

Chapter 286

(House Bill 1588)

AN ACT concerning

Zoning Amendments – Energy ~~Generation~~ Generating Systems

FOR the purpose of prohibiting a local legislative body from granting an amendment to change a certain zoning classification on a certain parcel of land based on a certain finding if the primary reason for the proposed amendment is the existence of a certain energy ~~generation~~ generating system; providing for the application of this Act; defining a certain term; and generally relating to zoning and energy ~~generation~~ generating systems.

BY repealing and reenacting, with amendments,

Article – Land Use

Section 1–401 and 10–103

Annotated Code of Maryland

(2012 Volume and 2017 Supplement)

BY adding to

Article – Land Use

Section 4–211

Annotated Code of Maryland

(2012 Volume and 2017 Supplement)

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(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”, and “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) Title 1, Subtitle 5 (Growth Tiers);
- (9) § 4–104(b) (Limitations – Bicycle parking);
- (10) § 4–208 (Exceptions – Maryland Accessibility Code);
- (11) § 4–210 (Permits and variances – Solar panels);
- (12) **§ 4–211 (CHANGE IN ZONING CLASSIFICATION – ENERGY GENERATION GENERATING SYSTEMS);**
- (13) § 5–102(d) (Subdivision regulations – Burial sites);**
- [(13)] (14) § 5–104 (Major subdivision – Review);**
- [(14)] (15) Title 7, Subtitle 1 (Development Mechanisms);**
- [(15)] (16) Title 7, Subtitle 2 (Transfer of Development Rights);**
- [(16)] (17) except in Montgomery County or Prince George’s County, Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements);**
- [(17)] (18) Title 7, Subtitle 4 (Inclusionary Zoning);**
- [(18)] (19) § 8–401 (Conversion of overhead facilities);**
- [(19)] (20) for Baltimore County only, Title 9, Subtitle 3 (Single–County Provisions – Baltimore County);**
- [(20)] (21) for Frederick County only, Title 9, Subtitle 10 (Single–County Provisions – Frederick County);**
- [(21)] (22) for Howard County only, Title 9, Subtitle 13 (Single–County Provisions – Howard County);**
- [(22)] (23) for Talbot County only, Title 9, Subtitle 18 (Single–County Provisions – Talbot County); and**

[(23)] (24) Title 11, Subtitle 2 (Civil Penalty).

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

4-211.

(A) IN THIS SECTION, “ENERGY ~~GENERATION~~ GENERATING SYSTEM” MEANS AN ENERGY GENERATING SYSTEM:

(1) FOR WHICH A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY IS REQUIRED BY STATE LAW; OR

(2) (I) FOR WHICH A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY IS NOT REQUIRED BY STATE LAW; AND

(II) THAT IS NOT CONSIDERED TO BE AN ACCESSORY USE UNDER THE ZONING LAW OF THE LOCAL JURISDICTION WHERE THE SYSTEM IS LOCATED.

(B) IF THE PRIMARY REASON FOR A PROPOSED AMENDMENT TO CHANGE A ZONING CLASSIFICATION ON A PARCEL OF LAND IS THE EXISTENCE OF AN ENERGY ~~GENERATION~~ GENERATING SYSTEM ON THAT PARCEL OF LAND OR ON A PARCEL OF LAND THAT IS ADJACENT TO OR IN CLOSE PROXIMITY TO THAT PARCEL OF LAND, A LEGISLATIVE BODY MAY NOT GRANT AN AMENDMENT TO CHANGE THE ZONING CLASSIFICATION BASED ON A FINDING THAT THERE WAS:

(1) A SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD WHERE THE PROPERTY IS LOCATED; OR

(2) A MISTAKE IN THE EXISTING ZONING CLASSIFICATION.

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) **§ 4–211 (CHANGE IN ZONING CLASSIFICATION – ENERGY GENERATION GENERATING SYSTEMS);**
- (15) § 5–201(d) (Subdivision regulations – Burial sites);**
- [(15)] (16) Title 7, Subtitle 1 (Development Mechanisms);**
- [(16)] (17) Title 7, Subtitle 2 (Transfer of Development Rights);**
- [(17)] (18) Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements);**
- [(18)] (19) Title 7, Subtitle 4 (Inclusionary Zoning); and**
- [(19)] (20) Title 11, Subtitle 2 (Civil Penalty).**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 24, 2018.