

ARTICLE IV

BUILDING PERMIT REGULATIONS

Section 1. Building Permit Required; Meanings of Words and Phrases

For the purposes of this Article, the following words and phrases have the meanings stated in this article or in the Washington Grove Zoning Ordinance, Article VII, unless the context clearly indicates otherwise.

Unless otherwise provided in this Article, every person before commencing work must obtain a building permit from the Washington Grove Planning Commission and, pursuant to Article XIII of the Code, Montgomery County, if that person:

- (a) erects or causes to be erected a building or other structure (as defined in the Washington Grove Zoning Ordinance, Article VII);
- (b) makes any structural alterations to a building or structure;
- (c) moves, demolishes, removes, or replaces any existing building or structure or fence;
- (d) encloses a porch;
- (e) installs a swimming pool; or,
- (f) makes any exterior alteration to an historic integrity feature of that portion of a structure that is the subject of an easement granted for use of Town-owned land under Section 10 of this article.

Structural alterations to an existing building or structure, and one who moves any existing building or structure, shall include any partial or total demolition of any building or structure, thereby requiring a building permit from the Washington Grove Planning Commission.

Ordinary maintenance and repairs to buildings may be made without a building permit, i.e., the minor routine activities needed to keep a building or structure in, or return it to, working or usable condition. These activities typically involve general reconstruction, replacement or renewal of any part of an existing building with in-kind materials. For a historic property, such activities typically do not diminish the integrity of the property's character-defining features, which make the property a contributing resource to the national register historic district. Major alterations (e.g., additions that increase the square footage or height of a building or structure) are not considered ordinary maintenance and repairs.

Ordinary maintenance and repairs to fences may be made without a building permit, i.e., the minor routine activities needed to keep a fence in, or return it to, working or usable condition. These activities typically involve replacement or renewal of a part of an existing fence with in-kind materials and may include replacement of a pre-assembled fence panel of identical dimension and material. Major alterations (e.g., involving any increase of fence height or change of location) are not considered ordinary maintenance and repairs.

Section 2. Building Permit Applications

(a) Applications for building permits must be submitted to the Washington Grove Planning Commission for approval. The application must contain the following information:

1. the name of the owner;
2. the lot and block numbers of the property;
3. the address of the property;
4. the kind of building;
5. the number of stories, height, total square footage, and building ground coverage of the proposed structure;
6. the dimensions of the building and the location on the property;
7. the contemplated use of the building;
8. the estimated value of the building, alterations or additions;
9. duplicate copies of the plat drawn to scale showing:
 - a. the lot upon which the building is proposed to be erected, lot dimensions, lot and block numbers, and subdivision name, if any;
 - b. the names and widths of the abutting street or streets;
 - c. the location, dimensions and use of existing buildings or other structures on the lot;
 - d. the location, dimensions and proposed use of buildings or other structures for which the permit is requested;
 - e. front and rear yard widths; and
 - f. north point and scale of plat.
10. other requirements as specified by the Planning Commission of the Town of Washington Grove to ensure adherence to the Code of Ordinances.

(b) If the permit will require the approval of Montgomery County, the application must be accompanied by a fully completed form provided by Montgomery County. A copy of the approved Montgomery County permit must be provided to the Town. A copy of the approved Montgomery County permitted plans must be provided to the Town and also any amendments thereto, prior to commencing work.

(c) Any building application must be accompanied by the applicable fee as set forth in Article XVI of the Code of Ordinances.

Section 3. Building Permits Issued by Montgomery County

No building permit may be issued by Montgomery County unless the Washington Grove Planning Commission has first approved the application as being in conformance with all requirements of the Washington Grove Zoning Ordinance. Any permit issued without Washington Grove Planning Commission approval is invalid.

Section 4. Connection to Sewer System

Every plan for the erection of a new building must show thereon suitable provisions for connection to the Washington Suburban Sanitary Commission sewer system.

Section 5. Special Structures; Permits

(a) No building permit is required from either the Town or Montgomery County for the following structures:

1. Trellis and other similar frame structures without walls and roof, made to support climbing plants, and no more than seven (7) feet in height.
2. Clotheslines
3. Patios
4. Pergola under ten (10) feet in height

(b) A permit from the Town, but not Montgomery County, is required if the building or structure:

1. is no more than 7 feet in height, and
2. contains no more than 32 square feet of floor area, and
3. has no hookup with water or electrical service, and
4. is for the sole purpose of storage, a playhouse or as a shelter for pets.

(c) This section does not exempt any structure from the provisions of the Washington Grove Zoning Ordinance.

Section 6. Compliance with Forest Conservation

Notice is hereby given that each applicant for approval of a building permit must also comply with requirements of Article XIV (Forest Conservation).

Section 7. Referral to Historic Preservation Commission

Upon receipt of any application for a building permit which will involve any change to a structure or site visible from any public way, the Planning Commission promptly shall forward a complete copy of the same to the Historic Preservation Commission for review and comment

Section 8. Temporary Use Permit

(a) Portable Moving Containers: It is unlawful to place a portable/moving container, also known as a POD, of more than one cubic yard capacity on private or public property within the Town of Washington Grove without first obtaining a Temporary Use Permit. A Temporary Use Permit may be acquired at the Town office during regular business hours or from the Town web site. There is no cost for a Temporary Use Permit and it will be in effect for no more than 90 days from the day the permit is acquired. No more than two permits will be granted per year per address and no more than one permit will be granted within a period of 180 days for the same address.

(b) Trash Containers Used for Construction: It is unlawful to place a trash container of more than one cubic yard capacity on private property within the Town of Washington Grove without first obtaining a Temporary Use Permit. A Temporary Use Permit may be acquired at the Town office during regular business hours or from the Town web site. There is no cost for a Temporary Use Permit and it will be in effect for no more that 90 days from the day the permit is acquired. A Temporary Use Permit for a trash container used for building materials and/or reconstruction, obtained in conjunction with an approved building permit, may be granted for no more that three (3) 90-day periods during a one-year period.

(c) A Temporary Use permit, or a copy of the valid permit, must be posted on the Portable/Moving container or trash container used for construction during the period it is activated.

(d) An extension of a Temporary Use Permit beyond the time designated in this ordinance may be allowed for extenuating circumstances as determined and approved by the Town Council.

Section 9. Building Permit Expiration Limits

(a) A building permit will expire if work is not begun within six (6) months of issuance.

(b) A building permit will expire two (2) years after the issuance of the permit if work is begun within six (6) months of issuance.

Section 10. Grant of Permanent Easement for Use of Town Land

The Mayor and Council may by resolution grant a permanent easement for use of certain Town-owned land to authorize the continued use and location of a portion of any main building otherwise legally existing in the Town on January 1, 2014, under the following circumstances:

(a) An application for a permanent easement has been submitted by the owner of the property. The application(s) must be accompanied by four (4) copies of an identification plat prepared by a civil engineer, surveyor or other competent person, indicating by metes and bounds, bearings and distances, or by lot, block and subdivision, the land and its area for which the permanent easement/building permit is sought and the portion of said land which is owned by the Town, and showing the adjoining properties and streets and rights of way, north point and scale, and any other pertinent information requested by the Town. The land for which a permanent easement is sought must be outlined in red and using a unique line type.

(b) The application for permanent easement has been reviewed under the provisions of this Article by the Planning Commission and the Historic Preservation Commission.

(c) A recommendation has been issued by the Planning Commission and by the Historic Preservation Commission to the Council supporting the issuance of a permanent easement for use of Town-owned land. The recommendation of the Historic Preservation Commission shall include a description of the historic integrity features identified by the Commission for any portion of a structure on Town-owned land and its relation to the subject property and compatibility with the neighborhood.

(d) The owner of the property enters into, on behalf of the owner and any successors and assigns, an agreement acceptable to the Town that grants a permanent easement for use of Town-owned land. The easement shall reflect the property owner's intent to maintain the portion of the main building on land owned by the Town in a manner that is respectful of the historical integrity of the subject property and the Town and compatible with the neighborhood and improvements therein. The easement shall specifically identify and then restrict the use of the easement to accommodate the portion of the main building on Town-owned land and shall describe the historic integrity features for that portion of the structure on Town-owned land accepted by the Council. The easement shall

provide for eligibility for reconstruction or replacement of that portion of the main building on Town-owned land as authorized by the Town in a building permit. Such reconstruction or replacement shall adhere to the same dimensions, without enlargement of any non-compliance, and in any event shall adhere to the historic integrity features described in the easement and be respectful of the historical integrity of the Town and compatible with the neighborhood and improvements therein. The easement shall include a provision that provides for termination of the easement if the terms are not strictly adhered to, or if the easement is no longer necessary to accommodate the identified portion of the main building on Town-owned land.

(e) Any replacement, reconstruction or alteration of the structure on Town-owned land requires a building permit

(f) Such reconstruction, replacement or alteration shall adhere to the original dimensions without any enlargement of any non-compliance and shall adhere to the historic integrity features described in the easement and be respectful of the historical integrity of the subject property and the Town and compatible with the neighborhood and improvements therein.

(g) Any proposed alteration of an historic integrity feature included as part of an easement granted under this section shall conform to the building permit application and approval requirements of this section, must be reviewed by Council, and may require, if so determined by the Council, an amendment of the said easement.

(h) This section applies to the following properties:

1 Circle

2 Circle

13 Circle

15 Circle

17 Circle

203 2nd Avenue

315 Grove Avenue

409 5th Avenue