Bill No. 8-05
Concerning: Buildings — Permits — Posting of Notice of Issuance
Revised: 7-5-05 Draft No. 2
Introduced: April 12, 2005
Enacted: July 5, 2005
Executive: July 12, 2005
Effective: October 11, 2005
Sunset Date: None
Ch. 13, Laws of Mont. Co. 2005

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive, and Councilmember Praisner

AN ACT to:
(1) require the recipient of a building permit for certain structures in residential and agricultural zones to post a sign describing the proposed construction and stating the deadline for filing an administrative appeal; and
(2) generally amend the law concerning building permits.

By [[adding]] amending
Montgomery County Code
Chapter 8, Buildings
Section [[8-25B]] 8-25A

<table>
<thead>
<tr>
<th>Boldface</th>
<th>Heading or defined term.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Underlining</td>
<td>Added to existing law by original bill.</td>
</tr>
<tr>
<td>[Single boldface brackets]</td>
<td>Deleted from existing law by original bill.</td>
</tr>
<tr>
<td>Double underlining</td>
<td>Added by amendment.</td>
</tr>
<tr>
<td>[[Double boldface brackets]]</td>
<td>Deleted from existing law or the bill by amendment.</td>
</tr>
<tr>
<td>* * *</td>
<td>Existing law unaffected by bill.</td>
</tr>
</tbody>
</table>

The County Council for Montgomery County, Maryland approves the following Act:
Section 1. Section 8-25B is added as follows:

8-25B. Public Notice for Structures Exempt from Height Limits.

(a) The recipient of a permit for a structure must post a sign that describes the proposed construction and specifies the deadline to file an appeal of the issuance of the permit if the structure:

(1) will be located in a residential or agricultural zone;

(2) is exempt from the limits on building height under Section 59-B-1.1; and,

(3) exceeds the height limits of the zone.

(b) The sign must conform to the design, content, size, and location requirements set by regulation under Section 8-13(a).

(c) The recipient must post the sign within 3 days after the Department releases the permit, and must maintain the sign at the required location until 30 days after the permit was released.

(d) If the recipient of a permit does not post a sign as required by this Section, the permit is automatically suspended until the sign has been properly posted.]

Sec. 1. Section 8-25A is amended as follows:

8-25A. Permits affecting certain [[residential]] properties; public notice.

(a) If a permit is issued under Section 8-25 for new construction on vacant residentially or agriculturally zoned land, or construction of a building or structure that would affect the footprint or height of any existing structure located on residentially or agriculturally zoned land or that is exempt from and exceeds any applicable building height limit, the Director must promptly require the recipient to post on the lot a conspicuous sign describing the proposed construction, specifying the time limit to appeal the issuance of the permit to the Board of Appeals,
and including any other information the Director requires. The sign must conform to design, content, size, and location requirements set by regulation under Section 8-13(a).

(b) The regulations adopted under subsection (a) may allow a central sign to be posted, or otherwise vary the design, content, size, or location requirements, for any subdivision that consists of more than 5 new dwellings at a single site.

(c) The recipient must post the required sign within 3 days after the Department releases the permit to the recipient, and must maintain the sign [on the lot] until 30 days after the permit was released.

(d) If the recipient of a permit does not post a sign as required by this Section, the permit is automatically suspended until the recipient has posted the proper sign. If the recipient begins work under the permit without having posted the sign as required, the Director must immediately issue a stop work order. During the 30-day period after the sign is properly posted, any person may appeal the issuance of the permit as if the permit had been released to the recipient on the day the sign was posted.

Approved:

Thomas E. Perez, President, County Council

Approved:

Douglas M. Duncan, County Executive

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council