

Chapter 702

(House Bill 1117)

AN ACT concerning

Zoning, Construction, and Stormwater – Permits and Variances – Solar Panels

FOR the purpose of providing that, for the purposes of issuing a permit or a variance relating to zoning, construction, or stormwater for a project to install a solar panel, any calculation relating to the impervious surface of the project required by certain State or local governing authorities may include only ~~a certain portion of~~ the foundation or base supporting the solar panel; establishing a certain exception; defining a certain term; providing for the effective date of this Act; and generally relating to the calculation of impervious surfaces for the purposes of issuing a permit or a variance relating to zoning, construction, or stormwater.

BY repealing and reenacting, with amendments,

Article – Land Use

Section 1–401 and 10–103

Annotated Code of Maryland

(As enacted by Chapter 426 (H.B. __)(2lr0396) of the Acts of the General Assembly of 2012)

BY adding to

Article – Land Use

Section 4–210

Annotated Code of Maryland

(As enacted by Chapter 426 (H.B. __)(2lr0396) of the Acts of the General Assembly of 2012)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Land Use

1–401.

(a) Except as provided in this section, this division does not apply to charter counties.

(b) The following provisions of this division apply to a charter county:

(1) this subtitle, including Parts II and III (Charter county – Comprehensive plans);

(2) § 1–101(o) (Definitions – “Sensitive area”);

(3) § 1–201 (Visions);

(4) § 1–206 (Required education);

(5) § 1–207 (Annual report – In general);

(6) § 1–208 (Annual report – Measures and indicators);

(7) Title 1, Subtitle 3 (Consistency);

(8) § 4–104(b) (Limitations – Bicycle parking);

(9) § 4–208 (Exceptions – Maryland Accessibility Code);

(10) **§ 4–210 (PERMITS AND VARIANCES – SOLAR PANELS);**

(11) § 5–102(d) (Subdivision regulations – Burial sites);

[(11)] (12) Title 7, Subtitle 1 (Development Mechanisms);

[(12)] (13) Title 7, Subtitle 2 (Transfer of Development Rights);

[(13)] (14) Except in Montgomery County or Prince George’s County, Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements);

[(14)] (15) Title 7, Subtitle 4 (Inclusionary Zoning);

[(15)] (16) § 8–401 (Conversion of overhead facilities);

[(16)] (17) For Baltimore County only, Title 9, Subtitle 3 (Single–County Provisions – Baltimore County);

[(17)] (18) For Howard County only, Title 9, Subtitle 13 (Single–County Provisions – Howard County); and

[(18)] (19) Title 11, Subtitle 2 (Civil Penalty).

(c) This section supersedes any inconsistent provision of Division II of this article.

4-210.

(A) IN THIS SECTION, "CRITICAL AREA" INCLUDES THE AREAS DESIGNATED AS THE CHESAPEAKE BAY CRITICAL AREA AND THE ATLANTIC COASTAL BAYS CRITICAL AREA UNDER § 8-1807 OF THE NATURAL RESOURCES ARTICLE.

(B) THIS SECTION DOES NOT APPLY IN THE CRITICAL AREA.

(C) FOR THE PURPOSES OF ISSUING A PERMIT OR VARIANCE RELATING TO ZONING, CONSTRUCTION, OR STORMWATER FOR A PROJECT TO INSTALL A SOLAR PANEL, ANY CALCULATION RELATING TO THE IMPERVIOUS SURFACE OF THE PROJECT REQUIRED BY THE STATE OR LOCAL GOVERNING AUTHORITY ISSUING THE PERMIT OR VARIANCE MAY INCLUDE ONLY ~~THE BASE OF THE~~ FOUNDATION OR BASE SUPPORTING THE SOLAR PANEL.

10-103.

(a) Except as provided in this section, this division does not apply to Baltimore City.

(b) The following provisions of this division apply to Baltimore City:

- (1) this title;
- (2) § 1-101(m) (Definitions – "Priority funding area");
- (3) § 1-101(o) (Definitions – "Sensitive area");
- (4) § 1-201 (Visions);
- (5) § 1-206 (Required education);
- (6) § 1-207 (Annual report – In general);
- (7) § 1-208 (Annual report – Measures and indicators);
- (8) Title 1, Subtitle 3 (Consistency);
- (9) Title 1, Subtitle 4, Parts II and III (Home Rule Counties – Comprehensive Plans; Implementation);
- (10) § 4-104(b) (Limitations – Bicycle parking);
- (11) § 4-205 (Administrative adjustments);

- (12) § 4–207 (Exceptions – Maryland Accessibility Code);
- (13) **§ 4–210 (PERMITS AND VARIANCES – SOLAR PANELS);**
- (14) § 5–201(d) (Subdivision regulations – Burial sites);
- [(14)] (15) Title 7, Subtitle 1 (Development Mechanisms);
- [(15)] (16) Title 7, Subtitle 2 (Transfer of Development Rights);
- [(16)] (17) Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements);
- [(17)] (18) Title 7, Subtitle 4 (Inclusionary Zoning); and
- [(18)] (19) Title 11, Subtitle 2 (Civil Penalty).

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012, the effective date of Chapter 426 (H.B. ____)(2lr0396) of the Acts of the General Assembly of 2012. If the effective date of Chapter 426 is amended, this Act shall take effect on the taking effect of Chapter 426.

Approved by the Governor, May 22, 2012.