

**Section 5 of the Village of Chevy Chase
Ordinance to Amend Building Regulations**

Resolution No.: 10-17-1
Introduced: October 10, 2017
Adopted: November 14, 2017
Effective Date: December 4, 2017

AN ORDINANCE TO AMEND CHAPTER 9 OF THE CODE OF ORDINANCES TO CLARIFY AND EXPAND THE LIST OF CONSTRUCTION PROJECTS THAT REQUIRE PERMITS AND THE LIST OF PROJECT THAT ARE EXEMPT, TO AMEND THE APPLICATION REQUIREMENTS, TO AMEND STORM WATER DRAINAGE REQUIREMENTS, TO ALLOW PERMIT FEES AND DEPOSIT AMOUNTS TO BE SET BY RESOLUTION, AND TO PROHIBIT SUMP PUMP AND SIMILAR DISCHARGES ONTO THE PUBLIC RIGHTS OF WAY.

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order 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 single-family 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 501 of the Section 5 of the Village of Chevy Chase Charter authorizes the Section 5 Council to pass ordinances as it may deem necessary for the preservation of Section 5 property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the

protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in Section 5;

WHEREAS, after proper notice to the public, the Section 5 Council introduced the following Ordinance in an open meeting conducted on the 10th day of October, 2017;

WHEREAS, to comply with Maryland Code, Land Use Article, Section 20-509, on the 11th day of October, 2017, a copy of following Ordinance was submitted to the Montgomery County Council for its comments;

WHEREAS, the Montgomery County Council acknowledged receipt of the Ordinance by letter dated the 19th day of October, 2017, and indicated that the County Council had no comments;

WHEREAS, after proper notice to the public, and after at least thirty (30) 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 14th day of November, 2017;

WHEREAS, after receiving a report and recommendation from Section 5 staff, and upon consideration of the testimony and evidence presented at the public hearing, the Section 5 Council finds that the ordinance as hereinafter set forth is necessary for the good government of Section 5; for the protection and preservation of Section 5'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, and convenience of residents.

NOW, THEREFORE, the Section 5 Council does hereby adopt the foregoing Ordinance.

BE IT ORDAINED AND ORDERED, this 14th day of November, 2017, by the Section 5 Council, acting under and by virtue of the authority given it by the Maryland Code and the Section 5 Charter that the Code of Ordinances is hereby amended as follows:

Sec. 9-110 Building Permits

- (a) ~~It shall be unlawful for any person to perform the following work without having obtained a permit from the Section 5 manager for such work:~~
- ~~1. Erecting or demolishing any structure above ground or in ground, or making any material structural alterations or additions to a building during erection, or to make material structural alterations or additions to any occupied, completed or practically completed building.~~
 - ~~2. Constructing, rebuilding or re-constructing any off-street parking area.~~
 - ~~3. Constructing or replacing (but not re-surfacing or repairing) more than 50% of an existing driveway, driveway apron or curb cut.~~
- ~~Amended October 8, 2013.~~

- ~~4. Excavating, grading yards, installing a sump pump or a new sump pump discharge.~~
- ~~5. Blocking or closing a street or sidewalk in connection with construction activities.~~
- ~~6. Construction or altering a fence or wall. (See Chapter 10.)~~

It shall be unlawful to perform any of the following work without obtaining the required permit from Section 5:

- 1. Erect, place, construct, expand, enlarge, alter, remove, repair, replace, or demolish any above-ground or in-ground structure, including, but not limited to, a house, accessory structure, garage, shed, gazebo, porch, deck, stoop, stairs, terrace, outdoor kitchen, or permanently anchored play equipment on private property or within a public right-of-way;**
- 2. Construct, expand, enlarge, alter, remove, repair, or replace a driveway, driveway apron, parking pad, or curb entrance on private property or within a public right-of-way;**
- 3. Construct, expand, enlarge, alter, remove, repair, or replace any patio, walkway, tennis court, basketball court, or other impervious surface on private property or within a public right-of-way;**
- 4. Construct, expand, enlarge, alter, remove, repair, or replace any in-ground or above-ground pool or spa, or pool or spa deck;**
- 5. Excavate or re-grade any area on private property or within a public right-of-way;**
- 6. Construct, expand, enlarge, alter, remove, repair, or replace any drainage system structure, drain inlet, or discharge for gutters, downspouts, or sump pumps on private property or within a public right-of-way;**
- 7. Erect, place, construct, expand, enlarge, alter, remove, repair, or replace any fence, guardrail, handrail, wall, retaining wall, or berm on private property or within a public right-of-way;**
- 8. Plant or place any tree, shrub, hedge, or other landscaping, or irrigation system, within a public right-of-way, or plant any tree, shrub, or hedge on private property within 3 feet of a front property line;**
- 9. Place any dumpster or portable storage unit on private property or within a public right-of-way; or**
- 10. Disrupt any public right-of-way, including a street, sidewalk, or unimproved area, in connection with any construction, repair, or landscape work.**

(b) All applications for building permits shall be made to the Section 5 manager and be accompanied by plans and specifications of the work contemplated, and the Section 5 manager shall retain and file a copy of same. The applicant shall also provide notice of the application for the building permit to abutting property owners by delivery of a copy of the application to them. Applications for building permits must include the following:

- ~~1. A copy of the Montgomery County building permit if one is required.~~
- ~~2. A copy of the Section 5 Building Permit Application form along with — the appropriate fee and deposit.~~

3. A copy of the property survey and a plat of the lot with all structures — existing and planned clearly indicated.
4. A copy of a full set of County approved plans.
5. For structures over 144 square feet a drawing prepared by a licensed — engineer showing the following:
 - a) Yard dimensions
 - b) North point and scale of plan
 - c) The location of any existing and proposed drainage structure, — including any swale, and the general flow of water indicated by — arrows, to and from each structure. The applicant must file a — drainage plan with current and proposed topographic contours — for any construction (including a driveway) that would impact — an existing drainage condition or increase any impervious — surface.

A permit from Section 5 is not required for any of the following work on private property:

- 1. Interior construction, renovation, or repairs that make no alteration in the existing exterior three-dimensional boundaries of a structure;**
- 2. Ordinary exterior repairs, using the same materials, without any change to the three-dimensional boundaries of a structure;**
- 3. Attachment or placement of decorative features to an existing structure;**
- 4. Full or partial demolition of any structure with an area less than 100 square feet;**
- 5. Construction or installation of any structure or equipment with a footprint of less than 12 square feet, and a height of less than 6 feet;**
- 6. Excavation or re-grading of an area less than 100 square feet;**
- 7. Repair or resurfacing less than 100 square feet of a section of an existing driveway;**
- 8. Repair or reconstructing less than 25 square feet of a section of an existing patio, walkway, or solid, impervious surface;**
- 9. Ordinary repairs to and replacement of existing roof gutters, down spouts, and splash blocks;**
- 10. Ordinary repairs of less than 25% of a fence or wall, using the same materials, without altering its size or appearance.**

(c) Building permits will not be granted for any residential building, addition or renovation or accessory structure, sump pump, new sump pump discharge or driveway unless the property owner can show that the resulting run-off will not adversely affect any adjacent property, public sidewalk or street.

An application for a permit must be filed in writing in a format required by the Section 5 Manager.

1. The application for the permit shall be accompanied by the required permit fee and any required bond or deposit, as the Section 5 Council may from time to time establish by resolution.

2. The application must include the following:

(i) plans and specifications of the project, drawn to scale, with sufficient clarity and detailed dimensions to show the nature and character of the work to be performed;

(ii) a site plan showing: the property upon which the proposed work is to be performed; the lot boundaries; lot and block numbers; name and width of abutting streets; location and dimensions of existing and proposed buildings and other structures on the lot; and the scale of the plan. The site plan must be accurate and reasonably current, as determined by the Section 5 Manager. If required by the Section 5 Manager, the application must be accompanied by a boundary survey with an acceptable margin of error, as determined by the Section 5 Manager; and

(iii) a stormwater drainage plan, if required according to subsection (d) below.

~~(d) The building permit application for any proposed construction or renovation of any driveway or patio shall provide that the project be constructed with permeable materials specifically designed to allow for adequate means of retaining water on site, and shall demonstrate that drainage will not adversely affect any adjacent property, public sidewalk or street. Permeable surfaces include gravel, permeable pavers, permeable asphalt and porous concrete. The applicant for the permit must prove a minimum on-site infiltration rate of 0.5 inches/hour to insure that native soils can accept storm water infiltration. Approval of the chosen permeable surface and the specific construction methods must be obtained from the Village Manager, as part of the permitting process. Storm water retention by means of open bodies of water, such as temporary ponds, is not permitted.~~

Any application for a building permit for a project that increases the existing impervious surface on a lot must include a storm water drainage plan.

1. The drainage plan must specify the design or provisions for the control or conveyance of any increase in runoff.

2. The design or provisions for the control or conveyance of runoff can be met with dry wells, rain barrels, cisterns, natural topography or buffers, rain gardens, biofilters, storm drains, yard drains, swales, pervious pavers, rooftop gardens, or other measures approved by the Section 5 Manager. Conveyance to a public right-of-way shall be allowed only where onsite control is not feasible, as determined by the Section 5 Manager.

3. The development and design of the drainage plan must be consistent with the format and requirements specified in the *Section 5 Guidelines for Control of*

Water Runoff, as amended, or other accepted design criteria approved by the Section 5 Manager.

4. An application for the construction of a new primary structure must include an erosion and sediment control plan, including stormwater management design, prepared and certified by a professional engineer, land surveyor, or landscape architect licensed by the State of Maryland.
- (e) ~~It shall be unlawful to block or close any street, sidewalk, parkings or other public works or property, or to seriously obstruct the same, without obtaining a permit from the Section 5 Manager, any building operations being involved, a A deposit, application and permit, all as outlined in this Chapter section, shall be required, and the return of the deposit or unexpended balance thereof shall be made in the manner described in this Chapter section. If the application is approved by the Section manager, a permit shall issue.~~
- (f) When the plans and specifications are approved by Section 5 manager **Manager**, they shall be signed by the Section 5 manager **Manager** and the building inspector and a permit shall issue.
- (g) If the plans and specifications are not approved they may, together with the application and reasons for requesting a reconsideration, be referred by the applicant to the Council for final action.
- (h) Work on buildings or alterations or additions must be commenced within six (6) months after the issuance of a permit. If all work on the project has ceased for thirty (30) days, the permit may be revoked.
- (i) ~~The fees to be paid for a permit shall be as follows:~~
- ~~(1) For a permit issued for residential construction under 500 sq. ft. including accessory buildings, porches, pools, \$250.~~
 - ~~For a permit issued for residential construction over 500 sq. ft. on an existing dwelling and new house construction, \$500.00.~~
 - ~~(2) For a permit issued for demolition of an existing residential dwelling, \$250. All fees shall be payable to Section 5 of the Village of Chevy Chase.~~

Permit fees. The fees for building permits shall be in the amounts as may be established from time to time by resolution of the Council.

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Sec. 9-130 Deposit

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~~(c) Any person intending to undertake residential construction under 500 sq. ft. including accessory buildings, porches or pools for which a permit is required, shall make a deposit in cash or by certified check payable to Section 5 of the Village of Chevy Chase of \$1,000.00. **The deposit shall be in a form and amount, and subject to such terms and conditions, as may be established from time to time by resolution of the Council.**~~

~~(d) Any person intending to undertake residential construction over 500 sq. ft. on an existing dwelling for which a permit is required shall make a deposit in cash or by certified check payable to Section 5 of the Village of Chevy Chase of \$2,000.00~~

~~(e) Any person intending to tear down an existing dwelling and construct a new house for which a permit is required shall make a deposit in cash or or by certified check payable to Section 5 of the Village of Chevy Chase of \$5,000.00~~

~~(f) Any person intending to tear up the streets, pavements, gutters, sidewalks, parkings, other public works, or property or to seriously obstruct same without any building operations being involved for which a deposit is required, shall make a deposit in cash or by certified check payable to Section 5 of the Village of Chevy Chase of \$500.00.~~

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Sec. 9-190 — Building Inspector

~~—The duties of the Building Inspector are as described in Article IV Sec. 403 (e) of the Charter.~~

Sec. 9-190 Sump Pump and Similar Discharges

No sump pump or similar drainage system shall be permitted to discharge onto a public right-of-way. Such drainage systems existing as of _____, 2017 may be maintained and repaired but not replaced, provided the discharge does not create pooling or otherwise present a potential hazard or nuisance, as determined by the Section 5 Manager.

AND BE IT FURTHER ORDAINED AND ORDERED, by the Section 5 Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Section 5 Charter, 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 4th day of December, 2017.

ATTEST:

SECTION 5 OF THE VILLAGE
OF CHEVY CHASE

_____, Secretary

Chris Richardson, Chair

Bold Underlining indicates new material
Asterisks * * * indicate material unchanged
~~Strikethrough~~ indicates material deleted