

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

Sealed 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.

Section 1. *Be it enacted* by the County Council of Howard County, Maryland, that the Howard County Zoning Regulations are hereby amended to read as follows:

By adding:

Section 103: “Definitions”

numbers 210 and 211

Section 131: “Conditional Uses”

Subsection N. “Conditional Uses and Permissible Zoning Districts”

A new Number 59 “Solar Facility, Commercial”

By amending:

Section 104: “RC (Rural Conservation) District”

Subsection G. “Conditional Uses”

Section 105: “RR (Rural Residential) District”

Subsection G. “Conditional Uses”

Howard County Zoning Regulations

SECTION 103: Definitions

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

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

211. SOLAR COLLECTOR: A DEVICE, STRUCTURE OR A PART OF A DEVICE OR STRUCTURE FOR WHICH THE PRIMARY PURPOSE IS TO TRANSFORM SOLAR 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

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

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

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

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

- 5-

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

4
5 (9) THE PREMISES SHALL BE MAINTAINED AT ALL TIMES IN A CLEAN AND
6 ORDERLY CONDITION, INCLUDING THE CARE OR REPLACEMENT OF
7 PLANT MATERIALS REQUIRED IN THE LANDSCAPING PLAN. THE
8 RESPONSIBILITY FOR COMPLIANCE WITH THIS PROVISION SHALL BE WITH
9 ALL PARTIES HAVING A LEASE OR OWNERSHIP INTEREST IN THE
10 COMMERCIAL SOLAR FACILITY. THE APPLICANT SHALL PROVIDE THE
11 HEARING AUTHORITY WITH DETAILS REGARDING MAINTENANCE AND
12 ACCESS FOR THE SITE.

13
14 ***Section 2. Be it further enacted*** by the County Council of Howard County, Maryland, that the Director of
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.