

Summary of Draft Section 3 Ordinance Amendments

October 11, 2020 Discussion Draft

Draft Amendments to Chapter 6 (Licenses & Permits)

Section	Amendment	Notes
6-302	Permit requirement & permitting process	
6-302(a)(i)	Permit requirement <ul style="list-style-type: none"> • Additional specificity about the types of projects that require a permit 	
6-302(d)	Permitting process	New description of permitting process
6-302(d)(i)	<ul style="list-style-type: none"> • Only an owner may obtain a permit 	
6-302(d)(ii)	<ul style="list-style-type: none"> • Includes process for obtaining county-required letter of acknowledgement 	
6-302(d)(iii)(3)-(5)	<ul style="list-style-type: none"> • Revised requirements for site plan, neighbor input, and drainage plan; Building Inspector may require civil engineer input to approve a drainage plan 	
6-302(e)	<ul style="list-style-type: none"> • Makes false statements on permit application unlawful 	
6-302(f)	<ul style="list-style-type: none"> • Permit will not be granted if stormwater runoff will adversely affect adjacent property 	“Adversely affect” is a defined to mean “to have a deleterious effect on property that unreasonably interferes with the use or enjoyment of property.” See Section 6-101(d).
6-302(g)	<ul style="list-style-type: none"> • Application for driveway permit must specifically address permeability of substrate 	
6-302(i) & (k)	<ul style="list-style-type: none"> • Express requirement to comply with plans and permit 	
6-302(l)	<ul style="list-style-type: none"> • Authorizes Building Inspector to authorize non-material changes from permitted construction 	
6-302(m)	<ul style="list-style-type: none"> • Sets timeline: construction must start within 6 months, and complete within 12 months 	
6-302(n)	<ul style="list-style-type: none"> • Authorizes Building Inspector to inspect for compliance as necessary 	

Section	Amendment	Notes
6-303 6-101(j), (l), (n), (r)-(v),	Greenspace & Lot coverage	Significant new regulations
6-303(a)	Statement of purpose to address open space, safety, water, character of community	Closely based on Town of CC Code § 4-3
6-303(b)	Maximum 35% non-vegetative surface area in front yard. Includes “grandfather” clause.	New regulation Martins’ Additions & Chevy Chase View set 30% max; Town of Chevy Chase sets 35% max
6-303(c) 6-101(o)	<p>Maximum lot coverage</p> <p>New framework for regulating total lot coverage based on lot size. Includes “grandfather” clause.</p> <p>Lot coverage is defined as all structures</p> <p><i>Discussion: Supplements setback requirement as tool to preserve greenspace, open space, and control stormwater runoff</i></p> <p><i>Parallels County regulations (also adopted by Martins’ Additions) on the percentage of a lot that can be covered by buildings:</i></p> <ul style="list-style-type: none"> • Lot <6k: 30% • Lots between 6k and 16k: 30% minus .001% for each square foot of lot area over 6k • Lot >16k: 20% <p><i>Using this formula, for the middle tier (6-16k) lot sizes, for every 1,000 sq. ft. in increased lot size relative to 6k sq. ft., the maximum lot coverage goes down by 1% (e.g., 7k lot – max lot coverage 29%; 8k lot – max lot coverage 28%, etc.).</i></p> <p><i>BUT, in an effort to address significant stormwater concerns, we are discussing a framework that would set a maximum lot coverage (footprint) for all impervious surfaces (e.g., buildings, driveways, walk ways, patios, pools, etc.). The 20-30% range that the County uses for lot coverage by buildings <u>will need to be increased to take all impervious surfaces into account.</u> We are seeking input on how to right</i></p>	<p>New regulation</p> <p>No current recommendation on appropriate % of lot coverage; open issue currently under investigation</p>

Section	Amendment	Notes
	<i>size those numbers, and the draft does not currently have a recommended percentage.</i>	
6-303(d)	Wall plane length of no more than 30 ft. without offset or articulation for main buildings and 20 ft. for ADUs. Includes “grandfather” clause.	<p>New regulation</p> <p>Closely based on Town of CC (but they have 34 ft. rather than 30)</p> <p>New “wall plane” and “wall plan length” definitions (6-101(aa) & (bb) are verbatim Town of CC Code</p>
6-303(e)	Attached front loaded garages may have only one door of no more than 10 ft. wide. Includes “grandfather” clause.	<p>New regulation</p> <p>New “front-loaded garage” definition (§ 6-101(l)) is verbatim Town of CC Code</p> <p>Generally based on Town of CC Code § 4-6, but we omit a Town of CC requirement to set the garage back from the wall planes of the main building by at least three feet.</p>
6-304	Setbacks	Significant modifications
6-304(c)	<ul style="list-style-type: none"> expressly applies setback requirements to all structures, not just buildings as in § 6-304(a) 	
6-304(e)	<ul style="list-style-type: none"> Sets out several exemptions to the general setback rules including new exemptions for steps and stoops, driveways, walkways, and access ramps/wheelchair lifts. Allows projection of up to 5’ into front or rear setback to cover steps at doorway. 	<p>New exemptions for steps (including roofs over steps), driveways and walkways are consistent with our current general practice. New exemption for access ramps & wheel chair lifts is intended to comply with the ADA.</p>
Former 6-304(d)	<ul style="list-style-type: none"> Deletes provision prohibiting parking facilities, which are already prohibited by County zoning requirements. 	
6-101(f), (m), (p)	<ul style="list-style-type: none"> Additional definitions (e.g., “building line”) to clarify requirements 	

Section	Amendment	Notes
6-305	Fences and walls	Minor clarifying revisions
6-305(b)	<ul style="list-style-type: none"> Clarification of how fence & wall height and distance from property line are measured 	
6-306	ADUs	New provisions to address greenspace, stormwater, and parking in light of county ADU legislation
6-306(a)(i)	<ul style="list-style-type: none"> Additional detached ADU-specific setbacks (60 feet from front property line) 	
6-306(a)(ii)	<ul style="list-style-type: none"> Maximum ADU floor area of 25% of rear yard 	Note: county limits ADU size to 10% of total lot size.
6-306(b)	<ul style="list-style-type: none"> Required 6' fence in back and side yards 	
6-306(c)	<ul style="list-style-type: none"> Required separate, non-tandem parking 	
6-306(d)	<ul style="list-style-type: none"> Licensing requirement 	
6-308	Restoration bond	
6-308	<ul style="list-style-type: none"> Specifies that Council may dictate form and amount of completion bond (previously implicit) Authorizes Council to waive security for emergency or routine work (rather than generally waiving security for such work) 	
6-309	Enforcement	
6-309(a)-(e)	<ul style="list-style-type: none"> Requires compliance with Code, permits, and approved plans 	
6-309(f)	<ul style="list-style-type: none"> Permit may be revoked in cases of violation or false statements in application 	
6-310	Variances	
6-310(a)	<ul style="list-style-type: none"> Power to grant based on “an extraordinary or unusual situation or condition of the property” that would “create peculiar or unusual practical difficulties or an undue hardship for the owner” Variance must be reasonably necessary; narrowly tailored; would not adversely affect public health & safety or use and enjoyment of neighboring properties; does not impair the intent, purpose & integrity of the Code 	Revised criteria
6-310(b)	<ul style="list-style-type: none"> Minor revisions to procedures; specifies that publication of notice must be at least 7 days before consideration by Council at open meeting. 	

Section	Amendment	Notes
6-310(c)	<ul style="list-style-type: none"> • Authorizes Building Inspector to inspect for compliance with variance 	
6-310(d)	<ul style="list-style-type: none"> • Decision on variance application must be in writing and recorded (and run with the land). • Variance void if permit not obtained within 12 months. • Village may record costs and fees to enforce variance. 	
6-311	Fees	
6-311(m), (n)	<ul style="list-style-type: none"> • Additional fees for ADU license, permit amendment or deadline extension of 50% of initial fee 	

Draft Amendments to Provisions Other Than Chapter 6 (Licenses & Permits)

Section	Amendment	Notes
1-202 1-203 1-205 3-101 to 3-104 3-202 3-302 4-201 6-501 to 6-505 7-101 7-202 7-203 7-307 7-308 7-312 8-101 8-203 8-204 8-206	Technical amendments <ul style="list-style-type: none"> • Grammar, punctuation • Gender neutrality • Uniformity of section and subsection numbering 	Note: renumbering of Ch. 6, Art. 5 (Small Wireless Telecommunications Facilities) does not appear in redline.
1-204 4-102 6-101	Definitions <ul style="list-style-type: none"> • Adopting common definitions • Making definitions of frequently used terms generally applicable rather than chapter specific • Deleting duplicative definitions • Deleting definitions of terms not used in the Code 	
7-101(j) 7-205	Overgrowth <ul style="list-style-type: none"> • Moved substantive provisions of § 7-101(j) “grass and weeds” definition (a term not actually used in the Code) into § 7-205 prohibition on overgrowth 	
1-204(b)	Building Inspector duties <ul style="list-style-type: none"> • Proposed amendment of “Building Inspector” definition permits the Council to “appoint one or more individuals to assist the Building Inspector in the performance of his or her duties, and the term ‘Building Inspector’ as used in this Code includes any such person when acting within the scope of his or her designated responsibilities.” 	Authorizes the delegation of certain Building Inspector duties to an assistant (who could be the Village Manager, another Council member, or a contractor). Note that any such actual delegation would have to be made by the Council at a public meeting. This simply empowers the Council to do so if it so chooses.