

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

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 [[Section 1. Section 8-25B is added as follows:

2 **8-25B. Public Notice for Structures Exempt from Height Limits.**

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

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

7 (2) is exempt from the limits on building height under Section 59-B-
8 1.1; and,

9 (3) exceeds the height limits of the zone.

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

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

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

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

19 **8-25A. Permits affecting certain [[residential]] properties; public notice.**

20 (a) If a permit is issued under Section 8-25 for new construction on vacant
21 residentially or agriculturally zoned land, or construction of a building
22 or structure that would affect the footprint or height of any existing
23 structure located on residentially or agriculturally zoned land or that is
24 exempt from and exceeds any applicable building height limit, the
25 Director must promptly require the recipient to post on the lot a
26 conspicuous sign describing the proposed construction, specifying the
27 time limit to appeal the issuance of the permit to the Board of Appeals,

28 and including any other information the Director requires. The sign
_9 must conform to design, content, size, and location requirements set by
30 regulation under Section 8-13(a).

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

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

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

46 *Approved:*

47 Thomas E. Perez 7/6/05
Thomas E. Perez, President, County Council Date

48 *Approved:*

49 Douglas M. Duncan 7/13/05
Douglas M. Duncan, County Executive Date

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

51 Linda M. Lauer 7/13/05
Linda M. Lauer, Clerk of the Council Date