

# HOUSE BILL 1335

M3, L6

11r3099

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By: **Delegate Hershey**

Introduced and read first time: March 7, 2011

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Zoning, Construction, and Stormwater – Permits and Variances – Solar**  
3 **Panels**

4 FOR the purpose of providing that, for the purposes of issuing a permit or a variance  
5 relating to zoning, construction, or stormwater for a project to install a solar  
6 panel, any calculation relating to the impervious surface of the project required  
7 by certain State or local governing authorities may include only a certain  
8 portion of the solar panel; and generally relating to the calculation of  
9 impervious surfaces for the purposes of issuing a permit or a variance relating  
10 to zoning, construction, or stormwater.

11 BY repealing and reenacting, with amendments,  
12 Article 66B – Land Use  
13 Section 1.03 and 2.13  
14 Annotated Code of Maryland  
15 (2010 Replacement Volume)

16 BY adding to  
17 Article 66B – Land Use  
18 Section 7.06  
19 Annotated Code of Maryland  
20 (2010 Replacement Volume)

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

23 **Article 66B – Land Use**

24 1.03.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (b) The following sections of this article apply to a charter county:

4 (1) § 1.00(j) (Definition of “sensitive areas”);

5 (2) § 1.01 (Visions);

6 (3) § 1.02 (Consistency with comprehensive plans);

7 (4) § 1.04 (Charter county – Comprehensive plans);

8 (5) § 3.02(h) (Planning Commission – Education);

9 (6) § 3.09 (Annual report – Preparation and filing);

10 (7) § 3.10 (Annual report – Smart Growth goals, measures, and  
11 indicators);

12 (8) § 4.01(b)(2) (Regulation of bicycle parking);

13 (9) § 4.04(c) (Exceptions related to the Maryland Accessibility Code);

14 (10) § 4.07(i) (Board of Appeals – Education);

15 (11) § 5.03(d) (Easements for burial sites);

16 (12) § 7.02 (Civil penalty for zoning violation);

17 **(13) § 7.06 (IMPERVIOUS SURFACES – SOLAR PANELS);**

18 **[(13)] (14) § 10.01 (Adequate Public Facilities Ordinances);**

19 **[(14)] (15) § 11.01 (Transfer of Development Rights);**

20 **[(15)] (16) § 12.01 (Inclusionary Zoning);**

21 **[(16)] (17) Except in Montgomery County or Prince George’s County, §**  
22 **13.01 (Development rights and responsibilities agreements);**

23 **[(17)] (18) For Baltimore County only, § 14.02; and**

24 **[(18)] (19) For Howard County only, § 14.06.1.**

25 (c) This section supersedes any inconsistent provision of Article 28 of the  
26 Code.

1 2.13.

2 (a) Except as provided in subsection (b) of this section, §§ 3.01 through 8.15  
3 of this article do not apply in Baltimore City.

4 (b) The following sections of this article apply to Baltimore City:

5 (1) § 1.00(j) (Definition of “sensitive areas”);

6 (2) § 1.01 (Visions);

7 (3) § 1.02 (Consistency with comprehensive plans);

8 (4) § 1.04 (Charter county – Comprehensive plans);

9 (5) § 3.02(h) (Planning Commission – Education);

10 (6) § 3.09 (Annual report – Preparation and filing);

11 (7) § 3.10 (Annual report – Smart Growth goals, measures, and  
12 indicators);

13 (8) § 4.01(b)(2) (Regulation of bicycle parking);

14 (9) § 4.04(c) (Exceptions related to the Maryland Accessibility Code);

15 (10) § 4.07(i) (Board of Appeals – Education);

16 (11) § 5.03(d) (Easements for burial sites);

17 (12) § 7.02 (Civil penalty for zoning violation);

18 **(13) § 7.06 (IMPERVIOUS SURFACES – SOLAR PANELS);**

19 **[(13)] (14) § 10.01 (Adequate Public Facilities Ordinances);**

20 **[(14)] (15) § 11.01 (Transfer of Development Rights);**

21 **[(15)] (16) § 12.01 (Inclusionary Zoning); and**

22 **[(16)] (17) § 13.01 (Development Rights and Responsibilities**  
23 **Agreements).**

24 **7.06.**

1           **FOR THE PURPOSES OF ISSUING A PERMIT OR VARIANCE RELATING TO**  
2 **ZONING, CONSTRUCTION, OR STORMWATER FOR A PROJECT TO INSTALL A**  
3 **SOLAR PANEL, ANY CALCULATION RELATING TO THE IMPERVIOUS SURFACE OF**  
4 **THE PROJECT REQUIRED BY THE STATE OR LOCAL GOVERNING AUTHORITY**  
5 **ISSUING THE PERMIT OR VARIANCE MAY INCLUDE ONLY THE BASE OF THE**  
6 **SOLAR PANEL.**

7           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
8 **October 1, 2011.**