

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1024

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

Environment and Transportation

Education, Health, and Environmental Affairs

Montgomery County - Municipal Authority to Regulate Structures -
Clarification
PG/MC 112-16

This bill clarifies that a municipal corporation or governed special taxing district in Montgomery County may adopt specified building requirements that regulate the construction, repair, or remodeling of *other structures*, in addition to single-family residential houses or buildings, on land zoned for single-family residential use.

Fiscal Summary

State Effect: None.

Local Effect: None. The bill clarifies current law.

Small Business Effect: None.

Analysis

Current Law: Under § 20-509 of the Land Use Article, by local law, the legislative body of a municipal corporation or governed special taxing district in Montgomery County may impose an additional or stricter building requirement than is required by a State, regional, or county unit that exercises zoning or planning authority over the municipal corporation or governed district if the authority is exercised in addition to the State, regional, or county zoning or planning authority. An adopted building requirement may regulate only the construction, repair, or remodeling of single-family residential houses or buildings on land zoned for single-family residential use as it relates to (1) fences, walls, hedges, and similar

barriers; (2) signs; (3) residential parking; (4) residential storage; (5) the location of structures, including setback requirements; (6) the dimensions of structures, including height, bulk, massing, and design; and (7) lot coverage, including impervious surfaces.

Background: Chapter 426 of 2012 revised, restated, and recodified the laws of the State that relate to land use under a newly established Land Use Article of the Annotated Code of Maryland, and § 20-509 of the article was derived from previous statutory sections without substantive change. The revisor’s note to the section, in the Annotated Code, however, indicates that a reference to “other structures” was deleted because it was considered to be included in the reference to “buildings.” The bill adds the reference to “other structures” back into the section.

Some structures may not be considered buildings. Montgomery County’s zoning ordinance, for example, defines “building” as “a structure having one or more stories and a roof, designed primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.” The zoning ordinance defines “structure” as “a combination of materials that requires permanent location on the ground or attachment to something having permanent location on the ground, including buildings and fences.”

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Planning, Montgomery County, Department of Legislative Services

Fiscal Note History: First Reader - March 9, 2016
kb/lgc

Analysis by: Scott D. Kennedy

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