

# HOUSE BILL 668

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By: **Montgomery County Delegation and Prince George's County Delegation**  
Introduced and read first time: February 8, 2007  
Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Prince**  
3 **George's County – Municipal Building Requirements**

4 **MC/PG 119–07**

5 FOR the purpose of authorizing the legislative body of a municipal corporation in  
6 Prince George's County by ordinance or resolution to impose additional or  
7 stricter building requirements than are otherwise required under certain  
8 circumstances; requiring the municipal building requirements to be imposed for  
9 certain purposes and to regulate the construction, repair, erection, or  
10 remodeling of single–family residential buildings in relation only to certain  
11 fencing, sign, parking, storage, structural, and lot coverage requirements;  
12 requiring the municipal building requirements to include a certain procedure  
13 for a waiver from the strict application of the building requirements; requiring a  
14 municipal corporation to hold a certain public hearing before adopting an  
15 ordinance or regulation under this Act; and generally relating to the  
16 Maryland–National Capital Park and Planning Commission and municipal  
17 building requirements in Prince George's County.

18 BY adding to

19 Article 28 – Maryland–National Capital Park and Planning Commission  
20 Section 8–115.2  
21 Annotated Code of Maryland  
22 (2003 Replacement Volume and 2006 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article 28 – Maryland–National Capital Park and Planning Commission**

4 **8–115.2.**

5 (A) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE  
6 LEGISLATIVE BODY OF A MUNICIPAL CORPORATION, AS DEFINED IN § 8–104(C)  
7 OF THIS SUBTITLE, IN PRINCE GEORGE’S COUNTY MAY BY ORDINANCE OR  
8 REGULATION, SUBJECT TO THE PROVISIONS OF SUBSECTIONS (B) AND (C) OF  
9 THIS SECTION, IMPOSE AN ADDITIONAL OR STRICTER BUILDING REQUIREMENT  
10 THAN IS OTHERWISE REQUIRED BY ANY STATE, REGIONAL, OR COUNTY UNIT  
11 THAT EXERCISES ZONING OR PLANNING AUTHORITY OVER THE MUNICIPAL  
12 CORPORATION, PROVIDED SUCH AUTHORITY SHALL BE EXERCISED IN ADDITION  
13 TO, BUT NOT IN LIEU OF, THE STATE, REGIONAL, OR COUNTY ZONING OR  
14 PLANNING AUTHORITY.

15 (B) A BUILDING REQUIREMENT ADOPTED UNDER THIS SECTION:

16 (1) SHALL BE IMPOSED FOR THE PROTECTION OF THE PUBLIC  
17 HEALTH, SAFETY, AND WELFARE, OR FOR THE PRESERVATION, IMPROVEMENT,  
18 OR PROTECTION OF LANDS, WATER, AND IMPROVEMENTS IN THE MUNICIPAL  
19 CORPORATION; AND

20 (2) MAY ONLY REGULATE THE CONSTRUCTION, REPAIR,  
21 ERECTION, OR REMODELING OF SINGLE–FAMILY RESIDENTIAL HOUSES,  
22 BUILDINGS, OR OTHER STRUCTURES ON LAND ZONED FOR SINGLE–FAMILY  
23 RESIDENTIAL USE AS IT RELATES ONLY TO:

24 (I) FENCES, WALLS, HEDGES, AND SIMILAR BARRIERS;

25 (II) SIGNS;

26 (III) RESIDENTIAL PARKING;

27 (IV) RESIDENTIAL STORAGE;

28 (V) THE LOCATION OF STRUCTURES, INCLUDING SETBACK  
29 REQUIREMENTS;

1                   **(VI) THE DIMENSIONS OF STRUCTURES, INCLUDING HEIGHT,**  
2 **BULK, MASSING, AND DESIGN; AND**

3                   **(VII) LOT COVERAGE, INCLUDING IMPERVIOUS SURFACES.**

4           **(C) (1) AN ORDINANCE OR REGULATION AUTHORIZED BY THIS**  
5 **SECTION AND ENACTED BY A MUNICIPAL CORPORATION SHALL PROVIDE A**  
6 **PROCEDURE FOR A WAIVER FROM THE STRICT APPLICATION OF THE BUILDING**  
7 **REQUIREMENTS.**

8                   **(2) BEFORE ADOPTING AN ORDINANCE OR REGULATION**  
9 **AUTHORIZED BY THIS SECTION, A MUNICIPAL CORPORATION SHALL:**

10                   **(I) HOLD A PUBLIC HEARING; AND**

11                   **(II) AT LEAST 30 DAYS BEFORE THE PUBLIC HEARING,**  
12 **TRANSMIT A COPY OF THE PROPOSED ORDINANCE OR REGULATION TO THE**  
13 **PRINCE GEORGE'S COUNTY COUNCIL.**

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2007.