

HOUSE BILL 1024

L2, L3, L5

6lr0817

By: **Prince George's County Delegation and Montgomery County Delegation**

Introduced and read first time: February 11, 2016

Assigned to: Environment and Transportation

Committee Report: Favorable

House action: Adopted

Read second time: March 14, 2016

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – Municipal Authority to Regulate Structures –**
3 **Clarification**

4 **PG/MC 112–16**

5 FOR the purpose of clarifying that a municipal corporation or governed special taxing
6 district in Montgomery County may adopt a certain building requirement to regulate
7 the construction, repair, or remodeling of certain structures on land zoned for
8 single-family residential use; and generally relating to the authority of municipal
9 corporations and governed special taxing districts in Montgomery County to regulate
10 structures.

11 BY repealing and reenacting, with amendments,
12 Article – Land Use
13 Section 20–509
14 Annotated Code of Maryland
15 (2012 Volume and 2015 Supplement)

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

18 **Article – Land Use**

19 20–509.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) Subject to subsections (b), (c), and (d) of this section, by local law, the
2 legislative body of a municipal corporation or governed special taxing district may impose
3 an additional or stricter building requirement than is required by a State, regional, or
4 county unit that exercises zoning or planning authority over the municipal corporation or
5 governed district if the authority is exercised in addition to the State, regional, or county
6 zoning or planning authority.

7 (b) A building requirement adopted under this section:

8 (1) shall be imposed for:

9 (i) the protection of the public health, safety, and welfare; or

10 (ii) the preservation, improvement, or protection of lands, water, and
11 improvements in the municipal corporation or governed special taxing district; and

12 (2) may regulate only the construction, repair, or remodeling of
13 single-family residential houses [or], buildings, **OR OTHER STRUCTURES** on land zoned
14 for single-family residential use as it relates to:

15 (i) fences, walls, hedges, and similar barriers;

16 (ii) signs;

17 (iii) residential parking;

18 (iv) residential storage;

19 (v) the location of structures, including setback requirements;

20 (vi) the dimensions of structures, including height, bulk, massing,
21 and design; and

22 (vii) lot coverage, including impervious surfaces.

23 (c) Before adopting a local law under this section, a municipal corporation or
24 governed special taxing district shall:

25 (1) hold a public hearing; and

26 (2) at least 30 days before the public hearing, transmit a copy of the
27 proposed local law to the county council.

28 (d) A local law that a municipal corporation or governed special taxing district
29 adopts under this section shall provide a procedure for a waiver from the strict application
30 of the building requirements.

1 (e) By local law, a municipal corporation or governed special taxing district may
2 enact an additional or stricter commercial sign regulation than is imposed by the State, the
3 Commission, or the county.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.