

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 668

(Montgomery County Delegation and Prince George's
County Delegation)

Environmental Matters

**Maryland-National Capital Park and Planning Commission - Prince George's
County - Municipal Building Requirements
MC/PG 119-07**

This bill authorizes a municipality in Prince George's County to impose, by ordinance or regulation, additional or stricter building requirements for single-family homes, buildings, or other structures on land zoned for single-family residential use. This authority may only be exercised in addition to, and not in lieu of, State, regional, or county zoning or planning authority. A public hearing must be held before an ordinance or regulation is adopted, and the ordinance or regulation has to include provisions for waiving its strict application.

Fiscal Summary

State Effect: None.

Local Effect: Local government operations in Prince George's County should not be materially affected. To the extent that providing municipal governments in the county more control over building requirements affects a property's assessed value, county and municipal 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

Bill Summary: Any building requirement authorized by the bill 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;
- the location of structures, including setback requirements;
- the dimensions of structures, including height, bulk, massing, and design; and
- lot coverage.

Current Law: Prince George's County has the authority to regulate the construction, improvement, and demolition of all types of buildings within its portion of the Maryland-Washington Regional District through rules and regulations, including the authority to regulate building height, walls and fences, and structural ornaments. Such rules and regulations have to be uniform throughout this area. Except for the City of Laurel, the entire area of Prince George's County lies within the regional district.

Background: There are 27 municipalities in Prince George's County.

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 and that may not fit into the character of a neighborhood. It has recently been cited as an issue in areas surrounding the District of Columbia. There have been reported accounts of developers buying houses sitting on double lots in a Northern Virginia neighborhood, tearing them down, and putting two larger ones in its place. The report listed four Prince George's County neighborhoods with double lots that could be redeveloped: Old Town College Park, Hyattsville, Calvert Hills, and Riverdale Park.

This bill would give municipalities in Prince George's County authority that is similar to what Montgomery County municipalities currently have. Chapter 573 of 1992 authorized a municipality in Montgomery County to impose additional or stricter building requirements regarding the construction, repair, erection, or remodeling of single-family

residential houses related to fences, walls, hedges, and similar barriers; signs; residential parking and storage; and the location of structures. Chapter 611 of 2006 added structural dimensions and lot coverage to this list.

Local Fiscal Effect: To the extent that a municipality in Prince George's County exercises the authority to enact stricter building requirements, expenditures could increase. Smaller municipalities enacting such requirements may need to contract out services associated with permitting and inspections; however, it is assumed that larger municipalities would be able to absorb any such impact within existing resources.

To the extent that giving a municipality in Prince George's County more control over building requirements affects the assessed value of property in the municipality, county and municipal property tax revenues could be affected. This effect would depend on the potential assessed value of the property without the increased municipal regulation versus the assessed value with the regulation. Any such impact cannot be reliably quantified at this time.

Additional Information

Prior Introductions: None.

Cross File: SB 581 (Senator Rosapepe) – Education, Health, and Environmental Affairs.

Information Source(s): City of Bowie, City of Greenbelt, City of Laurel, Prince George's County, Maryland Municipal League, Maryland-National Capital Park and Planning Commission, *Washington Post*, Department of Legislative Services

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mll/hlb

Analysis by: Joshua A. Watters

Direct Inquiries to:
(410) 946-5510
(301) 970-5510