



City of Cambridge
Department of Public Works
Planning and Zoning Division
1025 WASHINGTON STREET
CAMBRIDGE, MARYLAND 21613
410-228-1955
Planning and Zoning
Staff Report
July 7, 2020

I. BACKGROUND INFORMATION:

P & Z Case No.: P&Z TA # 2021-002

- II. NATURE OF THE REQUEST:** To amend section §5.1.4 to remove conflicting language and provide clarity with respect to the front yard setback.

DISCUSSION: Staff recently experienced the installation of a fence that did not comply with some sections in the UDC. Upon further review of this section, staff noted that there was some conflicting and some vague language. This amendment is to clean up this section of the UDC.

Please see attached.

§ 5.1.4 Fences and Walls

A. Definitions

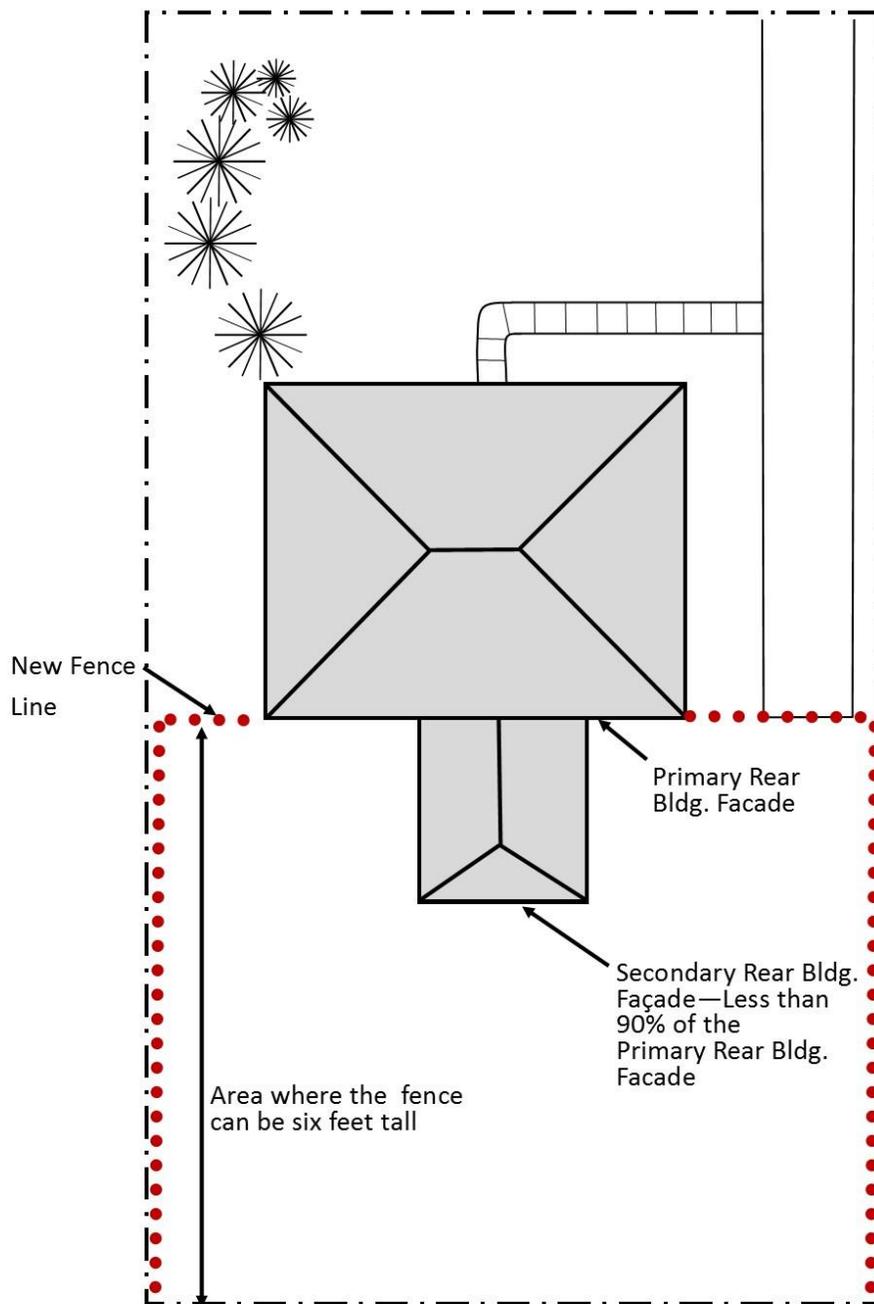
Fence – Any structure regardless of composition, except a living fence, that is erected or maintained for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions.

Fence Height – The distance measured from the existing grade to the top of the fence.

B. Approval Required – No fence, wall or other type of construction shall be erected without the approval of the Zoning Official.

C. Application for Permit – Any person or persons, corporation, firm or association intending to erect a fence or wall shall, before any work is commenced, make application for permit. Application shall be accompanied by a plan or sketch showing the proposed location of any fence, the material proposed to be used, which must be in accordance with this Ordinance and be accompanied by an appropriate fee. Upon approval by the Zoning Official, a permit shall be issued which will be in effect for a period of one hundred and eighty (180) days from the date thereon.

D. No person shall erect between residences in any district a fence upon his or her property which shall exceed six feet in height, and such fence shall not extend at this height forward of the primary rear building facade of the dwelling. Fences erected forward of the line of the primary rear building facade of the dwelling shall not exceed four (4) feet in height as long as said fence does not obstruct vision from one side to the other and shall extend to a point not closer than six (6) feet to the established curb line unless the sidewalk line has been established, and in such cases the fence shall be extended no closer than six inches to the established sidewalk line, and, in the event a ~~solid or obstructed vision fence~~ **fence is more than 50% opaque is erected**, the final twenty five (25) feet to the sidewalk shall be no higher than three (3) feet. It is the intention of this subsection that visibility be maintained near the sidewalk for safety purposes, and the same shall not be unduly obstructed by planting shrubs, etc.



- E. Within the Industrial, Institutional and Commercial zone districts fencing may be erected up to six (6) feet in the front and side yards. Fencing up to eight (8) feet may be erected in the front side

and rear yards pending adequate documentation for the height increase is provided to the City Zoning Official that demonstrates that there are not detrimental effects to the surrounding properties. For each foot above four (4) feet the fence shall move one foot from the property line in the front yard.

- F. Fences along the City's primary rights of way shall be constructed of a higher quality of material and be more ornamental in nature.
- G. Outside storage shall be screened from the public right of way to the satisfaction of the Zoning Official. Exception to this requirement may include seasonal retail sales or similar as determined by the Zoning Official.
- H. A permit may be issued for the construction of a security fence for commercial and industrial properties, upon application.
- I. In those cases, where the rear or side of a corner lot abuts upon a residential lot where the erection of a six-foot-high fence would block the vision of side windows of the adjoining residence, a fence no higher than four feet may be erected.
- J. Location Restrictions – Any fence erected under this Ordinance may be located on ~~the~~ any property line except in the front yard. Any fence erected in a front yard shall be placed at least one (1) foot back from the front ~~line and/or~~ property line. No front yard fences are allowed in townhouse projects.
- K. Materials and Composition
 - 1. Any fence, wall or similar structure, which may cause a nuisance, a fire hazard or a dangerous condition or an obstruction affecting the public safety is prohibited. Further, no fence shall be erected in a front yard in a residential district or along a public right-of-way unless the fence is ~~uniformly less than~~ no more than fifty percent (50%) ~~solid~~ opaque.
 - 2. The following fences and fencing materials are specifically prohibited:
 - a. Barbed wire.
 - b. Pointed fences less than three (3) feet in height.
 - c. Canvas fences.
 - d. Cloth fences.
 - e. Electrically charged fences.
 - f. Poultry fences.
 - g. Turkey wire.
 - h. Temporary fences such as snow fences.
 - i. Expandable fences and collapsible fences, except during construction of a building.

3. Approvals or permits for wire fences will be at the discretion of the Zoning Official.
4. All chain link fences erected shall be erected with the closed loop at the top of the fence.
5. All entrances or gates shall open into the property, and not the public sidewalk or street.
6. All fences or walls must be erected so as not to encroach upon a public right-of-way or easements unless a waiver is granted by the Commissioners with the stipulation that the fence be removed or relocated upon request by appropriate city officials. All fences or walls must be erected with the property line, and none shall be erected so as to interfere with vehicular or pedestrian traffic or interfere with visibility on corner lots and/or other structures or vehicles, whether stationary or transitory, on public or private property.
7. Powers and Duties of the Zoning Official – The Zoning Official shall have the authority to direct, in writing, the removal or modification of any fence, wall, hedge or other structure on private or public property wherever the same shall interfere with adequate visibility of operators of motor vehicles at street intersections or curbs. Any person who shall refuse or neglect to comply with the written direction of the Zoning Official shall be guilty of a violation of this Ordinance and shall be subject to its penalties.
8. Appeals – Any change, other than provided in the provision of this Ordinance, as to height, area, size, location or materials uses, shall not be allowed unless approved by the Board of Appeals.