

**Town of Chevy Chase
Established Building Line Ordinance**

Resolution No.: 07-05
Introduced: May 9, 2007
Adopted: September 11, 2007
Effective Date: October 11, 2007

WHEREAS, Article 23A, Section 2(a) of the Maryland Code, grants to the legislative body of every incorporated municipality in Maryland, including the Town of Chevy Chase, general power to pass such ordinances not contrary to the Constitution of Maryland or public general law as they may deem 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; and

WHEREAS, Article 28, Section 8-115.1 of the Maryland Code authorizes the legislative body of a municipal corporation within the Regional District to regulate the construction, repair, erection or remodeling of single family residential houses, buildings or other structures on land zoned for single family residential use; and

WHEREAS, Section 301(a) of the Charter of the Town of Chevy Chase authorizes the Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the Town; for the protection and preservation of 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; for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and for such other police or health matters as it may deem necessary; and

WHEREAS, to comply with Article 28, Section 8-115.1 of the Maryland Code, the following ordinance was submitted to the Montgomery County Council for its comments; and

WHEREAS, the Town Council considered the following ordinance in public session assembled on the 9th day of May, 2007, the 13th day of June, 2007, the 17th day of July and the 11th day of September, 2007; and

WHEREAS, it has been the intent of the Town to calculate the "established building line" using the same method as Montgomery County so that residents, builders and others can perform one set of calculations to determine the "established building line" for the purposes of compliance with both the Montgomery County Code and the Town Code; and

WHEREAS, the Town Council finds that Montgomery County has altered its method of calculating the "established building line"; and

WHEREAS, the Town Council finds that calculating the “established building line” using the same method as Montgomery County would avoid confusion for and unnecessary expense to residents, builders and others; and

WHEREAS, it is the intent of the Town Council, by this ordinance, to modify the Town’s method of calculating the “established building line” so that the Town’s method is consistent with Montgomery County’s current method; and

WHEREAS, 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 of 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.

NOW, THEREFORE, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 4 OF THE TOWN OF
CHEVY CHASE MUNICIPAL CODE TO MODIFY THE METHOD
OF CALCULATING THE “ESTABLISHED BUILDING LINE”

SECTION 1. BE IT ORDAINED AND ORDERED, this 11th day of September, 2007, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Article 23A of the Maryland Code, Article 28, Section 8-115.1 of the Maryland Code, and the Town Charter, that Section 4-1 of Chapter 4 of the Town Code is hereby amended to read as follows:

Sec. 4-1. Definitions.

* * *

Established building line: A front yard building restriction line, which is greater than the 25-foot minimum required setback.

(a) The established building line shall be the average setback of all buildings that[:] meet the following criteria.

[a.](1) Are within three hundred (300) feet of the side [lot] property line of the [lot in question] proposed construction site (excluding corner [lots] properties);

[b.](2) Are along the same side of the street;

[c.](3) Are between intersecting streets or to the point where public thoroughfare is denied;

[d.](4) Exist at the time the building application request is filed;

[e.](5) Are [not nonconforming, unlawfully constructed, or] set back at least 25 feet from the front property line;

(6) Were constructed pursuant to a valid building permit;

(7) Were constructed pursuant to a [lawfully granted] variance; [and]

[f.](8) Are not located on a pipestem or flag-shaped [lot] property[.];

[g.](9) Are not buildings on the subject property; and

[h.](10) Are on properties that are at least 50 feet wide at the 25-foot minimum front setback.

(b) At least two buildings shall be used in calculating the average setback. If only one building meets the foregoing criteria, the proposed construction site shall not be subject to an established building line requirement.

(c) In calculating the setbacks of buildings to determine the established building line, the following shall be excluded:

[a. Buildings on the subject property;]

[b. Lots not meeting the minimum width at the minimum front setback;]

[c.](1) Steps, stoops, terraces, decks and covered porches projecting [not more than nine (9) feet] from the building wall;

[d.](2) Bay windows, oriels, entrances, [and] vestibules and balconies ten (10) feet or less in width and projecting not more than three (3) feet from the building wall; and

[e.](3) Cornices, eaves, exterior stairways, chimneys, air conditioners, heat pumps and generators.

(d) Corner [lots] properties have established building lines on both streets.

[Open steps, stoops, terraces and covered porches projecting more than nine (9) feet from the building wall and bay windows and vestibules more than ten (10) feet in width or projecting more than three (3) feet from the building wall shall be included in the calculation of the setbacks of buildings to determine the established building line.]

(e) The setback of buildings used in calculating the established building line shall be determined by measuring the shortest distance from the front property line of each building to its nearest:

_____ (1) Foundation wall; or

_____ (2) Cantilevered floor.

The measurement shall be taken at a 90 degree angle from the front property line.

* * *

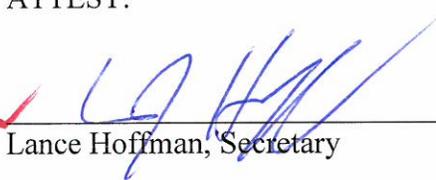
(Res. No. 06-10, 7-12-06; Res. No. _____, 09-11-07)

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, this 11th day of September, 2007, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Articles 23A and 28 of 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 11th day of October, 2007.

ATTEST:



Lance Hoffman, Secretary

TOWN OF CHEVY CHASE



Linna Barnes, Mayor
Town of Chevy Chase

Underlining indicates new material

[] indicates material deleted

* * * indicates material unchanged