

Bill No. 15-08
Concerning: Building Permits - Notice
Revised: _____ Draft No. 1
Introduced: May 6, 2008
Expires: November 6, 2009
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. 8, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Berliner, Andrews, Trachtenberg, and Elrich

AN ACT to:

- (1) require applicants for certain building permits in residential zones to notify certain property owners;
- (2) require applicants for certain building permits in residential zones to request neighborhood design guidelines established by certain civic or homeowners' associations; and
- (3) generally amend the law regarding building permits.

By amending

Montgomery County Code
Chapter 8, Building Permits
Section 8-24

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 8-24 is amended as follows:**

2 **8-24. Application for building permit.**

3 (a) **When required.** [It shall be unlawful to construct,]

4 (1) Except as provide in paragraph (2), any person or entity who
5 performs construction to:

6 (A) enlarge, alter, remove or demolish a building; [or]

7 (B) change the occupancy of a building from one use group to
8 another requiring greater strength, exitway, or sanitary
9 provisions; [or to]

10 (C) change to a prohibited use; or

11 (D) [to] install or alter any equipment [for which provision is
12 made or the installation of which is] regulated by this
13 [chapter, without first filing] Chapter,

14 must [an application with the department in writing and
15 obtaining] obtain the [required] permit required under this
16 Chapter. [therefore; except, that ordinary repairs]

17 (2) Any ordinary repair, as defined in [section] Section 8-3, which
18 [do] does not involve any violation of this [chapter shall be
19 exempt from this provision] Chapter, does not require a permit.

20 (b) **Form.** [Application] Each application for a permit [shall] must be
21 submitted on forms [prescribed] provided by the Director and [shall]
22 must be accompanied by the [required] fee [as prescribed by] required
23 under this [chapter] Chapter.

24 (c) **Qualified applicants.** [Application for a permit shall] Each application
25 must be [made] signed by the owner or lessee of the building or
26 structure, or an agent of either, or by [the] a licensed engineer or
27 architect employed in connection with the proposed work. If the

28 application is [made] signed by a person other than the owner [in fee], it
 29 [shall] must be accompanied by a [duly verified] notarized affidavit of
 30 the owner or the qualified [person making the application] applicant that
 31 the proposed work is authorized by the owner [in fee] and that the
 32 applicant is authorized to [make such] sign and file the application.
 33 [The] Each application must contain the full names and addresses of the
 34 owner, lessee, and applicant, and of the responsible officer[,], if the
 35 owner or lessee is a corporate body[, shall be stated in the application].

36 (d) **Description of work.** [The] Each application [shall] must contain a
 37 general description of the proposed work, its location, the use and
 38 occupancy of all parts of the building or structure and of all portions of
 39 the site or lot not covered by the building, and [such] any additional
 40 information [as may be required by] the Director requires.

41 (e) **Plans and specifications.** [The] Each application [for the permit shall]
 42 must be accompanied by [not less than two (2)] at least 2 copies of
 43 specifications and of plans drawn to scale, with sufficient clarity and
 44 detailed dimensions to show the nature and character of the work to be
 45 performed. When a specific quality of materials is essential [for
 46 conformity to] to comply with this [chapter] Chapter, the application
 47 must contain specific information [shall be given] to establish [such] the
 48 required quality. [; and in no case shall] The application must not
 49 simply cite this [chapter] Chapter [be cited] or use the term "legal" or
 50 [its] any equivalent [be used] as a substitute for specific information.
 51 The Director may waive the requirement [for filing] to file plans [when
 52 the work involved is of a minor nature] for minor work.

- 53 (f) **Plot diagram.** [There shall also be filed in duplicate with each] Each
 54 application for a building or occupancy permit[,] must include two
 55 copies of a plot plan, drawn to scale, showing the:
- 56 (1) [The lot upon which the] proposed [building is to be erected]
 57 building's underlying lot, lot dimensions, lot and block numbers,
 58 and subdivision name, if any;
 - 59 (2) [Name] name and width of each abutting [streets] street;
 - 60 (3) [Location] location, dimensions, and use of each existing
 61 [buildings] building and other [structures] structure on the same
 62 lot;
 - 63 (4) [The] location, dimensions, and proposed use of each [buildings]
 64 building and other [structures] structure for which a permit is
 65 [requested] applied;
 - 66 (5) [Front] width of each front and rear yard [widths]; and
 - 67 (6) [North] north point and scale of the plan.
- 68 (g) **Engineering details.** The Director may require the application to
 69 contain adequate details of structural, mechanical, and electrical work,
 70 including computations, stress diagrams, and other essential technical
 71 data [to be filed]. All engineering plans and computations [shall bear
 72 the signature of] must be signed by the engineer or architect responsible
 73 for the design.
- 74 (h) **Notice affidavit.**
- 75 (1) For any building that would be located in the R-40, R-60, R-90,
 76 R-150, or R-200 zone, the applicant for any permit to demolish a
 77 building, build a new main building, or add more than 200 square
 78 feet of gross floor area to an existing building, must sign and file

79 a notarized affidavit as described by this subsection, using a form
 80 provided by the Director.

81 (2) The affidavit must confirm that:

82 (A) at least 30 days before filing the application, the applicant
 83 delivered or sent written notice of the applicant's name,
 84 address, and telephone number and information concerning
 85 the size, height, setbacks, and exterior design of each
 86 proposed building or addition to:

87 (i) any lot owner whose lot abuts or confronts the lot
 88 identified in the application; and

89 (ii) any civic or homeowner's association if the lot
 90 identified in the application is in the association's
 91 geographic area, as defined by the Planning Board's
 92 list and map of civic and homeowners' associations;
 93 and

94 (B) the applicant requested any civic or homeowner's
 95 association which received notice under subparagraph
 96 (A)(ii) to notify the applicant of any design guidelines
 97 established by the association.

98 (3) The applicant must attach to each affidavit a copy of the written
 99 notice delivered or sent under this subsection and the name and
 100 address of each party who received the notice.

101
 102 **[(h)](i) Amendments to application.** Subject to [the limitations of]
 103 subsection [(i)] (j) [of this section], [amendments] an amendment to a
 104 plan, application, or other [records accompanying the same] document
 105 may be filed at any time before [completion of] the work for which the

106 permit is sought or issued is completed. [and such amendments shall]
107 Each timely filed amendment must be [deemed] treated as part of the
108 original application and [shall be] filed [therewith] with it.

109 [(i)] (j) **Time [limitation of application] limit**. An application for a permit
110 for any proposed work [shall be deemed to have been] must be treated
111 as abandoned [six (6)] 6 months after [date of filing] the application was
112 filed, unless [such] the application has been diligently prosecuted or a
113 permit [shall have been] was issued. [; except, that] However, for
114 reasonable cause, the Director may [grant one (1) or more extensions of
115 time] extend the time for the Department to consider an application for
116 one or more additional periods which do not [exceeding ninety (90)]
117 exceed 90 days each.

118 *Approved:*

119

Michael J. Knapp, President, County Council Date

120 *Approved:*

121

Isiah Leggett, County Executive Date

122 *This is a correct copy of Council action.*

123

Linda M. Lauer, Clerk of the Council Date