

Chapter 731

(House Bill 1024)

AN ACT concerning

**Montgomery County – Municipal Authority to Regulate Structures –
Clarification**

PG/MC 112–16

FOR the purpose of clarifying that a municipal corporation or governed special taxing district in Montgomery County may adopt a certain building requirement to regulate the construction, repair, or remodeling of certain structures on land zoned for single-family residential use; 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 2015 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) A building requirement adopted under this section:

(1) shall be imposed for:

(i) the protection of the public health, safety, and welfare; or

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

(2) may regulate only the construction, repair, or remodeling of single-family residential houses [or], buildings, **OR OTHER STRUCTURES** on land zoned for single-family residential use as it relates to:

- (i) fences, walls, hedges, and similar barriers;
- (ii) signs;
- (iii) residential parking;
- (iv) residential storage;
- (v) the location of structures, including setback requirements;
- (vi) the dimensions of structures, including height, bulk, massing, and design; and
- (vii) lot coverage, including impervious surfaces.

(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, 2016.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.