

HOUSE BILL 1570

L2, L5, L3

7lr0781

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

Introduced and read first time: February 17, 2017

Assigned to: Rules and Executive Nominations

Re-referred to: Environment and Transportation, February 27, 2017

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 31, 2017

CHAPTER _____

1 AN ACT concerning

2 ~~Prince~~ Maryland–Washington Regional District – Prince George's County –
3 Municipal Authority to Regulate Fences

4 ~~PG 418–17~~ MC/PG 111–17

5 FOR the purpose of ~~exempting the exercise of certain powers by a municipal corporation~~
6 ~~from a prohibition against the exercise of any powers relating to planning,~~
7 ~~subdivision control, or zoning by a municipal corporation in Prince George's County~~
8 ~~in the Maryland–Washington Regional District;~~ authorizing the legislative body of a
9 municipal corporation in Prince George's County to enact a comprehensive local law
10 regulating fences in the municipal corporation; establishing that a certain local law
11 regulating fences in a municipal corporation may be less restrictive than certain local
12 and zoning laws authorize the erection of a fence that exceeds certain height
13 restrictions or limitations, under certain circumstances; correcting a certain
14 reference to the Maryland–Washington Regional District; repealing certain
15 provisions of law authorizing a municipal corporation in Prince George's County to
16 enact certain local laws regulating fences; repealing certain provisions of law
17 prohibiting the enactment of a local law that is less restrictive than certain local
18 laws; updating an obsolete reference regarding certain concurrent jurisdiction
19 pertaining to signs of municipal corporations and Prince George's County; and
20 generally relating to the authority of municipal corporations in Prince George's
21 County to regulate fences.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
 2 Article – Land Use
 3 Section ~~20-709, 22-202, and 22-203~~ and 25-303
 4 Annotated Code of Maryland
 5 (2012 Volume and 2016 Supplement)

6 BY repealing and reenacting, without amendments,
 7 Article – Land Use
 8 Section 25-101
 9 Annotated Code of Maryland
 10 (2012 Volume and 2016 Supplement)

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

13 **Article – Land Use**

14 ~~20-709.~~

15 ~~[A] EXCEPT AS PROVIDED IN § 22-203 OF THIS ARTICLE, A municipal~~
 16 ~~corporation in Prince George's County that is in the regional district may not exercise any~~
 17 ~~powers relating to planning, subdivision control, or zoning not granted to the municipal~~
 18 ~~corporation by the district council under § 25-303 of this article.~~

19 ~~22-202.~~

20 ~~(a) This section applies to any zoning law that imposes a more restrictive height~~
 21 ~~limitation, lesser percentage of lot occupancy, wider or larger courts, deeper yards, or other~~
 22 ~~more restrictive limitations than those provided by State, county, municipal, or other local~~
 23 ~~regulations.~~

24 ~~(b) [A] EXCEPT AS PROVIDED IN § 22-203(D) OF THIS SUBTITLE, A zoning~~
 25 ~~law described in subsection (a) of this section shall prevail in the area where it is imposed~~
 26 ~~over the limitations provided by State, county, municipal, or other local regulations.~~

27 22-203.

28 ~~(a)~~ A municipal corporation in Prince George's County shall have concurrent
 29 authority in its boundaries with the county Department of ~~Environmental Resources,~~
 30 ~~Licenses and Inspections Group~~ **PERMITTING, INSPECTION AND ENFORCEMENT**, to
 31 seek compliance with zoning requirements to the extent that the requirements pertain to
 32 signs.

33 ~~(b) A municipal corporation in Prince George's County may enact local laws~~
 34 ~~regulating fences erected in front of the building setback lines on all residential property~~
 35 ~~located in the municipal corporation.~~

~~(e) A MUNICIPAL CORPORATION IN PRINCE GEORGE'S COUNTY MAY ENACT A COMPREHENSIVE LOCAL LAW REGULATING FENCES IN THE MUNICIPAL CORPORATION.~~

~~(D) (1) [Any] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY local law enacted under this section may not be less restrictive than any local law in effect or subsequently enacted by the county council.~~

~~(2) A LOCAL LAW ENACTED UNDER SUBSECTION (C) OF THIS SECTION MAY BE LESS RESTRICTIVE THAN:~~

~~(I) A LOCAL LAW IN EFFECT OR SUBSEQUENTLY ENACTED BY THE COUNTY COUNCIL; OR~~

~~(II) A ZONING LAW IN EFFECT OR SUBSEQUENTLY ADOPTED BY THE DISTRICT COUNCIL.~~

25-101.

This title applies only in Prince George's County.

25-303.

(a) This section applies to land in a municipal corporation that is in the [metropolitan] REGIONAL district and is:

(1) zoned for residential or commercial use; or

(2) adjacent to residential or commercial zones.

(b) (1) Notwithstanding any other law, and for the purpose of preserving, improving, or protecting the general character and design of lands and improvements in a municipal corporation, the legislative body of the municipal corporation, by local law, may impose stricter or additional conditions, restrictions, or limitations than are otherwise required by State, regional, or county zoning laws or agencies exercising zoning and planning jurisdiction over the municipal corporation.

(2) The stricter or additional conditions, restrictions, or limitations may apply only to:

(i) fences;

(ii) residential parking; and

(iii) residential storage.

1 (c) THE LEGISLATIVE BODY OF A MUNICIPAL CORPORATION, BY LOCAL
 2 LAW, MAY AUTHORIZE THE ERECTION OF A FENCE THAT EXCEEDS THE HEIGHT
 3 RESTRICTIONS OR LIMITATIONS OTHERWISE REQUIRED BY STATE, REGIONAL, OR
 4 COUNTY ZONING LAWS OR AGENCIES EXERCISING ZONING AND PLANNING
 5 JURISDICTION OVER THE MUNICIPAL CORPORATION.

6 (D) The legislative body of a municipal corporation may not enact a local law
 7 under this section without holding a public hearing on all issues.

8 [(d)] (E) A municipal corporation that enacts a zoning law in accordance with
 9 this section shall deliver a certified copy of the local law to the district council within 5 days
 10 after the enactment and at least 30 days before the effective date of the local law.

11 [(e)] (F) (1) If the district council does not approve the local law before the
 12 effective date of the local law, the local law shall be considered disapproved and may not
 13 take effect.

14 (2) The local law may not take effect unless approved by the district
 15 council.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 17 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.