

~~the members of the planning board then present and participating is required to override the recommendation of the incorporated municipality.~~

~~(H) IN MAKING A DECISION ON A RESIDENTIAL SUBDIVISION OR RESUBDIVISION APPLICATION, THE RECOMMENDATION OF THE INCORPORATED MUNICIPALITY SHALL BE GIVEN GREAT WEIGHT.~~

8-115.1.

(a) Notwithstanding any other law or section of this article to the contrary, the legislative body of a municipal corporation, as defined in § 8-104(c) of this title, in Montgomery County may by ordinance or regulation, subject to the provisions of subsections (b) and (c) of this section, impose an additional or stricter building requirement than is otherwise required by any State, regional, or county unit that exercises zoning or planning authority over the municipal corporation, provided such authority shall be exercised in addition to, but not in lieu of, the State, regional, or county zoning or planning authority.

(b) A building requirement adopted under this section:

(1) Shall be imposed for the protection of the public health, safety, and welfare, or for the preservation, improvement, or protection of lands, WATER, and improvements in the municipal corporation; and

(2) May only regulate the construction, repair, erection, or remodeling of single-family residential houses, buildings, or other structures on land zoned for single-family residential use as it relates only to:

- (i) Fences, walls, hedges, and similar barriers;
- (ii) Signs;
- (iii) Residential parking;
- (iv) Residential storage; [and]
- (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) (1) An ordinance or regulation authorized by this section and enacted by a municipal corporation shall provide a procedure for a waiver from the strict application of the building requirements.

(2) Before adopting an ordinance or regulation authorized by this section, a municipal corporation shall:

(i) Hold a public hearing; and

(ii) At least 30 days before the public hearing, transmit a copy of the proposed ordinance or regulation to the Montgomery County Council.