

Chapter 129

(House Bill 410)

AN ACT concerning

Maryland–Washington Regional District – Prince George’s County – Municipal Authority

PG/MC 108–18

FOR the purpose of updating an obsolete reference regarding certain concurrent jurisdiction pertaining to signs in municipal corporations and Prince George’s County; repealing certain provisions of law authorizing a municipal corporation in Prince George’s County to enact certain local laws regulating fences; repealing certain provisions of law prohibiting the enactment of a local law that is not less restrictive than certain local laws; correcting a certain reference to the Maryland–Washington Regional District; authorizing the legislative body of a municipal corporation in Prince George’s County to authorize the erection of a fence that exceeds certain height restrictions or limitations under certain circumstances; and generally relating to the authority of municipal corporations in Prince George’s County.

BY repealing and reenacting, with amendments,
Article – Land Use
Section 22–203 and 25–303
Annotated Code of Maryland
(2012 Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – Land Use
Section 25–101
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

22–203.

[(a)] A municipal corporation in Prince George’s County shall have concurrent authority in its boundaries with the county Department of [Environmental Resources, Licenses and Inspections Group] ~~PERMITTING, INSPECTION AND ENFORCEMENT~~

DEPARTMENT RESPONSIBLE FOR ISSUING PERMITS, to seek compliance with zoning requirements to the extent that the requirements pertain to signs.

[(b) A municipal corporation in Prince George's County may enact local laws regulating fences erected in front of the building setback lines on all residential property located in the municipal corporation.

(c) Any local law enacted under this section may not be less restrictive than any local law in effect or subsequently enacted by the county council.]

25-101.

This title applies only in Prince George's County.

25-303.

(a) This section applies to land in a municipal corporation that is in the [metropolitan] **REGIONAL** district and is:

- (1) zoned for residential or commercial use; or
- (2) adjacent to residential or commercial zones.

(b) (1) Notwithstanding any other law, and for the purpose of preserving, improving, or protecting the general character and design of lands and improvements in a municipal corporation, the legislative body of the municipal corporation, by local law, may impose stricter or additional conditions, restrictions, or limitations than are otherwise required by State, regional, or county zoning laws or agencies exercising zoning and planning jurisdiction over the municipal corporation.

(2) The stricter or additional conditions, restrictions, or limitations may apply only to:

- (i) fences;
- (ii) residential parking; and
- (iii) residential storage.

(c) ~~THE~~ **NOTWITHSTANDING ANY OTHER LAW, THE LEGISLATIVE BODY OF A MUNICIPAL CORPORATION, BY LOCAL LAW, MAY AUTHORIZE THE ERECTION OF A FENCE THAT EXCEEDS THE HEIGHT RESTRICTIONS OR LIMITATIONS OTHERWISE REQUIRED BY STATE, REGIONAL, OR COUNTY ZONING LAWS OR AGENCIES EXERCISING ZONING AND PLANNING JURISDICTION OVER THE MUNICIPAL CORPORATION.**

(D) The legislative body of a municipal corporation may not enact a local law under this section without holding a public hearing on all issues.

[(d)] (E) A municipal corporation that enacts a zoning law in accordance with this section shall deliver a certified copy of the local law to the district council within 5 days after the enactment and at least 30 days before the effective date of the local law.

[(e)] (F) (1) If the district council does not approve the local law before the effective date of the local law, the local law shall be considered disapproved and may not take effect.

(2) The local law may not take effect unless approved by the district council.

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

Approved by the Governor, April 10, 2018.