

HOUSE BILL 835

C2, L6

2lr1900

By: **Delegates Ruth, Belcastro, Foley, Lehman, and Terrasa**

Introduced and read first time: February 3, 2022

Assigned to: Economic Matters and Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Retail Service Stations – New Construction – Setbacks and Electric Charging**
3 **Stations**

4 FOR the purpose of establishing certain requirements for approval of construction of new
5 retail service station on or after a certain date, including a setback requirement and
6 the construction of a certain number of electric charging stations; and generally
7 relating to retail service stations.

8 BY adding to

9 Article – Business Regulation

10 Section 10–504

11 Annotated Code of Maryland

12 (2015 Replacement Volume and 2021 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Land Use

15 Section 1–401(a) and (c)

16 Annotated Code of Maryland

17 (2012 Volume and 2021 Supplement)

18 BY adding to

19 Article – Land Use

20 Section 1–401(b)(22); 7–501 to be under the new subtitle “Subtitle 5. Retail Service
21 Stations”; and 10–103(b)(21)

22 Annotated Code of Maryland

23 (2012 Volume and 2021 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article – Land Use

26 Section 1–401(b)(22) through (27) and 10–103(b)(19) and (20)

27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2012 Volume and 2021 Supplement)

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

Article – Business Regulation

10–504.

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

(2) “APPROVING BODY” MEANS A COUNTY, MUNICIPALITY, OR OTHER
UNIT OF GOVERNMENT THAT EXERCISES FINAL CONSTRUCTION APPROVAL
AUTHORITY FOR RETAIL SERVICE STATIONS.

(3) “ELECTRIC VEHICLE CHARGING STATION” HAS THE MEANING
STATED IN § 12–205 OF THE PUBLIC SAFETY ARTICLE.

(4) “FINAL CONSTRUCTION APPROVAL” MEANS FINAL APPROVAL BY
AN APPROVING BODY TO CONSTRUCT A RETAIL SERVICE STATION.

(5) “LEVEL 2 CHARGING” HAS THE MEANING STATED IN § 12–205 OF
THE PUBLIC SAFETY ARTICLE.

(B) THIS SECTION DOES NOT APPLY TO A RETAIL SERVICE STATION THAT
RECEIVED FINAL CONSTRUCTION APPROVAL FROM AN APPROVING BODY BEFORE
OCTOBER 1, 2022.

(C) ON OR AFTER OCTOBER 1, 2022, A PERSON CONSTRUCTING A RETAIL
SERVICE STATION THAT IS PROJECTED TO SELL MORE THAN 1,000,000 GALLONS OF
GASOLINE PER YEAR SHALL INSTALL ONE ELECTRIC VEHICLE CHARGING STATION
CAPABLE OF PROVIDING AT LEAST LEVEL 2 CHARGING FOR EACH GASOLINE
DISPENSING PUMP OPERATED BY THE RETAIL SERVICE STATION.

(D) ON OR BEFORE JANUARY 1, 2023, EACH APPROVING BODY SHALL
ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

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:

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

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

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

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

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

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

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

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

SUBTITLE 5. RETAIL SERVICE STATIONS.

7–501.

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

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

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

(3) “APPROVING BODY” MEANS A COUNTY, MUNICIPALITY, OR OTHER UNIT OF GOVERNMENT THAT EXERCISES FINAL CONSTRUCTION APPROVAL AUTHORITY FOR RETAIL SERVICE STATIONS.

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

(B) THIS SECTION DOES NOT APPLY TO A RETAIL SERVICE STATION THAT RECEIVED FINAL CONSTRUCTION APPROVAL FROM AN APPROVING BODY BEFORE OCTOBER 1, 2022.

(C) ON OR AFTER OCTOBER 1, 2022, A PERSON CONSTRUCTING A RETAIL SERVICE STATION SHALL APPLY TO THE APPROVING BODY FOR A SETBACK CERTIFICATION.

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

(1) ANOTHER RETAIL SERVICE STATION;

(2) A CHURCH, AS DEFINED IN § 5-301(B) OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE;

(3) A DAY CARE CENTER;

(4) A HOSPITAL;

(5) AN OUTDOOR AREA THAT IS CATEGORIZED AS A CULTURAL, ENTERTAINMENT, OR RECREATIONAL USE AREA;

(6) A PARK;

(7) A PLAYGROUND;

(8) A PUBLIC OR PRIVATE SCHOOL; OR

(9) A RESIDENTIAL PROPERTY.

(E) A PERSON MAY NOT CONSTRUCT A RETAIL SERVICE STATION ON OR AFTER OCTOBER 1, 2022, WITHOUT A SETBACK CERTIFICATION ISSUED BY AN APPROVING BODY.

10-103.

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

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

1 (20) Title 11, Subtitle 2 (Civil Penalty); AND

2 **(21) TITLE 7, SUBTITLE 5 (RETAIL SERVICE STATIONS).**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2022.