



**Empowering Places of Worship with Information  
to Successfully Build, Expand and Otherwise  
Locate in Montgomery County, Maryland**



**Department of Permitting Services  
Frequently Asked Questions**

**Environmental - Forest Conservation, Roadside Trees, Tree Canopy and  
Stream Buffer**

1. [What are the requirements for road side trees and tree canopies?](#)

Tree Canopy – The requirements of the Tree Canopy law are handled through review and approval of the sediment control permit. Under the Tree Canopy law, the disturbed area shown on the sediment control permit determines the number of trees that must be planted. A fee in lieu of planting can be paid. See the Tree Canopy Table for more information about tree requirements and fee amounts:

<http://permittingservices.montgomerycountymd.gov/DPS/pdf/TreeCanopyTableJune2014.pdf>

Roadside Trees – The Roadside Trees law addresses potential impacts to existing trees within the public right-of-way. Impact includes disturbance within the tree's Critical Root Zone. If impacts are proposed, a Roadside Trees Protection Plan is reviewed by DPS to address the potential for impact minimization. If the impacts are too great then the plan may allow for tree removal.

2. [When is there a need to hire an arborist? \(a specialist in the practice of arboriculture, which is the cultivation, management, and study of individual trees, shrubs, and vines, other perennial woody plants to fulfill native-only plant requirement\)](#)

DPS recommends hiring an arborist to prepare the roadside tree protection plan that needs to be submitted with the right of way permit application. A roadside tree protection plan is needed when a right of way tree is being impacted by construction (when it's critical root zone is being impacted). Although an arborist is not required to prepare the plan, it certainly does help because they can identify the tree species and help make decisions as to whether to retain or remove trees.

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In the forest conservation law an arborist is only needed when more than 1/3 of the critical root zone of tree is going to be impacted and the tree is proposed for save. But in terms of preparing a forest conservation plan an arborist does not meet the legal requirements to be able to prepare a plan.

#### 3. [What are the stormwater management requirements?](#)

This is a very broad question. In general terms, stormwater management involves providing certain practices to reduce the amount of runoff from the developed property. These may be things such as Green Roof, Pervious Paving, Rain Gardens, Bioretention, or a number of other practices that intercept runoff to slow it down and allow it so soak into the ground. Stormwater management addresses a portion of the runoff from a 1-year storm, which in Montgomery County is 2.6 inches of rain in 24-hours.

#### 4. [What size of disturbance area would trigger a requirement for a sediment control permit?](#)

A sediment control permit is required if one of the following applies to the project:

- The total disturbed area will be 5,000 square feet or more.
- The amount of proposed earth movement is 100 cubic yards or more
- The project will result in any amount of disturbance and is a change of use from residential to any other use

#### 5. [Is there a floodplain on the property?](#)

Development in or near a floodplain is generally prohibited. Floodplains may be mapped or unmapped. It is a good idea to rely on a civil engineer to determine potential floodplain impacts prior to purchase of the property.

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6. [Are there wetland or other environmental items that may limit the development potential of the property?](#)

Wetlands, steep slopes, stream buffers and other environmental issues with the property may limit development and could result in higher development costs. It is a good idea to rely on a civil engineer to determine potential environmental impacts prior to purchase of the property.

7. [Is the property in a Special Protection Area?](#)

A Special Protection Area (SPA) is an area designated by the Montgomery County Council within a watershed where streams, wetlands, and related natural features are of very high quality and where special measures (over and above standard environmental laws, regulations, and guidelines) must be applied to land development and to certain land uses in order to protect the high quality conditions of these natural features. Currently there are five designated Special Protection Areas (SPA's) in Montgomery County. Development within these areas may require additional design for environmental protection, and may also be subject to limitations on the amount of impervious area that can be created or added to. Impervious area includes buildings, parking lots, sidewalks, and other similar areas.

8. [Where are the designated Special Protection Areas \(SPA\)? Is there a boundary map available?](#)

Information on Special Protection Areas is available here:

<http://www.montgomerycountymd.gov/dep/water/special-protection-areas.html>

A SPA map can be viewed at [www.mcatlas.org](http://www.mcatlas.org).

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9. [Do Special Protection Areas \(SPA\) include water quality measures, restrictions on land uses and/or impervious surface caps?](#)

As in all other areas of the County, Stormwater Management is required for projects in Special Protection Areas (SPA's).

Some, but not all SPAs have impervious caps. There are impervious limitations in three of the SPA's:

- Upper Paint Branch SPA – Impervious area may not exceed 8% of the total property area
- Upper Rock Creek – Impervious area may not exceed 8% of the total property area, although there is an exception for projects that will be served by septic system.
- Ten Mile Creek – Impervious area limitations vary. Please contact DPS for specific information about impervious area limitations in this SPA.

Piney Branch SPA and the Clarksburg SPA do not have impervious caps, however, reducing impervious surfaces will reduce the overall amount of stormwater runoff that needs to be treated.

Special protection areas do not have land use restrictions. It is zoning that determines what can occur on a specific property. Religious institutions can occur in any zone in Montgomery County.

10. [Which of the following would reduce the impervious area measurement? \(1\)Bio-retention; \(2\)rain gardens; \(3\)permeable pavers with grass growing in the middle instead of asphalt; \(4\)concrete surfaces.](#)

None of the above. Things like Bio-retention, Rain Gardens, and Pervious Pavers are methods for treating stormwater runoff. They do not alter the amount of impervious area.

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11. [After purchasing the property, will I be required to provide stormwater management for my project?](#)

Yes. You will be required to submit a conceptual stormwater design prior to submitting detailed grading plans for review. The conceptual plans must be approved prior to submission of detailed construction plans. There are a few exceptions to this requirement but in most cases the stormwater conceptual review will be required. This needs to be considered in your development schedule.

12. [Are there impervious surface limitations for land development projects outside a SPA?](#)

A property lying outside an SPA could be subject to impervious surface limitations, depending on its location and recommendations of master plans governing the area. Currently, there are three geographic areas outside SPAs where land development projects could be subject to limitations on impervious surfaces:

-Patuxent River Watershed is subject to the Functional Master Plan for the Patuxent River Watershed (November 1993); latest version of the Planning Board Environmental Guidelines; and the Burtonsville Crossroads Neighborhood Plan (December 2012); Fairland Master Plan (May 1997); Sandy Spring/Ashton Master Plan (July 1998).

-NE-1 and KI-2 Analysis Areas are identified in the Germantown Master Plan (July 1989).

-Part of the Northwest Branch Watershed is covered by the Cloverly Master Plan (July 1997).



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13. [Why do we have to pay fees? Can they be reduced or waived?](#)

DPS operates as an enterprise fund and does not receive an appropriation from taxes. The permitting fees must cover all operating costs as well as costs associated with processing, reviewing and inspecting construction projects. Fees are set by regulation and DPS has no authority to waive or reduce them.

14. [How can we expedite the permit approval?](#)

Upon request from the applicant and depending on availability of staff, you may receive an expedited plan review. The cost is 25% of the total permit fee. When requesting overtime offset services, a separate written request must be submitted to DPS for each permit. Overtime-offset services are provided on a first-come, first serve basis using available resources. Expedited plan review applies to DPS reviews. Expedited plan review does not apply to required plan reviews from other departments and agencies.

15. [Why do we need to post a bond?](#)

Should the conditions of the permit not be met because the work was abandoned or incomplete, bonds are required as payment to insure completion of the work as specified in the Montgomery County Code.

16. [Why do I have to extend the permit?](#)

The Montgomery County Code establishes a time when permits expire. Expired permits are not in good standing. Permits must be in good standing in order to continue or complete construction activities. Extension fees insure costs associated with inspections and other administrative activities beyond the permit's original expiration date are covered.



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17. [Can permits be transferred?](#)

Under certain circumstances some permit types may be transferred. The permit must be in good standing. Written correspondence from the original permit holder requesting the transfer must be provided. A new bond in the new permit holder's name must be provided along with a permit transfer fee. Permit fees paid by the original permit holder are not eligible for refund.

18. [What about modification to buildings? What are the sediment control requirements?](#)

The sediment control requirements for building additions are the same as for other projects. If the addition will result in disturbance of 5,000 square feet of area or more, or will result in movement of 100 cubic yards or more of earth, a sediment control permit is required.

19. [Who reviews designs for stormwater management ponds?](#)

Designs for stormwater management ponds are reviewed by the Water Resources Section of DPS. Exceptionally large ponds may also require review by the Maryland Department of the Environment, Dam Safety Division.

20. [For property in Ag Reserve – what are stormwater management requirements different?](#)

Stormwater management requirements for properties in the Ag Reserve are the same as for projects elsewhere in the County.



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21. [If a solar array is built over parking lot, what are options/advice for channeling stormwater?](#)

If the parking lot paving is to remain, the existing drainage pattern would probably continue as before. If the paving is removed as a part of the project, existing drainage patterns would also probably be maintained unless the project included grading that would alter them. In that case the project would need to be analyzed to determine the best design specific to that project.

22. [What about pervious pavers – so grass ground – does that qualify as stormwater management?](#)

Pervious pavers are an acceptable stormwater management practice when designed in accordance with MDE and DPS design guidelines.

23. [What if water from offsite comes on your property – how does that get considered in a permit?](#)

While water from offsite does not count toward your stormwater management treatment requirements, any stormwater management practice that will intercept offsite water must be designed to provide full control for the full amount of water that will drain to it. Offsite water should be designed to bypass your stormwater management practices wherever it is possible to do so.





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**Building Permits and Use and Occupancy Certificates - Life Safety Codes,  
Fire Codes, Electrical and Mechanical Codes**

24. How long it will take to process a commercial building permit (for a place of worship)?

30 days is the target for completion of the first round of construction reviews. Projects submitted through our ePlans system will receive the first review within 30 days (after completion of the screening process); projects submitted by paper should expect the same 30-day first review time period, however this is not guaranteed for paper submittals. Paper plans have to be reviewed by one discipline and then physically passed to the next discipline to review, which takes much longer especially when we get large projects. ePlans can be reviewed by each discipline at the same time.

Subsequent review of corrections typically takes less time than the initial review, but this is dependent on the number and complexity of deficiencies noted by DPS plans examiners.

25. What are the requirements for a commercial kitchen located within a religious facility? What are the requirements for a warming kitchen located within a religious facility? If there is a difference between these two, what are they and why?

Commercial kitchens must comply with the requirements of NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, and the International Mechanical Code (IMC).

DPS does have a policy (15-08) that allows the use of a residential electrical range in new and existing places of worship provided all of the following conditions are met:



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1. Electrical range with not more than four heating elements, each heating element shall be electronically controlled to limit the element temperature to below 670 degrees F.
  2. A shunt trip must be installed for the electric range. If building is equipped with fire alarm system, the shunt trip must be interconnected with the fire alarm system. If the building is not equipped with fire alarm system, other automatic means/device approved by DPS and DFRS to cut off power to the unit must be installed in the kitchen.
  3. Kitchen must be located not more than one level above the level of exit discharge.
  4. Kitchen must be located not more than one floor level below the level of exit discharge.
  5. Kitchen must be separated by minimum one-hour fire separation assembly (fire barrier) from adjoining area(s) or must be sprinklered.
26. [Does a shared religious worship use with an existing community center or school require a separate Use and Occupancy Certificate?](#)

No, as long as the permitted use does not change. Sunday School Class Room(s) are permitted in the School Class Room(s) without requiring a separate use and Occupancy Certificate.

A larger gathering of 49 persons or more can be held in Multi-Purpose Room(s), Gymnasium or Auditoriums without a separate Use and Occupancy Certificate. The number of occupants may not exceed the approved maximum occupancy on the Use and Occupancy Certificate which should also be posted on site.

27. [How do fire codes differ for churches, and for church spaces rented to daycare providers.](#)



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Fire codes do not differ for places of worship nor for church spaces rented to daycare providers.

28. [Options and feasibility of installing a roof over the parking lot with solar panels. \(and other options when the roof of our church building cannot support solar panels\).](#)

Solar arrays may be installed over parking lots or in open areas. Feasibility can only be determined by the customer.

#### **Health and Human Services – Licensure and Regulatory Services**

29. [Who must submit a food service facility license application?](#)

Any person planning to distribute, prepare, handle or dispense food for public consumption with or without charge.

30. [What constitutes a food facility?](#)

"Food Service Facility" means restaurants, coffee shops, cafeterias, short order cafés, luncheonettes, taverns, sandwich stands, soda fountains, retail markets, and food operations in industries, institutions, hospitals, clubs, schools, camps, churches, catering kitchens, commissaries, or similar places in which food or drink is prepared for sale or for service on the premises or elsewhere, or any other operations where food is served or provided for the public with or without charge. Code of Maryland Regulations – 10.15.03 – Food Service Facilities and Montgomery County Code – Chapter 15 – Eating and Drinking Establishments. Home kitchens will not be licensed!

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### **Department of Permitting Services Frequently Asked Questions**

31. [What are the requirements for a commercial kitchen within a religious facility?  
What are the requirements for a warming kitchen located within a religious  
facility? If there is a difference between these two, what are they and why?](#)

The requirements for a kitchen in this environment depends on the proposed use. A “warming” kitchen is not defined in the State or County regulations which we enforce. If the proposed use is to prepare meals from scratch, then the kitchen needs to be set up as any kitchen that is to prepare foods for the public similar to a restaurant, nursing home or school. All the equipment is to be commercial grade with adequate handwashing and utensil washing. If the cooking is to include grease producing foods, then a full service hood is required. You also must comply with the WSSC requirements for a grease interceptor. If the foods are to be made by a licensed caterer at their facility and the kitchen is only to be used to hold the foods at the correct temperatures until service, then the amount of equipment required is less. This does however, limit your options for use of the kitchen. The equipment is still required to be commercial.

32. [What are the food safety requirements for breakfast or coffee hour for our congregation?](#)

If the breakfast or coffee hour is limited to the congregation, then Health review and inspection is not required. Once you go beyond that see questions below.

33. [What are the food safety requirements for events open to the general public?](#)

It is difficult to answer this question since it involves a decision to be made by the congregation. First a definition from the Code of Montgomery County Regulations 15.00.01 Food Service Facilities:

Excluded Organization - An excluded organization is a volunteer fire company or bona fide nonprofit fraternal, civic, war veterans, religious, charitable organization or corporation that prepares or serves only non-potentially hazardous food to the public, and prepares or serves this food or drink less than 4 days a week.

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If you meet this definition, then according to the Code of Maryland Regulations Governing Food Service Facilities (COMAR 10.15.03), an organization has to choose whether to be licensed or not. This is a one-time decision. If the organization chooses to be licensed, then you must comply with both State and County requirements. If the organization chooses not to be licensed, the equipment and operation standards must be met, however Licensure and Regulatory Services will not review plans, license nor inspect the facility.

If you do not meet the definition, then you must be licensed by HHS. This can either be a year round license or you can choose a temporary event license.

34. [Is an IRS 501\(c\)\(3\) Nonprofit Determination letter required for a religious congregation to obtain a Food Service Facility License?](#)

Anyone who applies for a food facility license can obtain the license once it has been determined the facility and operation meets our requirements. To pay the nonprofit fee, you must be a bona fide nonprofit. The definition in Chapter 15 is as follows: "Bona Fide Nonprofit Organization - An organization having official documentation from the United States Internal Revenue Service or the Attorney General for the State of Maryland that the organization has current tax-exempt nonprofit status." We are not in the business of determining what or who is a religious organization.

35. [What are the requirements for a day care within a place of worship?](#)

Day Care operations, if conducted only during religious services, are regulated as part of the greater Assembly occupancy...no additional conditions.

All other Day Care operations must comply with the applicable day care requirements of the IBC and NFPA 101, and these are dependent on the function of the day care and the design of the area to be used by the day care.

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For questions about day care licensing, call the State of Maryland, Office of Child Care (240) 314-1400. For other child care resources call Montgomery County Child Care Resource and Referral Center (240) 777- 3110.

**Zoning**

36. Is there a requirement for grass to be a certain length prior to obtaining a Use and Occupancy Certificate? Is there a percentage requirement of grass (vs. weeds, etc.) in seeded areas?

There is no zoning requirement for length of grass to issue U&O.

37. Would off-site shared parking be allowed if the site were adjacent to other religious or public use facilities provided that they are within one quarter-mile distance?

Off-site parking would be allowed if the parking is within ¼ mile and there is a parking agreement with the property owner that is providing the off-site parking.

38. Would parking waivers be granted if the site is near transit stops and/or bus stops?

It's possible to obtain a parking waiver but requires application notice under Montgomery County Code Section 59.7.5.2.D.

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39. [What are the setback requirements for a religious use abutting residential use or commercial use?](#)

Setback requirements vary based on the Zone the property is located.

40. [Where can I find the zoning classification of my property?](#)

The zoning of your property can be found on the official electronic zoning <http://www.mcatlas.org/zoning/>

41. [How is “religious assembly” defined in the zoning ordinance?](#)

Religious Assembly means a meeting area for religious practices, including a church, synagogue, mosque, convent, or monastery. Religious Assembly includes a memorial garden on the premises.

42. [I need written confirmation of a Zoning classification or specific use for a property. Will DPS provide a written statement?](#)

Yes, please see the DPS Zoning Confirmation Web Page for residential or commercial uses and properties or call 311.

43. [When does a retaining wall require a building permit?](#)

If the height of the wall is over 30” in height from grade on the low side of the wall, then a permit is required.



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44. [Does Montgomery County issue permits in all cities and towns within the county or are separate permits required from some jurisdictions?](#)

If your property is within the incorporated city limits of Gaithersburg or Rockville, then you will get your building permits, plan reviews, and inspections from that city government, not from Montgomery County. Check the DPS website for the listing of Municipalities or call 311. Visit <http://www.mcatlas.org/zoning/> to see if your property is located in the City of Rockville or call City of Rockville, Zoning Information at 240-314-8220. Call the Gaithersburg Planning and Code Administration at 301-258-6330, to see if your property is located in the City of Gaithersburg.

45. [If I live inside an incorporated Town, do I get a building permit from the Town government or from the County government?](#)

If your property is located in one of the following incorporated Towns: Poolesville, Washington Grove, Laytonsville, Barnesville, Brookeville, then you must receive zoning approval from the town government and then come to DPS for a county building permit. All permits, plan reviews (other than zoning), and inspections will be conducted by the County government.

46. [What is a buildable lot? How does it apply to building or expanding a place of worship?](#)

A buildable lot is one that is created by a record plat and the shape has not been altered since the record plat was approved. All new places of worship must be on buildable lot in order to receive a building permit.





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47. Describe the difference between deeded lots and plotted lots. How does each apply to places of worship?

A lot created by a record plat (plot) is a lot created through the subdivision process and the plat is approved by the Montgomery County Planning Board. A deeded lot, which is assumed to be a deeded parcel of land, is created when a person gives away a portion of their land without going through the subdivision process. The Department of Permitting Services can issue a building permit for a lot created by plat but cannot issue one created by deed.

48. If a Clergy House is the residence, or former residence, of one or more priests or ministers of religion, are there specific zoning, land use and building codes that would apply? Is Clergy House defined in the Zoning Ordinance?

The building code would regulate this as either an R2, R3, or R4 Use Group, depending on how the residence is used and designed. Clergy House is not defined in the Zoning Ordinance. Zoning land use and development standards that apply to single family dwellings would apply to a Clergy House assuming it is a single family dwelling.

49. What are the zoning and building permit implications for places that want to have mixed uses such as sanctuary, day care, clinic, catering, dwelling units, educational facilities or recreational facilities?

Mixed use facilities must be designed as either separated mixed use or non-separated mixed use buildings/spaces, and shall comply with the building code requirements based on the proposed uses. The sanctuary, daycare, and school (and recreational facilities for the daycare and school) associated with a church is permitted by right. The commercial kitchen for catering is a Limited Use as long as it is located in a place of worship. The medical clinic may be a Conditional Use depending upon the zone in

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which it is located. The dwelling units may or may not be allowed depending on the zone in which the place of worship is located.

50. [If a place of worship building or property has been designated as historic what are the implications for building or expanding?](#)

The building codes typically provide historic buildings relief from many prescriptive code requirements, however the building must be recognized as a building of historical significance and not just a “really old building”. Additionally, historic preservation entities may limit the way historic buildings are altered. An Historic Area Work Permit may be required in addition to any building permit.

51. [Describe the purpose and process for Preliminary Design Consultations. When should places of worship take advantage of Preliminary Design Consultations?](#)

Preliminary design consultations are a forum for design professionals and facility owners/operators to ask questions related to specific design concerns with their construction project or their change of use project. Preliminary design consultations are not a pre-review service and DPS staff does not review the design for overall compliance. More detailed information can be found at the DPS web page <http://permittingervices.montgomerycountymd.gov/DPS/building/PreliminaryDesignConsultation.aspx>

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**Road Access - Emergency Response Access, Parking and Pedestrian  
Sidewalks**

52. [Can a religious institution be allowed access to a County road?](#)

The requirements for religious institutions are the same as those for all other applicants. In most cases Yes – but where and how that access is implemented is a decision made at the plan review stage. Considerations in these decisions include the roadway classification, traffic speed and volume, and sight distances on the existing frontage road(s) versus opportunities for alternative access.

In some instances, the access can't be granted to a frontage road and no other frontage is available. In those situations, adjacent properties have to provide an ingress/egress easement for access.

Improvements in the County right of way and/or easements can be identified and required at the plan review and/or permit stage.

53. [We wish to purchase an existing home and convert it into a Place of Worship. What are the requirements for emergency medical and fire department access?](#)

There can be site-specific complications, but there are always two basic elements that have to be met:

- 1) Get a fire truck within 50 feet of the front door (not a rear, side, or garage door) via a 20 foot wide, paved driveway.
- 2) Water supply – distances are measured as the truck travels, not as the crow flies:

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- a) if the house is on city water, find a fire hydrant within 400 feet of the building
- b) if the house is on well water, find a fire hydrant within one mile of the building

54. [What are options and/or tools for improving design of parking lot in order to fit more vehicles.](#)

Each parking lot and location is different. Professionals in this field can provide options given the specific lot and location.

#### **Upon Purchasing Property and Permitting**

55. [There are road trees located where I want my access. I can just cut them down – right?](#)

Upon approval of the access location by the reviewing agency, impacts to roadside trees can be confirmed.

Any roadside tree removal or impact within the public right of way will require approval from Maryland Department of Natural Resources (DNR) and MCDPS. Any tree removed must be replaced at a ratio of 3:1. Typically an applicant will plant one tree within the site frontage and pay a fee of \$500 (for MCDOT to plant two more trees at locations to be determined). If applicant is not able to plant the one replacement tree, the applicant will have to pay a total of \$750.

56. [What do I have to do to get the permit? Do we need to hire an engineer?](#)

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File application, pay the fee and submit the design plans to MCDPS for approval. Depending on the complexity of the roadway improvements, an engineer and/or an arborist may need to be involved. Upon approval of the permit plan, a construction bond must be posted along with any remaining balance of permit fee for the right of way improvements.

#### **During Construction**

57. [Why do we have to extend the permit? ...and pay fees. We can't afford it.](#)

Each permit issued has an expiration date (typically 18 months for the right of way). If the work cannot be completed within the allotted time, an extension of permit will be needed to complete any remaining work including additional inspections that need to occur.

58. [I need to revise the plans, why do I need to pay another fee? Why do we have to involve the engineer as that is costly.](#)

Depending on the complexity of the revision, the engineer of record may need to be involved to modify the plan. The revision fee is to cover the administrative, technical review(s) and potential additional inspection times.



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**Water and Sewer, Well and Septic**

59. We wish to purchase a vacant parcel of land and construct a place of worship. How many people can this property handle as far as septic system capacity?

Approved, vacant, building parcels typically have septic system approval based upon a maximum number of bedrooms. In the case of recorded lots, this maximum number is shown on the plat. In other cases, the maximum number of bedrooms is shown on the approved site plan. Once this number is known, please use the method described above to derive the maximum seating capacity.

60. Do we need to hire an engineer to design our septic system and submit plans to the DPS for approval?

In the case of the conversion of an existing dwelling to a Place of Worship, there is no requirement to retain an engineer. In the case of new construction; or where an existing septic system is to be enlarged; an engineer's services will be required.

61. What are the special provisions for constructing a place of worship in the County's agricultural zone?

There are special rules for the sizing of septic systems in the County's agricultural zone (AR, formerly RDT). The County Council enacted an amendment to the Master Sewer Plan that limits the size of new septic systems in the AR zone to 1500 gals/day for most parcels. For very large parcels with multiple development rights, this limit can be higher.



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62. [Is there a requirement for cordoning off from use of grounds around a septic tank area? If so to what extent?](#)

The septic area does not have to be fenced off; however, the septic area should not be used as an overflow parking lot- as damage to the septic system could result.

63. [We want to locate our place of worship on land zoned for lower-density development \(typically the RE-1, RE-2 and RC zones\). Will we be able to use public water and sewer service or will we need to use a well and a septic system?](#)

A good first step in this process is to contact the County's Dept. of Environmental Protection (DEP) staff in the Water and Wastewater Policy Group. They can assist you with the water and sewer service policy issues involved with a specific location. If public service proves infeasible or inconsistent with the County's service policies, then an applicant will likely want to contact Well and Septic Section staff in the County's Dept. of Permitting Services (DPS). This office is responsible for the permitting for wells and septic systems throughout the county under the requirements of both State and County regulations.

The County's Water and Sewer Plan's "Private Institutional Facilities" (PIF) policy allows for consideration of public service for non-profit institutions in areas located outside of the planned public water and sewer service envelopes. The policy places limitations on the water and sewer main extensions needed to provide service to a new or relocating PIF use. If a site is not already approved for public service, the property owners will need to file a request for a water/sewer category change with DEP. DEP does not require an application fee from non-profit institutions for this process.

These cases typically require the County Council's consideration. The Council will likely want to review a proposed development concept for the site to consider issues such as compatibility, imperviousness, forest conservation, etc. If a site is approved for public

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service under the PIF policy, the provision of public service will be restricted to only a non-profit user.

64. [We want to locate our place of worship on land in the County's Agricultural Reserve. Will we be able to use public water and sewer service or will we need to use a well and a septic system?](#)

A place of worship planning to locate or relocate in the Agricultural Reserve will need to use an onsite well and septic system for water supply and wastewater disposal; no public service is allowed. The Water and Sewer Plan has included this service policy since 2005. For information about testing and permitting for new wells and septic systems, contact DPS Well and Septic staff. Note that the Water and Sewer Plan also limits the size of septic systems in the AR Zone relative to the number of single-family houses allowed on a site under that zoning. Contact DEP Water and Wastewater Policy Group staff for more specific information.

65. [Our facilities, that now use a well and a septic system, need to be expanded due to the growth of our community. What steps do we need to take to enlarge our existing onsite facilities to accommodate this growth?](#)

The first step in expanding the capacity of onsite wells and septic systems is to contact the Well and Septic Section in DPS. The staff of the Well and Septic Section at DPS will discuss the scope of the enlargement with the ownership representative and detail the approximate increase in capacity needed for the septic system. In many cases, additional soil testing will be required. Ultimately an engineer will submit a proposal to the Well & Septic Section for review and approval. Please keep in mind that septic systems sized for flows in excess of 5,000 gals/day also require review and approval by the State (MDE); and these large systems have added requirements for both engineering studies and system technology. In the event that DPS advises you that your water supply or septic system capacity will be 1,500 or more gallons per day, you

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will need to file requests with DEP for water/sewer category map and text amendments to the Water and Sewer Plan. Onsite systems with design capacities of 5,000 or more gallons per day will also require approval from the Maryland Dept. of the Environment.

If limitations on the enlargement of the existing onsite systems (particularly the septic system) mean that a facility expansion is not feasible, DPS staff will refer you to DEP to inquire about the feasibility (from policy and technical standpoints) of providing public water and/or sewer service.



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**Alternatives to Ownership**

66. Does a shared religious worship use with an existing community center or school require a separate Use and Occupancy Certificate?

Sunday School Class Room(s) are permitted in the School Class Room(s) without requiring a separate use and Occupancy Certificate.

Larger gathering of 49 persons or more can be held in Multi-Purpose Room(s), Gymnasium or Auditoriums without a separate Use and Occupancy Certificate.

67. If I am buying an existing building, what do I need to do to convert to a place of worship?

Enlist the assistance of a Maryland Registered Architect who should be able to evaluate the property and provide an evaluation of the structure and any changes that may be necessary to meet the applicable building and fire codes.

68. Performance bonds (for afforestation, sediment control, etc.) can become expensive impediment to building. Can the County find other, less expensive way to guarantee performance?

Performance bonds are required in the County Code to insure that funding and resources are in place for compliance with County requirements once construction is complete. Any change to eliminate or replace bonds would require a revision to the County Code.



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**Sustainability Programs and Energy Efficiency Programs**

**Energy Efficiency and Renewable Energy**

**Building Codes**

69. Is the Green Building Law in effect on 11/9/16?

YES

70. Does the Green Building Law apply to new construction, addition or extensive modification to any non-residential Building?

The Current Green Building Law applies to new Construction, addition or extensive modification to the non-residential building that has or will have at least 10,000 square feet of gross floor area.

71. What is the International Green Construction Code (IGCC)?

The IGCC is a building code that sets a baseline requirement for energy efficiency and resource conservation.

72. When will the county adopt the International Green Construction Code (IGCC 2012) and what types of buildings have to comply with the IGCC?



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As of 11/9/16 the County Council is currently reviewing the Executive Regulation which adopts the IGCC 2012. The adoption date is not yet known. The Proposed IGCC as amended will apply to new construction, addition to an existing non-residential and Multiple Residential buildings with a gross floor of 5000 square feet or larger.

73. [Is there a grace allowed after adoption of IGCC 2012?](#)

180 Days Grace period is allowed after the adoption IGCC 2012. During the grace period, the applicant can file a building permit under 2012 IGCC or current Green Building standards.

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**Abbreviations**

Ag	Agricultural
AR	Agricultural Reserve
COMAR	Code of Maryland Regulations
C-PACE	Commercial Property Assessed Clean Energy
CUPF	Community Use of Public Facilities
DBH	Diameter at Breast Height
DEP	Montgomery County Department of Environmental Protection
DFRS	Montgomery County Department of Fire & Rescue Services
DNR	Maryland Department of Natural Resources
DOT	Montgomery County Department of Transportation
DPS	Department of Permitting Services
EPA	Environmental Protection Agency
ESD	Environmental Sensitive Design
FC&MP	Forest Conservation and Management Programs
HHS	Montgomery County Health and Human Services
HVAC	Heating Ventilation Air Conditioning
IGCC	International Green Construction Code
IMC	International Mechanical Code
LID	Low Impact Development
MCDOT	Maryland Department of Transportation

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MCDPS	Montgomery County Department of Permitting Services
MDE	Maryland Department of Environment
MEA	Maryland Energy Administration
MNCPPC	Maryland National Capital Park and Planning Commission
NFPA	National Fire Protection Association
PIF	Private Institutional Facilities
RC	Rural Cluster Zone
RDT	Rural Density Transfer Zone
RE-1	Residential Estate 1 Zone
RLUIPA	Religious Land Use Institutionalized Persons Act
SEP	System Extension Permit
SHA	State Highway Administration
SPA	Special Protection Area
TIS	Traffic Impact Study
WSSC	Washington Suburban Sanitary Commission

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**ADDITIONAL REFERENCES**

Building or Expanding Places Of Worship: Brochure Developed by Maryland National Capital Park and Planning Commission (MNCPPC) and the Department of Permitting Services (DPS)

<http://permittingservices.montgomerycountymd.gov/DPS/pdf/BuildingOrExpandingAPlaceOfWorship.pdf>

Permitting Facts Related to Places of Worship: Department of Permitting Services

<http://permittingservices.montgomerycountymd.gov/DPS/pdf/PermitFactsRelatedToPlacesofWorship.pdf>

Religious Land Use Institutionalized Persons Act (RLUIPA) FAQs

[https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/rluipa\\_q\\_a\\_9-22-10\\_0.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/rluipa_q_a_9-22-10_0.pdf)

Maryland State Highway Administration – Access Management/Permits FAQs

<http://www.roads.maryland.gov/pages/faqs.aspx>

WSSC Making the Connection – An Introduction to Non Residential New Construction

[https://www.wsscwater.com/files/live/sites/wssc/files/PDFs%201/MakingTheConnection\\_280260.pdf](https://www.wsscwater.com/files/live/sites/wssc/files/PDFs%201/MakingTheConnection_280260.pdf)

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Departments and Agencies Who Contributed to FAQs

<b>Montgomery County</b>
Call 311 in Montgomery County or (240) 311-0311 Outside of Montgomery County
Department of Permitting Services (DPS) <a href="http://permittingervices.montgomerycountymd.gov/DPS/general/Home.aspx">http://permittingervices.montgomerycountymd.gov/DPS/general/Home.aspx</a>
Department of Environmental Protection (DEP) <a href="http://www.montgomerycountymd.gov/dep/">http://www.montgomerycountymd.gov/dep/</a>
Department of Transportation (DOT) <a href="http://www.montgomerycountymd.gov/dot/index.html">http://www.montgomerycountymd.gov/dot/index.html</a>
Department of Health & Human Services (HHS) – Licensure and Regulatory Services <a href="http://www.montgomerycountymd.gov/hhs-special/index.html">http://www.montgomerycountymd.gov/hhs-special/index.html</a>
Community Use of Public Facilities (CUPF) <a href="http://www.montgomerycountymd.gov/cupf/">http://www.montgomerycountymd.gov/cupf/</a>
Office of Community Partnerships <a href="http://www.montgomerycountymd.gov/partnerships/">http://www.montgomerycountymd.gov/partnerships/</a>

<b>MNCPPC</b> Maryland National Capital Park & Planning Commission, Planning Department (MNCPPC) (301) 495-4610 <a href="http://montgomeryplanning.org/">http://montgomeryplanning.org/</a>
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<b>WSSC</b> Washington Suburban Sanitary Commission (WSSC), Permitting Services (301) 206-4003 Toll Free at (800) 828-6439 <a href="https://www.wsscwater.com/home.html">https://www.wsscwater.com/home.html</a>
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**SHA**

State Highway Administration (SHA)

(410) 545-0300

See FAQs at <http://www.roads.maryland.gov/pages/faqs.aspx>

**State of Maryland, Department of Education, Office of Child Care Licensing**

(240) 414-1400

<http://earlychildhood.marylandpublicschools.org/node/736>

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