

Resolution No.: 06-01-19

Introduced: 06-10-19

Adopted: 06-10-19

Effective: 06-24-19

BOARD OF MANAGERS
FOR
CHEVY CHASE VILLAGE, MD

SUBJECT: AN ORDINANCE TO AMEND CHAPTER 8, “BUILDINGS AND BUILDING REGULATIONS”, SEC. 8-1, “DEFINITIONS”, SEC. 8-16, “RESIDENTIAL BUILDING CONSTRUCTION PROHIBITIONS”, SEC. 8-21, “INSTALLATION AND MAINTENANCE OF FENCES, WALLS, TREES, HEDGES, SHRUBBERY, LAMP POSTS, HAND RAILS AND ARBORS” AND CHAPTER 25, “PUBLIC RIGHTS-OF-WAY”, SEC. 25-1, “DEFINITIONS” AND SEC. 25-6, “STRUCTURES, FENCES, WALLS, LAMP POSTS, HAND RAILS, TREES, HEDGES AND SHRUBBERY IN PUBLIC RIGHT-OF WAY” TO DEFINE LANDSCAPE LIGHTING, CLARIFY THAT LANDSCAPE LIGHTING ON PRIVATE PROPERTY DOES NOT REQUIRE A BUILDING PERMIT, PROVIDE THAT INSTALLATION OF LANDSCAPE LIGHTING IN THE PUBLIC RIGHTS-OF-WAY DOES NOT REQUIRE A SPECIAL PERMIT, BUT CONTINUES TO REQUIRE A LICENSE, 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

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
CAPS	:Indicate matter added in amendment
[Brackets]	:Indicate matter deleted in amendment

from danger and destruction; and to protect the health, comfort and convenience of Village residents; and

WHEREAS, Section 205 of the Chevy Chase Village Charter authorizes the Board of Managers to adopt such ordinances as it may deem necessary for the safety and welfare of Chevy Chase Village; for the protection and preservation of Chevy Chase Village property, rights and 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, 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 10th day of June, 2019; and

WHEREAS, the Board has determined that it is in the public interest to provide that landscape lighting fixtures, up to twenty (20) inches in height, to include path and sidewalk lighting, ground level outdoor area and accent lighting, up-lighting and downlighting spotlights, and garden lighting, may be installed and maintained without a building permit, for private property, or a Special Permit, for a right of way.

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. 8-1, “DEFINITIONS”, SEC. 8-16, “RESIDENTIAL BUILDING CONSTRUCTION PROHIBITIONS”, SEC. 8-21, “INSTALLATION AND MAINTENANCE OF FENCES, WALLS, TREES, HEDGES, SHRUBBERY, LAMP POSTS, HAND RAILS AND ARBORS” AND CHAPTER 25, “PUBLIC RIGHTS-OF-WAY”, SEC. 25-1, “DEFINITIONS” AND SEC. 25-6, “STRUCTURES, FENCES, WALLS, LAMP POSTS, HAND RAILS, TREES, HEDGES AND SHRUBBERY IN PUBLIC RIGHT-OF WAY” TO DEFINE LANDSCAPE LIGHTING, CLARIFY THAT LANDSCAPE LIGHTING ON PRIVATE PROPERTY DOES NOT REQUIRE A BUILDING PERMIT, PROVIDE THAT INSTALLATION OF LANDSCAPE LIGHTING IN THE

PUBLIC RIGHTS-OF-WAY DOES NOT REQUIRE A SPECIAL PERMIT, AND TO ADOPT CONFORMING CHANGES

SECTION 1.

BE IT ORDAINED AND ORDERED this 10th day of June, 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 205 of the Village Charter that Chapter 8, “Buildings and Building Regulations”, Sec. 8-1, “Definitions”, be repealed, re-enacted and amended to read as follows:

Sec. 8-1. Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

* * * * *

LANDSCAPE LIGHTING: LIGHTING FIXTURES, NOT TO EXCEED TWENTY (20) INCHES IN HEIGHT, USED TO ILLUMINATE A PATH, SIDEWALK, LANDSCAPING, OUTDOOR AREA, GARDEN OR STRUCTURES.

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SECTION 2.

BE IT FURTHER ORDAINED AND ORDERED this 10th day of June, 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 205 of the Village Charter that Chapter 8, “Buildings and Building Regulations”, Sec. 8-21, “Installation and maintenance of fences, walls, trees, hedges, shrubbery, lamp posts, hand rails and arbors”, 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, and

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.

(4) LANDSCAPE LIGHTING MAY BE INSTALLED.

(d) – (p) * * * *

SECTION 3.

BE IT FURTHER ORDAINED AND ORDERED this 10th day of June, 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 77-14 of the Village Charter that Chapter 8, “Buildings and Building Regulations”, Sec. 8-21, “Installation and maintenance of fences, walls, trees, hedges, shrubbery, lamp posts, hand rails and arbors”, be repealed, re-enacted and amended to read as follows:

Sec. 8-21 Installation and maintenance of fences, walls, trees, hedges, shrubbery, lamp posts, LANDSCAPE LIGHTING, hand rails and arbors.

(a) Location. No person shall install any tree trunk, hedge, shrubbery, fence, wall, lamp post, LANDSCAPE LIGHTING or hand rail on private property within three (3) feet of a public sidewalk, or if there is no public sidewalk in the public right-of-way abutting the private property, within six (6) feet of the curb, or if there is no public sidewalk and no curb, within six (6) feet of the nearest edge of the street or alley.

(b) through (g) * * * *

SECTION 4.

BE IT FURTHER ORDAINED AND ORDERED this 10th day of June, 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 205 of the Village Charter that Chapter 25, “Public Rights-of-Way”, Sec. 25-1, “Definitions”, be repealed, re-enacted and amended to read as follows:

Sec. 25-1. Definitions.

* * * *

LANDSCAPE LIGHTING: LIGHTING FIXTURES, NOT TO EXCEED TWENTY (20) INCHES IN HEIGHT, USED TO ILLUMINATE A PATH, SIDEWALK, LANDSCAPING, OUTDOOR AREA, GARDEN OR STRUCTURES.

* * * *

SECTION 5.

BE IT FURTHER ORDAINED AND ORDERED this 10th day of June, 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 205 of the Village Charter that Chapter 25, “Public Rights-of-Way”, Sec. 25-6, “Structures, fences, walls, lamp posts, hand rails, trees, hedges and shrubbery in public right-of way”, be repealed, re-enacted and amended to read as follows:

Sec. 25-6. Structures, fences, walls, lamp posts, LANDSCAPE LIGHTING hand rails, trees, hedges and shrubbery in public right-of way.

(a) * * * *

(b) The Building Officer and the Village Manager are authorized to issue a license, without the need for a Special Permit, for a fence, wall, lamp post, LANDSCAPE LIGHTING, hand rails, tree, hedge, shrub or other growth on public property devoted to private use provided the Building Officer and the Village Manager find that the following standards are met.

(1) * * * *

(2) All fences, lamp posts, LANDSCAPE LIGHTING, trees, hedges, shrubbery and other growth shall be installed at least three (3) feet from the public sidewalk, or if there is no public sidewalk in the public right-of-way abutting the applicant’s property, six (6) feet from the curb, or if there is no public sidewalk and no curb, six (6) feet from the nearest edge of the paved edge of the street.

(3) – (7) * * * *

(c) – (g) * * * *

SECTION 6.

AND BE IT FURTHER ORDAINED AND ORDERED, this 10th day of June, 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 205 of the Village Charter 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 24th day of June, provided the same is posted at the Village Office for fourteen (14) days prior thereto.

CHEVY CHASE VILLAGE

Elissa A. Leonard, Chair
Board of Managers
Chevy Chase Village

ATTEST:

Shana Davis-Cook, Village Manager