

Resolution No.: 10-03-19

Introduced: 10-14-19

Adopted: 10-14-19

Effective: 10-28-19

BOARD OF MANAGERS
FOR
CHEVY CHASE VILLAGE, MD

SUBJECT: AN ORDINANCE TO AMEND CHAPTER 8, “BUILDINGS AND BUILDING REGULATIONS”, SEC. 8-24, “SWIMMING POOLS AND OUTDOOR THERAPEUTIC BATHS”, TO CLARIFY THAT FRONT, SIDE AND REAR YARD SETBACKS APPLY TO THERAPEUTIC BATHS AND THAT A PROTECTIVE COVER IS NOT REQUIRED FOR AN OUTDOOR THERAPEUTIC BATH IF ENCLOSED BY A FENCE OF THE DIMENSIONS REQUIRED FOR SWIMMING POOLS, TO EXCLUDE PORTABLE SWIMMING POOLS FROM THE REQUIREMENT FOR PROTECTIVE COVERS, AND TO ADOPT CONFORMING CHANGES

WHEREAS, §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, authorizes the Board of Managers to adopt such ordinances as it deems necessary to assure the good government of Chevy Chase Village; to protect and preserve the rights, property and privileges of the Village; to preserve peace and good order; to secure persons and property from danger and destruction; and to protect the health, comfort and convenience of Village residents; and

WHEREAS, Section 206 of the Chevy Chase Village Charter authorizes the Board of Managers to adopt such ordinances as it deems necessary for the safety and welfare of Chevy Chase Village; for the protection and preservation of Chevy Chase Village property, rights and

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[Brackets]
Asterisks * * *
CAPS
[Brackets]

: Indicate matter added to existing law.
: Indicate matter deleted from law.
: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
: Indicate matter added in amendment
: Indicate matter deleted in amendment

privileges; for the preservation of peace and good order and for securing persons and property from violence, danger or destruction; and for the suppression and abatement of all nuisances; and

WHEREAS, the Board adopted Chapter 8, “Buildings and Building Regulations” to ensure that building requirements were established and maintained; and

WHEREAS, §20-509 of the Land Use Article, Annotated Code of Maryland, authorizes the Board of Managers to impose certain additional or stricter building requirements than are required by Montgomery County for single family residences on land zoned for residential use; and

WHEREAS, the Board has determined that it is necessary to clarify that front, side and rear yard setbacks are intended to apply to swimming pools and therapeutic baths; and

WHEREAS, after proper notice to the public, the Board of Managers conducted a public hearing at which it considered the following ordinance in public session assembled on the 14th day of October, 2019; and

NOW THEREFORE, the Board of Managers of Chevy Chase Village does hereby adopt the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 8, “BUILDINGS AND BUILDING REGULATIONS”, SEC. 8-24, “SWIMMING POOLS AND OUTDOOR THERAPEUTIC BATHS”, TO CLARIFY THAT FRONT, SIDE AND REAR YARD SETBACKS APPLY TO THERAPEUTIC BATHS AND THAT A PROTECTIVE COVER IS NOT REQUIRED FOR AN OUTDOOR THERAPEUTIC BATH IF ENCLOSED BY A FENCE OF THE DIMENSIONS REQUIRED FOR SWIMMING POOLS, TO EXCLUDE PORTABLE SWIMMING POOLS FROM THE REQUIREMENT FOR PROTECTIVE COVERS AND TO ADOPT CONFORMING CHANGES

SECTION 1.

BE IT ORDAINED AND ORDERED this 14th day of October, 2019, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et*

seq. of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Chevy Chase Village Charter, that Chapter 8, “Buildings and Building Regulations”, Sec. 8-24, “Swimming pools and outdoor therapeutic baths”, be repealed, re-enacted and amended to read as follows:

Sec. 8-24. Swimming pools and outdoor therapeutic baths.

(a) Setbacks. Any swimming pool or OUTDOOR therapeutic bath shall be located as follows:

(1) A swimming pool OR OUTDOOR THERAPEUTIC BATH must be set back at least fifteen (15) feet from the front building restriction line of the property or from the front main building line, whichever is greater.

(2) No swimming pool OR OUTDOOR THERAPEUTIC BATH shall be placed within fifteen (15) feet of any side or rear lot line. Such measurement shall be made from the inside wall of the swimming pool OR OUTDOOR THERAPEUTIC BATH.

(3) No apron, deck or diving board shall be placed within ten (10) feet of any side or rear lot line.

(4) No pump, filter or other accessory shall be constructed or installed within seven (7) feet of any side or rear lot lines without a Special Permit from the Board of Managers.

(b) Enclosure of pools. Any swimming pool or the property upon which a swimming pool is situated shall be surrounded by a fence or wall or equivalent enclosure not less than sixty (60) inches in height above grade at the exterior of the fence, which shall be so constructed as not to be easily climbed or penetrated. Gates and/or doors to any such enclosure shall comply in all respects with County regulations pertaining to swimming pool enclosures, and shall be maintained in good condition. A dwelling house or accessory building may be used as part of such enclosure.

(c) Screening of OUTDOOR therapeutic baths. An outdoor therapeutic bath shall be screened from neighbors by fencing, planting, or otherwise, so as to provide privacy to users thereof and not to impinge on the privacy of the neighbors.

(d) Protective cover. UNLESS ENCLOSED BY A FENCE OF THE SAME DIMENSIONS AS REQUIRED FOR SWIMMING POOLS IN SUBSECTION 8-24(B), AN OUTDOOR therapeutic bath shall be equipped with a protective cover that shall be secured in place covering any such bath [~~or pool~~] and shall be locked so as to prevent access when the bath is not in use. The protective cover shall be made of any fabric, plastic, rubber, metal or net capable of covering the entire OUTDOOR therapeutic bath [~~or portable swimming pool surface~~] and, when in use, be able to be firmly secured or anchored and capable of supporting a minimum of two hundred fifty (250) pounds.

(e) Lighting. Lights used to illuminate any swimming pool or OUTDOOR therapeutic bath and/or any areas adjacent to any swimming pool or OUTDOOR therapeutic bath shall be so arranged and shaded so as to reflect light away from neighboring property, and shall be maintained and operated in such a manner as not to be a nuisance or annoyance to any neighboring property. In no event shall any such lights be on after midnight.

(f) Equipment. Any diving board, slide or other equipment used in or around any pool shall be constructed, affixed, designed, fastened or snubbed as to minimize unnecessary noise resulting from the use or operation of such diving board, slide or other equipment (see Chapter 20).

(g) Existing pools and OUTDOOR therapeutic baths. Any swimming pool or OUTDOOR therapeutic bath which was lawful when constructed may be continued, provided the swimming pool or OUTDOOR therapeutic bath is operated and maintained in accordance with all requirements of this Chapter with the exception of subsection (b) above. [i]If, in the discretion of the Village Manager, the existing pool is surrounded by natural planting which is equivalent to a fence or wall inasmuch as the natural planting in question cannot be easily climbed or penetrated, IT MAY BE CONTINUED UNDER THIS SUB-SECTION.

(h) Portable swimming pools. Every portable swimming pool shall be stored in a safe place or condition when not in actual use.

(i) Runoff and drainage. Any swimming pool, portable swimming pool or outdoor therapeutic bath within the Village shall be maintained so that pool water does not collect, seep, overflow, splash or run onto or across abutting property or onto the public right-of-way. Intentional drainage of swimming pools must ensure that such drainage flows into a storm[-water] drain.

SECTION 2

AND BE IT FURTHER ORDAINED AND ORDERED, this 14th day of October, 2019, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Village Charter that:

- (1) If any part of provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part of 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 28th day of October, 2019 provided the same is posted at the Village Office for fourteen (14) days prior thereto.

CHEVY CHASE VILLAGE



Elissa Leonard, Chair
Board of Managers
Chevy Chase Village

ATTEST:



Shana R. Davis-Cook, Village Manager