Resolution No. 06-05
Introduced: 11/9/05
Adopted: 2/22/06
Effective Date: 2/22/06

RESOLUTION
OF
TOWN OF CHEVY CHASE

SUBJECT: COMPREHENSIVE AMENDMENTS TO CHAPTER 4 OF THE TOWN CODE TO ADD DEFINITIONS, CLARIFY TERMINOLOGY, CODIFY PROCEDURES AND MODIFY LOCATION REQUIREMENTS

WHEREAS, Article 23A, Section 2(b)(5) of the Maryland Code, authorizes municipalities in the State of Maryland to make reasonable regulations concerning buildings and signs to be erected within the limits of the municipality, including a building code and the requirement for building permits; and

WHEREAS, Article 23A, Section 2(a) of the Maryland Code, grants to the legislative body of every incorporated municipality in Maryland, including the Town of Chevy Chase, general power to pass such ordinances not contrary to the Constitution of Maryland or public general law as they may deem 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; and

WHEREAS, Article 28, Section 8-115.1 of the Maryland Code authorizes the legislative body of a municipal corporation within the Regional District to regulate the construction, repair, erection or remodeling of single family residential houses, buildings or other structures on land zoned for single family residential use; and

WHEREAS, Section 301(a) of the Charter of the Town of Chevy Chase authorizes the Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter 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 or destruction; for the protection and promotion of the

health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and for such other police or health matters as it may deem necessary; and

WHEREAS, Section 301(b)9. of the Town Charter authorizes the Town Council to make reasonable regulations in regard to buildings and barns to be erected, constructed, or reconstructed in the Town, and to grant building permits for them; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down; and

WHEREAS, the Town Council considered the following ordinance in public session assembled on the 9th day of November, 2005, the 13th day of December, 2005, the 11th day of January, 2006; and the 22nd day of February, 2006; and

WHEREAS, to comply with Article 28, Section 8-115.1 of the Maryland Code, on January 17, 2006, the following ordinance was submitted to the Montgomery County Council for its comments; and

WHEREAS, THE Town Council has determined that the demolition and substantial demolition of existing homes and the construction of substantially larger houses within the Town as presently allowed under existing building set back standards has resulted in a negative and injurious impact on the Town necessitating the adoption of the new building setback standards as more specifically set forth in this Ordinance; and

WHEREAS, to avoid a rush on the filing of town building permits for the demolition and substantial demolition of existing homes and the construction of substantially larger houses within the Town under existing building setback standards during the 30-day period between adoption and effective date for non-emergency legislation which would result in additional negative and injurious impact on the Town, the Town Council has determined that it is in the best interest and in the general welfare of the Town and its residents that this Ordinance be adopted as emergency legislation such that it shall take effect immediately following passage, approval and publication in manner provided by law; and

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 or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town.

NOW, THEREFORE, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 4 OF THE CHEVY CHASE TOWN CODE TO ADD DEFINITIONS, CLARIFY TERMINOLOGY, CODIFY PROCEDURES AND MODIFY LOCATION REQUIREMENTS

BE IT ORDAINED AND ORDERED, this 22nd day of February 22, 2006, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Article 23A of the Maryland Code, Article 28, Section 8-115.1 of the Maryland Code and the Town Charter, that Chapter 4 of the Town Code is hereby amended as follows:

Section 1. Recitals.

The recitals listed above are incorporated in this Ordinance as the findings of the Town Council

Section 2.

Sec. 4-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:
Accessory building: A building subordinate to, and located on the same lot or lots with, a main building, the use of which is clearly incidental to that of the main building or to the use of the land and which is not attached by any part of a common wall or common roof to the main building.
Alley: A right-of-way which provides secondary access for vehicles to the side or rear of abutting properties.
Building: A structure having one (1) or more stories and a roof, designated primarily for the shelter, support or enclosure of persons, animals or property of any kind. The term "building" encompasses all parts of the structure including, but not limited to, projections such as steps, stoops, above-grade terraces and decks, porches, bay windows, cornices, eaves, exterior stairways, and chimneys, as well as appurtenant structures such as air conditioners, heat pumps and generators.
Building line: A line extending from property line to property line at the outermost wall of a building.

Building restriction line: The line established by the setback requirements, which separates the buildable portion of the lot from the portion into which non-exempt structures must not encroach.

Depth of lot. The average (mean) length of the side lot lines. For a corner lot, the front lot line that intersects the rear lot line shall be considered a side lot line for the purpose of calculating the depth of the lot.

Developmental nonconformity: An existing structure, which was lawful when established, but which no longer conforms to the requirements of this Code because of the amendment of this Code.

Established building line: A front yard building restriction line, which is the average setback of all buildings that meet these criteria:

(a) are within 300 feet of the side property line of the lot in question (excluding corner lots);

(b) are along the same side of the street;

(c) are between intersecting streets or to the point where public thoroughfare is denied:

(d) exist at the time the building application request is filed;

(e) are not nonconforming, unlawfully constructed, or constructed pursuant to a lawfully granted variance; and

(f) not be located on a pipestem or flag-shaped lot.

Front yard: Area located between the front lot line and the front building line, or, in cases where no building exists, the front building restriction line.

Height of building: Building height is the vertical distance measured from the average elevation of the finished grades along the front of the building to either: (1) the highest point of roof surface regardless of roof type, or (2) the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof. However, for the purposes of determining building height and story, at no point must the finished grade be higher than the pre-development grade.

Lot: The land designated as a separate and distinct lot or parcel of land on a legally recorded subdivision plat filed among the land records of the county.

Lot coverage: Portion of lot which may be covered by buildings, accessory buildings, porches, stoops, raised decks or other raised structures, but not including structures that are not raised such as walkways, patios, terraces, driveways, swimming pools and tennis courts.

Lot line, front: The boundary line of a lot separating the lot from any and all streets.

Main building: A building in which is conducted the principal use of the lot on which it is situated. The residence shall be deemed to be the main building unless the lot is lawfully used exclusively for non-residential purposes.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, the space between such floor and the ceiling next above. A basement is counted as a story.

Street: A public or dedicated right-of-way including, but not limited to, streets, roadways, parkways, avenues, highways or other public thoroughfares.

Structure: An assembly of materials forming a construction including, but not limited to, buildings, antennas, open sheds, shelters, tennis courts, air conditioners, swimming pools, steps, stoops, porches and above-grade terraces and decks, but not including at-grade walkways, patios, terraces and driveways.

Width of lot. The distance from one side lot line to the other side lot line measured at the established building line, or if there is no established building line, measured twenty-five (25)

feet from the front lot line. For a corner lot, the front lot line that is opposite the chosen side lot line shall be considered a side lot line for the purpose of calculating the width of the lot.

(Ord. No. 93-002, 3-16-93; Res. No. 98-002, § 1, 5-13-98)

Sec. 4-2. Structures restricted.

All buildings shall be designed, built, and used for single-family residence purposes, except garages, sheds or other accessory buildings for use in connection with such residences. No trade, business, manufacture or sales, or nuisance of any kind shall be carried on or permitted upon any premises.
(Ord. No. 93-002, 3-16-93)

Sec. 4-3. Building permit generally.

(a) It shall be unlawful for any person to erect any building or to make any material structural alterations or additions to a building, or to demolish any building (in whole or in part), or to erect any fence or wall without having first obtained a permit from the town manager.

(b) It shall be unlawful for any person to modify or alter any plans or specifications after they have been submitted and a permit issued thereon without the prior approval in writing of the town manager.

(c) All applications for building permits shall be made to the manager, shall state a date by which the building or alteration shall be finished, and be accompanied by plans and specifications of the work contemplated. The manager shall retain and file a copy of same. The plans and specifications for new construction shall be accompanied by a survey and a plat of the lot with the location and plan of the building or buildings indicated thereon, which survey and plat shall be verified by a registered surveyor, who shall also stake out the lot where necessary. When said plans and specifications have been approved by the manager, he shall issue a permit therefor signed by him and the mayor of the town council. The manager shall grant such approval if the proposed work will comply with all laws, rules, regulations and ordinances. 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 town council for final decision.

(d) Work on buildings or alterations or additions must be commenced within six (6) months of date the permit therefor is issued and must be completed by the time stated in the application but not later than twelve (12) months from date the permit is issued, or the permit shall be void, unless an extension is granted in writing by the manager.

(e) The fee for a permit shall be as established by council resolution. All permit fees shall be payable by check to the town.

(f) The Town Manager may revoke or suspend a building permit or impose additional conditions on a permit as deemed reasonably necessary to protect the public health, safety or welfare. The conditions that the Town Manager may impose shall include but are not limited to:

(1) Prohibiting or limiting the parking of contractors or other construction-related vehicles in the public right-of-way;

(2) Limiting the locations upon private property where contractors or other construction-related vehicles may be parked:

(3) Limiting the locations upon which construction materials may be stored;

(4) Limiting the locations upon which portable toilets may be placed or maintained, including prohibiting the placing or maintaining of portable toilets;

(5) Limiting the locations upon which construction debris may be stored, whether or not such debris is contained;

(6) Such other terms or conditions as may be determined by the Town Manager to be necessary to protect the public health, safety or welfare.

(Ord. No. 93-002, 3-16-93)

Charter references: Building permits, § 301(b)9.

Sec. 4-4. Building location requirements; prohibitions.

(a) No permit shall be issued for the construction of any building or structure upon a lot having a frontage of less than sixty (60) feet; provided, however, that this limitation shall not apply to any lot having a frontage of less than sixty (60) feet that may be embraced in any subdivision of lots recorded on or before February 22, 2006; nor shall any permit be issued for the construction of any building or structure, the erection of which shall violate any building covenant, building restriction line or other restrictions of record binding the property; nor shall any permit be issued for the construction of any residence, the rear of which shall face upon any public highway, street or avenue, except where the lot cannot be otherwise utilized.

(b) No person or persons shall erect any building, or make any alterations or additions to any existing building except under the building restrictions set forth in this section and restrictions which are or may be incorporated in deeds of conveyance or subdivision plats within the town.

(1) Front setback. No main building, or any part or projection thereof, shall be erected or located nearer to any front lot line than the established building line or twenty-five (25) feet, whichever results in a greater setback.

For corner lots, any and all lines bordering upon a street, avenue, alley or parkway shall be considered a front lot line. Notwithstanding the foregoing, in the case of a corner lot, if the adjoining lot on one of the streets either does not front on that street or is in a nonresidential zone, the setback from that street line must be at least fifteen (15) feet. **[**In the case of a corner lot, if the adjoining lot on one of the streets does not front on that street, the setback shall be at least fifteen (15) feet.**]**

(2) Side setback.

a. Generally. No main building, or any part or projection thereof, shall be erected or located nearer to a side lot line than the following setbacks.

1. sum of both sides, the greater of

A. thirty (30) percent of the width of the lot as measured at the established building line, or if there is no established building line, measured twenty-five (25) feet from the front lot line, or

B. sixteen (16) feet,

2. one side, the greater of

A. eight (8) feet, or

B. forty (40%) percent of the total side setbacks as required in subsection 1. above.

b. Buildings in existence as of February 22, 2006.

1. A building that is less than seven (7) feet from a side lot line may be altered or enlarged only if the new construction complies with the general side setbacks set forth in subsection a. above.

2. A building that is seven (7) feet or more from a side lot line may be altered or enlarged if:

A. the new construction is no closer to the side lot line than the wall of the existing building;

B. the sum of the side setbacks equals or exceeds thirty (30%) percent of the width of the lot at the location of the new construction or sixteen (16) feet, whichever is greater; and

C. at least seventy (70%) percent of the existing exterior walls in existence as of February 22, 2006 are retained.

3. In the case of a building described in subsection 2. above, for any construction that is permitted to encroach into the building setback pursuant to subsection (c) below, the minimum yard shall be calculated in accordance with subsection (a) above.

(3) Rear setback. No main building of any kind, or any part or projection thereof, shall be erected or located nearer to the rear lot line than the following setbacks.

a. For lots that are one hundred (100) feet or less in depth, twenty (20) feet.

b. For lots that are more than one hundred (100) feet in depth, but one hundred twenty (120) feet or less in depth, twenty (20) feet plus seventy (70%) percent of the depth in excess of one hundred (100) feet, provided that the rear setback so calculated shall be reduced by one foot for each foot that the established building line front setback for such lot exceeds thirty (30) feet, but in no event shall the rear setback for such lot be less than twenty (20) feet.

c. For lots that are more than one hundred twenty (120) feet in depth, twenty-five (25) feet plus seventy (70%) percent of the depth in excess of one hundred (100) feet, provided that the rear setback so calculated shall be reduced by one foot for each foot that the established building line front setback for such lot exceeds thirty (30) feet, but in no event shall the rear setback for such lot be less than twenty-five (25) feet.

(4) Corner lots. Notwithstanding the foregoing , the side and rear setbacks of Sections 4-4(b)(2) and (3) above, shall not apply to corner lots and the following setbacks shall apply.

a. Side setback. No main building, or any part or projection thereof, shall be erected or located nearer to a side lot line than the following setbacks.

1. For corner lots seventy (70) feet or less in width, there shall not be a required side setback.

2. For corner lots that are more than seventy (70) feet in width, the side setback shall be eight (8) feet.

b. Rear setback. No main building of any kind, or any part or projection thereof, shall be erected or located nearer to the rear lot line than the following setbacks.

1. For corner lots that are one hundred twenty (120) feet or less in depth, twenty (20) feet.

2. For corner lots that are more than one hundred twenty (120) feet in depth, twenty (20) feet plus seventy (70%) percent of the depth in excess of one hundred twenty (120) feet, provided that the rear setback so calculated shall be reduced by one foot for each foot that the established building line front setback for such lot exceeds thirty (30) feet, but in no event shall the rear setback for such lot be less than twenty (20) feet.

(5) No accessory building shall be erected except on the rear of any premises.

(6) No permit shall be issued for the construction of any dwelling unless it shall be located to conform to the requirements and covenants of deeds of conveyance of lots and subdivision plats on which it is located.

(c) Exemptions from yard requirements for projections.

(1) *Steps, stoops, decks, terraces and porches.*

Steps and open uncovered stoops, decks, terraces and porches may extend into any minimum front or rear yard not more than nine (9) feet. On a corner lot having a minimum side yard twenty-five (25) feet or more in width, steps and open uncovered stoops, decks, terraces and porches may extend into such minimum side yard not more than nine (9) feet, but there shall be no encroachment upon the minimum side yard of a corner lot when such yard is less than twenty-five (25) feet in width; provided, that except in the case of a corner lot, steps, uncovered stoops, decks, terraces and porches may extend into any minimum side yard not more than three (3) feet. Steps and stoops, decks, terraces, porches and outside open stairways which extend into the minimum required yards may be roofed but not enclosed; provided, that such roofing may extend into the minimum required yards not more than three (3) feet.

(2) *Bay windows.*

Any bay window, oriel entrance, vestibule or balcony, ten (10) feet or less in width and not more than on e (1) story in height, may project not more than three (3) feet into any minimum front or rear yard and not more than two (2) feet into any minimum side yard, provided that for buildings described in section 4-4(b)(2)b.2., such structure must be at least six (6) feet from the side lot line. Not more than two (2) bay windows may project into any required setback.

(3) *Cornices, eaves, outside stairways, chimneys, air conditioners and heat pumps.*

a. Cornices and eaves may project two and one-half (2 1/2) feet or less over yard, but such projection shall be not less than two (2) feet from the vertical plane of any lot line.

b. Sills, leaders, belt courses, and similar ornamental features may project not more than six (6) inches over any yard.

c. Outside stairways may project not more than five (5) feet over a minimum rear yard only.

d. Chimneys may project not more than twenty-four (24) inches into any minimum front, rear, or side yard.

e. Chimneys used as walls shall not be allowed to project into any minimum yard.

f. Air conditioners and heat pumps may project not more than five (5) feet into any minimum front or rear yard. Additional projection shall be permitted for the purpose of adding noise abatement devices. Any air conditioners or heat pumps existing within any minimum side yard prior to July 27, 1982, shall not be considered a nonconforming use, and may be continued and replaced.

(Ord. No. 93-002, 3-16-93; Res. No. 99-003, § 1, 9-8-99)

Sec. 4-5. Garage and accessory building construction; prohibitions.

(a) On an interior lot, any detached garage or other accessory building must be located in the rear yard only; must not occupy more than twenty-five (25) percent of the rear yard; and must be set back from the front street line a minimum of sixty (60) feet.

(1) If a detached garage or other accessory building is less than twelve (12) feet in height when measured to the highest point, the detached garage or other accessory building must be set back from the rear lot line a minimum of five (5) feet; and must be set back from the side lot line a minimum of five (5) feet.

(2) If a detached garage or other accessory building is twelve (12) feet or greater in height when measured to the highest point, the detached garage or other accessory building shall be set back from the rear lot line a minimum of seven and one-half (7 ½) feet; and must be set back from the side lot line a minimum of seven and one-half (7 ½) feet.

(b) On a corner lot, any detached garage or other accessory building must be located in the rear yard only; must not occupy more than twenty-five (25) percent of the rear yard and must not be closer to a street line than a main building as established in subsection 4-4(b)(1) and as listed below:

(i) If the adjoining lot has frontage on the side street then the setback from that side street line is twenty-five (25) feet and the setback from the rear lot line must be at least ten (10) feet; or

(ii) If the adjoining lot does not have frontage on the side street then the setback from the side street is fifteen (15) feet and the setback from the rear lot line is ten (10) feet .

(c) For any garage or accessory building with a height of twelve feet or greater for a flat roof or fifteen (15) feet or greater when measured to the ridge of a roof other than a flat roof, the side yard and rear yard minimum setbacks must be increased from the requirements in subsections (a) and (b) above at a ratio of one and one-half (1 ½) feet of additional setback for each foot of height in excess of twelve (12) feet for a flat roof or fifteen (15) feet for any other type of roof.

(d) For any detached garage or accessory building with a length along a side or rear property line, which has a linear dimension greater than twenty-four (24) feet, the minimum setback from that rear or side property line must be increased from the requirements above at a ratio of one and one-half (1 ½) feet for each foot that the dimension exceeds twenty-four (24) linear feet.

(e) The increased setback required by subsection (d) shall be in addition to any increased setback required by subsection (c) above, so that the required setback shall be the total of the setbacks required by subsections (a) or (b) and (c) and (d).

(Ord. No. 93-002, 3-16-93; Res. No. 98-001, § 1, 3-11-98; Res. No. 04-02, 5-11-04)

Sec. 4-7. Variances from requirements of building ordinances.

(a) *Authority of town council.* Where the property involved in an application filed under this chapter, is of such exceptional narrowness, shallowness, shape or subject to such limitations of record, or topographical conditions or other extraordinary situations or conditions peculiar to a specific parcel of property that it is impossible or impractical or would cause peculiar or unusual practical difficulties to or undue hardship upon the owner of such property to conform fully to this chapter, the town council may consider such a variance from the provisions of this chapter, as may be reasonably necessary to grant relief; provided that the variance shall not be detrimental to the use and enjoyment of adjoining or neighboring properties, and that such variance is the minimum reasonably necessary to overcome the aforesaid exceptional condition; and that such variance can be granted without substantial impairment to the intent, purpose and integrity of the general plan or any duly adopted and approved master plan affecting the subject property in the town.

(b) *Procedure for granting variance.* The procedure for applying for and obtaining a variance shall be as follows:

(1) *Written request to town council.* A request for a variance from these regulations shall be addressed to the town council, in writing, stating all facts warranting the variance.

(2) *Supporting data.* Each application for a variance shall be accompanied by the following:

a. Surveys, plats or other accurate drawings showing boundaries, dimensions, area, topography and frontage of the property involved, as well as the location and dimensions of all structures existing and proposed to be erected, and the distances of such structures from the nearest property lines.

b. Plans, architectural drawings, photographs, elevations, specifications or other detailed information depicting fully the exterior appearance of existing and proposed construction involved in the application.

c. If the applicant is not the owner of the property involved, the lease, rental agreement or contract to purchase by which the applicant's legal right to prosecute the petition is established.

d. All additional exhibits which the applicant intends to introduce. A summary of what the applicant expects to prove, including the names of applicant's witnesses, summaries of the testimonies of expert witnesses, and the estimated time for presentation of the applicant's case.

(c) *Public hearings on petitions.* The town council shall hold a public hearing on all petitions for the grant of a variance.

(d) *Conditions.* In granting a variance, the town council may require such conditions, as will, in its judgment, secure substantially the objectives of the requirements so modified and protect the public interest.

(e) *Decision.* The decision of the town council shall be in writing. The effective date of any decision shall be the date when the council approves its written decision.

(Ord. No. 93-002, 3-16-93)

Sec. 4-8. Appeals.

Any party aggrieved by the decision of the town council under section 4-7 may appeal within thirty (30) days to the circuit court for the county and thereafter to the appellate courts of this state within the time and manner prescribed within the Maryland Rules of Procedure relating to judicial review of administrative agency decisions. The time for appeals shall begin to run from the date of the decision of approval or denial or from the date the application for variance was denied for want of the necessary total of affirmative votes.

(Ord. No. 93-002; 3-16-93)

Sec. 4-9. County building code requirements.

The rules and regulations for the construction of buildings, known as the "Building Code of Montgomery County, Maryland," shall be followed and are hereby established and made a part

hereof, and will be followed and complied with by the builders, contractors, individuals and the building inspector, where they are not in conflict with or different from the specific provisions of this chapter or the building restrictions which are incorporated in deeds of conveyance or subdivision plats within the town. Nothing in this chapter shall be construed to relieve any person from the requirement of first obtaining a building permit from the county department of environmental protection or its successor agencies prior to applying for a town building permit. (Ord. No. 93-002, 3-16-93)

Sec. 4-10. Building inspector authority.

(a) The town manager or designee shall act as town building inspector. The building inspector's duty shall be to enforce, or cause to be enforced and observed, the development requirements of all deeds of conveyances of properties and plats of subdivision situated within the town, and such building or other regulations as are herein set forth or as may be adopted and approved.

(b) The building inspector shall have power to examine, or cause to be examined, any and all buildings, additions or alterations, or any work where a permit is required, as often and at such time as he will deem necessary during the course of erection, alteration or repair, and to order, or caused to be ordered, any change or changes in the construction as he shall deem necessary to ensure strength, solidity, safety from fire, and as may be necessary, to ensure compliance with health and police regulations and ordinances.

(c) The building inspector shall also have power to consult with experienced builders and architects regarding any plans and specifications that may be submitted to him in connection with applications for permits for the construction of, alteration or addition to, any building or buildings.

(d) The building inspector shall be required to maintain a file of all permits issued reflecting a summary of the location of the proposed buildings, alterations or additions, and the extent of the work involved in each case, together with plans and specifications where necessary.

(e) Wherever in this chapter the building inspector is authorized to take any action, he is authorized to do so through an appropriate designee.

(Ord. No. 93-002, 3-16-93)

Sec. 4-11. *Reserved for penalty section.*

Sec. 4-12. Regulations.

The town manager is hereby authorized to adopt such executive regulations as the town manager deems proper to effectuate the purpose and intent of this chapter. The town manager is hereby authorized to adopt such rules and procedural requirements as he deems proper for the efficient administration of this chapter. The town manager, in issuing any permit under this chapter, may impose such reasonable conditions as the town manager deems necessary to assure compliance with this chapter, with the permit, and with any executive regulations, rules or procedural requirements adopted pursuant to this chapter.

Sec. 4-13. Severability.

Should any part or provision of this chapter be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the chapter as a whole or any part thereof other than the part held to be invalid.

Section 3.

Effective Date.

This Ordinance is adopted as emergency legislation and shall take full force and effect on February 22, 2006, immediately following its passage, approval and publication in the manner provided by law.

ATTEST: TOWN OF CHEVY CHASE

Scott Orbach, Secretary

William H. Hudnut, III, Mayor
Town of Chevy Chase

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