

# HOUSE BILL 829

L6

3lr2790

---

By: **Delegate Ruth**

Introduced and read first time: February 9, 2023

Assigned to: Environment and Transportation

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Retail Service Stations – New Construction – Setbacks**

3 FOR the purpose of establishing a certain setback requirement for approval of construction  
4 of new retail service stations on or after a certain date; and generally relating to  
5 retail service stations.

6 BY repealing and reenacting, without amendments,  
7 Article – Land Use  
8 Section 1–401(a) and (c)  
9 Annotated Code of Maryland  
10 (2012 Volume and 2022 Supplement)

11 BY adding to  
12 Article – Land Use  
13 Section 1–401(b)(22); 7–501 to be under the new subtitle “Subtitle 5. Retail Service  
14 Stations”; and 10–103(b)(20)  
15 Annotated Code of Maryland  
16 (2012 Volume and 2022 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Land Use  
19 Section 1–401(b)(22) through (27) and 10–103(b)(19) and (20)  
20 Annotated Code of Maryland  
21 (2012 Volume and 2022 Supplement)

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

24 **Article – Land Use**

25 1–401.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

4 **(22) TITLE 7, SUBTITLE 5 (RETAIL SERVICE STATIONS);**

5 **[(22)] (23) § 8–401 (Conversion of overhead facilities);**

6 **[(23)] (24) for Baltimore County only, Title 9, Subtitle 3 (Single–County**  
7 **Provisions – Baltimore County);**

8 **[(24)] (25) for Frederick County only, Title 9, Subtitle 10 (Single–County**  
9 **Provisions – Frederick County);**

10 **[(25)] (26) for Howard County only, Title 9, Subtitle 13 (Single–County**  
11 **Provisions – Howard County);**

12 **[(26)] (27) for Talbot County only, Title 9, Subtitle 18 (Single–County**  
13 **Provisions – Talbot County); and**

14 **[(27)] (28) Title 11, Subtitle 2 (Civil Penalty).**

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

16 **SUBTITLE 5. RETAIL SERVICE STATIONS.**

17 **7–501.**

18 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
19 **INDICATED.**

20 **(2) (I) “APPROVAL” MEANS A DOCUMENTED ACTION BY AN**  
21 **APPROVING BODY THAT FOLLOWS A REVIEW AND DETERMINATION BY AN**  
22 **APPROVING BODY THAT THE MATERIAL SUBMITTED BY A PROSPECTIVE RETAIL**  
23 **SERVICE STATION DEALER IS SUFFICIENT TO MEET THE REQUIREMENTS OF A**  
24 **SPECIFIED STAGE IN A LOCAL DEVELOPMENT REVIEW PROCESS.**

25 **(II) “APPROVAL” DOES NOT INCLUDE AN ACKNOWLEDGEMENT**  
26 **BY AN APPROVING BODY THAT MATERIAL SUBMITTED BY A DEVELOPER HAS BEEN**  
27 **RECEIVED FOR REVIEW.**

28 **(3) “APPROVING BODY” MEANS A COUNTY OR MUNICIPALITY THAT**  
29 **EXERCISES FINAL CONSTRUCTION APPROVAL AUTHORITY FOR RETAIL SERVICE**

1 STATIONS.

2 (4) "FINAL CONSTRUCTION APPROVAL" MEANS FINAL APPROVAL BY  
3 AN APPROVING BODY TO CONSTRUCT A RETAIL SERVICE STATION.

4 (B) THIS SECTION DOES NOT APPLY TO A RETAIL SERVICE STATION THAT:

5 (1) RECEIVED FINAL CONSTRUCTION APPROVAL FROM AN  
6 APPROVING BODY BEFORE OCTOBER 1, 2023; OR

7 (2) EXECUTED A CONTRACT FOR PURCHASE OR LEASE BEFORE JUNE  
8 1, 2023.

9 (C) ON OR AFTER OCTOBER 1, 2023, A PERSON CONSTRUCTING A RETAIL  
10 SERVICE STATION THAT IS PROJECTED TO SELL MORE THAN 1,000,000 GALLONS OF  
11 GASOLINE PER YEAR SHALL APPLY TO THE APPROVING BODY FOR A SETBACK  
12 CERTIFICATION.

13 (D) AN APPROVING BODY SHALL ISSUE A SETBACK CERTIFICATION IF THE  
14 RETAIL SERVICE STATION WILL BE SET BACK AT LEAST 1,000 FEET, BOUNDARY LINE  
15 TO BOUNDARY LINE, FROM ANOTHER RETAIL SERVICE STATION.

16 (E) A PERSON MAY NOT CONSTRUCT A RETAIL SERVICE STATION ON OR  
17 AFTER OCTOBER 1, 2023, WITHOUT A SETBACK CERTIFICATION ISSUED BY AN  
18 APPROVING BODY.

19 10-103.

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

21 (19) Title 7, Subtitle 4 (Inclusionary Zoning); [and]

22 (20) TITLE 7, SUBTITLE 5 (RETAIL SERVICE STATIONS); AND

23 [(20)] (21) Title 11, Subtitle 2 (Civil Penalty).

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2023.