

**Town of Chevy Chase
Building Regulations Ordinance**

Resolution No.: 08-01
Introduced: March 12, 2008
Adopted: April 16, 2008
Effective Date: May 17, 2008

WHEREAS, Article 23A, Section 2(a) of the Maryland Code, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to pass ordinances that such legislative body deems necessary 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, and 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 23A, Section 2(a)(5) of the Maryland Code, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to make reasonable regulations concerning buildings and signs to be erected within the limits of the municipality, including a building code and the requirement for building permits; and

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes the Town Council to pass ordinances 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 and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the resident(s) of the Town; and for such other police and health matters as it may deem necessary; and

WHEREAS, Article 28, Section 8-115.1 of the Maryland Code authorizes municipal corporations in Montgomery County, such as the Town of Chevy Chase, to regulate the construction, repair, erection or remodeling of buildings or other structures; the location of structures, including setback requirements; the dimensions of structures, including height, bulk, massing, and design; and lot coverage, including impervious surfaces; and

WHEREAS, in 2005 the Town Council appointed a “Visioning Committee” to undertake a comprehensive review of the Town and its governance and to propose a plan for the future of the Town; and

WHEREAS, in December, 2006, following the year-long process of public meetings and discussions by the Visioning Committee, including, but not limited to, a day-long session attended by hundreds of residents to discuss issues of governance, town character, etc., the Visioning Committee presented a “Strategic Plan” which the Town Council adopted at its March 14, 2007 regular meeting; and

WHEREAS, the Strategic Plan includes as a Core Value that: “We value the distinctive character of the Town . . .”; includes as a Principle: “The Town of Chevy Chase protects the Town’s distinctive neighborhood character; includes as Goals that “The Town optimizes its control over development and redevelopment within its borders” and “Residents and developers improve houses and properties in keeping with the character of the Town” and includes as a Strategy that the Town should “Create incentives to encourage residents (their architects and builders) and developers to produce housing compatible with the Town’s neighborhood character”; and

WHEREAS, the Town of Chevy Chase possesses a distinctive neighborhood character, manifested by its variety of significant architecture, open spaces, sense of scale, mature tree canopy, and sense of community; and

WHEREAS, due to increasing development pressure, the Town has experienced a rise in the number of single-family houses and other structures demolished or substantially demolished, new houses and other structures built, and large additions added to existing single-family houses in the Town; and

WHEREAS, the demolition or substantial demolition of houses and other structures, and the resulting construction of significantly larger houses and other structures, as well as the construction of new buildings on vacant but buildable lots, and the construction of additions with footprints that often greatly exceed the footprint of existing buildings, has had, in a number of cases, a negative and injurious impact on the Town’s distinctive neighborhood character, and has also contributed to: (a) the loss of trees, green space, and open space; (b) an increase in storm water management issues; (c) a reduction in

the privacy and peaceful enjoyment and use of certain properties; and (d) a depletion of the desirable visual environment of the Town, all to the detriment of the best interests and general welfare of the Town and its residents; and

WHEREAS, the Town Council finds that, in a number of cases, new houses and additions being constructed are significantly larger than and not proportionate to the size of other homes in the Town, in terms of massing, bulk, and height; appear to be “looming” over neighboring properties or streets; cast shadows on nearby properties; cover a larger percentage of the lot thereby reducing green space and the number of shade trees; tend to incorporate building elements that affect apparent massing and bulk; often have significantly larger garages; are likely to have greater impervious surface coverage; and some result in significant re-grading and alteration of existing topography; and

WHEREAS, the Town Council finds that excessive dissimilarity, inappropriateness, or incompatible quality of design in the exterior appearance, height, and bulk of buildings erected in the Town adversely affects the desirability of the immediate area and neighboring areas for residential purposes and by so doing impairs the benefits of occupancy of existing properties in such areas, prevents the most appropriate development of such areas, destroys the Town’s distinctive character and desirable visual environment, and eliminates a proper relationship between the taxable value of property in such areas and the cost of municipal services provided therefor; and

WHEREAS, the Town Council, at several meetings, discussed the impact on the public health, safety and welfare caused by the demolition and/or the construction, repair, erection or remodeling of buildings and other structures and the installation of impervious surfaces; and

WHEREAS, the Town Council has been considering adopting ordinances to regulate or amend existing regulations affecting the demolition and/or the construction, repair, erection or remodeling of buildings or other structures; the location of structures, including setback requirements; the dimensions of structures, including height, bulk, massing, and design; and lot coverage, including impervious surfaces; and

WHEREAS, the Town Council provided residents and other interested parties with opportunities to provide input to the Council regarding the advantages and disadvantages of amending the Town Code with respect to the demolition and/or the construction, repair, erection or remodeling of

buildings or other structures; the location of structures, including setback requirements; the dimensions of structures, including height, bulk, massing, and design; and lot coverage, including impervious surfaces; and

WHEREAS, the Town Council retained consultants with expertise in planning and architecture to conduct a character assessment of the Town, which included an assessment of the following: features pertaining to traditional and recently constructed houses, such as the massing, bulk, height, scale, and style of existing houses; the location and style of sidewalks and front-yard walkways; the location of driveways and garages; and the use of fences and retaining walls; and

WHEREAS, the consultants studied the relationship of houses to other houses and the neighborhood, the overall topography of the Town, and the role played by trees, vegetation, and open space in defining the Town's distinctive neighborhood character, and the consultants compared existing houses with recently constructed houses, assessing the following distinctions: massing, bulk, height, and scale; walk out basements, cellars, and stories; the size and location of garages; the use of front entry features; the orientation of the front entry to the street; impervious surface coverage; lot coverage; grading; and building materials; and

WHEREAS, the Town Council appointed a Land Use Committee to assist it in determining the advantages and disadvantages of amending the Town Code with respect to the demolition and/or the construction, repair, erection or remodeling of buildings or other structures; the location of structures, including setback requirements; the dimensions of structures, including height, bulk, massing, and design; and lot coverage, including impervious surfaces; and

WHEREAS, the Land Use Committee held several public meetings with and received input from Town residents and held several meetings with the consultants; and

WHEREAS, the Land Use Committee issued a report of its findings and recommendations, identifying problems to be addressed and proposing solutions to be implemented; and

WHEREAS, the following Ordinance was prepared in response to the report of the Land Use Committee; and

WHEREAS, as a result of the input received from the public, the recommendations of the consultants retained by the Town, the recommendations of the Land Use Committee, and the open

meetings and public hearings held by the Town Council, the Town Council finds that, in the Town, traditional houses and accessory structures are diverse in variety but relatively similar in scale; houses generally face the street with a front walkway running from the street to the doorway, are typically set back uniformly from the street and side property lines, have a distinct pattern of open space between houses, display predominantly vegetative surface area in the front yard and feature mature canopy trees; many houses have garages that are typically small, single-car, understated, and located at the rear of the lot or at or below grade on the front of the house; and

WHEREAS, the Town Council has determined that the continued demolition or substantial demolition of buildings and other structures and the construction of new buildings or other structures or expansion of existing buildings and other structures, and the installation of non-vegetative surfaces, without additional regulation, will cause further erosion of the Town's distinctive neighborhood character and will exacerbate the negative and injurious impact these projects have on the Town and its residents; and

WHEREAS, the Town Council finds that controls on the overall bulk and size of buildings such as Floor Area Ratio ("FAR"), height restrictions, wall plane length and non-vegetative surface coverage are necessary for the prevention of overcrowding; the preservation of community character, compatibility, aesthetics and the Town's desirable visual environment; the maintenance of desirable open space, shade trees, safe passageways between buildings, access to light and air; the promotion of improved storm-water run-off; and the orderly physical development of land according to existing land use patterns; and

WHEREAS, during the legislative process that led to the adoption of this ordinance, the Town Council received reports and analysis from the Land Use Committee, Town staff, consultants and other residents regarding the FAR and other size characteristics of a significant sample of buildings in the Town; and

WHEREAS, the Town Council finds that relatively larger new houses and additions can be consistent with the goals identified above if building elements and other features are incorporated that enhance compatibility with the neighborhood; and

WHEREAS, the Town Council finds that the original draft ordinance proposed by the Land Use Committee and the Town's consultants would address the problems caused by excessive and incompatible development but could impose burdens on property owners and the Town's administrative staff that might outweigh the benefits to be obtained by the proposed ordinance; and

WHEREAS, after receiving input from residents and other interested parties at several public meetings and public hearings as well as in the form of letters and hundreds of e-mails, the Town Council finds that more narrowly drawn regulations would result in a reasonable balance between the restrictions on individual properties and the benefits to nearby properties, the surrounding neighborhood and the Town; and

WHEREAS, the Town Council finds that lots which abut heavily traveled State highways such as Bradley Lane, Connecticut Avenue and East West Highway are subject to special circumstances such that backing into or out of driveways connecting to those highways or to side streets in close proximity to intersections with such highways is significantly more difficult and dangerous than backing into or out of driveways connecting to residential streets and that to avoid such a dangerous condition, circular driveways, parking pads or other non-vegetative surfaces may be necessary to allow cars to exit such properties front-end first and accordingly restrictions on non-vegetative surfaces and the size of driveways must be relaxed as to such properties; and

WHEREAS, the Town Council finds that the following ordinance achieves a proper balance between benefits and burdens; and

WHEREAS, after proper notice to the public, the Town Council considered iterations of the following Ordinance in open meetings conducted on the 9th day of January, 2008, the 17th day of January, 2008, the 23rd day of January, 2008, the 31st day of January, 2008, the 2nd day of February, 2008, the 20th day of February, 2008, the 28th day of February, 2008, the 4th day of March, 2008, the 12th day of March, 2008, the 15th day of March, 2008 and the 16th day of April, 2008; and

WHEREAS, the Town Council, after proper notice to the public, considered iterations of the following Ordinance at public hearings held on the 13th day of February, 2008, the 2nd day of April, 2008, and the 16th day of April, 2008; and

WHEREAS, to comply with Article 28, Section 8-115.1 of the Maryland Code, on the 7th day of March, 2008, a copy of following Ordinance was submitted to the Montgomery County Council for its comments; and

WHEREAS, no comments were received from the Montgomery County Council; and

WHEREAS, after proper notice to the public, and after at least thirty days from the date a copy of the following Ordinance was transmitted to the Montgomery County Council, the Town Council considered the following Ordinance in public session assembled on the 16th day of April, 2008; 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 and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town; and

NOW, THEREFORE, BE IT ORDAINED AND ORDERED this 16th day of April, 2008, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority given to it by Articles 23A and 28 of the Maryland Code, and Section 301 of the Town of Chevy Chase Charter, 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 ADD AND MODIFY PROVISIONS RELATED TO THE CONSTRUCTION AND ALTERATION OF BUILDINGS, ACCESSORY BUILDINGS, AND DRIVEWAYS BY ADDING DEFINITIONS TO SECTION 4-1, MOVING SECTION 4-3 IN ITS ENTIRETY TO SECTION 4-2, ADDING A NEW SECTION 4-3, AMENDING SECTION 4-5, AND AMENDING SECTION 4-8.

SECTION 1. BE IT ORDAINED AND ORDERED, this 16th day of April, 2008, 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 Section 301 of the Town Charter, that Chapter 4 of the Town Code is hereby amended to read as follows:

* * *

Sec. 4-1. Definitions.

(a) In this chapter, the following terms shall have the meanings indicated.

(b) Terms defined.

Accessory building: A building subordinate to, and located on the same lot or lots with, a main building, the use of which is clearly incidental to that of the main building or to the use of the land and which is not attached by any part of a common wall or common roof to the main building.

Alley: A right-of-way which provides secondary access for vehicles to the side or rear of abutting properties.

Apron: The portion of a driveway that widens near the driveway's intersection with a public roadway to support vehicular turning movements.

Attic: Any area under the roof structure with structural headroom of six (6) feet six (6) inches or more, regardless of whether a floor has been laid. Structural headroom, for the purpose of this definition, shall include areas between the top of the floor joist and up to the underside of the top chord of any truss.

Basement: That portion of a building below the first floor joists of which at least one-half (1/2) of its clear ceiling height is above the average elevation of the finished grades along the perimeter of the building.

Building: A structure having one (1) or more stories and a roof, designated primarily for the shelter, support or enclosure of persons, animals or property of any kind. The term "building" encompasses all parts of the structure including, but not limited to, projections such as steps, stoops, above-grade terraces and decks, porches, bay windows, cornices, eaves, exterior stairways, and chimneys, as well as appurtenant structures such as air conditioners, heat pumps and generators.

Building height: The vertical distance measured from the average elevation of the finished grades along the front of the building to either: (a) the highest point of roof surface regardless of roof type, or (b) the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof. However, for the purposes of determining building height and story, at no point may the finished grade be higher than the pre-development grade. In all cases, building height is limited to the specified maximum height in feet and the number of stories within the specified maximum height in feet.

Building line: A line extending from property line to property line at the outermost wall of a building.

Building restriction line: The line established by the setback requirements, which separates the buildable portion of the lot from the portion into which non-exempt structures must not encroach.

Cellar: That portion of a building below the first floor joists, of which at least one-half (1/2) of its clear cellar ceiling height is below the average elevation of the finished grade along the perimeter of the building.

Depth of lot: The average (mean) length of the side lot lines. For a corner lot, the front lot line that intersects the rear lot line shall be considered a side lot line for the purpose of calculating the depth of the lot.

Developmental nonconformity: An existing structure, which was lawful when established, but which no longer conforms to the requirements of this Code because of the amendment of this Code.

Driveway: An improved surface that provides vehicular ingress to and egress from a property.

Door width: The width of a door measured as the actual width of the door leaf or panel.

Established building height: A height building line, which is the average height of all buildings that:

- a. Are within three hundred (300) feet of each side lot line of the lot in question (excluding corner lots);**
- b. Are along the same side of the street;**
- c. Are between intersecting streets or to the point where public thoroughfare is denied;**
- d. Exist at the time the building application request is filed;**
- e. Are not unlawfully constructed or constructed pursuant to a variance; and**
- f. Are not the subject building.**

For corner lots, a property owner may decide which adjoining street to use as reference for establishing building height.

Established building line: A front yard building restriction line, which is the average setback of all buildings that:

- a. Are within three hundred (300) feet of the side lot line of the lot in question (excluding corner lots);
- b. Are along the same side of the street;
- c. Are between intersecting streets or to the point where public thoroughfare is denied;
- d. Exist at the time the building application request is filed;
- e. Are not nonconforming, unlawfully constructed, or constructed pursuant to a lawfully granted variance; and
- f. Are not located on a pipestem or flag-shaped lot.

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. Steps, stoops, terraces, decks and covered porches projecting not more than nine (9) feet from the building wall;
- d. Bay windows and vestibules ten (10) feet or less in width and projecting not more than three (3) feet from the building wall; and
- e. Cornices, eaves, exterior stairways, chimneys, air conditioners, heat pumps and generators.

Corner lots 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.

Floor area ratio (FAR): The gross floor area of all buildings or structures on a lot, divided by the total lot area.

Front-loading garage: An attached garage the door of which is parallel (or approximately so) to the front building line. An attached garage on a corner lot is deemed to be front-loading if its door faces any public street, excluding alleys.

Front lot line: The boundary line of a lot separating the lot from any and all streets.

Front yard: **The [A]area [located between] defined by the front lot line [and the front], the front building line, and the side lot lines, excluding: (a) any lawful projection under section 4-4(f)(1); and (b) any unenclosed porch. [, or, in] In cases where no building exists, the front building restriction line will be substituted for the front building line.**

Garage: An accessory building or portion of a main building designed, arranged, or used for the housing of motor vehicles.

Gross floor area: The sum of the gross horizontal areas of the several stories (whether or not a floor has actually been laid) of all buildings on the lot with structural headroom or clear ceiling height of six (6) feet, six (6) inches or more. Gross horizontal areas are measured from the exterior faces of exterior walls. Areas with clear ceiling height (measured from floor to ceiling) greater than fourteen (14) feet shall count twice.

- a. **The term "gross floor area" includes:**
 1. **Stairwells at each story;**
 2. **Floor space used for mechanical equipment;**
 3. **New attic space;**
 4. **Screened or otherwise enclosed porches; and**
 5. **The area of any accessory structure greater than two hundred and forty (240) square feet.**

- b. **“Gross floor area” does not include:**
1. **The first two hundred forty (240) square feet of one (1) accessory structure per lot;**
 2. **Unenclosed porches;**
 3. **Basements;**
 4. **Cellars; and**
 5. **Attic space existing as of May 17, 2008, to the extent that the three-dimensional boundaries of the attic have not been expanded. If the three-dimensional boundaries of the attic are expanded, the expanded area shall be included in “gross floor area”. The roof over the attic space may be repaired or replaced. However, if the attic is demolished, the replacement attic space shall be considered new attic space not in existence as of May 17, 2008.**

[*Height of building:* The vertical distance measured from the average elevation of the finished grades along the front of the building to either:

- a. The highest point of roof surface regardless of roof type, or
- b. The mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof. However, for the purposes of determining building height and story, at no point may the finished grade be higher than the pre-development grade.]

Lot: The land designated as a separate and distinct lot or parcel of land on a legally recorded subdivision plat or deed filed among the land records of the county.

Lot coverage: Portion of lot which may be covered by buildings or other raised structures, but not including structures that are not raised such as walkways, patios, terraces, driveways, swimming pools and tennis courts.

Main building: A building in which the principal use of the lot on which it is situated is conducted. The residence shall be deemed to be the main building unless the lot is lawfully used exclusively for nonresidential purposes.

Porch: A roofed platform attached to the main structure.

Shared driveway: A driveway that provides ingress to and egress from more than one (1) property.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above. A basement is counted as a story.

Street: A public or dedicated right-of-way including, but not limited to, streets, roadways, parkways, avenues, highways or other public thoroughfares.

Structural headroom: The vertical distance between the top of the floor joist and the underside of the top chord of any truss, in the absence of a floor or ceiling.

Structure: An assembly of materials forming a construction including, but not limited to, buildings, antennas, open sheds, shelters, tennis courts, air conditioners, and swimming pools, but not including at-grade walkways, patios, terraces and driveways.

Wall plane: A continuous wall surface.

Wall plane height: The maximum vertical distance, at any point on the facade of a building, between the grade elevation on the exterior wall and the roofline. For the purpose of this definition, grade is either the finished development grade or the pre-development grade, whichever is lower, and the roofline is the highest outermost edge of the roof plane above the exterior wall. In addition, for the purposes of this definition, dormers shall be considered part of the wall plane below unless they are recessed a minimum of three (3) feet from the wall plane below.

Wall plane length: The horizontal length along the face of any exterior wall of a building, including any offsets less than the minimum wall plane offset.

Width of lot: The distance from one side lot line to the other side lot line measured at the established building line, or if there is no established building line, measured twenty-five (25) feet from the front lot line. For a corner lot, the front lot line that is opposite the chosen side lot line shall be considered a side lot line for the purpose of calculating the width of the lot.

Sec. 4-[3]2. Building Permit, in general.

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Sec. 4-3. Building height, massing, and neighborhood compatibility.

(a) Purposes.

- (1) To maintain privacy and space between properties, ensure adequate air and light, and maintain safe passageways between buildings.**
- (2) To minimize the flow of stormwater from lots by encouraging the maintenance of open spaces and tree canopy and reduced building and surface lot coverage.**
- (3) To protect the Town's distinct character by encouraging the retention and maintenance of open space and shade trees on residential lots, and the preservation of existing houses and accessory structures.**
- (4) To encourage the construction of additions to existing houses and new houses that are compatible with existing houses in terms of height, scale, massing, and arrangement.**

(b) Maximum height.

- (1) Main building: The height of the main building shall not exceed the greater of (a) or (b), except as provided in (c), as hereinafter set forth below:**

- a. Thirty-three (33) feet when measured from the average pre-development grade in front of the structure to the highest point of roof surface regardless of roof type, or
 - b. Twenty-eight (28) feet when measured from the average pre-development grade in front of the structure to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof.
 - c. Exceptions to height limits.
 - 1. The town manager may, upon finding that the established building height exceeds the greater of a. or b., authorize construction of a building that meets the established building height, provided that no building may exceed the greater of the following:
 - A. Thirty-five (35) feet when measured from the average pre-development grade in front of the structure to the highest point of roof surface regardless of roof type; or
 - B. Thirty (30) feet from the average pre-development grade in front of the structure to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof.
 - 2. If the height of an existing main building exceeds the limits in subparagraphs 4-3(b)(1)a. and b., an addition to such existing main building shall not exceed the height of the existing building.
 - d. It shall be the responsibility of the applicant seeking to build to the established building height, as provided for in section 4.3(b)(1)(c), to document the established building height to the satisfaction of the town manager.
- (2) Accessory building: The height of an accessory building shall not exceed the greater of:
- a. Fifteen (15) feet when measured from the average pre-development grade in front of the structure to the highest point of the roof surface, regardless of roof type; or
 - b. Twelve (12) feet when measured from the average pre-development grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof.
- (3) Wall plane height: No wall plane of any wall on any facade of any structure shall exceed thirty-six (36) feet in height.

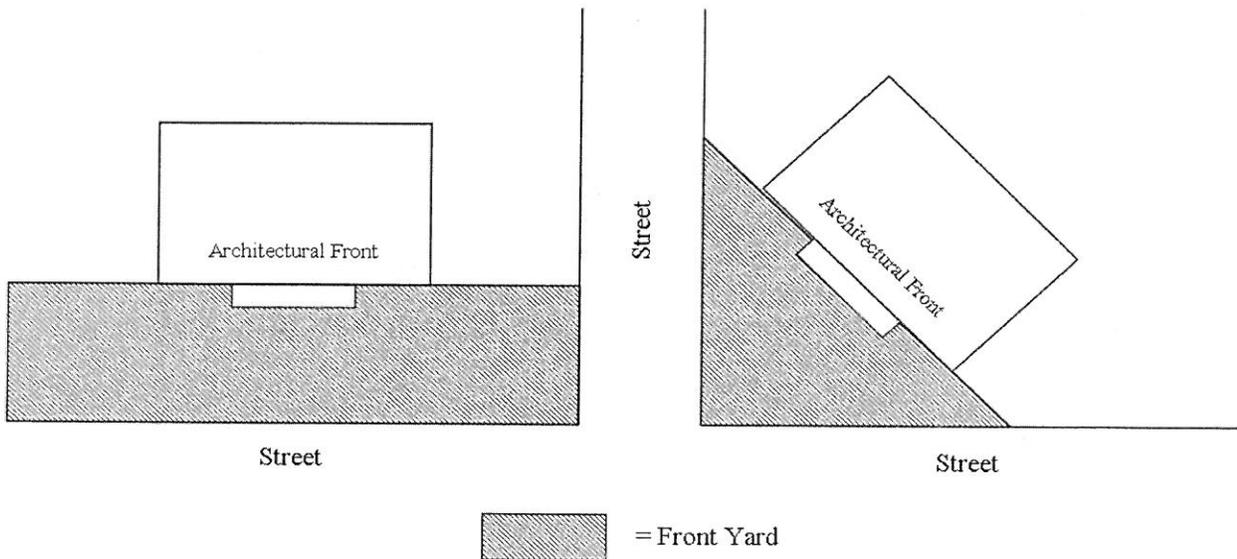
(c) Maximum floor area ratio (FAR).

- (1) The FAR for a lot shall not exceed .50.
- (2) Notwithstanding sub-section 4-3(c)(1), buildings on a lot may contain gross floor area of three thousand (3,000) square feet or less without restriction to FAR.
- (3) For the purpose of preventing the construction of excessively large buildings counter to the intent of this section, for lots larger than twelve thousand (12,000) square feet in size, the FAR for the first twelve thousand (12,000) square feet shall be .50 and the FAR for the lot area over twelve thousand (12,000) square feet shall be .25.

(d) Wall plane length: No wall plane on any façade of any structure shall exceed thirty-four (34) feet in length unless there is an offset or articulation in the wall plane that measures at least two (2) feet deep and five (5) feet long, so that no section of wall plane continues for more than thirty-four (34) feet without an offset or articulation.

(e) Maximum non-vegetative surface area:

- (1) The non-vegetative surface area in the front yard shall not exceed thirty-five (35) percent of the area of the front yard.
- (2) For corner lots, the limit on non-vegetative surfaces shall apply to the front yard in front of the architectural front façade of the main building. Any other front yard shall be deemed a side yard solely for the purposes of sub-section 4-3(e)(1).



- (3) Sub-section 4-3(e)(1) shall not apply to lots with frontage on Bradley Lane, Connecticut Avenue or East West Highway.

(f) Buildings existing prior to May 17, 2008. Notwithstanding any provision to the contrary contained in Section 4-3, a building or structure existing prior to May 17, 2008 that sustains a total physical loss or a substantial physical loss (50% or more) due to accidental causes including, but

not limited to fire, storm, falling tree(s), flooding, natural disaster, acts of war or terrorism, may be rebuilt, provided (i) the replacement building or structure does not encroach farther into the front and side building setbacks than the previous building or structure, (ii) the footprint of the replacement building or structure is not more than 500 square feet larger than the previous footprint for a main building and 150 square feet larger than the previous footprint for an accessory building, and (iii) the replacement building or structure does not exceed the building height of the previous building or structure.

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Sec. 4-5. Garage and accessory building construction; prohibitions.

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(f) The door of a front-loading garage shall not exceed nine (9) feet in width.

(g) There shall be not more than one door for a front-loading garage per main building.

(h) A front-loading garage shall be set back or set forward by a minimum of three (3) feet from the front building line of the main building.

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Sec. 4-8. [Same—]Protection of streets, sidewalks, etc.

(a) Any person intending to undertake construction which may disrupt a [town] **public** right-of-way, including but not limited to streets, sidewalks, curbs, gutters and grassy areas, whether the construction is for public or private use, including, but not limited to, construction or expansion of a driveway, shall first obtain a building permit. The application shall include a statement as to the reasons therefor and the purpose, mode and character of the proposed excavation or obstruction and the length of time it shall continue, and such other information as the town manager may require. The town manager may condition a permit upon such terms or restrictions as the town manager deems necessary to protect the public health, safety or welfare. Where the construction involves excavation, alteration, modification or planting in the [town] **public** right-of-way, the town manager may require a cash, surety or performance bond sufficient to cover the cost of restoring the right-of-way to its pre-construction state. The person to whom a building permit is issued shall be responsible for restoring the disrupted area. If the disrupted area is not restored or, as the case may be for a driveway, constructed or expanded in accordance with subsection (d) of this section, within fifteen (15) days of demand by the town manager, the town may restore the area and charge the permit holder and/or may claim the bond to reimburse the town for the cost of restoration. If the bond is not sufficient to cover the costs, the permit holder shall pay to the town any deficiency. The unexpended balance of any bond shall be returned to the permit holder. If the deposit is not sufficient to repair all damages and restore the public right-of-way, the permit holder shall reimburse the town for the full cost of restoration within fifteen (15) days of demand therefor. The cost of the restoration shall be a lien against the property and may be collected in the same manner as property taxes, by a suit for damages, or both.

* * *

(d) The construction [or], **expansion, or replacement** of a driveway within a public right-of-way **or on private property** shall require a building permit and, in addition, be subject to the following requirements:

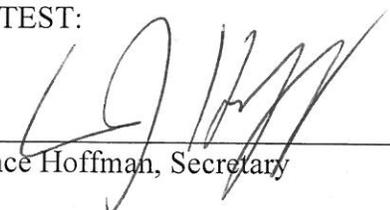
- (1) There shall be no more than one (1) driveway for a property;
- (2) A driveway shall be no wider than ten (10) feet[, with up to an] **in the public right of way. An** additional two and one half (2 ½) foot radius apron on each side, for a total width of up to a maximum of fifteen (15) feet inclusive of the aprons shall be allowed at the [public] **paved** roadway[inclusive of the aprons];
- (3) **A driveway on private property shall be no wider than ten (10) feet in front of the front building line, except that this restriction shall not apply to lots with frontage on Bradley Lane, Connecticut Avenue or East West Highway. Notwithstanding the foregoing, a driveway that is wider than ten (10) feet as of May 17, 2008 may be replaced or repaired provided that such replacement or repair shall not increase the width of the driveway.**
- [(3)](4) In the event a property is served by a shared driveway, the property may not have an additional driveway;
- [(4)](5) Notwithstanding subsection (d)(2) of this section, in the event a driveway is shared by more than one (1) property, the driveway width for the shared driveway shall be no wider than twenty (20) feet, with up to an additional two and one-half (2 ½) foot radius apron on each side, for a total width of up to twenty-five (25) feet at the public roadway; and
- [(5)](6) A driveway shall be installed in accordance with county construction standards in effect when the permit is issued.

* * *

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, this 16th day of April, 2008, 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 Section 301 of the Town Charter, that:

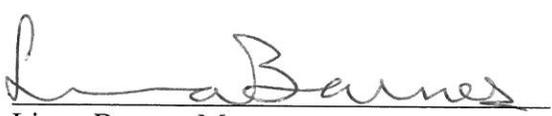
- (1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and
- (2) This ordinance shall take effect on the 17th day of May, 2008.

ATTEST:



Lance Hoffman, Secretary

TOWN OF CHEVY CHASE



Linna Barnes, Mayor
Town of Chevy Chase

Bold and Underline indicates new material
[brackets] indicates material deleted
* * * indicates material unchanged

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