

Introduced 10.2.2023
Public hearing 10.16.2023
Council action 11.6.2023
Executive action 11.9.2023
Effective date 1.9.2024

County Council of Howard County, Maryland

2023 Legislative Session

Legislative day # 11

BILL NO. 39 – 2023 (ZRA – 204)

Introduced by:

Christiana Rigby, Councilmember

AN ACT amending the definitions of "Parking Area, Parking Facility or Parking Use" and "Solar Collector, Rooftop" to ensure that solar canopies are permitted by right uses on parking structures.; and generally relating to solar canopies.

Introduced and read first time Oct 2, 2023. Ordered posted and hearing scheduled
By order Michelle Harrod
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 Oct 16, 2023.
By order Michelle Harrod
Michelle Harrod, Administrator

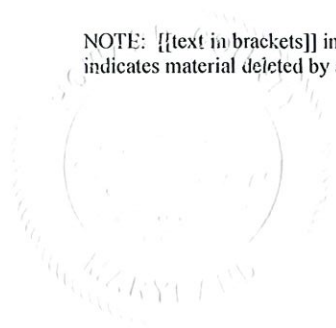
This Bill was read the third time on Nov 6 2023 and Passed , Passed with amendments , Failed .

By order Michelle Harrod
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 7 day of Nov, 2023 at 2:00 a.m./p.m.
By order Michelle Harrod
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive Nov. 9, 2023
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**
2 **Howard County Zoning Regulations are hereby amended as follows:**

3
4 *By Amending:*

5 *Section 103.0: "Definitions"*

6
7 **HOWARD COUNTY ZONING REGULATIONS**

8
9 **SECTION 103.0: Definitions**

10
11 Terms used in these Zoning Regulations shall have the definition provided in any standard
12 dictionary, unless specifically defined below or in any other provision of these Zoning
13 Regulations:

14
15 Parking Area, Parking Facility or Parking Use: Any area of a lot or structure used for off-
16 street parking and circulation of motor vehicles, including the area occupied by parking
17 spaces, driveways, and vehicle stacking lanes (e.g. for a car wash or drive-through
18 window). GROUND-MOUNTED PARKING CANOPIES SHALL BE CONSIDERED A PARKING USE
19 AND SHALL NOT BE FACTORED INTO THE HEIGHT CALCULATIONS FOR ANY PARKING AREA,
20 PARKING FACILITY, OR PARKING USE. The following are not part of a parking area or
21 parking use: loading docks; areas designated to be occupied by a vehicle during loading
22 operations; fuel servicing spaces at a Motor Vehicle Fueling Facility; parking lot islands,
23 any area used for outdoor display or storage of merchandise for sale or rent, including
24 motor vehicles; and any area used for storage of inoperative motor vehicles.

25
26 Solar Collector, Rooftop: A solar collector or commercial solar collector and all
27 supporting electrical and structural components that is attached to the rooftop of an
28 existing structure, INCLUDING GROUND MOUNTED PARKING CANOPIES, or integrated into the
29 building, where the solar panels themselves act as a building material or structural
30 element. ROOFTOP SOLAR COLLECTORS SHALL NOT BE FACTORED INTO THE HEIGHT
31 CALCULATIONS FOR ANY STRUCTURE.

- 1 ***Section 2. Be it further enacted by the County Council of Howard County, Maryland, that***
- 2 ***this Act shall become effective 61 days after its enactment.***





**Petition to Amend the Zoning Regulations
of Howard County**

Zoning Regulation Amendment Request

1. I (we), the undersigned, hereby petition the Zoning Board of Howard County to amend the Zoning Regulations of Howard County as follows:

To amend the definitions of "Parking Area, Parking Facility or Parking Use" and "Solar Collector, Rooftop" to ensure that solar canopies are permitted by right uses on parking structures.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. **Petitioner's Name:** Christiana Rigby
Address: 3430 Court House Drive, Ellicott City, MD 21043
Phone:(W) 410-313-2001 **(H)** _____
Email Address: crigby@howardcountymd.gov

3. **Counsel for Petitioner:** David Moore
Counsel's Address: 3450 Court House Drive, Ellicott City, MD 21043
Counsel's Phone: 410-313-2100 **Email Address:** dmoore@howardcounty

4. **Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed:**

Howard County has a long history of renewable energy initiatives, including the installation of solar canopies in surface parking lots. Currently, ground-mounted solar canopies are not clearly defined as a 'parking use', which limits the locations and options for installation. Adding ground-mounted solar canopies as a parking use will expand opportunities for their installation. By increasing the number of businesses and individuals who can easily install and utilize solar canopies over parking lots, we can reduce greenhouse gas emissions and our carbon footprint, provide needed shade and heat protection areas, promote green energy, and make meaningful steps towards meeting our climate goals.

11 2 9 - 9 2023
 HOWARD COUNTY COUNCIL

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County:

Policy 4.12 of the General Plan states that the County should, "Develop an energy plan that prepares for different future energy scenarios, examines options for various kinds of future energy sustainability, promotes conservation and renewable resources, and sets targets to reduce greenhouse gases. Additionally, Implementing Action d of Policy 4.12 reads, "Climate Action Plan. Implement the County's 2010 Climate Action Plan (referenced in Chapters 1, 3, and 12), which relates to future energy technology, such as wind, solar, geothermal, and other renewable sources."

The proposed ZRA will encourage the creation of additional solar power generating parking canopies in our community to support the policy actions above.

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.0.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.0.A.

See attached Supplemental Statement

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s).

Public benefits to be gained by allowing solar power generating parking canopies in surface parking lots by right include:

- Increased access to renewable energy.
- Reduced carbon emissions.
- Renewable energy generation.

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no?

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

This proposed Zoning Regulation Amendment is seeking to permit solar canopies on all "Parking Area, Parking Facility or Parking Uses" that can have permanently attached canopy structures.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. Provide the address, Tax Map, and Parcel Number for any parcel of land known to be affected by the amendment(s) that the Petitioner owns or has a legal or equitable interest in.

N/A

The Petitioner agrees to erect and maintain Planning Board meeting poster(s) on the affected parcels in accordance with the Affidavit of Posting provided by the Department of Planning and Zoning. The poster(s) must be erected no less than six weeks prior to the date of the Planning Board meeting and must be removed within seven days of the conclusion of the Planning Board meeting.

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition.

The State of Maryland has set the standard of getting to net zero emissions by 2045 and we will need multiple solutions and actions to meet these crucial climate action goals. Increasing access and remove barriers to solar canopy creation in surface parking lots is an action that will help us meet those goals.

[You may attach a separate document to respond to Section 10. If so, this document shall be titled "Response to Section 10."]

11. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in [[Double Bold Brackets]]. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

12. The Petitioner certifies that no petition for the same or substantially the same proposal as herein contained for the subject property has been denied in whole or in part by the Zoning Board or has been withdrawn after the taking of evidence at a public hearing of the Zoning Board within twenty-four (24) months of the Zoning Board hearing unless so stated herein.

13. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling.

14. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Christiana Rigby

Petitioner's/Owner's Names



12/21/2022

Petitioner's/Owner's Signature Date

Petitioner's/Owner's Names

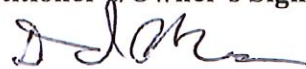
Petitioner's/Owner's Signature Date

Petitioner's/Owner's Names

Petitioner's/Owner's Signature Date

David R. Moore

Counsel for Petitioner's Names



Counsel for Petitioner's Signature Date

Fees

The Petitioner agrees to pay all fees* as follows:

Filing Fee\$ 2,500.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night:.....\$ 510.00

Public Notice Poster:..... \$ 25.00 (per poster)

* The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

APPLICATIONS: One (1) original plus twenty (24) copies along with attachments.

For DPZ office use only:

Hearing fee: \$ _____

Poster(s) fee: \$ _____

Total: \$ _____

Receipt No. _____

Make checks payable to the "Director of Finance"

PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.
- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

ZONING MATTER: _____

**AFFIDAVIT AS TO CONTRIBUTIONS TO CANDIDATES AND
BUSINESS ENGAGEMENTS WITH ELECTED OFFICIALS**

**As required by the Maryland Public Ethics Law
Annotated Code of Maryland, General Provisions Article
Sections 5-852 through 5-854**

ALL BOLDED TERMS ARE DEFINED BY SECTION 5-852
MARK EACH PARAGRAPH AS APPLICABLE

1. I, Christiana Rigby, the **Applicant** filing an **Application** in the above zoning matter, to the best of my information, knowledge, and belief HAVE / HAVE NOT made a **Contribution** or contributions having a cumulative value of \$500 or more to the treasurer of a **Candidate** or the treasurer of a **Political Committee** during the 48-month period before the **Application** was filed; and I AM / AM NOT currently **Engaging in Business** with an **Elected Official**.

2. I, the **Applicant** or a **Party of Record** in the above referenced zoning matter, acknowledge and affirm that, if I or my **Family Member** has made a **Contribution** or contributions having a cumulative total of \$500 or more during the 48-month period before the **Application** was filed or during the pendency of the **Application**, I will file a disclosure providing the name of the **Candidate** or **Elected Official** to whose treasurer or **Political Committee** the **Contribution** was

made, the amount, and the date of the **Contribution**; and that a **Contribution** made between the filing and the disposition of the **Application** will be disclosed within 5 business days after the **Contribution**.

3. I, the **Applicant**, acknowledge and affirm that, if I begin **Engaging in Business** with an **Elected Official** between the filing and the disposition of the **Application**, I will file this Affidavit at the time of **Engaging in Business** with the **Elected Official**.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY and upon personal knowledge that the contents of this Affidavit are true.

Christiana Rigby

(Print full name)



(Sign full name &
indicate legal capacity, if applicable)

12/21/2022

(Date)

ZONING MATTER: _____

DISCLOSURE OF CONTRIBUTION

**As required by the Maryland Public Ethics Law
Annotated Code of Maryland, General Provisions Article
Sections 5-852 through 5-854**

ALL BOLDED TERMS ARE DEFINED BY SECTION 5-852

If the **Applicant** or a **Party of Record** or their **Family Member** has made a **Contribution** or contributions having a cumulative value of \$500 or more during the 48-month period before the **Application** is filed or during the pendency of the **Application**, the **Applicant** or the **Party of Record** must file this disclosure providing the name of the **Candidate** or **Elected Official** to whose treasurer or **Political Committee** the **Contribution** was made, the amount, and the date of the **Contribution**.

For a **Contribution** made during the 48-month period before the **Application** is filed, the **Applicant** must file this disclosure when they file their **Application**, and a **Party of Record** must file this disclosure within 2 weeks after entering the above zoning matter.

A **Contribution** made between the filing and the disposition of the **Application** must be disclosed within 5 business days after the **Contribution**.

Any person who knowingly and willfully violates Sections 5-852 through 5-854 of the General Provisions Article of the Annotated Code of Maryland is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.


Applicant or Party of Record: Christiana Rigby
(Print Full Name)

RECIPIENTS OF CONTRIBUTIONS:

NAME	DATE	AMOUNT

I acknowledge and affirm that any **Contribution** I make between the filing of this disclosure and the disposition of the **Application** must be disclosed within 5 business days of the **Contribution**.

Christiana Rigby
(Print full name)


(Sign full name & indicate legal capacity, if applicable)

12/21/2022
(Date)

SUPPLEMENT TO PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

Christiana Rigby, Petitioner

6. The Legislative Intent of the Zoning Regulations in Section 100.0.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.0.A.

This proposed ZRA is in harmony with the preservation and promotion of the health, safety and welfare of the community as set forth in 100.0.A. There are several additionally enumerated intents within that section of the zoning code that also provide justification for this ZRA.

100.0.A.3 states, "To promote the most beneficial relationship between the uses of land and structures, and the road system which serves these uses..." Allowing ground-mount solar canopies on parking lots by right would enhance existing parking lots by creating a better and higher use of those parking lots.

Finally, 100.0.A.7 states, "To ensure that all development and land uses protect or enhance the natural, environmental, historic, architectural and other landscape resources of the County, especially highly fragile and environmentally important features such as floodplains, wetlands or steep slopes." An increased number of ground-mounted solar canopies on parking lots in Howard County would help us reduce greenhouse gases, thereby helping to mitigate the effects of climate change. In addition, increasing access to renewable energy will improve our air quality and bolster our community.

Petitioners Proposed Text

SECTION 103.0: - Definitions

Terms used in these Zoning Regulations shall have the definition provided in any standard dictionary, unless specifically defined below or in any other provision of these Zoning Regulations:

Parking Area, Parking Facility or Parking Use: Any area of a lot or structure used for off-street parking and circulation of motor vehicles, including the area occupied by parking spaces, driveways, and vehicle stacking lanes (e.g. for a car wash or drive-through window). GROUND-MOUNTED PARKING CANOPIES SHALL BE CONSIDERED A PARKING USE. The following are not part of a parking area or parking use: loading docks; areas designated to be occupied by a vehicle during loading operations; fuel servicing spaces at a Motor Vehicle Fueling Facility; parking lot islands, any area used for outdoor display or storage of merchandise for sale or rent, including motor vehicles; and any area used for storage of inoperative motor vehicles.

Solar Collector, Rooftop: A solar collector or commercial solar collector and all supporting electrical and structural components that is attached to the rooftop of an existing structure, INCLUDING GROUND MOUNTED PARKING CANOPIES, or integrated into the building, where the solar panels themselves act as a building material or structural element.

Petitioners Proposed Text (How it Would Appear if Adopted)

SECTION 103.0: - Definitions

Terms used in these Zoning Regulations shall have the definition provided in any standard dictionary, unless specifically defined below or in any other provision of these Zoning Regulations:

Parking Area, Parking Facility or Parking Use: Any area of a lot or structure used for off-street parking and circulation of motor vehicles, including the area occupied by parking spaces, driveways, and vehicle stacking lanes (e.g. for a car wash or drive-through window). Ground-mounted parking canopies shall be considered a parking use. The following are not part of a parking area or parking use: loading docks; areas designated to be occupied by a vehicle during loading operations; fuel servicing spaces at a Motor Vehicle Fueling Facility; parking lot islands, any area used for outdoor display or storage of merchandise for sale or rent, including motor vehicles; and any area used for storage of inoperative motor vehicles.

Solar Collector, Rooftop: A solar collector or commercial solar collector and all supporting electrical and structural components that is attached to the rooftop of an existing structure, including ground mounted parking canopies, or integrated into the building, where the solar panels themselves act as a building material or structural element.



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Mary Kendall, Acting Director

FAX 410-313-3467

TECHNICAL STAFF REPORT

Planning Board Meeting of June 15, 2023

Case No./Petitioner: ZRA-204 - Councilwoman Rigby

Request: To amend the definitions of "Parking Area, Parking Facility or Parking Use" and "Solar Collector, Rooftop" to allow solar canopies as a matter of right in Parking Areas and on parking structures.

I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS

Prior Zoning Regulation Amendments - Solar

In 2012, Council Bill 39-2012 (ZRA- 142) added a definition for Commercial Solar Facility's (CSF) and added solar facilities as a Conditional Use in RC and RR to allow renewable energy sources in the rural portion of the County. The use was prohibited on properties less than 10 acres and on properties in the Agricultural Land Preservation Program.

During the 2013 Comprehensive Zoning, the Accessory Solar Collector use was added in all zoning districts, except R-HED, OT, and SC. The definition of Accessory Solar Collector required the power generated to be consumed primarily by the principal use on the property.

In 2016, Council Bill 59-2016 (ZRA-164) permitted the Commercial Solar Facility Conditional Use on Agricultural Land Preservation Parcels (ALPP) and required review and advisory comments from the Agricultural Preservation Board (APB). A new criterion was to include a visual impact analysis for scenic views and a glare study.

In 2021, Council Bill 17-2021 (ZRA-197) incorporated several changes recommended by the Howard County Solar Task Force, created by Council Resolution 133-2019. Among other changes, it updated the solar definitions in Section 103.0, allowed rooftop commercial and accessory ground-mount solar collectors in all zoning districts, exempted accessory ground-mount solar collectors from the accessory structure lot coverage requirement, allowed ground-mount commercial solar panels in B-1 (Business: Local), B-2 (Business: General), CE (Corridor Employment), M-1 (Manufacturing: Light), M-2 (Manufacturing: Light), POR (Planned Office Research), and PEC (Planned Employment Center) as a matter of right, eliminated the requirement for a glare study, and revised the Agricultural Preservation Board's review process.

Prior Zoning Regulation Amendments - Parking

Parking definitions were first introduced in the 1954 regulations, with 'parking area, garage, lot and space' first being outlined in the definition section in 1977.

During the 1993 Comprehensive Zoning, the definition for "Parking Area, Parking Facility or Parking" was expanded to define the "use" as any area of a lot or structure used for off-street parking of motor vehicles or for vehicular circulation, including the area occupied by parking spaces, driveways, or vehicle stacking lanes (e.g., for a car wash or drive-through window).

During the 2004 Comprehensive Zoning, through Council Bill 75-2003, the definition for Parking Area, Parking Facility or Parking Use was amended to exclude loading docks; areas designated to be occupied by a vehicle during loading operations; fuel servicing spaces at a gasoline service station; any area used for outdoor display or storage of merchandise for sale or rent, including motor vehicles; and any area used for storage of inoperative motor vehicles.

The term "Parking Use" is found in the bulk regulations of the CE, B-1, B-2, M-1, M-2, PEC, SC (Shopping Center), and TOD (Transit Oriented Development) zoning districts and allows a reduced setback from public rights-of-way for parking lots in suburban/auto dependent areas.

II. DESCRIPTION OF PROPOSAL

This section contains a summary of the Petitioner's proposed amendments (Exhibit A), which change the definitions associated with parking and solar collector uses, as outlined below. The Petitioner asserts that ground-mounted solar canopies are not clearly defined as a 'parking use', which limits the locations and options for installation, and including ground-mounted solar canopies as a parking use will expand opportunities for their installation.

SECTION 103.0: - Definitions - Parking Area, Parking Facility or Parking Use:

Parking Area, Parking Facility or Parking Use: Any area of a lot or structure used for off-street parking and circulation of motor vehicles, including the area occupied by parking spaces, driveways, and vehicle stacking lanes (e.g., for a car wash or drive-through window). The following are not part of a parking area or parking use: loading docks; areas designated to be occupied by a vehicle during loading operations; fuel servicing spaces at a Motor Vehicle Fueling Facility; parking lot islands, any area used for outdoor display or storage of merchandise for sale or rent, including motor vehicles; and any area used for storage of inoperative motor vehicles

The Petitioner proposes adding "Ground-mounted parking canopies shall be considered a parking use" to this definition.

SECTION 103.0: - Definitions - Solar Collector, Rooftop

Solar Collector, Rooftop: A solar collector or commercial solar collector and all supporting electrical and structural components that is attached to the rooftop of an existing structure, or integrated into the building, where the solar panels themselves act as a building material or structural element.

The Petitioner proposes adding “including ground mounted parking canopies” to the definition.

III. EVALUATION OF PROPOSAL

This section contains the Department of Planning and Zoning (DPZ) technical evaluation of ZRA-204 in accordance with Section 16.208.(d) of the Howard County Code. The Petitioner’s proposed amendment text is attached as Exhibit A.

1. **The compatibility, including potential adverse impacts and consequences, of the proposed Zoning Regulation Amendment with the existing and potential uses of the surrounding areas and within the same zoning district.**

Currently, structures, including parking canopies, are required to meet the structure and use setbacks from the public street rights-of-way; however, parking uses are allowed to be closer to the public street rights-of-way in the CE, B-1, B-2, M-1, M-2, PEC, SC, and TOD zoning districts. Thus, only a portion of parking lots that are adjacent to public street rights-of-way in these zoning districts may have solar parking canopies. These amendments allow solar parking canopies to meet the parking use setback and cover a larger portion of these parking lots.

The proposed amendments are unlikely to result in adverse impacts to surrounding properties based on the following:

- The CE, B-1, B-2, M-1, M-2, PEC, SC, and TOD zoning districts consist of commercial/industrial uses and are primarily located on collector and arterial roads;
- Residential uses are typically located behind the commercial/industrial uses;
- Parking canopies are currently allowed at the structure and use setback;
- Rooftop/ground-mounted solar collectors are permitted as a matter of right in these zoning districts; and
- Solar collectors can have an anti-reflective coating or light trapping technology that minimize glare.

2. **The properties to which the Zoning Regulation Amendment could apply and, if feasible, a map of the impacted properties.**

ZRA-204 will apply to the CE, B-1, B-2, M-1, M-2, PEC, SC, and TOD zoning districts. A map of these properties is attached as “Attachment A”.

3. **Conflicts in the Howard County Zoning Regulations as a result of the Zoning Regulation Amendment.**

While not a conflict with the Zoning Regulations, the Division of Land Development has reviewed ZRA-204 and identified potential conflicts with the objectives of the Subdivision and Land Development Regulations and Howard County Landscape Manual.

Parking lot landscaping and street tree plantings

- 1) Section 16.124 of the Subdivision and Land Development Regulations and the Howard County Landscape Manual requires subdivisions and developments to provide perimeter and parking lot landscaping and street tree plantings. The construction of parking lot solar canopies may impact required landscaping in the following ways:
 - a) Perimeter Landscaping – Perimeter landscaping is required along the outside boundary of a property.
 - i) Perimeter landscaping buffers consist of a range of shade and evergreen trees. These trees may be impacted if clearing of vegetation is needed to provide solar canopy structures with direct access to sunlight.
 - b) Parking Lots Adjacent to Roadways - The Landscape Manual requires a combination of low shrubs and canopy trees to provide visibility through a site while partially screening cars parked immediately adjacent to the roadway.
 - i) A solar canopy may shade smaller vegetation, such as shrubs, and reduce the survivability of trees due to loss of sunlight and precipitation.
 - ii) Required shade trees may be impacted if clearing of vegetation is needed to provide solar canopy structures with direct access to sunlight.
 - c) Parking Lot Internal Landscaping – All parking lots must provide permanently landscaped areas consisting of planted islands, peninsulas, or medians within the interior of the lot. Grouping of parking spaces should generally not exceed 12 in a row for residential land uses, 24 in a row for commercial or institutional land uses, and 30 in a row for large regional shopping centers and malls.
 - i) The requirement to provide parking lot landscaping within islands, peninsulas or medians would be impacted by the placement of solar canopies within a parking lot.
 - d) Street Trees – Street trees shall be provided on new internal roads and on existing roads involving road improvements as a component of Complete Streets.
 - i) Large shade trees required for street tree plantings may be impacted if clearing of large tree canopies are needed to provide solar canopy structures with direct access to sunlight.
4. **The compatibility of the proposed Zoning Regulation Amendment with the Policies and objectives, specifically including the environmental policies and objectives, of the Howard County General Plan.**

ZRA-204 is compatible with the following PlanHoward 2030 policies that encourage sustainable energy production and green industries.

Policy 4.12, “develop an energy plan that prepares for different future energy scenarios, examines options for various kinds of future energy sustainability, promotes conservation and renewable resources, and sets targets to reduce greenhouse gases.”

Policy 5.3, “promote future energy and green industries.”

Policy 10.6: “improve the competitiveness and design of commercial areas”.

d. Parking Design. Discourage large parking lots in locations that dominate the public image of the site along main roads. Increase the requirements for internal parking lot landscaping to visually break up large lots, provide more shade, and improve the pedestrian environment.

The proposed ZRA could help advance green technologies, however, the visual impact that ground mounted solar canopies could have on parking area appearance and parking design should be considered. Incorporation of these structures within parking areas that dominate the public image along main roads may or may not break up large lots, provide more shade, and improve the pedestrian environment in a manner equivalent to internal landscaping outlined in Policy 10.6. Compatible incorporation of landscaping requirements with ground mounted parking canopies is best addressed as a site-specific design issue.

Environmental Policies and Objectives

The Resource Conservation Division finds that ZRA-204 is consistent with the environmental policies of PlanHoward 2030 and will expand opportunities for the generation of solar powered energy, a renewable energy source, throughout the County.

- 5. **If the zoning regulation text amendment would impact eight parcels of land or less:**
 - (i) **A list of those impacted parcels;**
 - (ii) **The address of each impacted parcel;**
 - (iii) **The ownership of each impacted parcel; and**
 - (iv) **The contact information for the owner, if an individual, or resident agent or owner, if a corporate entity, of each impacted parcel.**

ZRA-204 impacts more than eight (8) parcels; therefore, this criterion does not apply.

DocuSigned by:

 65E67A880DA740C
 Mary Kendall, Acting Director
 6/1/2023
 Date

Exhibit A

Petitioner's Proposed Text

(CAPITALS indicate text to be added; text in [[brackets]] indicates text to be deleted.)

Section 103.0: Definitions

Parking Area, Parking Facility or Parking Use: Any area of a lot or structure used for off-street parking and circulation of motor vehicles, including the area occupied by parking spaces, driveways, and vehicle stacking lanes (e.g. for a car wash or drive-through window). GROUND-MOUNTED PARKING CANOPIES SHALL BE CONSIDERED A PARKING USE. The following are not part of a parking area or parking use: loading docks; areas designated to be occupied by a vehicle during loading operations; fuel servicing spaces at a Motor Vehicle Fueling Facility; parking lot islands, any area used for outdoor display or storage of merchandise for sale or rent, including motor vehicles; and any area used for storage of inoperative motor vehicles.

Solar Collector, Rooftop : A solar collector or commercial solar collector and all supporting electrical and structural components that is attached to the rooftop of an existing structure, INCLUDING GROUND MOUNTED PARKING CANOPIES, or integrated into the building, where the solar panels themselves act as a building material or structural element.

Exhibit B

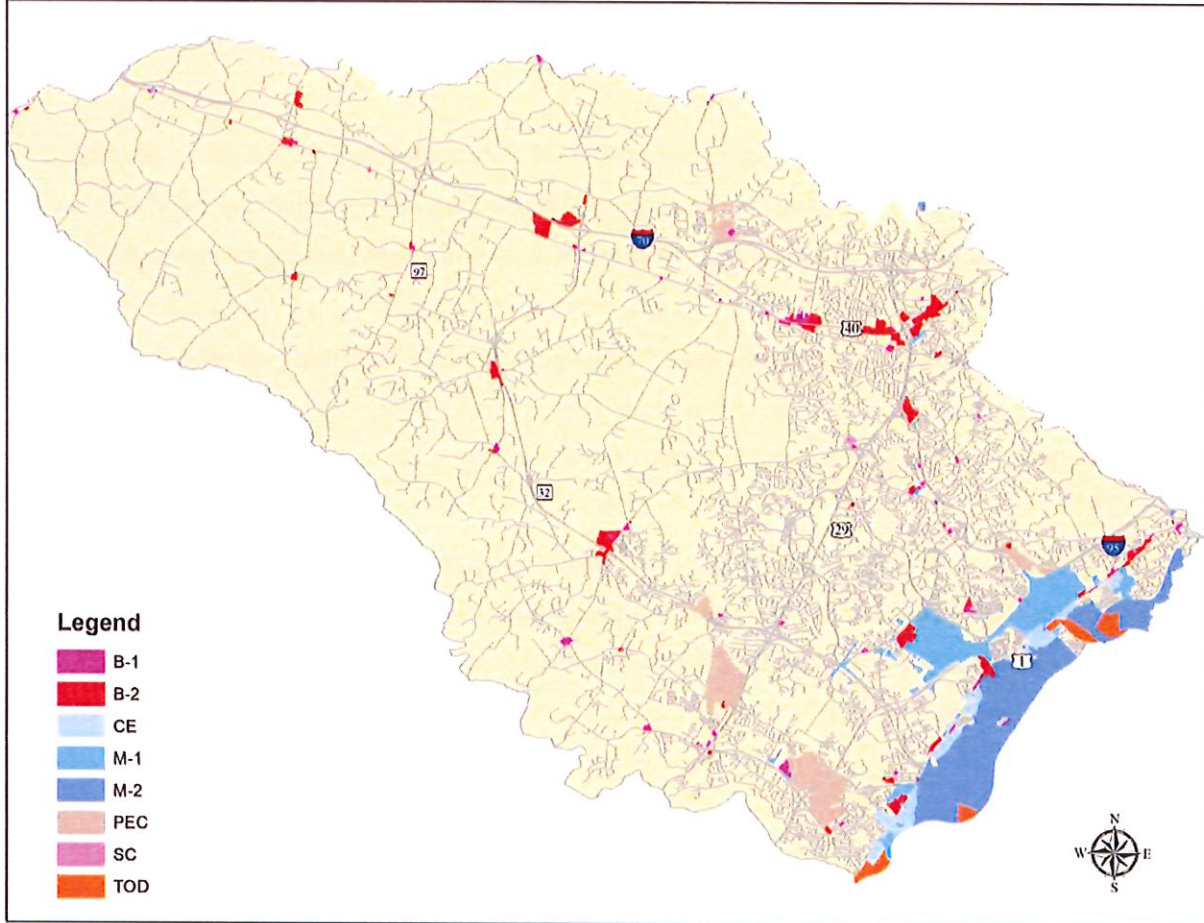
How the Text Would Appear Normally If Adopted

Section 103.0: Definitions

Parking Area, Parking Facility or Parking Use: Any area of a lot or structure used for off-street parking and circulation of motor vehicles, including the area occupied by parking spaces, driveways, and vehicle stacking lanes (e.g. for a car wash or drive-through window). Ground-mounted parking canopies shall be considered a parking use. The following are not part of a parking area or parking use: loading docks; areas designated to be occupied by a vehicle during loading operations; fuel servicing spaces at a Motor Vehicle Fueling Facility; parking lot islands, any area used for outdoor display or storage of merchandise for sale or rent, including motor vehicles; and any area used for storage of inoperative motor vehicles.

Solar Collector, Rooftop : A solar collector or commercial solar collector and all supporting electrical and structural components that is attached to the rooftop of an existing structure, including ground mounted parking canopies, or integrated into the building, where the solar panels themselves act as a building material or structural element.

Attachment A



1 COUNTY COUNCILMEMBER CHRISTIANA * BEFORE THE
2 RIGBY, PETITIONER * PLANNING BOARD OF
3 ZRA-204 * HOWARD COUNTY, MARYLAND

4
5 * * * * * * * * * * * * * *

6 MOTION: Recommend approval of ZRA-204.

7 ACTION: *Recommend Approval; Vote 4-0.*

8 * * * * * * * * * * * * *

9
10 RECOMMENDATION

11 On June 15, 2023, the Planning Board of Howard County, Maryland, considered the petition of County
12 Council Member Christiana Rigby (Petitioner) to amend the Howard County Zoning Regulations to modify the
13 definitions of "Parking Area, Parking Facility or Parking Use" and "Solar Collector, Rooftop" to allow solar
14 canopies as a matter of right in parking areas and on parking structures.

15 The Planning Board considered the petition and the Department of Planning and Zoning (DPZ)
16 Technical Staff Report.

17 Testimony

18 Councilmember Christiana Rigby presented testimony stating that the intent of the amendment is to
19 allow solar canopies as a matter of right in parking areas and on parking structures. She stated that the current
20 zoning code definitions constrained a proposed parking lot solar canopy project in Gateway and that led to this
21 proposal. She also noted the additional positive impacts of using solar canopies to provide shade to parking
22 spaces and cars parked underneath. This amendment would make it easier for developers and proponents of
23 solar power to develop solar canopies.

24 Mr. Cecil expressed concern that height restrictions may prevent the installation of parking canopies
25 and recommended that solar canopies be exempt from these restrictions. Councilwoman Rigby concurred.
26 Regarding the landscaping concerns identified in the TSR, Mr. Coleman asked the parking canopies will be
27 reviewed on a case-by-case basis and whether the landscape requirements or the canopies will take precedent.
28 Mr. Conrad responded that the location of the parking canopies and landscaping will be determined during the
29 development review process, since site characteristics are location specific. Mr. Coleman stated that the current
30 landscaping manual requirement for buffering parking lots are inadequate to screen a 20-foot or higher parking
31 canopy.

32
33 No members of the public testified in regard to the proposed ZRA.

Board Discussion and Recommendation

In work session, Board members spoke favorably of the proposed amendments citing the need for renewable energy sources. Mr. Coleman stated his support, but expressed concern about the height of parking canopies and their potential visual impact.

Mr. Cecil motioned to recommend approval of ZRA-204, Mr. McAliley seconded the motion. The motion passed 4-0.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 5th day of July, 2023, recommends that ZRA-204, as described above, be **APPROVED**.

HOWARD COUNTY PLANNING BOARD

DocuSigned by: Edward T. Coleman

Ed Coleman, Chair

DocuSigned by: Kevin McAliley

Kevin McAliley, Vice-chair

DocuSigned by: James Cecil

James Cecil

DocuSigned by: Lisa Fenney on behalf of Barbara Mosier

Barbara Mosier

ATTEST:

DocuSigned by: Mary Kendall

Mary Kendall, Acting Executive Secretary

Petitioner	ZRA	Applicant	Form	Name	Date Affidav	Have	Have/Not	Recipients of Cont	Date of Contribution	Amount	Am	Am/Not
Christiana Rigby	204	Christiana Rigby	Affidavit of Contribution	Christiana Rigby	12/21/2022		X					
Christiana Rigby	204	Christiana Rigby	Affidavit Engaging in Business	Christiana Rigby	12/21/2022							X
Christiana Rigby	204	Christiana Rigby	Disclosure of Contribution	Christiana Rigby	12/21/2022			n/a	n/a	n/a		

Amendment 1 to Council Bill No. 39-2023

BY: Christiana Rigby

Legislative Day 13
Date: November 6, 2023

Amendment No. 1

(This amendment clarifies that solar canopies installed do not impact any height restrictions imposed by the zoning regulations.)

- 1 On page 1, in line 18, immediately before the period, insert “AND SHALL NOT BE FACTORED INTO
- 2 THE HEIGHT CALCULATIONS FOR ANY PARKING AREA, PARKING FACILITY, OR PARKING
- 3 USE”.
- 4
- 5 On page 1, in line 29, after the period, insert “ROOFTOP SOLAR COLLECTORS SHALL NOT BE
- 6 FACTORED INTO THE HEIGHT CALCULATIONS FOR ANY STRUCTURE.”.
- 7
- 8
- 9
- 10

I certify this is a true copy of
Am 1 to CB 39-2023
passed on Nov 6 2023
Michelle Hodson
Council Administrator

Introduced 10.02.2023
Public hearing 10.16.2023
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2023 Legislative Session

Legislative day # 11

BILL NO. 39 - 2023 (ZRA - 204)

Introduced by:

Christiana Rigby, Councilmember

AN ACT amending the definitions of "Parking Area, Parking Facility or Parking Use" and "Solar Collector, Rooftop" to ensure that solar canopies are permitted by right uses on parking structures.; and generally relating to solar canopies.

Introduced and read first time Oct 2, 2023. Ordered posted and hearing scheduled.

By order Michelle Harrod
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 Oct 16, 2023.

By order Michelle Harrod
Michelle Harrod, Administrator

This Bill was read the third time on _____, 2023 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 _____, 2023 at _____ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2023

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**
2 **Howard County Zoning Regulations are hereby amended as follows:**

3
4 *By Amending:*

5 *Section 103.0: "Definitions"*

6
7 **HOWARD COUNTY ZONING REGULATIONS**

8
9 **SECTION 103.0: Definitions**

10
11 Terms used in these Zoning Regulations shall have the definition provided in any standard
12 dictionary, unless specifically defined below or in any other provision of these Zoning
13 Regulations:

14
15 Parking Area, Parking Facility or Parking Use: Any area of a lot or structure used for off-
16 street parking and circulation of motor vehicles, including the area occupied by parking
17 spaces, driveways, and vehicle stacking lanes (e.g. for a car wash or drive-through
18 window). GROUND-MOUNTED PARKING CANOPIES SHALL BE CONSIDERED A PARKING USE.
19 The following are not part of a parking area or parking use: loading docks; areas
20 designated to be occupied by a vehicle during loading operations; fuel servicing spaces at
21 a Motor Vehicle Fueling Facility; parking lot islands, any area used for outdoor display or
22 storage of merchandise for sale or rent, including motor vehicles; and any area used for
23 storage of inoperative motor vehicles.

24
25 Solar Collector, Rooftop: A solar collector or commercial solar collector and all
26 supporting electrical and structural components that is attached to the rooftop of an
27 existing structure, INCLUDING GROUND MOUNTED PARKING CANOPIES, or integrated into the
28 building, where the solar panels themselves act as a building material or structural
29 element.

30
31
32 **Section 2. Be it further enacted by the County Council of Howard County, Maryland, that**
33 **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 November 9, 2023.

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 _____, 2023.

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 _____, 2023.

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 _____, 2023.

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 _____, 2023.

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 _____, 2023.

Michelle Harrod, Administrator to the County Council