

**Town of Chevy Chase  
(Clarifying Applicability of Chapters 4, 5, and 28)**

Ordinance No.: 23-02  
Introduced: November 8, 2023  
Adopted: December 13, 2023  
Effective: January 12, 2024

AN ORDINANCE TO AMEND CHAPTERS 4, 5, AND 28 OF THE  
TOWN OF CHEVY CHASE MUNICIPAL CODE TO CLARIFY  
APPLICABILITY.

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to pass ordinances that such legislative body deems necessary to assure the good government of the municipality, to protect and preserve the municipality's rights, property and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort, and convenience of the citizens of the municipality;

WHEREAS, Maryland Code, Local Government Article, Section 5-211, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to make reasonable regulations concerning buildings to be erected within the limits of the municipality, including a building code and the requirement for building permits;

WHEREAS, Maryland Code, Land Use Article, Section 20-509 grants to the legislative body of incorporated municipalities in the Maryland-Washington Regional District general power to adopt building regulations for the protection of the public health, safety, and welfare; the preservation, improvement, and protection of lands, water, and improvements in the municipal corporation; and to regulate the construction, repair, or remodeling of buildings on land zoned for residential uses at it relates to fences, walls, hedges, and similar barriers; signs; residential parking; residential storage; the location of structures, including setback requirements; the dimensions of structures, including height, bulk, massing, and design; and lot coverage, including impervious surfaces;

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes the Town Council to pass ordinances as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the resident(s) of the Town; and for such other police and health matters as it may deem necessary;

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in an open meeting conducted on the 8<sup>th</sup> day of November 2023;

WHEREAS, to comply with Maryland Code, Land Use Article, Section 20-509, on the 9<sup>th</sup> day of November 2023, a copy of following Ordinance was submitted to the Montgomery County Council for its comments;

WHEREAS, the Montgomery County Council indicated receipt of the draft on the 24<sup>th</sup> day of November 2023 and provided no comments;

WHEREAS, after proper notice to the public, and after at least thirty days from the date a copy of the following Ordinance was transmitted to the Montgomery County Council, the Town Council considered the following Ordinance in public session assembled on the 13<sup>th</sup> day of December 2023;

WHEREAS, the Town Council finds that certain provisions of the Town's building regulations, sign regulations, and water drainage regulations, when substantially amended or adopted, effective in May 2008, December 2008, and December 2006, respectively, were intended to apply primarily to the residential lots in the Town being used for residential purposes, and not to the Chevy Chase Elementary School, the Jane E. Lawton Community Recreation Center, or the property formerly known as the 4-H Center, which is now being re-developed as a senior housing project;

WHEREAS, the Town Council finds that said regulations should be amended to clarify their applicability;

WHEREAS, nothing contained herein shall be construed to prevent the Town from adopting new ordinances in the future to regulate lots not being used for residential purposes;

WHEREAS, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town;

THEREFORE, BE IT ORDAINED AND ORDERED, this 13<sup>th</sup> day of December 2023, by virtue of the authority given to it by the Maryland Code and the Town of Chevy Chase Charter, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance.

SECTION 1. BE IT ORDAINED AND ORDERED, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that the Town Code is hereby amended to read as follows:

\* \* \*

## **Chapter 4 – BUILDINGS**

### **ARTICLE I. – IN GENERAL**

**Sec. 4-0. – Applicability.**

**(a) The provisions of this chapter apply to all real property and lots within the Town, except as expressly exempted by this section.**

**(b) The provisions of this chapter apply to all lots within the town that were used for residential purposes, or were vacant, as of May 17, 2008, and apply to any additional or new construction on such lots, and to the redevelopment of such lots.**

**(c) Sections 4-2(b) (Requirements for a preliminary plan and pre-permit application consultation), 4-3 (Building height, massing, and neighborhood compatibility), 4-4 (Building location requirements; prohibitions), 4-5 (Accessory building construction; prohibitions), 4-6 (Front-loading garages), 4-7 (Developmental nonconformities), 4-9 (Driveways), and 4-52 (Structures, walls, fences, guardrails, handrails, berms, trees, hedges, shrubbery and other plant growth on private property) of this chapter do not apply to a lot within the town that was used for institutional purposes as of May 17, 2008 for so long as such lot remains in institutional use. Said sections of this chapter shall apply to a lot if the use of the lot changes to a non-institutional use.**

**(d) Notwithstanding anything to the contrary contained herein, nothing in this section shall be construed to prevent the town from adopting any ordinances in the future to regulate any type of construction on any property in the town.**

**Footnote: May 17, 2008 is the effective date of Ordinance No. 08-01, adopted April 16, 2008, by which the Town's building regulations were substantially amended.**

\* \* \*

**Sec. 4-1. - Definitions.**

(a) In this chapter, the following terms shall have the meanings indicated.

(b) Terms defined.

\* \* \*

***Institutional Use or Purpose: A use or purpose of an organization or establishment founded for a specific purpose, such as a hospital, church, school, community recreation center, senior living facility, or similar entity.***

\* \* \*

**Sec. 4-9. - Driveways and driveway aprons.**

(a) . The construction, expansion, or replacement of a driveway ~~or driveway apron~~ within a public right-of-way or on private property shall require a building permit and, in addition, be subject to the following requirements:

(1) There shall be no more than one (1) driveway for a lot. ~~A driveway shall have no more than one (1) curb entrance at a street, provided however, that this limit shall not apply to a driveway on a lot requiring vehicular access to Bradley Lane, Connecticut Avenue, or East-West Highway. Except as provided above, in the event any portion of a shared driveway is located on a lot, the lot may not have an additional curb entrance.~~

(2) Driveways in the public right-of-way.

(a) A driveway shall be no wider than ten (10) feet in the public right-of-way.

(b) Notwithstanding the foregoing, a driveway in the public right-of-way that is wider than ten (10) feet as of May 17, 2008, may be maintained, altered, repaired, or replaced provided the width is not increased.

~~(c) — At the curb entrance, the driveway apron may have an additional two and one-half (2½) foot radius on each side for a total width of up to a maximum of fifteen (15) feet. The driveway apron may have a maximum width of ten (10) feet where it intersects the sidewalk or four (4) feet from the paved street surface if there is no sidewalk.~~

~~(d) Notwithstanding the foregoing, a driveway apron that is wider than fifteen (15) feet, as of May 17, 2008, may be maintained, altered, repaired, or replaced provided the width is not increased.~~

(3) Driveways on private property.

(a) A driveway on private property shall be no wider than ten (10) feet in front of the front building line, except that this restriction shall not apply to lots with frontage on Bradley Lane, Connecticut Avenue or East-West Highway.

(b) Notwithstanding the foregoing, a driveway on private property that is wider than ten (10) feet as of May 17, 2008, may be maintained, altered, repaired, or replaced provided the width is not increased.

(4) Shared driveways.

(a) A shared driveway in the public right-of-way or on private property shall be no wider than twenty (20) feet, in front of the front building line farthest from the street, provided, however, that no more than ten (10) feet of the width shall be located on any one lot.

(b) Notwithstanding the foregoing, a shared driveway that is wider than twenty (20) feet in front of the front building line or ten (10) feet on one lot, as of May 17, 2008, may be maintained, altered, repaired, or replaced provided the width is not increased.

~~(c) At the curb entrance, the shared driveway apron may have an additional two and one half (2½) foot radius on each side for a total width of up to a maximum of twenty five (25) feet. The driveway apron may have a maximum width of twenty (20) feet where it intersects the sidewalk or four (4) feet from the paved street surface if there is no sidewalk.~~

~~(d) Notwithstanding the foregoing, a shared driveway apron that is wider than twenty-five (25) feet, as of May 17, 2008, may be maintained, altered, repaired, or replaced provided the width is not increased.~~

~~(5) A curb entrance, driveway apron, and any sidewalk at the intersection of the driveway shall be installed in accordance with county construction standards in effect when the town permit is issued.~~

~~(6) The measurement of the width of a driveway or driveway apron shall be made from one (1) edge of the driveway or driveway apron to the other edge. Driveway and driveway apron width shall be measured parallel, or approximately parallel in the case of an oddly shaped lot, to the front property line.~~

~~(7) Improved surfaces adjacent to a driveway or driveway apron are included in the driveway width unless there is an unimproved buffer of at least two (2) feet between the improved surface and the driveway or driveway apron. Notwithstanding the foregoing, up to four (4) feet of a public sidewalk and/or a private walkway may cross the unimproved buffer and intersect a driveway.~~

~~(b) The town manager shall grant a permit to construct or expand a curb entrance, driveway, driveway apron, or sidewalk only if the proposed construction would comply with all laws, rules, regulations, and ordinances, and would not interfere with the public health, safety, or welfare. In determining whether the construction would interfere with the public health, safety, or welfare, the town manager shall consider the following:~~

~~(1) In determining whether the construction would interfere with the public health, safety, or welfare, the town manager shall consider the following:~~

- ~~a. Location of trees, hedges, berms, shrubbery, or other plant growth;~~
- ~~b. Location of fences, walls, or other structures;~~
- ~~c. Location of public utilities;~~
- ~~d. Vehicle or pedestrian traffic hazards, including obstruction of visibility;~~

- ~~e. Location of other public and private improvements in the public right of way;~~
- ~~f. Location of other potential access points for the subject property;~~
- ~~g. Distance from other existing and proposed curb cuts on the same street;~~
- ~~h. Water drainage;~~
- ~~i. Traffic and parking congestion;~~
- ~~j. Detrimental impacts on other public and private property in the town resulting from noise and/or litter; and~~
- ~~k. Other factors as may be determined by the town manager to be necessary to protect the public health, safety, or welfare.~~

~~(2) Any person aggrieved by a decision or action of the town manager under this section may file an appeal to the town council according to section 4-61. In addressing such an appeal, the town council may affirm or overturn the decision of the town manager, may direct the town manager to issue a permit, or may direct the town manager to issue a permit upon such conditions, terms, or restrictions as the town council may deem necessary to accomplish the intent and purposes of this chapter.~~

**Sec. 4-9A. - Driveway aprons.**

**(a) The construction, expansion, or replacement of a driveway apron shall require a building permit and, in addition, be subject to the following requirements:**

**(1) There shall be no more than one (1) curb entrance for a lot, provided however, that this limit shall not apply to a lot requiring vehicular access to Bradley Lane, Connecticut Avenue, or East-West Highway. Except as provided above, in the event any portion of a shared driveway is located on a lot, the lot may not have an additional curb entrance.**

**(2) Driveway aprons in the public right-of-way.**

**(a) A driveway apron shall be no wider than ten (10) feet in the public right-of-way. At the curb entrance, a driveway apron may have an additional two and one-half (2½) foot radius on each side for a total width of up to a maximum of fifteen (15) feet. The driveway apron may have a maximum width of ten (10) feet where it intersects the sidewalk or four (4) feet from the paved street surface if there is no sidewalk. The provisions of this subparagraph (2)(a) shall not apply to a lot within the town that was used for institutional purposes as of May 17, 2008 for so long as such lot remains in institutional use. Said provisions shall apply to a lot if the use of the lot changes to a non-institutional use.**

(b) Notwithstanding the foregoing, a driveway apron that is wider than fifteen (15) feet, as of May 17, 2008, may be maintained, altered, repaired, or replaced provided the width is not increased.

(3) Shared driveways.

(a) At the curb entrance, a shared driveway apron may have an additional two and one-half (2½) foot radius on each side for a total width of up to a maximum of twenty-five (25) feet. The driveway apron may have a maximum width of twenty (20) feet where it intersects the sidewalk or four (4) feet from the paved street surface if there is no sidewalk.

(d) Notwithstanding the foregoing, a shared driveway apron that is wider than twenty-five (25) feet, as of May 17, 2008, may be maintained, altered, repaired, or replaced provided the width is not increased.

Sec. 4-9B. – Driveways and driveway aprons, miscellaneous requirements.

(a) A curb entrance, driveway apron, and any sidewalk at the intersection of the driveway shall be installed in accordance with county construction standards in effect when the town permit is issued.

(b) The measurement of the width of a driveway or driveway apron shall be made from one (1) edge of the driveway or driveway apron to the other edge. Driveway and driveway apron width shall be measured parallel, or approximately parallel in the case of an oddly-shaped lot, to the front property line.

(c) Improved surfaces adjacent to a driveway or driveway apron are included in the driveway width unless there is an unimproved buffer of at least two (2) feet between the improved surface and the driveway or driveway apron. Notwithstanding the foregoing, up to four (4) feet of a public sidewalk and/or a private walkway may cross the unimproved buffer and intersect a driveway.

(d) The town manager shall grant a permit to construct or expand a curb entrance, driveway, driveway apron, or sidewalk only if the proposed construction would comply with all laws, rules, regulations, and ordinances, and would not interfere with the public health, safety, or welfare. In determining whether the construction would interfere with the public health, safety, or welfare, the town manager shall consider the following:

(1) In determining whether the construction would interfere with the public health, safety, or welfare, the town manager shall consider the following:

- a. Location of trees, hedges, berms, shrubbery, or other plant growth;
- b. Location of fences, walls, or other structures;
- c. Location of public utilities;
- d. Vehicle or pedestrian traffic hazards, including obstruction of visibility;
- e. Location of other public and private improvements in the public right-of-way;
- f. Location of other potential access points for the subject property;
- g. Distance from other existing and proposed curb cuts on the same street;
- h. Water drainage;
- i. Traffic and parking congestion;
- j. Detrimental impacts on other public and private property in the town resulting from noise and/or litter; and
- k. Other factors as may be determined by the town manager to be necessary to protect the public health, safety, or welfare.

(2) Any person aggrieved by a decision or action of the town manager under this section may file an appeal to the town council according to section 4-61. In addressing such an appeal, the town council may affirm or overturn the decision of the town manager, may direct the town manager to issue a permit, or may direct the town manager to issue a permit upon such conditions, terms, or restrictions as the town council may deem necessary to accomplish the intent and purposes of this chapter.

\* \* \*

## Chapter 5 – SIGNS

### Sec. 5-0. – Applicability

(a) The provisions of this chapter apply to all real property and lots within the Town, except as expressly exempted by this section.

(b) The provisions of this chapter apply to all lots within the town that were used for residential purposes, or were vacant, as of December 13, 2008, and apply to any additional or new construction on such lots, and to the redevelopment of such lots.

(c) Sections 5-3(1) (Private property), 5-5 (Temporary directional signs), and 5-7 (Signs permitted) of this chapter do not apply to a lot within the town that was used for institutional purposes as of December 13, 2008 for so long as such lot remains in institutional use. Said sections of this chapter shall apply to a lot if the use of the lot changes to a non-institutional use.

(d) Notwithstanding anything to the contrary contained herein, nothing in this section shall be construed to prevent the town from adopting any ordinances in the future to regulate signs on any property in the town.

Footnote: December 13, 2008 is the effective date of Ordinance No. 08-14, adopted November 12, 2008, by which the Town's sign regulations were substantially amended.

\* \* \*

**Sec. 5-2. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

\* \* \*

**Institutional Use or Purpose: A use or purpose of an organization or establishment founded for a specific purpose, such as a hospital, church, school, community recreation center, senior living facility, or similar entity.**

\* \* \*

**Chapter 28 – WATER DRAINAGE**

**Sec. 28-1. - Purpose and authority.**

(a) The purpose of this chapter is to protect, maintain and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with water drainage. Proper management of water drainage will minimize damage to public and private property, reduce the effects of development on land, control stream channel erosion, reduce local flooding, and maintain after development, as nearly as possible, the pre-development runoff characteristics.

(b) The provisions of this chapter are adopted under the authority of the Local Government and the Land Use Articles 23A of the Annotated Code of Maryland and the Town of Chevy Chase Charter and shall apply to all development occurring within the incorporated boundaries of the Town of Chevy Chase except as expressly exempted by this section. The provisions of this chapter apply to all lots within the town that were used for residential purposes, or were vacant, as of December 8, 2006, and apply to any additional or new construction on such lots, and to the redevelopment of such lots. The application of this chapter shall be the minimum water drainage requirements and shall not be deemed a limitation or repeal of any other powers granted by state statute.

(c) The provisions of this chapter do not apply to a lot within the town that was used for institutional purposes as of December 8, 2006 for so long as such lot remains in institutional use. The provisions of this chapter shall apply to a lot if the use of the lot changes to a non-institutional use.

(d) Notwithstanding anything to the contrary contained herein, nothing in this section shall be construed to prevent the town from adopting any ordinances in the future to regulate any type of development activity on any property in the town.

Footnote: December 8, 2006 is the effective date of Ordinance No. 06-11, adopted November 8, 2006, by which the Town's Water Drainage Ordinance was adopted.

**Sec. 28-2. - Definitions.**

(a) In this chapter, the following terms shall have the meanings indicated.

(b) Terms defined.

\* \* \*

**Institutional Use or Purpose: A use or purpose of an organization or establishment founded for a specific purpose, such as a hospital, church, school, community recreation center, senior living facility, or similar entity.**

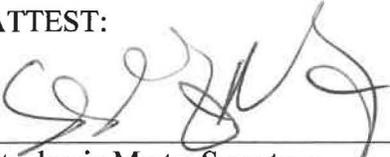
\* \* \*

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that:

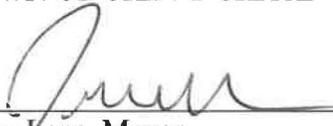
(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect on the 12<sup>th</sup> day of January 2024 (30 days after adoption).

ATTEST:

  
\_\_\_\_\_  
Stephanie Martz, Secretary

TOWN OF CHEVY CHASE

  
\_\_\_\_\_  
Irene Lane, Mayor  
Town of Chevy Chase

**Bold and Underline** indicates new material  
~~Strike-through~~ indicates material deleted  
\* \* \* indicates material unchanged