHORITY WITH DETAILS REGARDING MAINTENANCE AND
14 ACCESS FOR THE SITE.

15
16 (10) A SOLAR COLLECTOR OR COMBINATION OF SOLAR
17 COLLECTORS SHALL BE DESIGNED AND LOCATED TO AVOID GLARE
18 OR REFLECTION ONTO ADJACENT PROPERTIES AND ADJACENT
19 ROADWAYS AND SHALL NOT INTERFERE WITH TRAFFIC OR CREATE
20 A SAFETY HAZARD.

21
22 (11) THE APPLICANT SHALL AGREE TO REGISTER ALL SOLAR
23 COLLECTORS WITH THE DEPARTMENT OF FIRE AND RESCUE
24 SERVICES. THE REGISTRATION SHALL INCLUDE A MAP OF THE
25 SOLAR FACILITY NOTING THE LOCATION OF THE SOLAR
26 COLLECTORS AND THE PANEL DISCONNECT.

27
28 (12) TREE REMOVAL SHALL BE MINIMIZED AND REFORESTATION
29 SHALL BE DONE IN ACCORDANCE WITH SECTION 16.1206 OF THE
30 COUNTY CODE.

31
32 (13) THE APPLICANT SHALL DEMONSTRATE THAT THE SOLAR
33 FACILITY DOES NOT HARM THE SCENIC CHARACTERISTICS OF THE

1 VIEW OF OR FROM:

2 (I) A PUBLIC PARK;

3 (II) A NATIONAL OR STATE DESIGNATED SCENIC BYWAY;

4 (III) A ROAD LISTED IN THE SCENIC ROADS INVENTORY
5 ADOPTED UNDER § 16.1403 OF THE COUNTY CODE; OR

6 (IV) A HISTORIC STRUCTURE AS DEFINED IN § 16.601 OF
7 THE COUNTY CODE.

8
9 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that the Director of*
10 *the Department of Planning and Zoning is authorized to publish this Act, to correct obvious errors in*
11 *section references, numbers and references to existing law, capitalization, spelling, grammar, headings*
12 *and similar matters.*

13
14 *Section 3. And be it further enacted by the County Council of Howard County, Maryland, that the*
15 *provisions of this act shall become effective 61 days after enactment.*



Howard County

Internal Memorandum

SUBJECT: Council Bill No. ____-2012 (ZRA-142)
An Act amending the Howard County Zoning Regulations to permit Commercial Solar Facilities as a Conditional Use in the RC and RR zoning district subject to certain criteria.
OOL Tracking No.: L12-148

TO: Mary Kay Sigaty
Howard County Council

THROUGH: Margaret Ann Nolan *Prj for m AN*
County Solicitor

FROM: Jim Vannoy *J.V.*
Assistant County Solicitor

DATE: October 25, 2012

I have reviewed the attached Council Bill No. ____-2012 (ZRA-142) and it is legally sufficient. If you have any questions, please do not hesitate to contact me. Thank you.

JV:ms

Attachment

cc: Steve LeGendre
Theodore Wimberly

Amendment 1 to Council Bill No. 39 -2012

BY: Courtney Watson

Legislative Day No. 15
Date: December 3, 2012

Amendment No. 1

(This amendment adds limitations for solar collectors and solar facilities.)

1 On page 5, in line 18, after “(2), insert “THE MAXIMUM SIZE OF A SOLAR FACILITY SHALL BE 75
2 ACRES NOTWITHSTANDING THE SIZE OF THE PARCEL.”.

3
4 Also on page 5, in line 24, strike “25” and substitute “20”.

5
6 On page 6, after line 12, insert:

7
8 “(10) A SOLAR COLLECTOR OR COMBINATION OF SOLAR COLLECTORS SHALL BE DESIGNED
9 AND LOCATED TO AVOID GLARE OR REFLECTION ONTO ADJACENT PROPERTIES AND
10 ADJACENT ROADWAYS AND SHALL NOT INTERFERE WITH TRAFFIC OR CREATE A SAFETY
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23 (i) A PUBLIC PARK;

ADOPTED December 3, 2012
PASSED
SIGNATURE Stephen M. Henderson

24
25
26
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Stephen LeGendre, Administrator to the County Council

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Ken Ulman, County Executive

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18 SECTION 105: RR (Rural Residential) District

19 G. Conditional Uses

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21 conditional uses given in Section 131. If there is a conflict between this Section and Section 131,
22 Section 131 shall prevail.
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2 REMOVED FROM THE SITE WITHIN ONE YEAR OF THE DATE THAT THE USE
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15 *the Department of Planning and Zoning is authorized to publish this Act, to correct obvious errors in*
16 *section references, numbers and references to existing law, capitalization, spelling, grammar, headings*
17 *and similar matters.*

18
19 *Section 3. And be it further enacted by the County Council of Howard County, Maryland, that the*
20 *provisions of this act shall become effective 61 days after enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on December 5, 2012.

Stephen M. LeGendre
Stephen M. LeGendre, 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 _____, 2012.

Stephen M. LeGendre, 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 _____, 2012.

Stephen M. LeGendre, 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 _____, 2012.

Stephen M. LeGendre, 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 _____, 2012.

Stephen M. LeGendre, 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 _____, 2012.

Stephen M. LeGendre, Administrator to the County Council