

**Town of Somerset**  
**Ordinance to Amend Building Regulations**

Resolution No.: 1-18  
Introduced: January 7, 2019  
Adopted:  
Effective Date:

AN ORDINANCE TO AMEND CHAPTER 6 OF THE CODE OF ORDINANCES TO CLARIFY WHAT DOCUMENTS MUST ACCOMPANY A BUILDING PERMIT APPLICATION AND A WAIVER REQUEST, AND TO ADD A REQUIREMENT FOR A BOUNDARY SURVEY.

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Maryland Code, Local Government Article, Section 5-211, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to make reasonable regulations concerning buildings to be erected within the limits of the municipality, including a building code and the requirement for building permits;

WHEREAS, Section 83-17 of the Town Charter authorizes the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Town Charter, as it may deem necessary for the good government of the Town; for the protection and preservation the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein;

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in an open meeting conducted on the 7<sup>th</sup> day of January, 2019;

WHEREAS, after proper notice to the public, the Town Council considered the following Ordinance in public session assembled on the \_\_ day of \_\_\_\_\_, 2019;

WHEREAS, after receiving a recommendation from staff, and upon consideration of the testimony and evidence presented at the public hearing, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction;

and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein.

NOW, THEREFORE, the Town Council does hereby adopt the foregoing Ordinance.

BE IT ORDAINED AND ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2019, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town Charter that the Code of Ordinances is hereby amended as follows:

\* \* \*

**Section 6-304. Town of Somerset Building Permit Documents to Accompany Application**

An applicant for a Town of Somerset building permit shall submit the following materials with the permit application in addition to any other materials that may be requested by the Mayor:

a. A copy of the Montgomery County building permit granted by Montgomery County for the identical work for which the applicant seeks a permit from the Town of Somerset.

b. A copy of the application for a building permit as submitted to Montgomery County for the identical work for which the applicant seeks a permit from the Town of Somerset along with all site, **sediment control, and stormwater drainage** plans and architectural drawings submitted in connection with that application, **including but not limited to elevation drawings of the exterior of the proposed construction**. For proposed work costing \$25,000 or more, the following are required: two full-size sets; eight additional full-size site plans; and eight sets, either 8 1/2" x 14" or 8 1/2" x 11". The site plan must include:

1. **Locations and dimensions of existing and proposed buildings, New and replacement locations for air conditioners, heat pumps and generators;**
2. Removal of trees with a diameter of four inches (4") or more, as measured four and one half feet (4 1/2') above the ground (see requirements in Section 8-204);
3. New curb cuts (see requirements in Section 3-102.b);
4. New fences and walls (see requirements in Section 6-710);
5. Estimated location of exterior side, front and rear perimeters of existing buildings on directly adjoining properties-; **and**
6. **If the location of any proposed work will be within four feet (4') of a building restriction line, the site plan must be supported by a recent boundary survey with a margin of error of one inch (1") or less. The site plan must show the lot boundaries, driveways, and the locations and dimensions of existing and proposed buildings, air conditioners, heat pumps and generators, and the distances of the same to the lot lines.**

\* \* \*

Source: Ord. No. 3-10, eff. 7-13-10; Ord. No. 1-09; eff. 2-11-09;

Ord. No. 4-08; eff. 11-12-08; Ord. No. 12-06, eff. 12-13-06;  
Ord. No. 7-06, eff. 8-11-06; Ord. No. 9-04, eff. 12-8-04;  
Ord. No. 7-04, eff. 11-10-04; Ord. No. 6-03, eff. 8-13-03;  
Ord. No. 4-03, eff. 5-14-03; Res. No. 2-98, eff. 3-3-98;  
Ord. No. 6-93, eff. 8-23-93; Ord. No. 5-91, eff. 6-24-91;  
Ord. No. 1-88, eff. 6-29-88.

\* \* \*

**Section 6-312. Increased Setbacks for Certain New Construction**

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f. **Procedure for Waiver Procedure.**

1. The Mayor shall prepare a waiver application form for execution by the owner(s) of the site or authorized agent of the owner(s), which shall conspicuously state that a waiver may be granted by the Town Council only after a public hearing at which the applicant and any other interested persons may be heard, ~~and shall state the nature of the information and documents that must accompany the application.~~ **The applicant shall identify and describe all waivers sought in the application. The applicant shall submit with the waiver application the same documents required to accompany a building permit application, as provided in Section 6-304.**

2. An applicant may, at the time application is made for a Town building permit, submit on the form prepared by the Mayor a written application for a waiver of this section's requirements, ~~together with documentary exhibits relating to the waiver and need therefore.~~

3. The procedure for hearing, decision and judicial review shall be as provided for building permits in Section 6-308.

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*Source: Ord. No. 5-2014, eff. 12-13-14; Ord. No. 3-10, eff. 7-13-10;  
Ord. No. 2-06, eff. 3-15-06; Ord. No. 8-01, eff. 10-11-01;  
Ord. No. 7-01, eff. 10-11-01; Res. No. 14-98, eff. 11-3-98;  
Res. No. 3-98, eff. 3-3-98; Ord. No. 7-94, eff. 11-28-94.*

AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter, that:

1. If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and

2. This Ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

TOWN OF SOMERSET

\_\_\_\_\_  
Rich Charnovich, Manager/Clerk-Treasurer  
Town of Somerset

\_\_\_\_\_  
Marnie Shaul, President  
Town of Somerset

Approved:

\_\_\_\_\_  
Jeffrey Slavin, Mayor  
Town of Somerset

Date: \_\_\_\_\_

**Bold and Underline** indicates new material  
~~Strikethrough~~ indicates material deleted  
\* \* \* indicates material unchanged