

Resolution No. 04-02
Introduced: 1-14-04
Adopted: 5-11-04
Effective: 6-11-04

**RESOLUTION
OF THE
TOWN OF CHEVY CHASE**

SUBJECT: Amendments to Chapter 4 of Town Code, entitled
"Buildings"

WHEREAS, Article III, Section 301(b) of the Town Code authorizes the Town Council to enact regulations and a building code in regard to the construction of buildings in the Town of Chevy Chase; and

WHEREAS, Article 28, Section 8-115.1 of Maryland, as amended, clarifies and confirms the authority of a municipal corporation in Montgomery County to impose by ordinance or regulation an additional or stricter building requirement than is otherwise required by any State, regional, or county unit that exercises zoning or planning authority over the municipal corporation as it relates to fences, walls, hedges, and similar barriers; signs; residential parking; residential storage; and the location of a structure, including setbacks; and

WHEREAS, the Town Council has historically enforced through the Town Building Code additional or stricter building requirements than is otherwise required by the Montgomery County Zoning Ordinance as related to fences, walls, hedges and similar barriers, signs, residential parking, residential storage, and the location of structures, including setbacks; and

WHEREAS, the Town Council wishes to amend Article I, Section 4-5, entitled "Garages and accessory building construction; prohibitions" of Chapter 4 to add new subsections to provide for the setbacks for detached garages and accessory buildings.

NOW, THEREFORE, BE IT ENACTED that Article I, Section 4-5 of the Town Code entitled "Garages and accessory

building construction; prohibitions" is amended to read as follows:

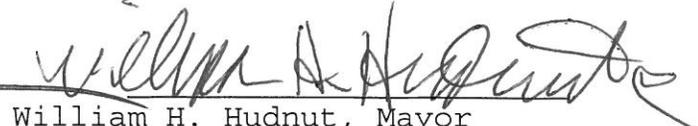
- (a) On an interior lot, any detached garage or accessory building must be located in the rear yard only; must not occupy more than 25 per cent of the rear yard be setback from the front street line a minimum of 60 feet; setback from the rear lot line a minimum of 5 feet; and setback from the side lot line a minimum of 5 feet .
- (b) On a corner lot, any detached garage or accessory building must be located in the rear yard only; must not occupy more than 25 percent of the rear yard and must not be closer to a street line than a main building as established in Section 4-4(b) (1) and as listed below:
 - (i) if the adjoining lot has frontage on the side street then the setback from that side street line is 25 feet and the setback from the rear lot line must be at least ten (10) feet; or
 - (ii) if the adjoining lot does not have frontage on the side street then the setback from the side street is 15 feet and the setback from the rear lot line is 10 feet.
- (c) Any detached garage or accessory must not be taller than 2 stories or 25 feet in height.
- (d) For any garage or accessory building with a height greater than 15 feet, the side yard and rear yard minimum setback must be increased from the requirements above at a ratio of one foot additional setback for each foot of height in excess of 15 feet.
- (e) For any detached garage or accessory building with a length along a side or rear property line, which has a linear dimension greater than 24 feet, the minimum setback from that rear or side property line must be increased from the requirements above at a ratio of one foot for

every 2 feet that the dimension exceed 24 linear feet.

ATTEST:

TOWN OF CHEVY CHASE


Scott Orbach, Secretary


William H. Hudnut, Mayor