Chapter 780

(House Bill 1167)

AN ACT concerning

Montgomery County – Municipal Authority to Regulate Structures – Alterations

MC/PG 116–25

FOR the purpose of altering the authority of a municipal corporation or governed special taxing district in Montgomery County to adopt a certain building requirement to regulate the construction, repair, or remodeling of certain structures on land zoned for single–family residential use to apply to ~~all types of residential structures~~ <u>buildings with four or fewer dwelling units and their accessory structures without regard to the zoning for the land where the building is located</u>; and generally relating to the authority of municipal corporations and governed special taxing districts in Montgomery County to regulate structures.

BY repealing and reenacting, with amendments,
    Article – Land Use
    Section 20–509
    Annotated Code of Maryland
    (2012 Volume and 2024 Supplement)

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

Article – Land Use

20–509.

    (a)   Subject to subsections (b), (c), and (d) of this section, by local law, the legislative body of a municipal corporation or governed special taxing district 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.

    (b)   **(1)**   **[**A**] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A** building requirement adopted under this section:

        [(1)**] (I)**   shall be imposed for:

            [(i)**] 1.**   the protection of the public health, safety, and welfare; or

[(ii)**] 2.**   the preservation, improvement, or protection of lands, water, and improvements in the municipal corporation or governed special taxing district; **[**and**]**

[(2)**] (II)**   may regulate only the construction, repair, or remodeling of **[**single–family**]** residential ~~houses, buildings, or other structures on land zoned for PREDOMINANTLY single–family residential use~~ **AS OF JANUARY 1, 2024,** BUILDINGS **WITH FOUR OR FEWER DWELLING UNITS, INCLUDING SINGLE–UNIT HOUSES, DUPLEXES, TRIPLEXES, QUADPLEXES, COTTAGE CLUSTERS, TOWNHOUSES, AND SIMILAR BUILDINGS, AND THEIR ACCESSORY STRUCTURES,** as it relates to:

[(i)**] 1.**   fences, walls, hedges, and similar barriers;

[(ii)**] 2.**   signs;

[(iii)**] 3.**   residential parking;

[(iv)**] 4.**   residential storage;

[(v)**] 5.**   the location of **BUILDINGS AND** structures, including setback requirements;

[(vi)**] 6.**   the dimensions of **BUILDINGS AND** structures, including height, bulk, massing, and design; and

[(vii)**] 7.**   lot coverage, including impervious surface**; AND**

(III)   SHALL APPLY WITHOUT REGARD TO HOUSING TYPE.

(2)   A BUILDING REQUIREMENT ADOPTED UNDER THIS SECTION FOR ~~**MULTIFAMILY HOUSING**~~ **RESIDENTIAL BUILDINGS WITH TWO TO FOUR DWELLING UNITS:**

(I)   MAY NOT BE MORE RESTRICTIVE THAN A BUILDING REQUIREMENT ADOPTED UNDER THIS SECTION FOR ~~**SINGLE–FAMILY HOUSING**~~ **A SINGLE–UNIT HOUSE; BUT**

(II)   MAY BE LESS RESTRICTIVE THAN A BUILDING REQUIREMENT ADOPTED UNDER THIS SECTION FOR ~~**SINGLE–FAMILY HOUSING**~~ **A SINGLE–UNIT HOUSE.**

(c)   Before adopting a local law under this section, a municipal corporation or governed special taxing district shall:

(1)	hold a public hearing; and

(2)	at least 30 days before the public hearing, transmit a copy of the proposed local law to the county council.

(d)	A local law that a municipal corporation or governed special taxing district adopts under this section shall provide a procedure for a waiver from the strict application of the building requirements.

(e)	By local law, a municipal corporation or governed special taxing district may enact an additional or stricter commercial sign regulation than is imposed by the State, the Commission, or the county.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved by the Governor, May 20, 2025.