

Resolution No.: 10-02-19

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. 8-16, “RESIDENTIAL BUILDING CONSTRUCTION PROHIBITIONS”, TO ALLOW ENCROACHMENT INTO THE FRONT YARD SETBACK FOR STEPS USED TO ACCESS THE MAIN STRUCTURE WHEN NECESSITATED BY COMPLIANCE WITH MONTGOMERY COUNTY BUILDING STANDARDS FOR RISER HEIGHT AND DEPTH OF TREAD, INCLUDING WHEN THE ENCROACHMENT WOULD VIOLATE A COVENANT.

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

CAPS
[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, as part of its functions, the Board considers requests for variances from the requirements of Chapter 8; and

WHEREAS, the Board has determined that it is in the public interest to administratively authorize and permit the encroachment into the front yard setback for steps used to access the main structure when necessitated for compliance with Montgomery County building standards for riser height and depth of tread, without requiring a variance and even if the encroachment would violate a covenant, to enable compliance with safety standards; 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.

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. 8-16, "RESIDENTIAL BUILDING CONSTRUCTION PROHIBITIONS", TO ALLOW ENCROACHMENT INTO THE FRONT YARD SETBACK FOR STEPS USED TO ACCESS THE MAIN STRUCTURE WHEN NECESSITATED BY COMPLIANCE WITH MONTGOMERY COUNTY

BUILDING STANDARDS FOR RISER HEIGHT AND DEPTH OF TREAD, INCLUDING WHEN THE ENCROACHMENT WOULD VIOLATE A COVENANT.

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. 8-11, “Administrative Special Permits, administrative variances and the Building Officer”, be repealed, re-enacted and amended to read as follows:

Sec. 8-16. Residential building construction prohibitions.

(a) – (b) * * * * *

(c) Front setback. No structure of any description shall be erected within twenty-five (25) feet of the front lot line of any lot, except that:

- (1) one flagpole, not exceeding fifteen (15) feet in height, may be erected not less than fifteen (15) feet from the front lot line; and
- (2) handrails may be installed:
 - a. on or beside steps in a yard where there is a change in grade upon a finding by the Village Manager that the handrails are required for safety, a
 - b. on or beside steps leading to a door or porch upon a finding by the Village Manager that the handrails are required for safety; and
- (3) one lamp post with a single lantern, not exceeding ten (10) feet in height, that complies with Sec. 8-21 may be installed; AND.
- (4) STEPS THAT ACCESS THE MAIN STRUCTURE AND ENCROACH INTO THE FRONT YARD SETBACK WHEN THE ENCROACHMENT IS NECESSITATED BY COMPLIANCE WITH MONTGOMERY COUNTY BUILDING STANDARDS FOR RISER HEIGHT AND DEPTH OF TREAD, INCLUDING WHEN THE ENCROACHMENT WOULD VIOLATE A COVENANT, MAY BE INSTALLED.

(d) – (p) * * * *

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