

Resolution No. 12-12-1
Adopted: December 20, 2012
Effective Date: December 20, 2012

**RESOLUTION OF
THE VILLAGE OF MARTIN'S ADDITIONS**

**SUBJECT: RESOLUTION TO ADOPT INTERPRETIVE POLICY
REGARDING THE APPLICABILITY OF SECTION 7-
402(e)(5)(iii) TO GENERATORS**

WHEREAS, Article 23A, Section 2(b)(5) of the Maryland Code 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, Land Use Article, Section 20-509 of the Maryland Code authorizes municipal corporations in Montgomery County, such as the Village of Martin's Additions, to regulate the construction, repair, erection or remodeling of buildings or other structures; 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 Charter of the Village of Martin's Additions authorizes the Village Council to pass such regulations as it may deem necessary for the preservation of the property, rights, and privileges of the Village and its residents;

WHEREAS, pursuant to the above authority, the Village adopted Section 7-402(e)(5)(iii) of the Village Code, which provides, in pertinent part, "Air conditioners and heat pumps may project five (5) feet into any front or rear setback area." Air conditioners and heat pumps may not project into any side setback area;

WHEREAS, the Council of the Village of Martin's Additions finds that the generators and other auxiliary power units that supply emergency power to residences, and other mechanical devices, that are similar in size and appearance to air-conditioning units, are meant to be treated the same as air-conditioning units for purposes of the setback regulations;

WHEREAS, the Interpretive Policy attached hereto was introduced by the Council at its open meeting on December 20, 2012; and

WHEREAS, the Council finds that adopting the Policy attached hereto is necessary for the preservation of the property, rights, and privileges of the Village and its residents.

NOW, THEREFORE, it is, this 20th day of December, 2012, by the Village Council:

RESOLVED, that the Policy attached hereto (Policy No. 12-12-1) be and is hereby adopted, and it is further,

RESOLVED, that this Resolution shall become effective on this 20th day of December, 2012, and it is further;

RESOLVED, that a copy of this Resolution shall be permanently filed by the Secretary and kept available for public inspection.

I, Jill Filipczyk, Secretary of the Village Council, hereby certify that the foregoing Resolution was adopted by the Council at its open meeting on December 20, 2012.


Jill Filipczyk, Secretary

Village of Martin's Additions
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Chevy Chase, MD 20815
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Policy No. 12-12-1 2

Interpretive Policy on the Applicability of Section 7-402(e)(5)(iii) to Generators

Pursuant to Section 7-402(e)(5)(iii) of the Village Code, "Air conditioners and heat pumps may project five (5) feet into any front or rear setback area." Air conditioners and heat pumps may not project into any side setback area. An issue commonly presented is whether this provision applies to generators.

The Village Council finds that generators that supply emergency power to residences, and other mechanical devices, that are similar in size and appearance to air-conditioning units, are meant to be treated the same as air-conditioning units for purposes of the setback regulations.

For this reason, it is the interpretive policy of the Village that Section 7-402(e)(5)(iii) of the Village Code applies to generators and other mechanical devices, as described herein. Such generators and mechanical devices may project five (5) feet into any front or rear setback area. Generators may not project into any side setback area. The attached diagram illustrates how such generators and mechanical devices may be located according to Section 7-402(e)(5)(iii).

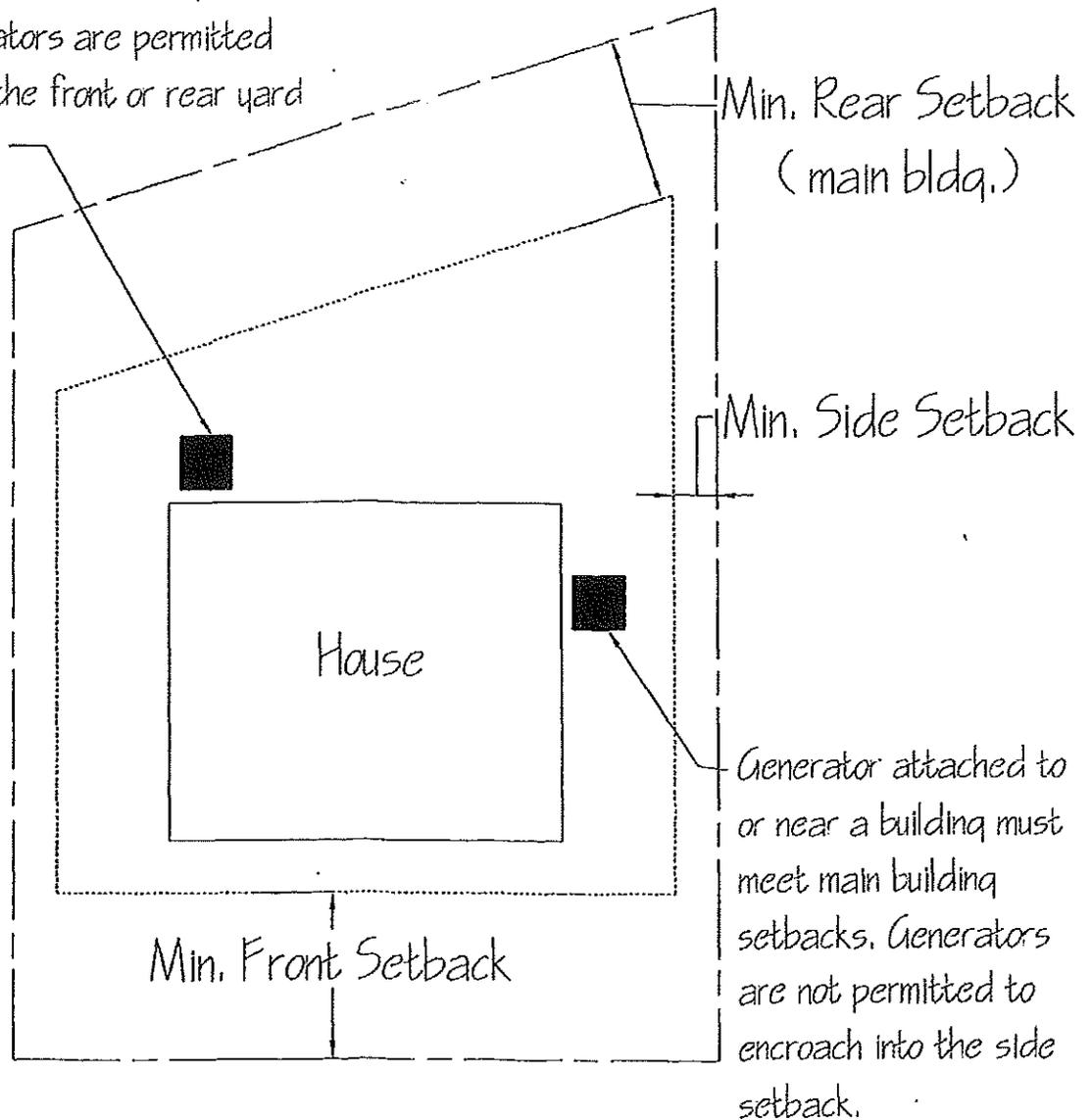
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MINIMUM SETBACK REQUIREMENTS for GENERATORS

Exemptions For Projections

Generator attached to or near a building must meet main building setbacks. Generators are permitted to encroach into the front or rear yard setback by 5 ft.



Street

NOTE: Generators must comply with Noise Ordinance administered by D.E.P.