

**REGULATIONS
FOR THE
VILLAGE OF NORTH CHEVY CHASE**

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CHAPTER 3

BUILDING PERMITS

Article 1. General Provisions

Section 3-101 Definitions

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Section 3-101.

Definitions. For the purposes of this Chapter, the following words and phrases shall have the following meanings:

- A) "Accessory building" means a building subordinate to and located on the same lot or lots with the main building thereon, the use of which is clearly incidental to the principal use of the main building or to the principal use of the land of said lot or lots, and which is not attached by any part of a common wall or roof with the main building.
- B) "Adjoining or confronting property" means land which touches the boundary line of other property at least at one point, which may be a corner, or which would do so except for an intervening street or right of way.
- C) "Building" means a structure on a lot which has one or more stories and a roof and is designed primarily for the shelter, support or enclosure of persons or property of any kind.
- D) "Emergency reconstruction, repair or excavation" means work necessitated by an actual, sudden, unanticipated and immediate danger of failure or collapse of any structure or any part thereof that would endanger life, disrupt vehicular traffic, or which, if not corrected immediately, poses a clear threat of injury to persons or property.
- E) "Fences" means structures which are designed primarily to partially or wholly enclose a lot or a portion thereof. A hedge consisting of a row of closely planted shrubs or bushes shall be considered a fence.
- F) "Neighborhood" means the area that lies within a five hundred (500) foot radius of the subject property.
- G) "Ordinary repairs or maintenance" means those repairs incidental to a continuation of existing uses and necessary to maintain a structure in good working order and in a safe and sanitary condition. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any required means of egress or rearrangement of parts of a structure

affecting the exitway requirements. Ordinary repairs shall not include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

- H) "Person" means an individual, corporation, association, firm, partnership or the like.
- I) "Structure" means an assembly of materials forming a construction for occupancy or use, including, without limitation, buildings, accessory buildings, fences, sheds, shelters, garages, signs, pipelines, sewer lines, cable lines, fuel storage tanks, sidewalks, streets, (including curbs and gutters) and the like.

Section 3-102. Applicable Requirements

All construction which requires a building permit under this Article must conform to the requirements set forth in these Regulations and all applicable laws, codes, ordinances, rules and regulations established by Montgomery County, Maryland, and/or the State of Maryland including, without limitation, applicable zoning, building, electrical, Washington Suburban Sanitary Commission and plumbing laws, codes, ordinances, rules and regulations.

Article 2. Village Building Permits

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Section 3-201. Purpose and Application

- A) The provisions of this Chapter are hereby declared as necessary for the purpose of protecting and promoting the health, safety, and welfare of the present and future residents of the Village pertaining to the erection of

buildings and the excavation and improvement of streets, sidewalks and/or public rights-of-way. This Chapter is not intended to be, nor shall the same be construed as, a zoning ordinance.

- B) The provisions of this Chapter shall apply to the addition to, or erection, alteration, construction, re-construction, repair and improvement of the exterior of all buildings and accessory buildings, fences and structures, and to any activity which will, or may, result in the excavation or alteration or temporary closure or blockage of streets, sidewalks, and/or public rights-of-way within the boundaries of the Village.
- C) The provisions of this Chapter, are supplemental to the provisions of Chapter 59 of the Montgomery County Code and do not affect or provide a substitute for the separate permit requirements of Montgomery County

Section 3-202. Permits Required

- A) No person shall add to, erect, alter, construct, reconstruct, repair or improve any structure, make any excavation or temporarily close or block any street, sidewalk (including curbs and gutters) and/or public rights-of-way within the Village prior to the issuance of a building permit pursuant to this Chapter. No building permits shall be required for any of the above-described activities occurring entirely within the interior of a building, nor shall any building permit be required in the case of ordinary repairs or maintenance, as defined in Section 3-101(g). Emergency re-construction, repair or excavation as defined in Section 3-101 (d) may be undertaken without first securing a building permit, except that such permit shall be applied for as soon as possible after the need for such activities becomes known. No dumpster may be installed on any property within the Village for any purpose including above-described activities that do not otherwise require a permit prior to the issuance of a permit therefor, except that in emergency situations such permit shall be applied for as soon after the installation of the dumpster as possible.

Section 3-203. Applications; Investigation and Inspections; Issuance

- A) An application for a building permit shall be submitted in a form prescribed by the Village Council and shall be accompanied by:
 - 1) Evidence that the proposed activity complies with the applicable laws, codes, ordinances, rules and regulations of Montgomery County, Maryland, the Washington Suburban Sanitary Commission and/or any other governmental authority having jurisdiction over the proposed activity;

- 2) Evidence that the proposed activity complies with these Regulations, including, but not limited to, Sections 5-104 (re: Protection of Village Trees), and Section 5-106 (re: Protection of Village Trees During Construction.)
 - 3) A copy of all covenants and/or easements recorded with respect to the property;
 - 4) Such plats, plans, drawings, reports and other documentation as the Village Council deems necessary to determine whether the proposed construction activity would be in derogation of the health, safety, or welfare of the present or future residents of the Village and;
 - 5) Any fee required by Section 3-207.
- B) The application shall be signed by the owner of the property.
- C) The applicant shall submit a copy of the Montgomery County Building Permit for the proposed construction. If the County permit is not submitted with the application, the Village Council may authorize the Village Manager to issue a Village building permit upon receipt of a copy of the applicable County building permit.
- D) Applications for building permits shall be referred to the Village Manager for review and such investigation as the Council deems necessary. The Village Manager shall promptly advise all members of the Village Council of any objections to the issuance of a permit.
- E) An application for a building permit should be considered by the Council within no more than thirty-five (35) days after receipt of the application or receipt of any additional information requested from the applicant, whichever is later. The Council shall make a decision to grant or deny the permit by majority vote at its first regularly scheduled meeting, or at a special meeting if deemed appropriate, occurring more than 10 days after receipt of the completed application. The Council shall not issue a permit unless it has been submitted, including all supporting documentation, at least seven (7) days prior to the Council meeting at which it is to be considered, so as to allow the Council, by newsletter or other electronically accessible means, to give Village residents at least five (5) days notice of the completed application and of its intent to consider that application at a meeting. In the event of permit applications submitted during a time period between Council meetings where the timeframes above cannot be satisfied by the Council, the permit application shall be considered provisionally approved upon its submission to the Village Manager and the payment of any required fee, conditioned on the applicant first having secured and provided to the Village Manager the written consent

for all adjoining residences to the proposed permitted activity and the requested permit authorization is otherwise consistent with all Village regulations and requirements.

- F) Decisions on applications for permits shall be communicated to the applicant in writing.
- G) If the Village Council determines that the requirements of this Article have been satisfied, the Village Manager shall issue the permit,
 - 1) Permits may be issued subject to conditions deemed necessary to assure compliance with these Regulations.

Section 3-204. Security Deposit for Repairs In Public Areas

- A) No person shall commence any activity requiring use of a dumpster or involving reconstruction, repair or excavation of, or cutting the curb along, any street, sidewalk, or public rights-of-way in the Village for which a permit is required by this Article unless such person has deposited with the Council a completion bond, letter of credit, surety bond, cash deposit or other security in an amount equal to 2 1/2 percent of the cost estimated for the project, such deposit not to be less than a minimum \$500.00 nor more than \$7,500.00 so as to insure the restoration or repair of any damage to **the Village** streets, sidewalks, curbs and gutters or rights-of-way and that any activity conducted in the public rights-of-way shall be completed in a safe and timely fashion and otherwise in accordance with the terms of any building permit issued in connection therewith. However, any emergency reconstruction, repair or excavation as defined in Section 3-101(d) of any street, sidewalk, or rights-of-way may commence without the deposit of such bond, letter of credit or other security, provided that such security is deposited as soon as possible after the commencement of the activity.
- B) All persons operating public utilities in the Village of North Chevy Chase under franchises granted by the Village or County and having the right either by general or special permission to perform any activity involving reconstruction, repair or excavation of any street, sidewalk, or public rights-of-way in the Village are exempt from Section 3-204(a).
- C) The security deposit and any interest thereon may be applied to repair or correct any damage or injury to public property, including treatment or replacement of Village trees and plantings, as the Village Council in its discretion shall determine. Upon completion of the activity for which the permit was issued, the balance of the deposit, including any interest earned

thereon, less any amounts retained by the Village pursuant to this subsection, shall be returned to the person who made the deposit.

Section 3-205. Denial of Permit

An application for a building permit shall not be denied unless it has been determined by the Village Council in its discretion that:

- A) The provisions of this Article have not been satisfied;
- B) The proposed activity does not conform to the applicable requirements contained in Section 3-102;
- C) The proposed activity would damage, endanger, or adversely affect or unacceptably interfere with the usage of Village owned or maintained property; or would adversely affect the health, safety, or welfare of the present or future inhabitants of the Village; or
- D) The proposed construction activity would not be compatible with the neighborhood. Considerations may be based upon the size, shape, location, and orientation to the street or right-of-way of existing structures in the neighborhood.

Section 3-206. Additional Requirements for Fences

- A) A fence erected within the Village shall be compatible with other fences in the neighborhood considering the height, material and style of existing fences. Where no fences exist within the neighborhood, as defined in Section 3-101(f), the characteristics of the fences existing within the Village shall be considered in determining the compatibility of any fence.
- B) No fence shall be constructed either wholly or partially of barbed-wire.
- C) No fence erected within the Village shall be higher than six feet.
- D) Except as provided in subsection (e), no fence erected within any front yard or side yard abutting a street shall be higher than four feet. For purposes of this section, "front yard" shall be defined as the open space extending across the full width of the lot between the front lot line and the nearest line of the main building, and "side yard" shall be defined as the open space between the side lot line and the nearest line of the main building extending from the front yard to the rear lot line.
- E) The Village Council may issue a permit for a fence higher than four feet where such a fence is reasonably necessary to obscure or conceal a non-conforming fence or for other good reason shown, provided that the proposed fence will not create a safety hazard and will be compatible with other fences in the area.

- F) Fences which do not conform to the requirements and restrictions contained in these Regulations shall be deemed to be non-conforming. Non-conforming fences, excluding hedges, which either existed prior to January 1, 1988, or which were constructed on or after January 1, 1986 and for which a Village building permit has been issued, shall be allowed to remain. Non conforming hedges existing on July 7, 1992 shall be allowed to remain. However, no non-conforming fence, including hedges, may be extended, altered, expanded or replaced in kind, except that ordinary maintenance and repair may be performed so long as such repair or maintenance does not involve replacing more than 50 percent of the fence.
- G) This section does not supersede the requirements of Chapter 51 of the Montgomery County code pertaining to the enclosure of swimming pools, except to the extent that the provisions of this section are more stringent.

Section 3-207. Fees

No building permit application shall be processed until the applicant therefor has paid a non-refundable fee to the Village. Unless otherwise established by the Council by resolution, the fee schedule is:

1. New residential construction including major renovation	\$300
2. Addition, alteration or modification	\$100
3. Porch or deck – open	\$50
4. Garage	\$50
5. Shed	\$30
6. Dumpster, POD or other storage container	\$30
7. Curb cut	\$30
8. Fence or wall	\$30
9. County Variance Hearing	\$50

Section 3-208. Enforcement

- A) Any person who commences any activity in violation of this Article may be enjoined from proceeding or subjected to a fine equivalent to the amount of the fee owed in addition to payment of the fee itself.
- B) In addition to the other provisions set forth in these Regulations:
 - 1) When the Village Council determines that work on any structure is being performed in violation of the provisions of this Article, including those conditions upon which the building permit was issued, or in a manner

which threatens the safety, health, and welfare of the public, it may cause a stop-work order to be issued immediately for said work.

- 2) The stop work order shall be issued in writing and posted at the work site.
 - 3) It shall be unlawful for any person to continue or permit the continuance of work in or about a structure after a stop work order has been posted on the structure, except such work as is directed to remove a violation or unsafe condition.
- C) The Village Council may revoke a permit or approval issued under the provisions of this Chapter when the application or the plans on which the permit or approval is based contain a false statement or misrepresentation of fact or when any deviation from the approved plans or any violation of the conditions upon which such permit was issued occurs. The permittee shall be given an opportunity to be heard prior to any revocation of a permit under this section, except that a Village permit shall automatically be revoked upon revocation or lapse of the applicable Montgomery County permit.

Section 3-209 Commercial Signs

Signs indicating the performance or conduct of commercial or retail business activities inconsistent with the zoning classification of Village property are not permitted.

Section 3-210. Exceptions

In special cases and for good cause shown upon written application, the Village Council, in its discretion may authorize a departure from any of the building permit application provisions of this Chapter provided that the spirit and intent of this Chapter shall be observed and public welfare and safety be assured.

Section 3-211. Property Ownership

The holders of title to all residential properties in the Village, whether in residence or absentee, are required to provide written notice to the Village Manager, indicating their name, mailing address, telephone number and email address, in order to allow the Village to make contact with the property owner if circumstances so require. In the event of change of ownership, any such change shall be reported to the Village Manager within 30 days of such change occurring. Information provided to the Village Manager pursuant to this Section will not be publicly disclosed or used for purposes other than official Village business absent

the consent of the property owner providing the information.

Section 3-212. PODs and Other Storage Containers. Upon submission of an appropriate application and the payment of the appropriate fee, a homeowner shall be permitted to place a POD or other similar storage container on the residential property for a time period not to exceed thirty days. At the end of any thirty-day period for which such authorization has been granted, the homeowner, upon payment of the appropriate fee, may re-apply for authorization to place a POD or other similar storage container of the property for an additional thirty-day time period. In no event will a POD be allowed for more than 90 consecutive days, or more than 90 days within a period of 365 days.