

**Town of Chevy Chase**  
**(Clarifying Applicability of Chapter 4; Technical Corrections)**

Ordinance No.: 25-01  
Introduced: 12/11/24  
Adopted: 2/12/25  
Effective: 3/14/25

AN ORDINANCE TO AMEND CHAPTER 4 OF THE TOWN OF  
CHEVY CHASE MUNICIPAL CODE TO CLARIFY ITS  
APPLICABILITY TO ALL RESIDENTIAL CONSTRUCTION AND  
TO MAKE TECHNICAL CORRECTIONS.

WHEREAS, Maryland Code, Local Government Article, Section 5-202, 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, to secure persons and property from danger and destruction, and to protect the health, comfort, and convenience of the citizens of the municipality;

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

WHEREAS, Maryland Code, Land Use Article, Section 20-509 grants to the legislative body of incorporated municipalities in the Maryland-Washington Regional District general power to adopt building regulations for the protection of the public health, safety, and welfare; the preservation, improvement, and protection of lands, water, and improvements in the municipal corporation; and to regulate the construction, repair, or remodeling of buildings on land zoned for residential uses at it relates to fences, walls, hedges, and similar barriers; signs; residential parking; residential storage; the location of structures, including setback requirements; the dimensions of structures, including height, bulk, massing, and design; and lot coverage, including impervious surfaces;

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;

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in an open meeting conducted on the 11th day of December, 2024;

WHEREAS, to comply with Maryland Code, Land Use Article, Section 20-509, on the 11th day of December, 2024, a copy of following Ordinance was submitted to the Montgomery County Council for its comments;

WHEREAS, the Montgomery County Council indicated receipt of the draft on the 8th day of January, 2025 and provided no comments;

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 12th day of February, 2025;

WHEREAS, as multi-family uses are being contemplated by the County Council for the R-60 zone, the Town Council finds that the Town building regulations should be amended to clarify their applicability to all residential construction, should multi-family uses be authorized in the future;

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;

THEREFORE, BE IT ORDAINED AND ORDERED, this 12th day of February, 2025, 2025, by virtue of the authority given to it by the Maryland Code and the Town of Chevy Chase Charter, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance.

SECTION 1. BE IT ORDAINED AND ORDERED, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that the Town Code is hereby amended to read as follows:

\* \* \*

#### **Chapter 4 – BUILDINGS**

#### **ARTICLE I. – IN GENERAL**

\* \* \*

#### **Sec. 4-1. – Purposes and Definitions.**

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

**(1) To maintain and encourage space between and around buildings, so as to retain privacy, reduce risk of fire, and maintain adequate air, light, and safe passageways between buildings.**

**(2) To minimize the flow of stormwater from lots by encouraging the maintenance of open spaces and tree canopy and limiting building coverage and nonvegetative surfaces.**

**(3) To protect the town's distinct character and contribute to climate protection by encouraging the retention and maintenance of healthy organic soils, vegetated open space, shade trees and other biomass on residential lots, and by having new development comply with the town's height, scale, massing, and arrangement standards.**

**(4) To support Montgomery County, the State of Maryland, and national environmental goals including promotion of a healthy and livable community, improved air quality, alleviation of heat stress and reduction of heat islands, groundwater recharge, provision of shelter for wildlife, and enhanced quality of life.**

(b) Terms defined. **In this chapter, the following terms shall have the meanings indicated.**

\* \* \*

*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 including, but not limited to, a shed or detached garage.

*Accessory dwelling unit:* A ~~second~~ dwelling unit that **is in the main building or in an accessory building on a lot and that is** subordinate to ~~the principal a~~ dwelling unit ~~and is located within a~~ **in the main building or an accessory 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.

\* \* \*

*Dwelling unit:* A building or portion of a building providing complete living facilities for not more than one (1) household, including, at a minimum, facilities for cooking, sanitation, and sleeping.

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

- (a) The established building line shall be the average setback of all **main** buildings that meet the following criteria:
  - (1) Are within three hundred (300) feet of any side lot line of the lot in question (excluding corner lots);

\* \* \*

*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; **and**
  - (4) Screened or otherwise enclosed porches; ~~and,~~
  - ~~(5) The area of any accessory structure greater than two hundred 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, provided that the accessory structure does not contain or comprise a detached accessory dwelling unit;
- (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.

\* \* \*

**Household: A person living alone, or any one of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:**

- (a) any number of people related by blood, marriage, adoption, or guardianship;**
- (b) up to five (5) unrelated people; or**
- (c) two (2) unrelated people and any children, parents, siblings, or other persons related to either of them by blood, adoption, or guardianship.**

\* \* \*

*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. Where a distinct tract of land is comprised of more than one (1) lot or parts thereof as shown on a subdivision, condominium; homeowners association, or similar plat, the separate lots and parts of lots shall constitute one (1) lot for the purposes of this chapter.

\* \* \*

*Main building:* A building in which the principal dwelling unit or units is located. The term "main building" includes, but is not limited to the following: a detached house; duplex; triplex; quadplex; townhouse; apartment building; multi-use building; or similar structure.

*Multi-use building:* A multi-use building is a building designed for residential and nonresidential uses.

*Porch:* A roofed platform attached to ~~the main structure~~ a building.

\* \* \*

*Townhouse:* A building containing three or more dwelling units where each dwelling unit is separated vertically by a party wall.

\* \* \*

**Sec. 4-2. - Building permit, in general.**

(a) Unless a permit has been issued by the town manager, it shall be unlawful for any person to:

\* \* \*

(5) Install any pool, outdoor therapeutic bath, or ~~tennis~~ athletic court;

\* \* \*

(d) Application requirements:

\* \* \*

(4) For applications solely to construct or widen a driveway and/or driveway apron, the plans and specifications shall be accompanied by a ~~house~~ building location plat.

**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 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.~~

\* \* \*

**Sec. 4-4. - Building location requirements; prohibitions.**

\* \* \*

(c) *Rear setback.*

\* \* \*

(2) *Main buildings, computation reduction for interior lots: ...*

\* \* \*

b. *Addition.*

(i) For an existing main building that is located in front of the established building line for the lot, the rear setback shall be reduced by one (1) foot for each foot that the front building line of the existing **house building** exceeds thirty (30) feet, as measured to the front property line;

\* \* \*

(iii) For an existing main building that is located behind the established building line for the lot, the rear setback shall be reduced by one (1) foot for each foot that either:

\* \* \*

b. the front building line of the existing **house building** exceeds thirty (30) feet, as measured to the front property line, provided, however, no part of any addition may project beyond the existing front building line. If a rear setback credit based on the front building line has previously been used, no addition may project beyond the front building line.

\* \* \*

(4) *Main buildings, reduction of computation for corner lots:* The rear setback computed according to subparagraph (c)(3)a. above may be reduced as follows, for the following types of construction:

\* \* \*

b. *Addition.*

(i) For an existing main building that is located in front of the established building line for the lot, the rear setback shall be reduced by one (1) foot for each foot that the front building line of the existing ~~house~~ **building** exceeds thirty (30) feet, as measured to the front property line;

\* \* \*

(iii) For an existing main building that is located behind the established building line for the lot, the rear setback shall be reduced by one (1) foot for each foot that either:

\* \* \*

b. the front building line of the existing ~~house~~ **building** exceeds thirty (30) feet, as measured to the front property line, provided, however, no part of any addition may project beyond the existing front building line. If a rear setback credit based on the front building line has previously been used, no addition may project beyond the front building line

\* \* \*

(d) Exemptions from yard requirements for projections.

\* \* \*

(2) Bay windows, oriel entrances, vestibules and balconies.

a. ~~Except as provided in subsection (c)(2)b. below,~~ a A bay window, oriel entrance, vestibule or balcony, ten (10) feet or less in width and not more than one (1) story in height, may project not more than three (3) feet into any minimum front or rear setback.

\* \* \*

**Sec. 4-5. - Accessory building construction; prohibitions**

\* \* \*

**(h) Cornices and eaves may project two and one-half (2½) feet or less into any minimum setback, but such projection shall be not less than two (2) feet from the vertical plane of any lot line.**

\* \* \*

**Sec. 4-52. - Structures, walls, fences, guardrails, handrails, berms, trees, hedges, shrubbery and other plant growth on private property.**

(a) Only low-growing plants, which are maintained at a height not to exceed eighteen (18) inches, may be installed within six (6) feet of a curb and within two (2) feet of the sidewalk on the main building side, or within two (2) feet of an alley.

\* \* \*

(c) Front yard walls. No wall that is one (1) foot in height or higher may be constructed in a front yard, provided, however, a retaining wall that is less than thirty (30) inches in height may be constructed in a front yard provided that it is set back at least two (2) feet from the nearest public sidewalk in the public right-of-way or, if there is no sidewalk, at least six (6) feet from the curb. In the event a wall is located within thirty (30) inches of another wall, as may be the case in terracing, the walls shall be considered one (1) wall and the height of the wall shall be measured cumulatively. Height is measured in accordance with subsection ~~(h)~~ (i) below.

\* \* \*

**(g) Walls, fences, guardrails, handrails and other structures when allowed, must be set back two (2) feet from an alley. Walls, fences, guardrails, handrails, and other structures located within two (2) feet of an alley on December 11, 2024, may be maintained, altered, and repaired, but not enlarged or replaced.**

~~(g)~~ **(h)** No person shall erect or maintain any wall, fence or berm ...

\* \* \*

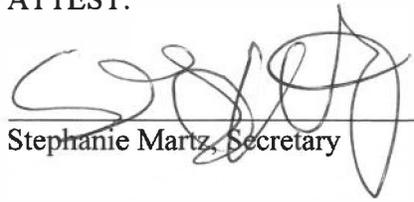
~~(h)~~ **(i)** The measurement of the height of walls, fences, berms, structures, hedges, shrubbery, or other plant growth shall be made from the surface of the adjoining ground. Where the yards on the two (2) sides differ, the measurement shall be made from the surface of the lower yard.

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that:

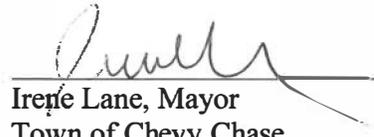
(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect on the day of 14th day of March, 2025 (30 days after adoption).

ATTEST:

  
Stephanie Martz, Secretary

TOWN OF CHEVY CHASE

  
Irene Lane, Mayor  
Town of Chevy Chase

**Bold and Underline** indicates new material

~~Strike through~~ indicates material deleted

\* \* \* indicates material unchanged