

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Lodge

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Checked by _____

By: **Montgomery County Delegation and Prince George’s County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Prince**
3 **George’s County – Municipal Building Requirements**

4 **MC/PG 119–07**

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

18 BY adding to

19 Article 28 – Maryland–National Capital Park and Planning Commission

20 Section 8–115.2

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



21 Annotated Code of Maryland
22 (2003 Replacement Volume and 2006 Supplement)

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

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

26 **8–115.2.**

27 (A) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE
28 LEGISLATIVE BODY OF A MUNICIPAL CORPORATION, AS DEFINED IN § 8–104(C)
29 OF THIS SUBTITLE, IN PRINCE GEORGE’S COUNTY MAY BY ORDINANCE OR
30 REGULATION, SUBJECT TO THE PROVISIONS OF SUBSECTIONS (B) AND (C) OF
31 THIS SECTION, IMPOSE AN ADDITIONAL OR STRICTER BUILDING REQUIREMENT
32 THAN IS OTHERWISE REQUIRED BY ANY STATE, REGIONAL, OR COUNTY UNIT
33 THAT EXERCISES ZONING OR PLANNING AUTHORITY OVER THE MUNICIPAL
34 CORPORATION, PROVIDED SUCH AUTHORITY SHALL BE EXERCISED IN ADDITION
35 TO, BUT NOT IN LIEU OF, THE STATE, REGIONAL, OR COUNTY ZONING OR
36 PLANNING AUTHORITY.

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

38 (1) SHALL BE IMPOSED FOR THE PROTECTION OF THE PUBLIC
39 HEALTH, SAFETY, AND WELFARE, OR FOR THE PRESERVATION, IMPROVEMENT,
40 OR PROTECTION OF LANDS, WATER, AND IMPROVEMENTS IN THE MUNICIPAL
41 CORPORATION; AND

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

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

47 (II) SIGNS;

48 (III) RESIDENTIAL PARKING;

- 49 **(IV) RESIDENTIAL STORAGE;**
- 50 **(V) THE LOCATION OF STRUCTURES, INCLUDING SETBACK**
51 **REQUIREMENTS;**
- 52 **(VI) THE DIMENSIONS OF STRUCTURES, INCLUDING HEIGHT,**
53 **BULK, MASSING, AND DESIGN; AND**
- 54 **(VII) LOT COVERAGE, INCLUDING IMPERVIOUS SURFACES.**

55 **(C) (1) AN ORDINANCE OR REGULATION AUTHORIZED BY THIS**
56 **SECTION AND ENACTED BY A MUNICIPAL CORPORATION SHALL PROVIDE A**
57 **PROCEDURE FOR A WAIVER FROM THE STRICT APPLICATION OF THE BUILDING**
58 **REQUIREMENTS.**

59 **(2) BEFORE ADOPTING AN ORDINANCE OR REGULATION**
60 **AUTHORIZED BY THIS SECTION, A MUNICIPAL CORPORATION SHALL:**

- 61 **(I) HOLD A PUBLIC HEARING; AND**
- 62 **(II) AT LEAST 30 DAYS BEFORE THE PUBLIC HEARING,**
63 **TRANSMIT A COPY OF THE PROPOSED ORDINANCE OR REGULATION TO THE**
64 **PRINCE GEORGE’S COUNTY COUNCIL.**

65 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
66 October 1, 2007.