



Zoning Text Amendment (ZTA) No. 16-12, Building Permits



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Completed: 9/1/16

Description

ZTA No. 16-12 would delete building permit directions and procedures from various sections of the Zoning Ordinance and place them in Chapter 8 (Building Permits) of the Montgomery County Code.

Summary

Staff recommends approval of ZTA 16-12 as introduced, to delete building permit directions and procedures from various sections of the Zoning Ordinance.

Background/Analysis

The Planning, Housing, and Economic Development (PHED) Committee is the lead sponsor of Zoning Text Amendment (ZTA) 16-12. ZTA 16-12 would delete building code requirements in the Zoning Ordinance. During review of the Subdivision Rewrite, (Subdivision Regulation Amendment (SRA) 16-01), it was recognized that there are building permit application regulations located outside of the code's building permit chapter (Chapter 8). The PHED Committee was persuaded that all building permit provisions should be in the building permit chapter of the code. The Committee's proposed building permit deletions from Chapter 59 are included in introduced Bill 35-16 (Attachment 2). This Bill will consolidate building permit provisions currently in Chapters 50 and 59 and will allow code users to more easily find all building permit provisions. Staff has no objection to the proposed consolidation of the building permit provisions.

Attachments

1. ZTA No. 16-12 as introduced
2. Bill 35-16

ATTACHMENT 1

Zoning Text Amendment No.: 16-12
Concerning: Building Permits
Draft No. & Date: 1 – 7/19/16
Introduced: August 2, 2016
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: The Planning, Housing, and Economic Development Committee

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- delete building permit directions and procedures from various sections of the code.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 4.2.	“Agricultural Zone”
Section 4.2.1.	“Agricultural Reserve Zone (AR)”
DIVISION 7.1.	“Review Authority and Approvals Required”
Section 7.1.2.	“Overview of Review and Approval Authority”
Section 7.1.3.	“Overview of Approvals Required”
DIVISION 7.4.	“Administrative Approvals”
Section 7.4.1.	“Building Permit”
Section 7.4.2.	“Use-and-Occupancy and Temporary Use Permits”
Section 7.4.3.	“Sign Permit”
Section 7.4.4.	“Sign Variance”
DIVISION 7.6.	“Special Provisions”
Section 7.6.1.	“Board of Appeals”

EXPLANATION: **Boldface** indicates a Heading or a defined term.
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
* * * indicates existing law unaffected by the text amendment.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-4.2 is amended as follows:

Division 4.2. Agricultural Zone

Section 4.2.1. Agricultural Reserve Zone (AR)

E. Special Requirements for Child Lots

* * *

[4. Building Permit

- a. When a building permit application is initially filed, the child for whom the lot is created must be the listed owner of the lot in the County land records.
- b. A building permit for a detached house on a child lot must be issued only to:
 - i. a child of the property owner;
 - ii. the spouse of a child of the property owner;
 - iii. a contractor for a child of the property owner; or
 - iv. a contractor for the spouse of a child of the property owner.]

[5]4. Ownership Transfer

* * *

[6]5. Penalty for Violations

* * *

[7]6. Deed Restrictions and Certificates of Compliance

* * *

[8]7. Existing Child Lots and Preliminary Plan Applications

* * *

Sec. 2. DIVISION 59-7.1 is amended as follows:

Division 7.1. Review Authority and Approvals Required

* * *

28 **Section 7.1.2. Overview of Review and Approval Authority**

29 * * *

30

Approval Requested	Section Reference	Authority						
		Sign Review Board	DPS Director or Staff	Planning Director or Staff	Planning Board	Hearing Examiner	Board of Appeals	District Council
District Council Approvals								
Local Map Amendment	7.2.1			R	R	R		D
Corrective Map Amendment	7.2.2			R	R			D
Sectional or District Map Amendment	7.2.3			R	R			D
Zoning Text Amendment	7.2.4		R	R	R			D
Regulatory Approvals								
Conditional Use	7.3.1			R	I	D	A	
Variance	7.3.2			I	I	I	D	
Sketch Plan	7.3.3			R	D			
Site Plan	7.3.4			R	D			
Administrative Approvals								
[Building Permit]	[7.4.1]		[D]			[I]	[A]	
[Use-and-Occupancy and Temporary Use Permit]	[7.4.2]		[D]			[I]	[A]	
Sign Permit	[7.4.3] 7.4.1		D			I	A	
Sign Variance	[7.4.4] 7.4.2	D				I	A	

31 **KEY:** A = Appeal D = Decision I = Review and recommendation if requested by a reviewing, deciding, or
 32 appellate body R = Review and recommendation

33 * * *

34 **Section 7.1.3. Overview of Approvals Required**

35 * * *

Application	Section Reference	Applicability
District Council Approvals		

Local Map Amendment	7.2.1	A local zoning change to apply a Floating or Euclidean zone to a specific property.
Corrective Map Amendment	7.2.2	Correction of an error in the application or mapping of a comprehensive rezoning.
Sectional or District Map Amendment	7.2.3	A comprehensive rezoning of an area or areas of the County.
Zoning Text Amendment	7.2.4	A change in the text of this Chapter.
Regulatory Approvals		
Conditional Use	7.3.1	Use of any property for a conditional use, as designated by Article 59-3.
Variance	7.3.2	A request to deviate from any requirement of this Chapter.
Sketch Plan	7.3.3	Required for development under the optional method.
Site Plan	7.3.4	Optional method development requires approval of a site plan after approval of a sketch plan. Development under a Floating zone requires approval of a site plan after approval of a Local Map Amendment. Development under standard method may require site plan approval under Section 7.3.4.
Administrative Approvals		
[Building Permit]	[7.4.1]	[Required before any building or structure can be erected, moved, altered, or enlarged. See exemptions in Section 7.4.1.]
[Use-and-Occupancy and Temporary Use Permits]	[7.4.2]	[Required before any building, structure, or land can be used or can be converted, in whole or in part, from one use to another. See exemptions in Section 7.4.2.]
Sign Permit	[7.4.3] 7.4.1	Required when a sign is constructed, erected, moved, enlarged, illuminated, or substantially altered. Routine maintenance, including painting, cleaning, changing copy where permitted, or changing copy that satisfies a sign concept plan, does not require a permit. See exemptions in Section 6.7.3.
Sign Variance	[7.4.4] 7.4.2	Any sign not listed in Division 6.7, or that does not satisfy the requirements in Division 6.7, may apply for a sign variance from the Sign Review Board.

36

37 * * *

38 **Sec. 3. DIVISION 59-7.4 is amended as follows:**

39 **DIVISION 7.4. Administrative Approvals**

40 * * *

41 **[Section 7.4.1. Building Permit]**

42 **[A. Applicability**

43 1. A building permit is required before any building or structure can be
 44 erected, moved, altered, or enlarged under Chapter 8.

45 2. A building permit is not required for:

46 a. Any building or structure used exclusively for agricultural
 47 purposes on land used exclusively for agriculture, except for:

- 48 i. a building or structure used for a purpose that is not
- 49 exclusively agricultural, including conditional uses, even
- 50 though located on otherwise agricultural land; or
- 51 ii. an equestrian facility, building, or structure intended for
- 52 use by participants or spectators at an equestrian event.
- 53 b. The following public utility equipment:
- 54 i. any structure and its attached cross arms carrying
- 55 overhead electric power and energy transmission and
- 56 distribution lines that carry 69,000 volts or less;
- 57 ii. equipment installed and maintained by a public utility
- 58 under regulation by the State Public Service
- 59 Commission; or
- 60 iii. poles or structures used for street lights, fire alarm boxes,
- 61 traffic signals, or similar municipal equipment installed
- 62 by the State or a local municipality.]

63 **[B. Application Requirements**

64 For projects that do not require site plan approval or conditional use approval and
65 have more than 10 parking spaces, an application for building permit must include
66 a plan showing the location and design of entrances and exits to public roads; the
67 location and size of all buildings and structures; the location of parking spaces,
68 directional markings, traffic-control devices and signs; and that it satisfies Division
69 6.2.]

70 **[C. Review and Recommendation**

71 DPS must submit the application to the Planning Director for review for any
72 building permit that requests:

- 73 1. construction of a new principal structure; or

74 2. construction that increases the gross floor area of an existing
75 commercial structure.

76 The Planning Director must confirm in writing that the application satisfies this
77 Chapter and that the property has all necessary approvals required by the Planning
78 Department and Planning Board.]

79 **[D. Approval Process**

80 DPS accepts the applications for all building permits.]

81 **[E. Necessary Findings for a Site with a Conditional Use**

82 For a site with a conditional use:

83 1. DPS may allow minor adjustments during construction that do not
84 substantially alter the size, location, or external appearance of any
85 approved building, structure, or use. DPS must immediately notify the
86 deciding body of any deviations from the approval of the deciding
87 body.

88 2. Any change proposed during construction that would substantially
89 alter the location or external appearance of any approved building,
90 structure, or use requires an amendment under Article 59-7.]

91 **[Section 7.4.2. Use-and-Occupancy and Temporary Use Permits]**

92 **[A. Applicability**

93 1. A use-and-occupancy permit is required before any building,
94 structure, or land can be used or can be converted, wholly or in part,
95 from one use to another.

96 2. Exemptions from use-and-occupancy permit requirement:

97 a. land or buildings used exclusively for agricultural purposes;
98 b. a use for which a valid occupancy permit was issued and not
99 revoked before June 1, 1958;

100 c. a Family Day Care (Up to 8 Persons); and

101 d. a Transitory Use.]

102 **[B. Application Requirements**

103 Each application for a use-and-occupancy permit must be accompanied by 2 copies
104 of a plan drawn to scale showing:

- 105 1. the lot on which a use is proposed, lot dimensions, lot and block
106 numbers and subdivision name, if any;
- 107 2. the location, extent, and layout for the proposed use and any other
108 pertinent information; and
- 109 3. north point, date and scale of plan.]

110 **[C. Approval Process**

111 DPS accepts the application for all use-and-occupancy and temporary use permits.]

112 **[D. Necessary Findings**

- 113 1. DPS must certify compliance with this Chapter.
- 114 2. Any building, structure, or land on a site with any previous
115 development approval must satisfy the requirements, representations,
116 plans, and conditions contained in the decision or resolution of the
117 deciding body.
- 118 3. On the basis of a final inspection, DPS must verify that construction
119 or alteration has been completed according to the applicable decision
120 or resolution.
- 121 4. A temporary use permit may be issued if the use satisfies the
122 applicable use standards under Article 59-3.]

123 **Section [7.4.3] 7.4.1. Sign Permit**

124 * * *

125 **D. Necessary Findings**

- 126 1. DPS may issue a sign permit based on one of the following:

- 127 a. its determination, upon review of the application, that the
128 proposed sign or sign concept plan satisfies Division 6.7; or
129 b. submission of the application packet and a written certification
130 by a sign installer that the proposed sign satisfies Division 6.7.
- 131 2. DPS has the authority to resolve any dispute or to interpret any
132 ambiguity in Section [7.4.3] 7.4.1.

133 * * *

134 **Section [7.4.4] 7.4.2. Sign Variance**

135 * * *

136 **C. Necessary Findings**

137 * * *

- 138 6. The Sign Review Board may approve a variance for a sign on
139 property with a conditional use approval if the Hearing Examiner or
140 Board of Appeals, as applicable, has approved the sign. Nothing in
141 Section [7.4.4] 7.4.2 prevents the Sign Review Board from imposing
142 more restrictive conditions than the Hearing Examiner or Board of
143 Appeals, but the Sign Review Board must not approve a sign variance
144 that is less restrictive than any condition set by the Hearing Examiner
145 or Board of Appeals.

146 * * *

147 **Sec. 4. DIVISION 59-7.6 is amended as follows:**

148 **DIVISION 7.6. Special Provisions**

149 **Section 7.6.1. Board of Appeals**

150 * * *

151 **C. Filing of Appeals**

- 152 1. Appeals to the Board of Appeals may be made:

- 153 a. by any person, board, association, corporation, or official
- 154 allegedly aggrieved by [the grant or refusal of a building or use-
- 155 and-occupancy permit or by] any [other] administrative
- 156 decision based or claimed to be based, in whole or in part, upon
- 157 this Chapter, including the zoning map[[,]]; or
- 158 b. about property affected by the master plan of highways.

159 * * *

160 **Sec. 5. Effective date.** This ordinance becomes effective on the date that
161 Bill 35-16 is effective.

162

163 This is a correct copy of Council action.

164

165 _____

166 Linda M. Lauer, Clerk of the Council

MEMORANDUM

July 29, 2016

TO: County Council *gr*
FROM: Jeffrey L. Zyontz, Senior Legislative Analyst
SUBJECT: **Introduction:** Expedited Bill 35-16, Building Permits - Amendments

Expedited Bill 35-16, Building Permits - Amendments, sponsored by Lead Sponsor Planning, Housing and Economic Development Committee, is scheduled to be introduced on August 2. A public hearing is tentatively scheduled for September 13 at 1:30 p.m.

Bill 35-16 is tied to the approval of Subdivision Regulation Amendment (SRA) 16-01 and Zoning Text Amendment (ZTA) 16-12. SRA 16-01 includes provisions for ownership units (previously called ownership lots). These ownership units may result in fire code violations when there is a use certificate or a building on the parent lot. Bill 35-16 would require a permit when this situation occurs to avoid violations. SRA 16-01 will also remove building permit provisions in the Subdivision Code. Bill 35-16 will include the building permit provisions deleted from that code.

Bill 35-16 would also include the building permit provisions currently in Chapter 59 which will be deleted from Chapter 59 by ZTA 16-12. The intent of these amendments is to consolidate building permit provisions to one chapter of the County Code.

This packet contains:

Expedited Bill 35-16
Legislative Request Report

Circle #

1
13

Expedited Bill No. 35-16
Concerning: Building Permits --
Amendments
Revised: 7/27/2016 Draft No. 1
Introduced: August 2, 2016
Expires: February 2, 2018
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Planning, Housing, and Economic Development Committee

AN ACT to:

- 1) include the building permit provisions currently in Chapter 50;
- 2) include the building permit provisions currently in Chapter 59; and
- 3) generally amend County law regarding building permits.

By amending

Montgomery County Code
Chapter 8, Building Permits
Sections 8-1, 8-8, 8-13, 8-14, 8-24, and 8-28

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. Chapter 8 is amended by amending Sections 8-1, 8-8, 8-13, 8-14, 8-**
2 **24 and 8-28 as follows:**

3 **8-1. Scope and applicability.**

4 (a) *Generally.* This [chapter shall be construed to include those] Chapter
5 includes the rules and regulations adopted [pursuant to] under [section]
6 Section 8-13[, herein,] which [shall have] have the force [and effect] of
7 law. It [shall be] is known as the building code of Montgomery County.
8 It [shall control] controls all matters concerning the construction,
9 alteration, addition, repair, removal, demolition, use, location, creation
10 or alteration of any ownership unit, closure of any private road,
11 occupancy and maintenance of all buildings and structures, on-site
12 access facilities to such buildings and structures [and], their service
13 equipment [as herein defined and shall apply]. This Chapter applies to
14 existing or proposed buildings and structures in the county.

15 (b) *Intent.* [This chapter shall be construed to secure its expressed intent
16 which] The intent of this Chapter is to [insure] assure public safety,
17 health and welfare [insofar] as [they were] it is affected by building
18 construction, [through] structural strength, [adequate] egress facilities,
19 sanitary equipment, light, utilities and ventilation, occupancies, and fire
20 safety [and in]. In general, the intent of this chapter is to secure safety to
21 life and property from all hazards [incident to] associated with the
22 design, erection, repair, removal, demolition or use and occupancy of
23 buildings, structures or premises.

24 (c) *Applicability generally.*

25 (1) [The provisions of this chapter shall apply] This Chapter
26 applies to the construction, raising, lowering, moving,
27 demolition or occupancy of all buildings and structures and

28 their appurtenant construction, including vaults, area and street
 29 projections, on-site access facilities, [and] accessory structures,
 30 and additions [, and shall apply with equal force]. It applies to
 31 public and private buildings, except where such buildings are
 32 otherwise specifically [provided for] excluded by statute. It also
 33 applies to the creation or alteration of any ownership unit, and the
 34 closure of any private road.

35 (2) A building permit may only be issued for a building located on:

36 (A) a lot or parcel shown on a plat recorded in the County
 37 Land Records or on a parcel exempt from recording
 38 requirements under Section 50-3.3; and

39 (B) an area outside of any building restriction line and
 40 outside the area restricted under Section 50-4.3.K.

41 (d) *Exemptions.* [No building] All buildings or structures [shall] must be
 42 constructed, extended, repaired, removed or altered [in violation of
 43 these provisions] under a permit that satisfies this Chapter, except for:

44 (1) ordinary repairs as defined in [section] Section 8-3;

45 (2) a building or structure used exclusively for agricultural
 46 purposes on land used exclusively for agriculture; however, a
 47 permit under this Chapter is required for:

48 (A) a building or structure used for a purpose that is not
 49 exclusively agricultural, including conditional uses, even
 50 though located on otherwise agricultural land;

51 (B) an equestrian facility, building, or structure intended for
 52 use by participants or spectators at an equestrian event;

53 (3) the following public utility equipment:

- 54 (A) any structure and its attached cross arms carrying overhead
 55 electric power and energy transmission and distribution
 56 lines that carry 69,000 volts or less;
- 57 (B) equipment installed and maintained by a public utility
 58 under regulation by the State Public Service Commission;
 59 or
- 60 (D) poles or structures used for street lights, fire alarm boxes,
 61 traffic signals, or similar municipal equipment installed by
 62 the State or a local municipality

63 [and except further, that the raising or lowering or moving of a building
 64 or structure as a unit necessitated by a change in legal grade or widening
 65 of a street shall be permitted; provided that the building is not otherwise
 66 altered or its use or occupancy changed].

- 67 (e) *Matters not provided for.* Any requirement essential for structural, fire
 68 or sanitary safety of an existing or proposed building or structure or
 69 essential for the safety of the building's occupants [thereof] and which
 70 is not specifically covered by this chapter, [shall] must be determined by
 71 the director [in accordance with procedures set forth in] under [section]
 72 Section 8-13.

- 73 (f) *Zoning restrictions and referrals.*

- 74 (1) When the provisions specified in this [chapter] Chapter for
 75 structural, fire, and sanitary safety are more restrictive than
 76 those [set forth] in [chapter] Chapter 59 [of this Code], this
 77 [chapter shall control] Chapter controls the erection or
 78 alteration of buildings in respect to location, use, permissible
 79 area and height; but [in any case,] the more rigid requirements

80 of either the building code or the zoning ordinance [shall apply]
 81 applies whenever they [may be] are in conflict.

82 (2) The Director must submit the application to the Planning
 83 Director for review for any building permit that requests:

84 (A) construction of a new principal structure; and

85 (B) construction that increases the gross floor area of an
 86 existing commercial structure.

87 (3) The Planning Director must confirm in writing that the submitted
 88 application satisfies Chapter 59 and that the property has all
 89 necessary approvals and satisfied all necessary conditions
 90 required by the Planning Department and Planning Board and
 91 identify for each permit the amount of any school facility
 92 payment, transportation mobility area review payment or other
 93 development payment other than impact taxes that is required to
 94 be paid as a condition of building permit.

95 (4) A building permit application for a child lot in the Agricultural
 96 Reserve Zone may only be approved if the child for whom the lot
 97 is created is owner of the lot in the County land records. A
 98 building permit for a detached house on a child lot must be issued
 99 only to:

100 (A) a child of the property owner;

101 (B) the spouse of a child of the property owner;

102 (C) a contractor for a child of the property owner; or

103 (D) a contractor for the spouse of a child of the property
 104 owner.

105 **8-2. Definitions.**

106 * * *

107 Ownership unit: An area of land shown on a record plat created only for the
 108 convenience of the owner under Section 7.1.D of Chapter 50 that reflects a deed,
 109 mortgage, or lease line but does not subdivide the underlying lot.

110 * * *

111 Parent lot: a subdivided lot that is further divided by one or more ownership units.

112 * * *

114 Private Road: Any street, highway, avenue, lane, alley, or viaduct, or any segment of
 115 any of them, including any adjacent sidewalk that has not been deeded, dedicated or
 116 otherwise permanently appropriated to the public for public use.

117 * * *

118 **8-8. [Reserved] Site plan or conditional use approval.**

119 (a) For projects that do not require site plan approval or conditional use
 120 approval and include more than 10 parking spaces, an application for
 121 building permit must include a plan showing:

- 122 (1) the location and design of entrances and exits to public roads;
- 123 (2) the location and size of all buildings and structures;
- 124 (3) the location of parking spaces, directional markings, traffic-
 125 control devices and signs; and
- 126 (4) that it satisfies Division 59-6.2 of Chapter 59.

127 (b) For a site with a conditional use:

- 128 (1) The Department may allow minor adjustments during
 129 construction that the Planning Director has confirmed do not
 130 substantially alter the size, location, or external appearance of
 131 any approved building, structure, or use.
- 132 (2) Any change proposed during construction that would
 133 substantially alter the location or external appearance of any

134 approved building, structure, or use requires an amendment
 135 under Article 59-7 of this Code.

136 * * *

137 **8-13. Regulations.**

- 138 (a) The [director] Director may recommend [written] regulations for the
 139 administration [of the provisions] of this chapter including a schedule of
 140 fees and may, at [his] the Director's discretion, hold public hearings as
 141 part of this regulation-making process. [Such regulations and]
 142 Regulations [amendments thereto shall], as amended, must not conflict
 143 with [nor] or waive any provisions of this chapter [nor be less restrictive
 144 than its provisions]. Such regulations must be at least as restrictive as
 145 the requirements of this Chapter [and shall] All regulations must be
 146 adopted by the [county executive] County Executive under method (2)
 147 of [section] Section 2A-15 [of this Code]. [In the case of fees, the] The
 148 [county executive shall] County Executive must promptly forward to
 149 the [county council] County Council a copy of [the] any new fee
 150 schedule for use in budgetary planning activities. Such fees [shall be in
 151 accordance with formulas based upon criteria to include or] may be
 152 based on area, estimated cost of construction, or a minimal set fee per
 153 category[, not to exceed] The budget estimate of all fees must be equal
 154 to the cost of administering [and enforcing] this Code.
- 155 (b) The Director must hold at least one public hearing, after adequate public
 156 notice, before recommending to the Executive any regulations adopted
 157 under this Chapter [adopting standards and requirements for the
 158 construction, alteration, addition, repair, removal, demolition, use,
 159 location, occupancy, and maintenance of all buildings and structures or
 160 parts of either, on-site access facilities to buildings and structures, and

161 their service equipment]. [Those] All regulations [, adopted under
 162 method (2)], related to the construction or demolition must be based on
 163 the latest edition of the ICC International Building Code and any local
 164 amendments to that Code.

165 **8-14. Standards applicable.**

166 (a) The edition of the ICC International Building Code designated under
 167 Section 8-13 is the basic County building code. The construction,
 168 alteration, addition, repair, removal, demolition, use, location,
 169 occupancy, and maintenance of all buildings and structures or parts
 170 thereof, on-site access facilities to buildings and structures, and their
 171 service equipment must meet the standards and requirements [set
 172 forth] in that Code, or as amended under Section 8-13.

173 (b) The closure of any private road must meet the standards and
 174 requirements of Chapter 22 and Chapter 49.

175 * * *

176 **8-24. Application for permit.**

177 (a) *When required.* It [shall be] is unlawful to construct, enlarge, alter,
 178 remove or demolish a building or change the occupancy of a building
 179 from one use group to another requiring greater strength, exitway or
 180 sanitary provisions; or to change to a prohibited use; or create or alter
 181 any ownership unit when a use under an occupancy certificate or a
 182 structure exists on the parent lot; or to install or alter any equipment
 183 for which provision is made or the installation of which is regulated
 184 by this chapter, without first filing an application with the department
 185 in writing and obtaining the required permit therefor; except, that
 186 ordinary repairs as defined in [section] Section 8-3 which do not

187 involve any violation of this [chapter shall be] Chapter are exempt
 188 from this provision.

189 * * *

190 (d) *Description of work.* The application [shall] must contain a general
 191 description of the proposed work, its location, the use and occupancy of
 192 all parts of the building or structure and of all portions of the site or lot
 193 not covered by the building, the location of any ownership units on the
 194 lot, and such additional information as may be and such additional
 195 information as may be required by the director.

196 **8-28. Certificate of use and occupancy.**

197 (a) *Applicability.*

198 (1) A use-and-occupancy permit is required before any building,
 199 structure, or land can be used or can be converted, wholly or in
 200 part, from one use to another.

201 (2) Exemptions from use-and-occupancy permit requirement:

202 (A) land or buildings used exclusively for agricultural
 203 purposes;

204 (B) a use for which a valid occupancy permit was issued and
 205 not revoked before June 1, 1958; and

206 (C) a Transitory Use.

207 (b) *Application Requirements.* Each application for a use-and-occupancy
 208 permit must be accompanied by 2 copies of a plan drawn to scale
 209 showing:

210 (1) the lot on which a use is proposed, lot dimensions, lot and block
 211 numbers and subdivision name, if any;

212 (2) the location, extent, and layout for the proposed use and any other
 213 pertinent information; and

- 214 (3) north point, date and scale of plan.
- 215 [[a)] (c) *New buildings.* It [shall be] is unlawful for any person to use or
216 occupy a building hereafter erected in whole or in part until the
217 certificate of use and occupancy [as provided in chapter 59 of this Code
218 shall have been] is issued by the [director] Director in [accordance with
219 the requirements] satisfaction of this [chapter] Chapter.
- 220 [[b)] (d) *Buildings hereafter altered.* It [shall be] is unlawful for any person to
221 use or occupy a building hereafter enlarged, extended or altered to
222 change from one use group to another, in whole or in part until a
223 certificate of use and occupancy [shall have been] is issued by the
224 director certifying that the work [has been] was completed in
225 [accordance with the provisions of] satisfaction of the approved permit[;
226 except, that any]. Any use or occupancy[, which] that was [not
227 discontinued] continued during the work of alteration, [shall] must be
228 discontinued within [thirty (30)] 30 days after the completion of the
229 alteration unless the required certificate is secured from the director.
- 230 [[c)] (e) *Existing buildings.* Upon written request from the owner of an existing
231 building, the [director shall] Director must issue a certificate of use and
232 occupancy[; provided, that] if there are no violations of law or orders of
233 the director pending [and it is established after inspection and
234 investigation]. In addition, the director must establish that the alleged
235 use of the building has heretofore existed. Nothing in this chapter [shall
236 require] requires the removal, alteration, or abandonment of [or prevent
237 the continuance of] the use and occupancy of a lawfully existing
238 building, unless such use is deemed to endanger public safety and
239 welfare.

240 [(d)] (f) Changes in use and occupancy. After a change of use [has been] is
 241 made in a building, [it shall be unlawful for] a person [to reestablish] is
 242 prohibited from reestablishing a prior use that is not lawful for a new
 243 building of the same type of construction unless the owner complies
 244 with all the applicable provisions of this [chapter are complied with]
 245 Chapter.

246 [(e)] (g) Temporary occupancy. Upon the request of the holder of a permit, the
 247 [director] Director may issue a temporary certificate of occupancy for a
 248 building or structure or part thereof before the entire work covered by
 249 the permit shall have been completed [; provided,] if that such portion or
 250 portions may be occupied safely [prior to] before full completion of the
 251 building without endangering life or public welfare.

252 (h) Necessary Findings.

253 (1) The Department must find the building complies with Chapter
 254 59.

255 (2) Any building, structure, or land on a site with any previous
 256 development approval must satisfy the requirements,
 257 representations, plans, and conditions contained in the decision or
 258 resolution of the deciding body.

259 (3) The Department must inspect construction or alteration for
 260 completion under the applicable decision or resolution.

261 [(f)] (i) Contents of certificate. When a building or structure is entitled
 262 [thereto] to a certificate of use and occupancy, the [director shall]
 263 Director must issue a certificate [of use and occupancy within ten (10)]
 264 10 days after written applications. The certificate [shall certify] certifies
 265 compliance with [the provisions of] this [chapter] Chapter and the
 266 purpose for which the building or structure may be used [in its several

267 parts]. The certificate of use and occupancy [shall] must specify the use
268 group, the [maximum] allowable live load on all floors, the occupancy
269 load in the building and all parts [thereof] of the building and any
270 special stipulations and conditions of the building permit.

271 *Approved:*

272

Nancy Floreen, President, County Council

Date

273 *Approved:*

274

Isiah Leggett, County Executive

Date

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

276

Linda M. Lauer, Clerk of the Council

Date

LEGISLATIVE REQUEST REPORT

Expedited Bill 35-16
Building Permits - Amendments

DESCRIPTION: This Bill would consolidate building permit provisions currently in Chapters 50 and 59. It would add provisions for ownership units consistent with changes proposed to Chapter 50.

PROBLEM: The rewrite of Chapter 50 requires amendments to Chapter 8 and Chapter 59.

GOALS AND OBJECTIVES: The amendment will allow code users to more easily find all building permit provisions and allow for improved coordination of ownership units that may cause fire code violations.

COORDINATION: Planning Department and Department of Permitting Services

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Planning Department and Department of Permitting Services

APPLICATION WITHIN MUNICIPALITIES: To be researched.

PENALTIES: Violates are treated as a class A violation.