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

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Section 8-24 is amended as follows:


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

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

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

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

(C) change to a prohibited use; or

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

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

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

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

(c) Qualified applicants. [Application for a permit shall] Each application must be [made] signed by the owner or lessee of the building or structure, or an agent of either, or by [the] a licensed engineer or architect employed in connection with the proposed work. If the
application is [made] signed by a person other than the owner [in fee], it
[shall] must be accompanied by a [duly verified] notarized affidavit of
the owner or the qualified [person making the application] applicant that
the proposed work is authorized by the owner [in fee] and that the
applicant is authorized to [make such] sign and file the application.
[The] Each application must contain the full names and addresses of the
owner, lessee, and applicant, and of the responsible officer[,] if the
owner or lessee is a corporate body[, shall be stated in the application].

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

(e) Plans and specifications. [The] Each application [for the permit shall]
must be accompanied by [not less than two (2)] at least 2 copies of
specifications and of plans drawn to scale, with sufficient clarity and
detailed dimensions to show the nature and character of the work to be
performed. When a specific quality of materials is essential [for
conformity to] to comply with this [chapter] Chapter, the application
must contain specific information [shall be given] to establish [such] the
required quality. [, and in no case shall] The application must not
simply cite this [chapter] Chapter [be cited] or use the term "legal" or
[its] any equivalent [be used] as a substitute for specific information.
The Director may waive the requirement [for filing] to file plans [when
the work involved is of a minor nature] for minor work.
(f) **Plot diagram.** [There shall also be filed in duplicate with each] Each application for a building or occupancy permit[,] must include two copies of a plot plan, drawn to scale, showing the:

1. [The lot upon which the] proposed building is to be erected building’s underlying lot, lot dimensions, lot and block numbers, and subdivision name, if any;
2. [Name] name and width of each abutting streets street;
3. [Location] location, dimensions, and use of each existing buildings building and other structures structure on the same lot;
4. [The] location, dimensions, and proposed use of each buildings building and other structures structure for which a permit is requested applied;
5. [Front] width of each front and rear yard widths; and
6. [North] north point and scale of the plan.

(g) **Engineering details.** The Director may require the application to contain adequate details of structural, mechanical, and electrical work, including computations, stress diagrams, and other essential technical data [to be filed]. All engineering plans and computations [shall bear the signature of] must be signed by the engineer or architect responsible for the design.

(h) **Notice affidavit.**

1. For any building that would be located in the R-40, R-60, R-90, R-150, or R-200 zone, the applicant for any permit to demolish a building, build a new main building, or add more than 200 square feet of gross floor area to an existing building, must sign and file
a notarized affidavit as described by this subsection, using a form
provided by the Director.

(2) The affidavit must confirm that:

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

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

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

and

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

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

[(h)](i) Amendments to application. Subject to [the limitations of]
subsection [(i)] [(j) [of this section], [amendments] an amendment to a
plan, application, or other [records accompanying the same] document
may be filed at any time before [completion of] the work for which the
permit is sought or issued is completed. [and such amendments shall]
Each timely filed amendment must be [deemed] treated as part of the
original application and [shall be] filed [therewith] with it.

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

exceed 90 days each.

Approved:

______________________________
Michael J. Knapp, President, County Council Date

Approved:

______________________________
Isiah Leggett, County Executive Date

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council Date