

HOUSE BILL 1167

L2, L3, L5

5lr1069

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

Introduced and read first time: February 6, 2025

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Municipal Authority to Regulate Structures – Alterations**

3 **MC/PG 116–25**

4 FOR the purpose of altering the authority of a municipal corporation or governed special
5 taxing district in Montgomery County to adopt a certain building requirement to
6 regulate the construction, repair, or remodeling of certain structures on land zoned
7 for single-family residential use to apply to all types of residential structures; and
8 generally relating to the authority of municipal corporations and governed special
9 taxing districts in Montgomery County to regulate structures.

10 BY repealing and reenacting, with amendments,
11 Article – Land Use
12 Section 20–509
13 Annotated Code of Maryland
14 (2012 Volume and 2024 Supplement)

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

17 **Article – Land Use**

18 20–509.

19 (a) Subject to subsections (b), (c), and (d) of this section, by local law, the
20 legislative body of a municipal corporation or governed special taxing district may impose
21 an additional or stricter building requirement than is required by a State, regional, or
22 county unit that exercises zoning or planning authority over the municipal corporation or
23 governed district if the authority is exercised in addition to the State, regional, or county
24 zoning or planning authority.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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**, 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 structures, including setback requirements;

[(vi)] 6. the dimensions of 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:

(I) MAY NOT BE MORE RESTRICTIVE THAN A BUILDING REQUIREMENT ADOPTED UNDER THIS SECTION FOR SINGLE-FAMILY HOUSING; BUT

(II) MAY BE LESS RESTRICTIVE THAN A BUILDING REQUIREMENT ADOPTED UNDER THIS SECTION FOR SINGLE-FAMILY HOUSING.

(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.