

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. These shapes are primarily located on the left and right sides of the frame, creating a modern, layered effect. The central area is a plain white background where the text is placed.

# DPS Educational Series

## FENCE PERMITTING

# Jessica Fusillo

Manager, Customer Support & Outreach

# Victor Salazar

Zoning, Well & Septic and Code  
Compliance Division Chief

# Project Life



Application Process



Plan Review



Inspection

# Ramona Zapata

Permit Technician, Customer Support & Outreach

# Customer Service & Support staff will facilitate the processing of your application...

- ▶ Check out the department Fence Permit Process page online
  - ▶ The Overview and FAQ's contain helpful information
- ▶ Submit application using Apply & ePay
  - ▶ Fences for Commercial properties are submitted as Commercial Building type permits
- ▶ Upload the Site Plan to ePlans and complete task
- ▶ Allow three business days for review and permit issuance for most fence permits



DEPARTMENT  
OF PERMITTING  
SERVICES



County  
Executive  
Marc Elrich

- ABOUT **PERMITS** INSPECTIONS LICENSES FEES CODES HOMEOWNERS PROFESSIONALS BUSINESSES



### DPS Offices are Closed to Walk-in Customers

Due to the outbreak of Coronavirus (COVID-19), DPS Offices are closed to walk-in customers, however DPS is open for business electronically. DPS continues process and issue permits electronically and process license applications. Check the [DPS Covid-19](#) webpage frequently for services and modification updates and the [County website](#) for other closures or modifications.

Debido a la expansión rápida del Coronavirus (COVID-19), DPS esta cerrado las oficinas al público, pero estamos abiertos través nuestros servicios en línea. DPS continuara procesando y emitiendo permisos electrónicamente y procesado solicitudes de licencias. Visite la [página web DPS Covid-19](#) con frecuencia para obtener servicios y actualizaciones de modificaciones y [la página web del condado](#) para otros cierres y modificaciones.

### HOW CAN WE HELP YOU?

### ONLINE SERVICES

- Apply & ePay
- ePlans Upload
- Schedule Inspections
- Check Permit Status
- Data Search
- Design Consultation
- Request Records
- Property Complaint



# DPS

DEPARTMENT  
OF PERMITTING  
SERVICES



County  
Executive  
Marc Elrich



ABOUT

PERMITS

INSPECTIONS

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HOMEOWNERS

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## RESIDENTIAL

- Accessory Structure
- Addition | Alteration
- Deck | Shed
- Demolition or Move
- EV Charging
- Historic Area
- Home Occupation
- Intermediate Walk-Thru
- Modular Homes
- New Home
- Pool | Hot Tub, Spa
- Restore, Repair
- Residential Walk-Thru
- Retaining Wall | Fence
- Solar

## COMMERCIAL

- Addition | Alteration
- Change of Use
- Commercial Walk-Thru
- Demolition or Move
- Foundation
- New Building
- Ownership Unit
- Retaining Wall | Fence
- Sign
- Sheeting and Shoring
- Solar | EV Charging
- Swimming Pool
- Use and Occupancy

## SPECIAL EVENT PERMIT

- Special Event

## WATER RESOURCES

- Builder/Developer Transfer
- Floodplain District
- Floodplain Study
- Forest Harvest
- Sediment Control (SC)
- SC Transfer
- SC Single Family Lot
- Small Land Disturbance
- Stormwater Concept

## WELL & SEPTIC

- County Well
- Env. Health Survey
- Septic Permit
- Septic Repair Permit
- Sewage Sludge Permit
- Soils Testing

## RIGHT OF WAY

- Awning or Canopy
- Mobile Crane
- Drainage Plan
- Driveway
- Dumpster | Storage Container
- Fence in Easement
- Grading
- Misc. Structure
- Outdoor Cafe Seating
- Private Road
- Record Plat
- Roadside Tree
- Restoration of (ROW)
- Stump Removal
- Storm Drain or Paving
- Test Pit or Directional Boring
- Tieback or Sheeting Shoring
- Telecom | Wireless

## FIRE PROTECTION

- BDA
- Explosives
- FCC Permits
- Fire Alarm
- Fire Protection
- Fireworks
- Outside Agency Permits
- General Fire Permits
- Tank

## ELECTRICAL & MECHANICAL

- Commercial Mechanical
- Electrical Permit Revision
- Electrical Without Building
- Electrical With Building
- Homeowner's Electrical
- Low Voltage
- Residential Mechanical



# Residential Fence PERMIT & INSPECTION PROCESS

OVERVIEW

FAQ's



A permit is required to install any type of fence in Montgomery County. Replacement of an existing fence, **ORIGINALLY INSTALLED WITH A FENCE PERMIT**, with the same kind of fence in the same location at the same height, does not require a fence permit. If an existing fence was not installed with a fence permit, the replacement fence must have a fence permit.

- ▶ Replacement of an existing fence, **ORIGINALLY INSTALLED WITH A FENCE PERMIT**, with the same kind of fence in the same location at the same height, does not require a fence permit.
- ▶ If an existing fence was installed without a permit, you must obtain a permit to replace it.

## Process Guide FENCE PERMIT PROCESS

1

### Apply and Pay

[How it Works](#)

[Apply online](#)

[Fee Schedule](#)



2

### Submit Plans

[How it Works](#)

[ePlans Submittal Requirements](#)

[ePlans Login](#)

3

### Plan Review

[How it Works](#)

[Zoning Division Page](#)

[ePlans Login](#)

4

### Permit Issuance

[How it Works](#)

[ePlans Login](#)

[Check Permit Status](#)

# Submit Application Online/Apply & Pay

Select Permit Type: FENCE

linda.kobylski@montgomerycountymd.gov [Main Page](#) | [Update Contact](#) | [Change Password](#) | [Log Off](#)

**Online Services – Main**

Please select from one of the following options

- Apply for a New Permit
- Apply for a Permit Revision
- Make a Payment
- Renew Permit
- My Permits

**Apply for New Permits**

Please select the type of permit from the Permit Type drop-down. A limited number of permit types are currently eligible for revision requests online and when prompted, you must provide the original permit number.

Permit Type:

**Special Note for Fences:** For Commercial fences and retaining walls please use the Commercial Building application. The permit fee will be calculated by DPS staff during the screening review.

**Notes:** Only those permit types available for electronic submittal and review are displayed in the drop-down box. All others must be applied for via traditional methods and either mailed or delivered to the Department of Permitting Services located at 2425 Reedie Drive, 7th Floor, Wheaton MD 20902.

- ▶ Residential Fence permit must be issued to Property Owner or an MHIC licensed contractor

### Apply Online - Fence Permit

#### Limitations and Requirements

*Please read the following information carefully before starting your application.*

##### Limitations

The system will **NOT** be able to immediately issue the permit online due to:

1. mandatory zoning review (based on the construction location),
2. well & septic review (based on water supply and sewage disposal if applicable), and
3. additional approvals for historic districts, municipalities, and special taxing districts (if applicable).

##### Requirements

1. If additional approvals (beyond DPS' requirements) are required by municipalities or special taxing districts, the applicant shall obtain evidence of approval and submit this to DPS.
2. The Contractor must have a valid (non-expired) Maryland Home Improvement Commission (MHIC) License number. This license must be validated by DPS before your permit can be issued.
3. If your property includes a well or septic system their locations must be shown on your House Location Survey. If you do not know the location of your well or septic system you must contact MC 311.
4. Please click [here](#) for an example of an acceptable survey document.
5. The property must **NOT** be in the City of Gaithersburg or the City of Rockville.

#### Affidavit Acknowledgement

*Please acknowledge the following three affidavits to start your application.*

##### Affidavit for Property Owner or Contractor

Please check **ONE** of the affidavits in this section based on the Primary applicant of this application.

- I, the undersigned Property Owner, state that I will serve as General Contractor and take responsibility for compliance with all applicable building codes.
- I, the Contractor, am the Primary applicant of this residential building construction application and hereby declare and affirm, under penalty of perjury, that:
1. I am duly authorized to make this permit application on behalf of the property owner,
  2. The work proposed by this building permit application is authorized by the property owner; and
  3. All matters and facts set forth in this affidavit are true and correct to the best of my knowledge, information, and belief.

##### Affidavit for Covenants and Deed Restrictions

Many of the subdivisions and developments in Montgomery County have private deed restrictions and covenants regulating the construction of buildings beyond the limitations contained in County Ordinances. The applicant must ensure that the application is in compliance with the private deed restrictions and covenants.

- I, the Property Owner or Contractor, declare and affirm that the residential building design/construction plan of this residential building construction application for which I am applying is either approved by the homeowners/civic association or in compliance with the deed restrictions and covenants.

Upon approval of all reviews and before issuance, you must pay all fees in full either at DPS' Rockville office or online.



Start Application

# Primary Applicant = Property Owner

# Submit Application Online

**Apply Online - Fence Permit (Basic Info)**

Please follow the instruction [to](#) complete the application. All fields marked with a \* are required.

**Notes:** The property address can not be in the City of Rockville or Gaithersburg.

**Location of Work**

Is the location given as an address or description?  Address  Description

Address (must be a valid address in Montgomery County):

Street No\*   Pre-Dir   Street Name\*   Street Type\*   Post-Dir   Apt./Suite

  Non         None        

**Applicant Information**

Contact information fields should only be manually entered for individuals or entities that have not previously conducted DPS business. The system can retrieve existing customer information to facilitate data entry. Doing so will allow customers access to all their permitting activity via the ePermits program. Please enter the customer# and click the **Validate and Retrieve** button. Then, set the appropriate Role (Property Owner, Contractor or Other) before adding to the applicant list. If you do not know the customer number, you may contact DPS at [dps.eservices@montgomerycountymd.gov](mailto:dps.eservices@montgomerycountymd.gov). You will be contacted within one business day of your request.

Customer #      

Primary (Only ONE primary applicant is allowed.)

Role \*

Last Name \*  (or Company Name)

First Name \*  (or Company Branch)

M.I.

Street \*

(continue)

City \*

State \*

Zip Code \*  -

Phone \*  -  -  ext.

E-mail \*

Applicant(s) - Click the Applicant Name link to edit (update or remove):

Please click the **Check and Continue** button to enter detailed work information (worksheet) of the Fence Permit application. You may come back to change the information before submitting the application.

Provide Provide Fence Height in Feet and Inches

Indicate Indicate fence location on "Owners Land"

Specify Specify if subject property is served by WSSC for water and sewer


Pay Pay the filing fee - Residential Fence \$ 77.87

## Apply Online - Fence Permit (Worksheet)

Please follow the [instruction](#) to complete the application. All fields marked with a \* are required.

### Fence Details


Please enter the following fence information.

Work Type \* CONSTRUCT 

Use Code \* FENCE

Height Feet \* 6 6 Inches

Property Line

  Owners Land

Right of Way

### Brief Description - Scope of Work

Please provide additional notes about this application here (limited to 100 characters): \*

Fence will be 20 ft linear and will be 6ft high

### Property Water and Sewage

Please indicate the following water and sewage information.

Type of Water Supply \*  WSSC  On Well

Sewage Disposal \*  WSSC  On Septic

Please click the **Check and Continue** button to review and confirm the work information of your Fence Permit application. You may use the **Change Basic Info** button to go back to make changes.



Check and Continue

Start Over (Clear All)

Change Basic Info

# Fence Details

# Finalize Application

- ▶ Select and Check and Continue
- ▶ Review Application Summary for Accuracy
- ▶ Sign and Submit Application
- ▶ Use ePay to Pay filing fees online
- ▶ You will receive application acknowledgment via email and an ePlans invitation

**Apply Online - Fence Permit (Summary)**

Please carefully review the summary of your Fence Permit application before submission. See the [instruction](#) for more details.

Application Summary	
<b>Affidavit Acknowledgement</b> The Homeowner is the Primary applicant	
1. This application does not violate any covenants and deed restrictions;	
<b>Basic Information</b>	
Address:	14717 HAROLD RD SILVER SPRING, MD 20905
Homeowner:	MARTINEZ (Primary)
<b>Worksheet Information</b>	
Use Code:	FENCE
Work Type:	CONST
Height Feet:	6
Height Inches:	6
Owners Land:	Y
Type of Water Supply:	WSSC
Sewage Disposal:	WSSC
Scope of Work:	Fence will be 20 ft linear and will be 6ft high

**Comments**

Please provide additional notes about this application here (limited to 300 characters):

**Special Notes**

Please read the following notes before submitting the application:  
You will **NOT** be able to change basic (site and applicants) and worksheet information of this application once submitted.  
You will **NOT** be able to apply online if you have an outstanding Notice of Violation.

Please select the checkbox option below before clicking the **Agree and Submit** button.

Checking this box signifies my electronic signature and I agree that my electronic signature is the legally binding equivalent to my handwritten signature with the same validity and meaning as my handwritten signature. I will not, at any time in the future, repudiate the meaning of my electronic signature or claim that my electronic signature is not legally binding for any matters relating to or resulting from the permit issued as a result of this on-line application. **By checking this box and submitting this on-line permit application, I accept the conditions of this agreement** and agree to comply with the terms of applicable state and County law and with the terms and conditions of the permit as may be amended. I hereby declare and affirm under the penalty of perjury that all matters and facts set forth in this application are true and correct to the best of my knowledge, information and belief. If any information has been omitted or is incorrect or inaccurate or any work is not in accordance with applicable law or this permit, my permit is subject to amendment, rescission or revocation.

You may use the **Change Worksheet** or **Change Basic Info** button to go back to make changes.

[Agree and Submit](#) [Change Worksheet](#) [Change Basic Info](#)

*The Agree and Submit process may take up to 5 minutes to complete.  
Please be patient and do NOT click any buttons while waiting!*


Your Fence Permit application has been created successfully!  
The permit application number is **948589**.  
Please write down this number for future reference.  
[Click here to pay the application filing fee](#)  
You will be notified by email when the permit is ready to be issued.  
**DO NOT PROCEED UNTIL PERMIT IS ISSUED.**

[We value your feedback regarding our online application process! Please take a moment to complete a brief survey](#)

VISITING DPS? 2425 Reedie Drive, 7th Floor, Wheaton MD 20902 | [Parking & Directions](#) | [Accessibility](#) | 7:30am - 4pm, Mon- Fri | 240-777-0311

# ePlans Login

MONTGOMERY COUNTY Maryland



1776 GARDEZ BIEN


Your access to and use of Montgomery County, Maryland ("the County") Web Portal Sites, as defined below, is subject to all applicable laws and the following "Terms and Conditions" which may be updated by us from time to time without notice to you. In consideration of your use of the Sites, as defined below, you accept, without limitation or qualification, the following "Terms and Conditions." In addition, when using any

E-mail:

Password:

Login


[Forgot your password?](#)

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[Click to View Montgomery County Terms and Conditions](#)

**Need Help? Please email [DPS.eServices@montgomerycountymd.gov](mailto:DPS.eServices@montgomerycountymd.gov)**

[ePlans Applicant User Guide](#) [ePlans System Requirements Guide](#)

 To add ProjectDox to your favorites [Click here](#)

# Temporary Password Information

## Email Body

ProjectDox Invitation for Linda's Test Permit - Assigning Reviews

### Invitation

**Hello Linda Kobylski:**

You have been added to the ProjectDox database and as a new member to the project listed below.

Login: **linda.kobylski@ymail.com** Temporary Password: **4EBBEC2** Project: **Linda's Test Permit - Assigning Reviews** Group: **Applicant** Project Owner: **Linda Kobylski** Owner's Email: [Linda.Kobylski@montgomerycountymd.gov](mailto:Linda.Kobylski@montgomerycountymd.gov) [Login to ProjectDox](#)

Contact the Project Owner or a Project Administrator if you have questions regarding this project. Please do not reply to this email.



# ePlans Submittal Guidelines

## BASIC SUBMITTAL REQUIREMENTS

- File names must not exceed 20 characters.
- You must complete your task using the eForm in ePlans to submit your information to DPS for review. Please see the [ePlans Applicant User Guide](#) or visit our [eServices](#) page for more information.
- **DRAWINGS** must be in uploaded into the drawings folder **and each sheet must be** a separate file. **DOCUMENTS** must be uploaded into the documents folder.
- **CORRECTED** information must be uploaded into the **original** folder using the **sheet's original file** name. The REVISIONS folder is only for use after the permit has been issued.
- All drawings and documents must be uploaded within 5 business days of application to avoid possible forfeiture of filing fees and **withdrawal** of your application.


## SPECIFIC SUBMITTAL REQUIREMENTS FOR PLAN(S)

- The fence location on the site plan. The fence must be wholly on the property and not on the property line. DPS will not issue a permit for a fence on the property line.
- The location of the fence must be marked on the plan using the following symbol: X-X-X-X-X
- If your plans are part of a commercial building permit please visit the [commercial building ePlans submittal requirements](#).


# Upload Files and Complete the ePlans Applicant Upload Task

**FENCE-946837** Home Q All Tasks All Reports


**Main Contact:** Anwar Huq Project Reports Proje


[Expand current](#) | [Collapse](#) |  -CONST-FENCE--432 FIRESTONE DR ASHTON MD 20861

**FENCE-946837**

- [Drawings](#) (1 Files - 1 New) 
- [Documents](#) (1 Files - 1 New)
- [Revisions](#)
- [Approved](#)
- [Rejected](#)
- [PDFDestinationFolder](#)
- [ChangemarkReports](#)

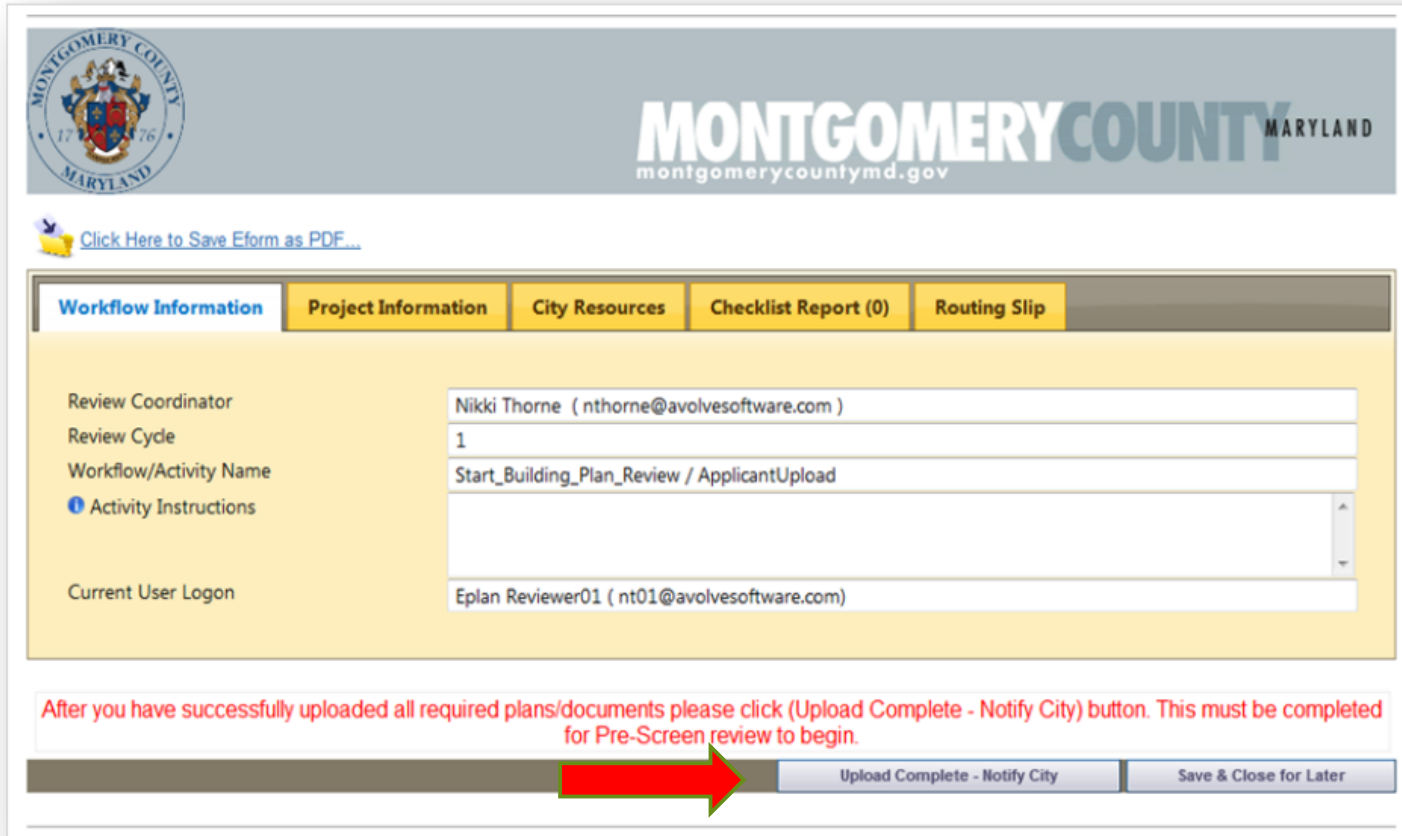
Show All Tasks For All Users

Task	Attached To	Status	Priority	Due date	Created On	Updated On
ApplicantUpload	Applicant	Accepted			3/26/2021 11:04:38 AM	3/26/2021 1:00:19 PM



Tasks are completed by accepting and then completing the eForm by which DPS is notified.

1. After accepting the task your eForm will appear (see the next screen shot). The permit application information is auto-populated from the permitting system providing relevant project information. The eForm also serves as the means of communication between the applicant and DPS for the project.



The screenshot displays the Montgomery County eForm interface. At the top left is the Montgomery County logo, and at the top right is the text "MONTGOMERY COUNTY MARYLAND" with the website "montgomerycountymd.gov". Below the header is a link "Click Here to Save Eform as PDF...". The main content area has a navigation bar with tabs: "Workflow Information" (selected), "Project Information", "City Resources", "Checklist Report (0)", and "Routing Slip". The "Workflow Information" section contains the following fields:

Review Coordinator	Nikki Thorne ( nthorne@avolvesoftware.com )
Review Cycle	1
Workflow/Activity Name	Start_Building_Plan_Review / ApplicantUpload
Activity Instructions	
Current User Logon	Eplan Reviewer01 ( nt01@avolvesoftware.com )

At the bottom, a red arrow points to the "Upload Complete - Notify City" button. Below the buttons is a red text instruction: "After you have successfully uploaded all required plans/documents please click (Upload Complete - Notify City) button. This must be completed for Pre-Screen review to begin."

## EPlans Task Completion

# Mark Beall

Manager, Zoning



# DPS Fence Statistics

- ▶ Number of Permit Technicians working on processing and issuing fence permits: 2
- ▶ Number of Zoning Reviewers reviewing fence permits: 8
- ▶ Number of fences applied for each year:
  - ▶ 2020: 2808
  - ▶ 2019: 2056
  - ▶ 2018: 1999
- ▶ Number of Zoning Reviews for those fence applications:
  - ▶ 2020: 2986
  - ▶ 2019: 2198
  - ▶ 2018: 2111

# Permit Submission Requirements

- ▶ The fence should be shown on an accurate survey
- ▶ The fence should be marked entirely on the owner's property.
- ▶ The symbol for a fence on the survey is: X-X-X-X-X-X
- ▶ If the property is located in a municipality you will need to upload the municipality approval into the documents for in the ePlans system.
- ▶ For corner lots, the first 15' down each street from the corner of the intersection, the fence cannot be over 3' in height.



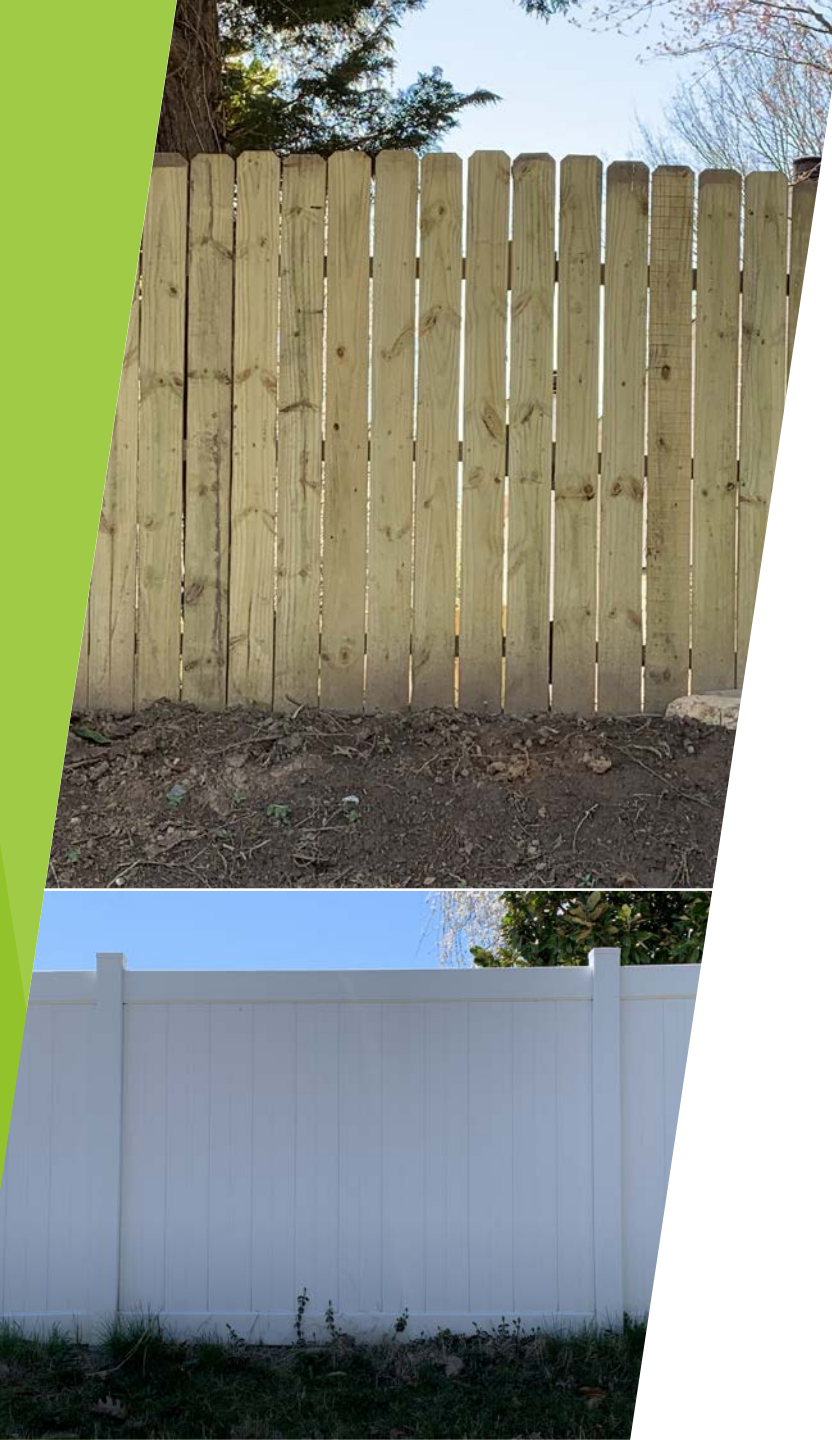


# When is a fence required to meet setbacks?

- ▶ •When a fence is over 6'-6" in height it is not exempt from the setback requirements.
- ▶ •The fence will need to meet the accessory structure setbacks for the zone in which the property is located.
- ▶ •Most zones will require that the fence be behind the rear building line (behind the plane of the back wall of the house).
- ▶ •Some zones require additional setbacks for accessory structures over 24' in length so this could increase the setback even more.

# Permit Exempted Fences

- ▶ •Fences used for agricultural use on land used for an agricultural use. Example: Fencing installed around pasture or paddock.
- ▶ •A fence that was previously installed with a permit may be replaced without a permit if it is the same style, material, height and location.







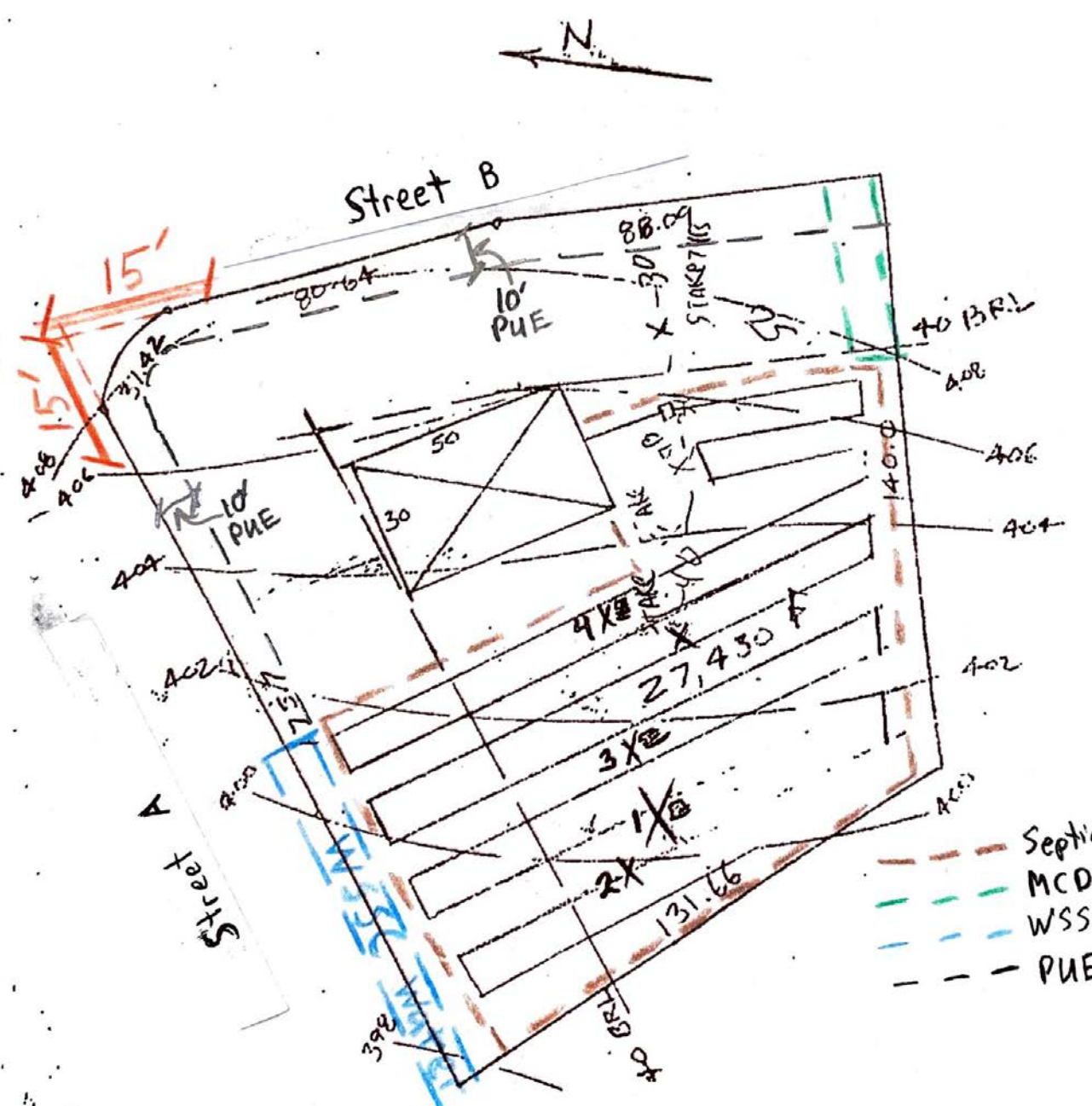
## Deer Fence

- ▶ •**Definition-** Fence, Deer: A fence that is up to 8 feet high and constructed of an open mesh ranging in size from 1.5 x 1.5 inches to 2 x 2.75 inches made of heavy weight, plastic or similar material that allows a clear view through the fence and may be constructed with wood, metal, or fiberglass posts.
- ▶ •A chain link fence does not meet this definition so it cannot be used as a deer fence.

# Other Approvals Needed

- ▶ If a fence is located in a County stormdrain easement the applicant will need to contact DPS Land Development Right Of Way Section to apply for a Declaration of Covenant.
- ▶ If the fence will be installed within the boundaries of an approved septic area or approved septic easement, the applicant will need to contact the DPS Well & Septic Section. Documentation from the homeowner may be required acknowledging that it may be necessary to remove a portion of the fence located within the septic reserve area if repair or replacement of the existing septic system is necessary. Fences may not be installed over sand mound systems or shallow trench systems, or reserve areas approved for these types of systems.
- ▶ If a fence is located in a WSSC easement the applicant will need to obtain approval from WSSC.
- ▶ If the fence is located in a Public Utility Easement (PUE) the applicant will need to obtain approvals from the Power Company (PEPCO, Potomac Edison, BG&E), Washington Gas and Verizon.
- ▶ If a fence is located in a Forest Conservation Easement the applicant will need approval from MNCPPC.
- ▶ If a fence is located in a Floodplain the applicant will need to contact DPS Land Development Water Resources Section.
- ▶ If a fence is located in an HOA easement the applicant will need to obtain approval from their HOA.





- Septic
- MCDOT stormdrain
- WSSC Water
- PUE

# Fence Disputes

- ▶ •Fences are one of the most complained about permits within DPS.
- ▶ •Any neighbor-on-neighbor dispute about a fence is a civil matter between neighbors and the county will not get involved.
- ▶ •Be aware that even if a fence is entirely on the owner's land, it may have sight distance implications for neighbors pulling in and out of driveways or walking on sidewalks.



# Commercial Permit Is Needed

- ▶ Fences located on a commercial property will require a commercial building permit.
- ▶ Fences on an HOA or subdivision parcel will require a commercial building permit.



# Need Help?

- ▶ Please contact a Zoning Plan Reviewer if you have any questions about setbacks or what is required for their complete review.

Amy Zou	<a href="mailto:Amy.Zou@montgomerycountymd.gov">Amy.Zou@montgomerycountymd.gov</a>	(240)777-6250
Delvin Daniels	<a href="mailto:delvin.daniels@montgomerycountymd.gov">delvin.daniels@montgomerycountymd.gov</a>	(240)777-6249
Laura Bradshaw	<a href="mailto:laura.bradshaw@montgomerycountymd.gov">laura.bradshaw@montgomerycountymd.gov</a>	(240)777-6296
Matthew Makowski	<a href="mailto:matthew.makowski@montgomerycountymd.gov">matthew.makowski@montgomerycountymd.gov</a>	(240)777-6385
Melissa Goutos	<a href="mailto:melissa.goutos@montgomerycountymd.gov">melissa.goutos@montgomerycountymd.gov</a>	(240)777-6261
Patricia Wolford	<a href="mailto:patricia.wolford@montgomerycountymd.gov">patricia.wolford@montgomerycountymd.gov</a>	(240)777-6245
Roger Waterstreet	<a href="mailto:roger.waterstreet@montgomerycountymd.gov">roger.waterstreet@montgomerycountymd.gov</a>	(240)777-6254
Sergio Hurtado	<a href="mailto:sergio.hurtado@montgomerycountymd.gov">sergio.hurtado@montgomerycountymd.gov</a>	(240)777-6369

# Greg Nichols

Manager, Code Compliance

# What We Do in Code Compliance



## Investigate

Permit Documents  
Plats  
Prior Permits



## County Code

Chapter 59 Zoning  
Chapter 49 Public Right-  
of-Way



## Notice of Violation



## Citation

Violation Class A  
Abatement



# Ways to Avoid Compliance Issues



Sales Staff reach out to us with questions



Recommend Lot Survey prior to installation



Know lot lines as fence must not be installed on someone else's property



Know right-of-way (ROW) locations as fence must not be installed within the ROW



Sight Distance



Liabilities



Deer Fence 8' Max

Feb 24, 2021, 11:44 AM





**6.5' Max Against  
Adjacent Property Grade**



# Christina Contreras

Manager, Right-of-Way Inspection

# Public Right-of-Way and Easement

► The Public Right-of-Way is defined as:

► The right to pass across lands of another; usually a strip or linear path acquired for or devoted to transportation and public utility purposes.

► An easement is defined as:

► A right to use of property of another forever or until legally amended.

**GENERAL NOTES (cont.):**

- This Subdivision Record Plat is not intended to show every matter affecting the ownership and use, nor every matter restricting the ownership and use of this property. The Subdivision Record Plat is not intended to replace an examination of title or to depict or note all matters affecting title.
- All terms, conditions, agreements, limitations and requirements associated with any preliminary plan, site plan, project plan or other plan showing development of this property, approved by Montgomery County Planning Board are intended to survive unless expressly contradicted by the plan as approved. The official public files for any such plan are maintained by the Planning Board and available for public review during normal business hours.
- Septic building restriction lines are subject to change, with Montgomery County Department of Permitting Services Well and Septic approval.
- The septic areas shown on this plat for Lots 5-9 and 15 are designed for a 3 bedroom house. The septic area shown on this plat for Lot 16 is designed for a 4 bedroom house.
- For private septic systems and well systems only.
- The property shown hereon is subject to the requirements of the Montgomery County Forest Conservation Law, including approval of a Final Forest Conservation Plan and appropriate agreements prior to the issuance of a Sediment Control Permit.
- This property is zoned RC.

**GENERAL NOTES (cont.):**

- This plat is subject to the uses and conditions of the Preliminary Plan No. 120081230, entitled "Butz Property".
- This property is shown on Tax Map Grid D552.
- There are no FEMA mapped 100-year floodplains for the subject property. The 100-year Floodplain shows hereon (if any) is taken from the Marine, Healdrick and Olsook NRI/FSD approved in 2001. The 100-year floodplain shown hereon is fully contained within the Category 1 Conservation Easement and as such no GPS Floodplain Study was required under SMA Concept No. 228544 dated 7-13-2008.
- Access is denied except at approved locations along Darnestown Road (Maryland Route 28).
- The land contained hereon is within an approved cluster development and subdivision or rezoning is not permitted after the property is developed.
- This survey is in the Maryland Coordinate System (NAD83), based on Real Time Kinematic GPS observations and conventional traversing methods. Controlling station is MDC MDC 83 Traverse Station #20022.

#20022 NORTHING: 528912.775 SFT EASTING: 1224638.235 SFT

**PLAT NO. 24023**

**OWNERS' CERTIFICATE**

We, the undersigned, owners of the property described herein, adopt this plan of subdivision, dedicate the streets to public use, establish the minimum building restriction lines, 50' scenic easement and building restriction line from Darnestown Road, the 20' foot septic building restriction lines, the 20' set easement across Lot 15 for the benefit of Lot 14, and guarantee compliance with the provisions of Section 50-24 of the subdivision regulations.

Further, we grant to Montgomery County, Maryland 30 foot slope easements, adjacent, contiguous and parallel to all public streets. Slope easements shall be extinguished at such time as the Public Improvements on the abutting public streets have been lawfully completed and accepted for maintenance by Montgomery County, Maryland.

Further, we grant to the applicable utility companies, and to each of them and their successors or assigns, a Public Utility Easement in, on, and over the land designated hereon as "P.U.E.", with the terms and provisions of said grant being those set forth in that certain document entitled "DECLARATION OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS" recorded in Liber 3834 of Folio 437 among the Land Records of Montgomery County, Maryland.

Further, we grant to Montgomery County, Maryland, its successors, agents and assigns, a Public Improvement Easement in, on and over the land designated hereon as "P.I.E.", if any, with the terms and provisions of said grant being those set forth in that certain document entitled "DECLARATION OF TERMS AND PROVISIONS OF PUBLIC IMPROVEMENT EASEMENTS", recorded among the aforesaid Land Records in Liber 3834 of Folio 523, which terms and provisions are hereby incorporated by this reference.

As owners of this subdivision we, our successors and assigns, will cause all property corner markers and any other required monumentation to be set by a registered Maryland Surveyor in accordance with Section 50-24 (e) of the Montgomery County Code prior to the acceptance of public streets for maintenance.

There are no suits or actions of law, leases, liens, mortgages or trusts affecting the property shown hereon.

**SURVEYOR'S CERTIFICATE**

I hereby certify that the data shown hereon is correct; that it is a subdivision of part of the property acquired by THOMPSON H. BUTZ from VICTOR J. LOMBARDI, JR. and THE NORTHERN TRUST COMPANY, Trustees of the BARBARA BUTZ LOMBARDI TRUST by a deed dated October 12, 2001 and recorded among the Land Records of Montgomery County, Maryland in Liber 19851 of Folio 788; part of property acquired by ROBERT F. BUTZ from VICTOR J. LOMBARDI, JR. and THE NORTHERN TRUST COMPANY, Trustees of the BARBARA BUTZ LOMBARDI TRUST by a deed dated October 12, 2001 and recorded among the Land Records of Montgomery County, Maryland in Liber 19851 of Folio 788; part of the property acquired by THEODORE H. BUTZ from VICTOR J. LOMBARDI, JR. and THE NORTHERN TRUST COMPANY, Trustees of the BARBARA BUTZ LOMBARDI TRUST by a deed dated October 12, 2001 and recorded among the Land Records of Montgomery County, Maryland in Liber 19851 of Folio 746; part of the property acquired by JEREMY F. BUTZ from VICTOR J. LOMBARDI, JR. and THE NORTHERN TRUST COMPANY, Trustees of the BARBARA BUTZ LOMBARDI TRUST by a deed dated October 12, 2001 and recorded among the Land Records of Montgomery County, Maryland in Liber 19851 of Folio 746; and I further certify that once engaged as described in the owners dedication hereon, all property markers shown thus - \* - will be set as delineated hereon in accordance with the provisions of Section 50-24 (e) of the Montgomery County Code. The total area included on this plat is 715242 square feet or 16.48056 acres of land, 78710 square feet or 1.80993 acres of which is dedicated to public use.

4-13-09  
THOMPSON H. BUTZ  
ROBERT F. BUTZ  
THEODORE H. BUTZ  
JEREMY F. BUTZ  
Date: 4-13-09  
Date: 4-13-09  
Date: 4-13-09  
Date: 4-13-09

**RECEIVED**  
NOV 20 2009  
Clerk of the Circuit Court  
Montgomery County, Md.

**LEGEND**

APPROVED WELL LOCATION  
LOCATION WITH 100' BUFFER ZONE  
STREET DESIGNATION  
RADIUS (NOT TO SCALE)  
SEPTIC BUILDING RESTRICTION LINE  
BUILDING RESTRICTION LINE

SEPTIC AREA  
S.B.R.L.  
P.U.E.  
P.I.E.

**THE RESERVE AT BLACK ROCK**  
BLOCK A  
DARNESTOWN (6th) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1" = 100' APRIL, 2008  
PLAT NO. 03  
JOB NO.: 082844

**LINE TABLE**

LINE	BEARING	LENGTH
1	N74°40'51" E	63.357
2	N81°28'25" W	38.889
3	N58°30'17" E	4.887
4	N72°03'31" E	35.651
5	N70°48'00" E	69.485
6	N73°00'00" E	62.539
7	N84°01'45" E	35.377
8	N58°30'17" E	4.887
9	N58°38'00" W	38.889
10	N87°44'31" E	60.385

**AREA DEDICATED TO PUBLIC USE**

1	S 51°37'46" E	128.00'
2	S 38°22'14" W	16.76'
3	N 51°39'05" W	128.00'
4	N 38°22'14" E	16.83'

SEE SIMPLE AREA  
2151 SQ.FT. OR 0.049 ACRES  
SHOWN THUS: [Symbol]

**CURVE TABLE**

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
1	175.00'	187.01'	90.48'	180.74'	N75°30'54" E	84.6034°
2	435.00'	850.84'	159.19'	347.21'	N37°30'45" E	33.4835°
3	375.00'	246.25'	187.18'	240.88'	N57°18'15" E	37.2810°
4	435.00'	877.92'	144.14'	273.00'	N57°18'15" E	37.2810°
5	375.00'	305.20'	161.67'	286.82'	N31°10'30" W	48.3873°
6	150.00'	119.59'	54.63'	114.63'	N81°30'24" E	8.4252°
7	375.00'	5.33'	2.82'	5.83'	N08°15'37" W	0.4759°

**AREA INFORMATION**

AREA OF LOTS	-	437832 S.F. OR	10.04245 ACRES
AREA OF PARCELS	-	N/A S.F. OR	N/A ACRES
STREET DESIGNATION	-	7808 S.F. OR	1.79205 ACRES
SHA DESIGNATION	-	2151 S.F. OR	0.04938 ACRES
TOTAL AREA OF PLAT	-	718464 S.F. OR	16.44848 ACRES
TOTAL NO. OF LOTS	-	7	LOTS(3) 0 PARCELS(4)

FOR PRIVATE WELL AND SEPTIC ONLY

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
MONTGOMERY COUNTY ANNEAR BOARDS

Montgomery County Department of  
Planning and Zoning  
Director

DRAWN: MNB  
COMPUTED: MNB  
CHECKED: TCS  
RECORDED: [Signature]  
PLAT BOOK: [Signature]  
PLAT NO.: [Signature]

**RODGERS**  
CONSULTING  
1984 County Building  
1200 S. 1st Street, Suite 200  
P.O. Box 8700, Frederick  
MD 21704-8700  
Tel: 301-241-8888  
www.roggersinc.com

2-08083 106123 07271002 DC

630-121

# Chapter 49 - Montgomery County Code

## Sec. 49-10. Obstruction of public rights-of-way.

Except as provided in Section 49-11, in the public right-of-way, a person must not:

(a) place, maintain, use, or exercise control over, any object or structure in the public right-of-way;

(b) allow any object or structure owned by the person to occupy, obstruct, or encroach upon the public right-of-way;

(c) perform any reconstruction or maintenance work; or

(d) allow the erection or placement of any structure, fence, post, rock, or other object in the public right-of-way, except:

(1) mail boxes mounted on a support that will bend or break away on impact by a vehicle;

(2) individual residential newspaper boxes mounted on a support that will bend or break away on impact by a vehicle;

(3) street trees placed and maintained under Section 49-33(j);

(4) ground cover placed and maintained under Section 49-33(k);

(5) a temporary, removable obstruction or occupation of a right-of-way installed under a permit issued under Section 49-11; or

(6) as otherwise permitted by law.

Any object placed in the public right-of-way under Section 49-10(d) must not unreasonably impede use of a sidewalk or other right-of-way by pedestrians or persons in wheelchairs, or impede or endanger automobiles or other vehicles. (Mont. Co. Code 1965, § 24-24; CY 1991 L.M.C., ch. 42, § 1; 1996 L.M.C., ch. 4, § 1; 1996 L.M.C., ch. 20, § 1; 1998 L.M.C., ch. 12, § 1; 2000 L.M.C., ch. 23, § 1; 2001 L.M.C., ch. 14, § 1; 2002 L.M.C., ch. 16, § 2; 2007 L.M.C., ch. 8, § 1; 2016 L.M.C., ch. 29, §1.)

**Editor's note**—Section 49-10, formerly Section 49-17, was renumbered and amended pursuant to 2007, ch. 8, § 1. Former Section 49-10 was renumbered Section 49-6 pursuant to 2007, ch. 8, § 1.

See County Attorney Opinion dated 2/27/92 explaining that the Council cannot exercise its authority under the Regional District Act to amend the portion of the County Code governing road rights of way, because those provisions are not contained in the zoning ordinance.

- ▶ The public right-of-way is public property. Fences are not allowed to be placed within the public right-of-way.
- ▶ In some cases, a fence can be placed in an easement. The plans reviewer will inform you as to if it may be allowed and if so, what is required.



# Public Right-of-Way

- ▶ Includes area for sidewalks, signage, storm drainage, lawn panel, curbs and gutter and roadway.
- ▶ Rights-of-Way vary in size based on the amount of traffic flow. Residential rights-of-way can vary from about 28 feet to 60 feet or more.



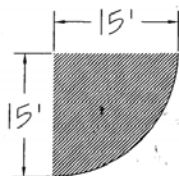
# Sight Distance

- ▶ DPS receives many complaints and concerns regarding fences.
- ▶ Sight Distance concerns are real concerns and should instances happen where the courts are involved, the property owner along with the fence company installing the fence can be liable as a result of placing the fence in the right-of-way.
- ▶ Be aware that even if a fence is entirely on the owner's land, it may have sight distance implications for neighbors pulling in and out of driveways or walking on sidewalks.



# Sight Distance

## FENCE AND WALL RESTRICTIONS



No fence, wall, shrubbery or obstruction more than 3 feet high above curb level for a distance of 15 feet from the intersection of the front and side street lines is permitted.

Revised 12-02-09

- ▶ Fences must accommodate for sight distance in zoning and public right-of-way.
- ▶ In the right-of-way realm, engineered evaluation may need to occur for some residential sites as well as commercial.

**MONTGOMERY COUNTY, MARYLAND**  
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION  
DEPARTMENT OF PERMITTING SERVICES

**SIGHT DISTANCE EVALUATION**

Facility/Subdivision Name: \_\_\_\_\_ Preliminary Plan Number: **1-** \_\_\_\_\_

Street Name: \_\_\_\_\_ Master Plan Road Classification: \_\_\_\_\_

Posted Speed Limit: \_\_\_\_\_ mph

Street/Driveway #1 ( \_\_\_\_\_ ) Street/Driveway #2 ( \_\_\_\_\_ )

Sight Distance (feet) Right _____	OK? _____	Sight Distance (feet) Left _____	OK? _____
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Comments: \_\_\_\_\_

**GUIDELINES**

Classification or Posted Speed (use highest value)	Required Sight Distance in Each Direction*	Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)
Tertiary - 25 mph	150'	
Secondary - 30	200'	
Business - 30	200'	
Primary - 35	250'	
Arterial - 40 (45)	325' (400')	
Major - 50 (55)	475' (550')	

\*Source: AASHTO

**ENGINEER/ SURVEYOR CERTIFICATE**

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Montgomery County Review:**

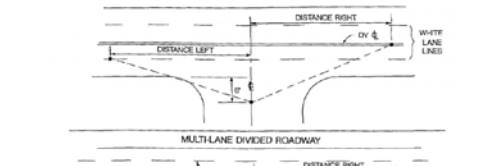
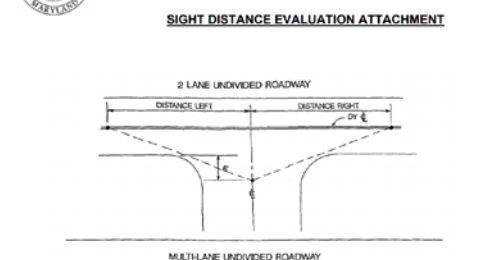
Approved

Disapproved:

By: \_\_\_\_\_

Date: \_\_\_\_\_

**MONTGOMERY COUNTY, MARYLAND**  
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION  
DEPARTMENT OF PERMITTING SERVICES



# Easements



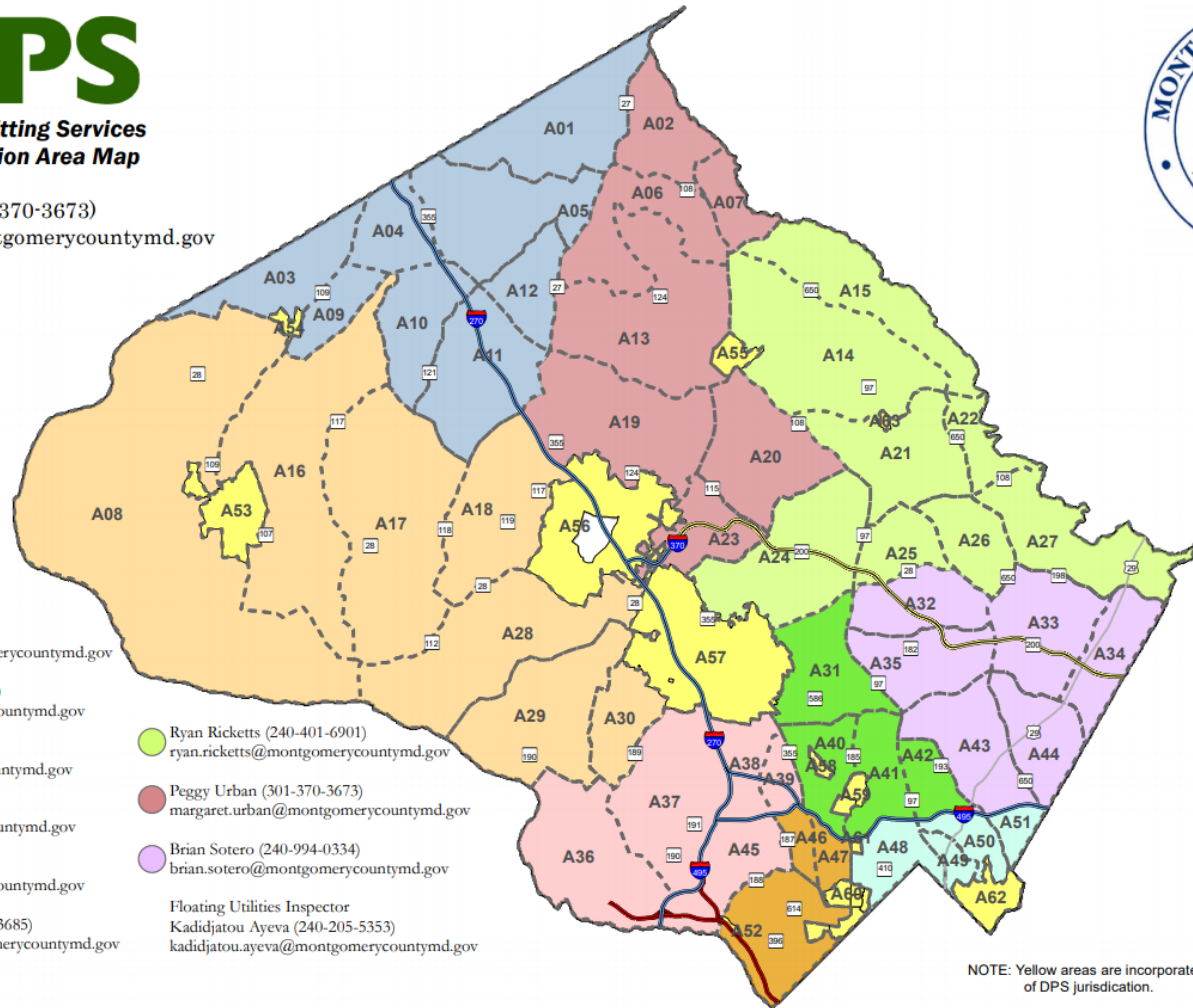
- ▶ Fences must accommodate for drainage easements and rights-of-way. Drainage easements can be either overland or with pipes in the ground.
- ▶ A fence post through a storm drain pipe (or any pipe) doesn't work.

# Right-of-Way Inspection Map



**Department of Permitting Services**  
**Right-of-Way Inspection Area Map**

Peggy Urban  
 Field Supervisor (301-370-3673)  
 margaret.urban@montgomerycountymd.gov



- Chris Cary (301-370-3686)  
christopher.cary@montgomerycountymd.gov
- Adam Curtin (301-370-3688)  
adam.curtin@montgomerycountymd.gov
- Brian Earp (240-832-3028)  
brian.earp@montgomerycountymd.gov
- Carl Fowler (301-370-3698)  
carl.fowler@montgomerycountymd.gov
- Jairo Munoz (240-328-8242)  
jairo.munoz@montgomerycountymd.gov
- Malvin Nicholson (301-370-3685)  
malvin.nicholson@montgomerycountymd.gov
- Ryan Ricketts (240-401-6901)  
ryan.ricketts@montgomerycountymd.gov
- Peggy Urban (301-370-3673)  
margaret.urban@montgomerycountymd.gov
- Brian Sotero (240-994-0334)  
brian.sotero@montgomerycountymd.gov
- Floating Utilities Inspector  
Kadidjatou Ayeva (240-205-5353)  
kadidjatou.ayeava@montgomerycountymd.gov

(3-15-2021)

NOTE: Yellow areas are incorporated towns/cities and outside of DPS jurisdiction.

# Right-of-Way Inspections - Find My Inspector

## WHAT'S NEW AT DPS

- MCDOT Storm Drain Map - Check out where storm drains are located in your area.
- Typical Residential Deck Details 2018 IRC (Slide Presentation)
- Pathways to Success: A Guide to Solar Installation Setbacks 11.5.2020
- DPS Webinar 2018 IECC (Energy Codes-Commercial)

## IN YOUR AREA

For information on road, lane, or sidewalk closures due to commercial building, demolition or right of way permits issued in your area, you may use the link below to access the DPS activities map that shows [construction activities](#) in your neighborhood.

[MCDOT Storm Drain Map](#)

Need an inspection and are not sure who your inspector is?

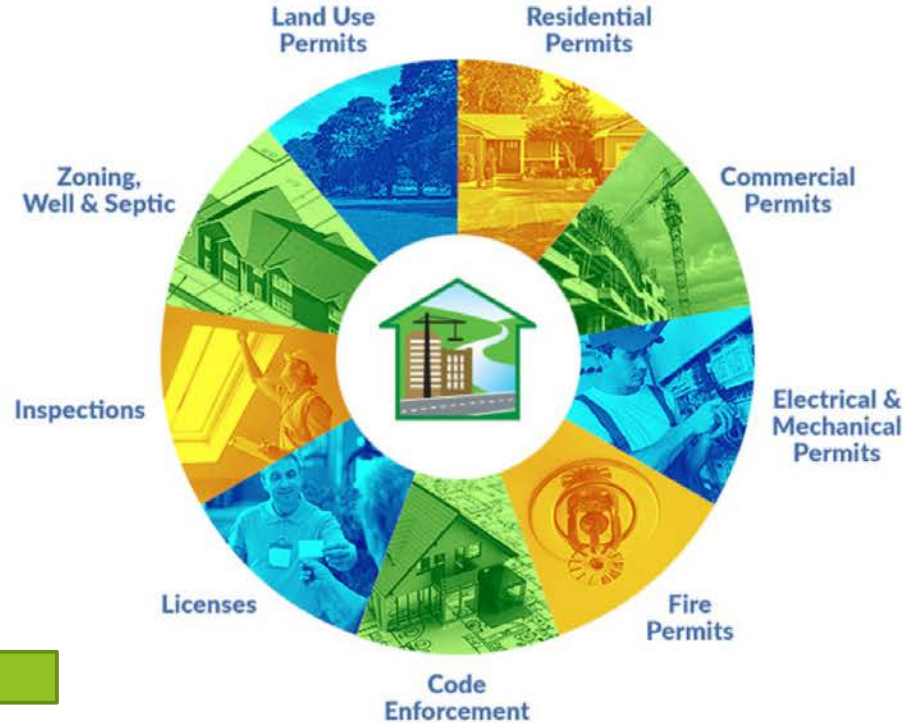
[Find My Inspector](#)



## UPCOMING EVENTS

DPS Educational Series: Sediment Control Permitting.

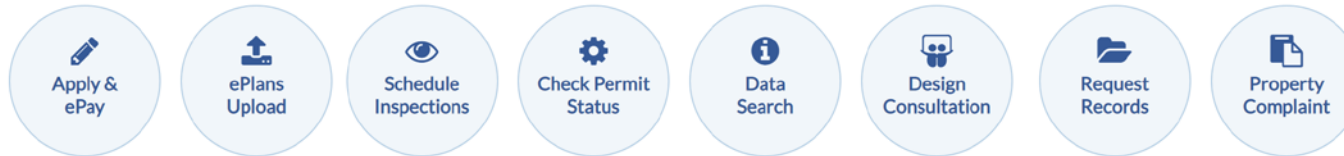
- DPS Educational Series: Sediment Control Permitting (Video)
- Sediment Control PDF of Presentation



# Right-of-Way Inspections - Find My Inspector



## ONLINE SERVICES



### List of Inspectors for an Address

This Data Search will display a list of all inspectors assigned for permits for a specific address. Enter the desired address and permit type, and then click Search.

Note that the **Street No\***, **Street Name\*** and **Permit Type\*** are required fields. All other fields are optional.

Street No\* Direction Street Name\* Suffix

City  Zip

Permit Type\*: PUBLIC RIGHT OF WAY



Please note that the inspector assigned to the area/address may not be the inspector to perform an inspection on a particular day. Daily assignments may change due to workload, staff availability and unforeseen events (e.g., severe storm, snow, etc.).

# Need Help?

- ▶ Please contact a Public Right-of-Way Inspector if you have any questions about the public right-of-way including Montgomery County maintained storm drain/drainage easements.

Peggy Urban, Field Supervisor

[margaret.urban@montgomerycountymd.gov](mailto:margaret.urban@montgomerycountymd.gov)

(301)370-3673

Bethesda- Adam Curtin

[adam.curtin@montgomerycountymd.gov](mailto:adam.curtin@montgomerycountymd.gov)

(301)370-3688

Bethesda- Carl Fowler

[carl.fowler@montgomerycountymd.gov](mailto:carl.fowler@montgomerycountymd.gov)

(301)370-3698

Silver Spring- Malvin Nicholson

[malvin.nicholson@montgomerycountymd.gov](mailto:malvin.nicholson@montgomerycountymd.gov)

(301)370-3685

Silver Spring- Brian Sotero

[brian.sotero@montgomerycountymd.gov](mailto:brian.sotero@montgomerycountymd.gov)

(240)994-0334

Silver Spring, Ashton, Olney- Ryan Ricketts

[ryan.ricketts@montgomerycountymd.gov](mailto:ryan.ricketts@montgomerycountymd.gov)

(240)401-6901

Wheaton- Jairo Munoz

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(240)328-8242

Gaithersburg, Laytonsville, Damascus- Peggy Urban

[margaret.urban@montgomerycountymd.gov](mailto:margaret.urban@montgomerycountymd.gov)

(301)370-3673

Potomac, Darnestown, Western Montgomery

Chris Cary-

[christopher.cary@montgomerycountymd.gov](mailto:christopher.cary@montgomerycountymd.gov)

(301)370-3686

Clarksburg, Germantown- Brian Earp

[brian.earp@montgomerycountymd.gov](mailto:brian.earp@montgomerycountymd.gov)

(240)832-3028

Utilities - Kadidjatou Ayeva

[kadidjatou.ayeva@montgomerycountymd.gov](mailto:kadidjatou.ayeva@montgomerycountymd.gov)

(240)205-5353



# Victor Salazar

Zoning, Well & Septic and Code  
Compliance Division Chief

# How Can We Help?



Questions???



Future Educational Series- What topics interest you?



Comments

# Thank You for Participating

- ▶ Should you have any questions about the presentation today, please contact the following presenters.

## Zoning, Well and Septic and Site Plan Compliance

Victor Salazar, Division Chief	<a href="mailto:victor.salazar@montgomerycountymd.gov">victor.salazar@montgomerycountymd.gov</a>	(240)777-0311
Mark Beall, Manager	<a href="mailto:mark.beall@montgomerycountymd.gov">mark.beall@montgomerycountymd.gov</a>	(240)777-6298
Greg Nichols, Manager	<a href="mailto:greg.nichols@montgomerycountymd.gov">greg.nichols@montgomerycountymd.gov</a>	(240)777-6278

## Customer Outreach and Support

Jessica Fusillo, Manager	<a href="mailto:jessica.fusillo@montgomerycountymd.gov">jessica.fusillo@montgomerycountymd.gov</a>	(240)777-6272
Ramona Zapata, Permit Technician	<a href="mailto:ramona.zapata@montgomerycountymd.gov">ramona.zapata@montgomerycountymd.gov</a>	(240)777-6213

## Division of Land Development

Christina Contreras, Manager	<a href="mailto:christina.contreras@montgomerycountymd.gov">christina.contreras@montgomerycountymd.gov</a>	(240)777-6307
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