

PROPOSED ORDINANCE AMENDMENTS

Section 3 of the Village of Chevy Chase
November 11, 2020

What Issues are We Trying to Address?



Stormwater

Increasing problems with stormwater runoff in light of topography, climate change, increasing trend toward larger homes and more impervious surfaces



Greenspace

Section 3 is the third most dense community in Maryland. Open greenspace, air and light are important quality of life issues, and important to property values within our community.



Parking

Section 3 has unusually narrow streets and limited street parking



Public welfare

Manage growth and change while protecting the character of our community now and into the future

What Issues are We Trying to Address?



Fairness

Clear rules and processes to set expectations for residents and third parties (e.g., developers and contractors)



Enforcement

Greater authority and flexibility to problem-solve

Draft Amendments to Ch. 6 (Licenses Permits)

Property Usage

Greenspace	New regulations re front yard vegetation requirements; maximum side wall plane length; maximum size of front-loading garages Draft <u>does not</u> include lot coverage or tree preservation provisions, which will be studied further
Setbacks	Confirms that setback rules apply to all structures; creates express exemption for certain structures commonly placed in setbacks (e.g., driveways, walkways, steps, access ramps)
ADUs	ADU-specific setbacks; sets maximum size for detached ADU; parking & fencing requirements; registration requirement
Variances	Revised criteria; clarified enforcement and inspection authority; decision in writing and to be recorded

Draft Amendments to Ch. 6 (Licenses Permits)

Process & Enforcement

Permit requirement & permitting process	Greater specificity about which projects require a permit; detailed description of permitting process; false statements unlawful; must show stormwater drainage; driveway permeability; clarified enforcement and inspection authority
Restoration Bond	Expressly authorizes the Council to dictate form and amount of restoration bond
Enforcement	Expressly requires compliance with Code, permits, and approved plans, and allows revocation of permits for violations
Fences & Walls	Clarification of how fence & wall height and distance from property line are measured

Other Draft Amendments

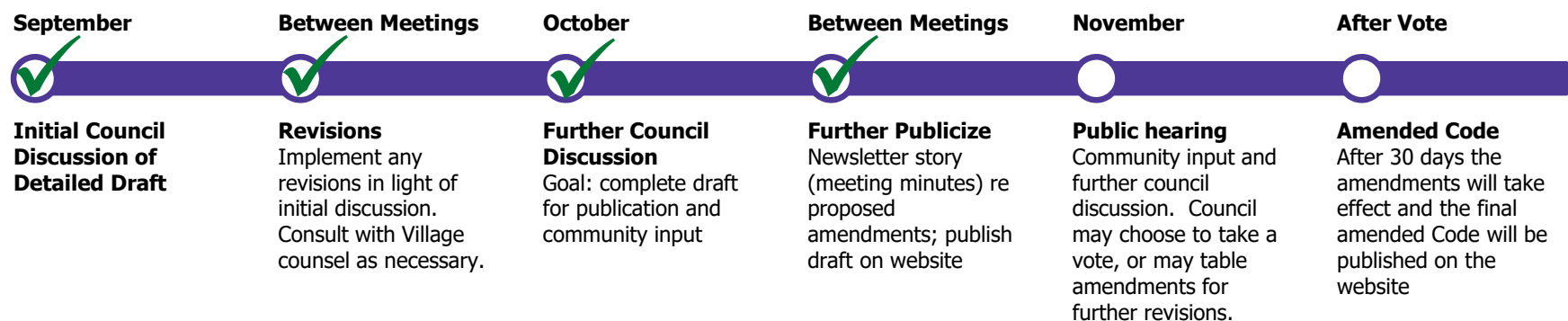
Provisions Other Than Chapter 6 (Licenses & Permits)

Building Inspector duties	Expressly authorizes the Council to appoint one or more persons to assist the Building Inspector
Definitions	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
Greenway & overgrowth	Greenway maintenance required; must not interfere with right-of-way; continued prohibition on overgrowth
Technical amendments	Grammar & punctuation; gender neutrality; uniformity of section and subsection numbering

Process

Started amendment process in 2019

Process has included extensive review by working group, consultation with Village outside counsel, drafting and several rounds of revisions, discussion at multiple public meetings prior to circulation of specific draft amendments for Sept. 2020 council meeting.



Key Proposed Amendments



Section 6-302. Permitting Process

§ 6-303(a) Permit requirements

- Subsection (a) requires permits for construction, placement or demotion of any structure; provides list of examples (consistent with current practice)
- (b) **Building A** permit is are not required for the following work:
- (i) Ordinary repairs and maintenance to the exterior of a structure (including painting, gutter repair, roofing, and window replacement or repair);
 - (ii) Interior construction or decoration of a building if such work does not affect structural elements, utilities or break an exterior wall of the building;
 - (iii) Emergency reconstruction, repair or excavation; or
 - (iv) Work performed on Village-owned property.

§ 6-303(d) Permitting Process (new)

- Section (d) provides a detailed overview of the permitting process (consistent with current practice)
- Specifies that permit application must include
 - County approved permit & plans
 - Detailed site plans
 - Statement re communication with neighbors
 - Drainage plan for structure over 144 sq. ft.
 - Any other info. needed to show compliance with County and Village requirements

Section 6-302. Permitting Process

§ 6-303(a) Permitting Process (new)

- 6-303(e) – false statements may result in revocation of permit and/or fine
- 6-303(f) – permit may be denied if plans to not control stormwater runoff
- 6-303(g) – plans must show appropriate driveway permeability

§ 6-303(d) Permitting Process (new)

- 6-303 (i) – Village may premise issuance of permit on appropriate conditions (e.g., limiting where contractors may place vehicles, stored materials, portable toilets, debris; protective measures trees; other protections for public health, safety and welfare
- 6-303(k) & (n) – requires strict compliance with permit and authorizes inspection and enforcement where necessary
- 6-303(m) – Work to commence within 6 months of permit issuance and be completed within 12 months

Section 6-303. Green Space Requirements

§ 6-303(a) Purposes (new)

(a) Purposes.

(i) To maintain privacy and space between properties, ensure adequate air and light, and maintain safe passageways between buildings.

(ii) To minimize the flow of stormwater from lots by encouraging the maintenance of open spaces and tree canopy and reduced building and surface coverage.

(iii) To protect the Village'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.

(iv) 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.

§ 6-303(b) Vegetation (new)

(b) Maximum Non-Vegetative Surface in Front yards.

(i) The non-vegetative surface area in the front yard shall not exceed thirty-five (35) percent of the area of the front yard.

(ii) For through lots, the front yard that must comply with this requirement is the yard fronting the street from which the street address is recognized. For corner lots, all front yards must comply with this requirement.

(iii) Notwithstanding the requirements of this subsection, non-vegetative surface area in a front yard existing prior to November 11, 2020 may be maintained, repaired, or replaced, but may not be expanded beyond the maximum set forth in Section 6-303(b)(i).

§6-101(o) "Non-vegetative surface" means any surface that is not organic, including, but not limited to, asphalt, concrete, stone, gravel, sandstone pavers, and the like, and includes the area of any front porch, stoop, steps, and/or stairs, or accessory building.

Section 6-303. Green Space Requirements

§ 6-303(d) Wall plane limit (new)

(d) Wall Plane Length

- (i) No side wall plane on any building shall exceed thirty (30) feet in length unless there is an offset or articulation in the wall plane that measures at least two (2) feet deep and five (5) feet long, so that no section of the wall plane continues for more than thirty (30) feet without the required minimum offset or articulation.
- (ii) For Accessory Dwelling Units, no wall plane on any façade shall exceed twenty (20) feet in length unless there is an offset or articulation in the wall plane that measures at least two (2) feet deep and five (5) feet long, so that no section of wall plane continues for more than twenty (20) feet without the required minimum offset or articulation.

§ 6-303(e) Front-loaded garage (new)

(e) Front-loaded Garages

- (i) The door of an attached front-loaded garage shall not exceed ten (10) feet in width.
- (ii) There shall be not more than one (1) door for an attached front-loaded garage per main building.
- (iii) Exception for Certain Existing Garages. An attached front-loaded garage in existence as of November 11, 2020 that does not conform to the requirements of this subsection may be maintained, repaired, altered, or renovated but may not be expanded to increase the door width or the number of doors.

Section 6-304. Building Restriction Lines and Structure Setback Rules

§ 6-304(a) (minor revisions)

(a) General Rule. Buildings ~~(including additions to existing buildings)~~ and any appurtenances and projections ~~thereto~~; including, but not limited to, additions, cornices, eaves, vestibules, bay and bow windows, ~~steps~~, stairways, decks, patios, porches, terraces, chimneys, air-conditioning units, generators, and the like); shall not be built closer than thirty (30) feet from any front property line, twenty (20) feet from ~~the~~ a rear property line and eight (8) feet from any side property line. The sum of the side setbacks shall be not less than eighteen (18) feet. In determining compliance with the 18-foot combined side setback requirement, the sum of the setbacks is calculated based on the actual setbacks of each side of the building, measured from the point of the building that is closest to the respective side property line.

§ 6-304(c) (new)

(c) Other structures. Structures other than buildings (including, but not limited to, pools, hot tubs, sport courts, shelters, open sheds, freestanding decks, patios, gazebos, pergolas, outdoor kitchens, and outdoor fireplaces) shall not be built or installed closer than thirty (30) feet from any front property line, twenty (20) feet from a rear property line and eight (8) feet from any side property line. The sum of the side setbacks shall be not less than eighteen (18) feet. The location and size of the side setbacks on the property shall be determined as set forth in Section 6 304(a).

[Note: new §(d) grandfather clause]

Section 6-304. Building Restriction Lines and Structure Setback Rules

§ 6-304(d) Exemptions (new)

(e) Exempt Buildings and Other Structures.

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(iii) Driveways and walkways. Notwithstanding any other provision of this section, a driveway or walkway may be situated in a required front and rear setback provided they are not within five (5) feet of a side property line, and comply with the other provisions of this Code.

(iv) Any roofed but otherwise unenclosed steps or stoop may project a maximum of five (5) feet into any required front setback or rear setback.

(v) The required setbacks shall not apply to minor structures that do not materially impact the purposes of this Article, as determined by the Building Inspector, including, but not limited to, as flag poles, play equipment, dog houses, arbors, and planter boxes.

(vi) Access ramps and wheelchair lifts. An open and uncovered access ramp or wheelchair lift, and any handrails or machinery associated therewith, may project into any required front, side, or rear setback provided the following conditions are met:

1. The access ramp or wheelchair lift, and any handrails or machinery associated therewith, cannot reasonably be constructed without projecting into the required setback;
2. The access ramp or wheelchair lift, and any handrails or machinery associated therewith, project into the required setback the minimum distance reasonably necessary to provide a person a reasonable accommodation; and
3. The access ramp or wheelchair lift has the minimum dimensions reasonably necessary to comply with any applicable provisions of the Americans with Disabilities Act, as amended.

Section 6-306. Accessory Dwelling Units

New regulations

(a) Accessory Dwelling Unit (ADU) setbacks and lot coverage

(i) A detached ADU must be located a minimum of eighty (80) feet from a front property line. Except as otherwise provided in this Chapter, a detached ADU must comply with all applicable setback requirements.

(ii) The floor area of a detached ADU may not exceed twenty-five percent (25%) of the area of the rear yard in which the ADU is located.

(b) Any property with a detached ADUs must have a privacy fence at least shall seventy-two (72) inches in height along each of the rear and side property lines in the area in which the ADU is located.

(c) Any property with an ADU, whether attached or detached, must have a separate off-street parking space for the ADU resident(s) that (i) is accessible from the same curb cut as the off-street parking area associated with the main building; (ii) measures at least 180 square feet; and (iii) allows for non-tandem parking with the main building driveway. Existing driveway area may not be counted as the required parking space for the newly-created ADU.

(d) Registration requirement. Any ADU within the Village must be licensed by Montgomery County and registered with the Village, regardless of whether it will be rented or not. It shall be unlawful to advertise an ADU for rent prior to obtaining a license from the County and registering the ADU with the Village. To obtain a Village ADU registration, the property owner shall submit a written request on the form provided by the Village and submit the required registration fee. ADU registration cannot be completed absent proof of a valid and current Montgomery County ADU rental license, and that the ADU complies with all County and Village requirements, including but not limited to the requirements of this Section.

Section 6-309. Compliance County and Village Requirements; Enforcement or Permits; Stop Work Orders

§ 6-309(b) (new)

(a) All construction for which a building permit is required shall be performed to the standards set forth herein and in the Building Code of Montgomery County. All such construction shall be performed and completed in a safe and workmanlike manner and in compliance with all applicable County and State laws and regulations.

(b) It shall be unlawful for any work to be performed in violation of any provision of this Code, except as expressly permitted by a written variance.

§ 6-309(d) (new)

(c) In addition to the other remedies set forth in this Code, the Building Inspector or the Village Council may revoke ~~the building a~~ permit if work is performed in violation of any provision of this Code, or any term or condition of the permit. ~~of any permittee who violates the terms of the permit, including any conditions attached to the issuance of the permit.~~

(d) Notwithstanding the provisions of Section 6-307(a), the Building Inspector may withhold issuance of a permit where the owner has had a previous permit for the same or similar work revoked under the terms of this Section unless adequate assurances are provided that the causes of the revocation will not reoccur.

Section 6-310. Variances

§ 6-310(a) (revised)

(a) Power to grant. Whenever an owner applying for a permit under this Code establishes that because of an extraordinary or unusual situation or condition ~~the extraordinary or unique condition~~ of the property, strict compliance with the provisions of the Code would create practical difficulties or an undue hardship for the owner, the Council may grant a variance from the provisions of Chapters 6 and 7 of the Code, provided that the variance ~~would be consistent with the overall purposes of the Code and would not unduly interfere with the use and enjoyment of other affected properties~~ (i) is reasonably necessary to grant relief, (ii) is narrowly tailored to overcome the aforesaid extraordinary or unusual situation or condition, (iii) would not adversely affect public health, safety or welfare, including the use and enjoyment of adjoining or neighboring properties, and (iv) can be granted without substantial impairment to the intent, purpose and integrity of the Code.

§ 6-310(c) & (d) (new)

(c) Upon reasonable notice, the Village shall have the right to on-premises inspection of construction to ensure compliance with any variance granted and/or the Village permit issued at such times during the course of the project as the Building Inspector or his or her designee deems necessary. The Building Inspector may perform a final inspection at the completion of the project to determine whether the activity conforms to the variance and Village permit issued; whether any damage has been caused to the public right-of-way, public improvements, or Village trees; and whether the bond or any other security may be released.

(d) The decision of the Council shall be in writing. The effective date of any decision shall be the date the Council approves its written decision. A permit for the construction authorized by the variance shall be obtained from the Village within twelve (12) months of the date of the decision or the variance shall be void, unless an extension is granted in writing by the Village Manager. The decision shall be recorded among the Land Records of Montgomery County, Maryland. The terms and conditions of the decision shall run with the land and be binding upon the applicant, and the applicant's successors and assigns. If the Village is required to enforce the decision, the applicant, and the applicant's successors and assigns shall be responsible for all the Village's costs to enforce, including reasonable attorneys' fees.

THANK YOU!