

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 410 (Prince George's County Delegation and Montgomery County Delegation)

Environment and Transportation Education, Health, and Environmental Affairs

Maryland-Washington Regional District - Prince George's County - Municipal Authority
PG/MC 108-18

This bill enables a municipality in Prince George's County that is located in the regional district to authorize, by local law, 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 municipality. A municipality may not enact such a local law without holding a public hearing. In addition, the enacted local law may not take effect until it is approved by the district council.

Fiscal Summary

State Effect: None.

Local Effect: Municipalities in Prince George's County are able to enact municipal laws regarding fence heights with existing staff and budgeted resources.

Small Business Effect: None.

Analysis

Current Law: A municipality in Prince George's County must have concurrent authority in its boundaries with the Prince George's County Department of Permitting, Inspection and Enforcement to seek compliance with zoning requirements to the extent that the requirements pertain to signs. A municipality 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 municipality. Any local law enacted may not be less restrictive than any local law in effect or subsequently enacted by the county council.

A municipality in Prince George's County, located in the metropolitan district, 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 municipality for the purpose of preserving, improving, or protecting the general character and design of lands and improvements in the municipality. The stricter or additional conditions, restrictions, or limitations may apply only to (1) fences; (2) residential parking; and (3) residential storage.

A municipality may not enact a local law of this type without holding a public hearing on all issues. A municipality that enacts a zoning law of this type must 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. If the district council does not approve the local law before the effective date of the local law, the local law must be considered disapproved and may not take effect. The local law may not take effect unless approved by the district council.

Background: Prince George's County enacted a local law in 2008 that prohibits any new fencing taller than four feet between a residential dwelling and an adjacent street. The City of Bowie reports that this law has significantly increased the number of variance applications to the city for side lots and rear lots as the City of Bowie code already prohibits fencing between the front of a dwelling and the street.

House Bill 628 of 2015 contained provisions that would have authorized a municipality in Prince George's County to enact a comprehensive local law regulating fences in the municipality and establishing that the local law may be less restrictive than specified other local and zoning laws. The bill was assigned to the House Environment and Transportation Committee but was withdrawn prior to receiving a hearing by the committee.

Additional Information

Prior Introductions: HB1570 of 2017 received a favorable with amendments report from the House Environment and Transportation Committee and passed the House. The bill received a favorable report from the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Cross File: None.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - March 9, 2018
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