

# SENATE BILL 581

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71r2444  
CF 71r0530

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By: **Senator Rosapepe**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

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

17 BY adding to

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 **8–115.2.**

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

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

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

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

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

23 (II) SIGNS;

24 (III) RESIDENTIAL PARKING;

25 (IV) RESIDENTIAL STORAGE;

26 (V) THE LOCATION OF STRUCTURES, INCLUDING SETBACK  
27 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.