

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1232 (Prince George's County Delegation and Montgomery County Delegation)

Environmental Matters

Education, Health, and Environmental Affairs

Maryland-National Capital Park and Planning Commission - Municipal Corporations
PG/MC 106-06

This bill authorizes municipal corporations in Montgomery County to impose building requirements for the preservation, improvement, or protection of water and it adds to the list of items that a municipal government may regulate for the construction, repair, erection, or remodeling of single-family residential houses, buildings, or other structures. The bill adds: (1) the dimensions of structures, including height, bulk, massing, and design; and (2) lot coverage, including impervious surfaces.

Fiscal Summary

State Effect: This bill would not directly affect State finances.

Local Effect: Local government fiscal operations would not be directly affected. To the extent that providing municipal governments in Montgomery County more control over building requirements affects a property's assessed value, county property tax revenues could be indirectly affected.

Small Business Effect: Potential meaningful. To the extent that the bill results in a reduction of approvals for proposed subdivisions, small businesses could be negatively impacted.

Analysis

Current Law: In Montgomery County, before any action is taken by the planning board on an application for a preliminary subdivision plan, a copy of the application must be referred to the municipality for review and comment. The municipality may decide whether or not to send a recommendation back to the planning board. If a recommendation is to be sent, the municipality must hold a public hearing first. It may recommend denial of a subdivision plan only if it determines that the plan fails to comply with particular provisions of the subdivision regulations. If a municipality recommends denial of a re-subdivision, a two-thirds majority vote of the planning board is required to override the recommendation.

A municipality in Montgomery County may by ordinance or regulation impose an additional or stricter building requirement that is otherwise required by any State, regional, or county unit that exercises zoning or planning authority, provided it is exercised in addition to, not in lieu of, any such zoning or planning authority. Any building requirement must be imposed for the protection of the public health, safety, and welfare, or for the preservation, improvement, or protection of lands, and improvements in the municipality. A building requirement may only regulate construction, repair, erection, or remodeling of single-family residential houses, buildings, or other structures as it relates to:

- fences, walls, hedges, and similar barriers;
- signs;
- residential parking;
- residential storage; and
- the location of structures, including setback requirements.

Background: The term “mansionization” has recently been coined to mean the tearing down of an existing house and replacing it with one that is bigger, especially one that is much larger than the surrounding houses. In the Town of Chevy Chase there are just over 1,000 houses and in the last five years 55 have been demolished and replaced by much larger homes. Even more have been remodeled to substantially increase their original size. The town believes these changes have adversely affected the use and enjoyment of neighboring properties in terms of light, air, privacy, and quality of life. Consequently, the town adopted a six-month moratorium on the issuance of building permits for complete and substantial demolitions, the construction of new houses on vacant lots, and the construction of additions in excess of 500 square feet of the original footprint or the current height of the existing structure. The moratorium ran from August

10, 2005 through February 10, 2006. This bill is an effort to meet the town's objectives to adopt more restrictive zoning requirements than currently provided by county law.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County, Prince George's County, Maryland-National Capital Park and Planning Commission, Department of Legislative Services

Fiscal Note History: First Reader - March 17, 2006
mll/hlb Revised - House Third Reader - March 28, 2006

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