

## 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.**