

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

A BILL ENTITLED

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.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (1) shall be imposed for:

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

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

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

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

10 (ii) signs;

11 (iii) residential parking;

12 (iv) residential storage;

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

14 (vi) the dimensions of structures, including height, bulk, massing,
15 and design; and

16 (vii) lot coverage, including impervious surfaces.

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

19 (1) hold a public hearing; and

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

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

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

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