

Introduced _____
Public hearing _____
Council action _____
Executive action _____
Effective date _____

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 _____, 2012. Ordered posted and hearing scheduled.

By order _____
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 _____, 2012 and concluded on _____, 2012.

By order _____
Stephen LeGendre, Administrator to the County Council

This Bill was read the third time _____, 2012 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Stephen LeGendre, Administrator to the County Council

Scaled with the County Seal and presented to the County Executive for approval this _____ day of _____, 2012 at _____ a.m./p.m.

By order _____
Stephen LeGendre, Administrator to the County Council

Approved/vetoed by the County Executive on _____, 2012.

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

SECTION 105: RR (Rural Residential) District

G. Conditional Uses

The following are conditional uses in the RR 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. Bottling of Spring or Well Water
10. Boarding Houses
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 **SECTION 131: Conditional Uses**

2
3 **N. Conditional Uses and Permissible Zoning Districts**

4
5 The Hearing Authority may grant conditional uses in the specified districts in accordance with
6 the following minimum criteria.

7
8 **59. SOLAR FACILITY, COMMERCIAL**

9
10 **A. A CONDITIONAL USE MAY BE GRANTED IN THE RC OR RR ZONING DISTRICTS**
11 **FOR A COMMERCIAL SOLAR FACILITY, PROVIDED THAT:**

- 12
13 (1) THE LAND ON WHICH THE COMMERCIAL SOLAR FACILITY IS PROPOSED
14 MAY NOT BE IN THE AGRICULTURAL LAND PRESERVATION PROGRAM
15 AND IT MAY NOT BE ENCUMBERED BY ANY ENVIRONMENTAL
16 PRESERVATION EASEMENTS.
- 17
18 (2) THE MAXIMUM SIZE OF A SOLAR FACILITY SHALL BE 75 ACRES
19 NOTWITHSTANDING THE SIZE OF THE PARCEL. THE PARCEL ON WHICH
20 THE COMMERCIAL SOLAR FACILITY IS PROPOSED MUST BE A MINIMUM
21 OF 10 ACRES IN SIZE.
- 22
23 (3) ALL STRUCTURES AND USES MUST MEET A MINIMUM 50 FOOT SETBACK
24 FROM ALL PROPERTY LINES.
- 25
26 (4) NO STRUCTURE OR USE MAY BE MORE THAN ~~25~~20 FEET IN HEIGHT.
- 27
28 (5) A 'TYPE D' LANDSCAPING BUFFER MUST BE PROVIDED AROUND THE
29 PERIMETER OF THE PROPOSED COMMERCIAL SOLAR FACILITY UNLESS
30 THE HEARING AUTHORITY DETERMINES THAT AN ALTERNATIVE BUFFER
31 IS SUFFICIENT.
- 32
33 (6) ALL SECURITY FENCING MUST BE LOCATED BETWEEN THE LANDSCAPING
34 BUFFER AND THE COMMERCIAL SOLAR 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.*