

Council Agenda Report

Date: June 13, 2016
Submitted by: Odie Wheeler, Director of Public Works *OW*
Prepared by: Pat Escher, City Planner, A.I.C.P.

SUBJECT: Ordinance No. 1079 to revise Section 5.1.4 of the Unified Development Code to include fence standards for commercial lots.

Recommendation: That Council

- A. Introduce Ordinance No. 1079 by reading of title only; and
- B. Schedule June 20, 2016 for second reading, public hearing and adoption of Ordinance No. 1079.

Discussion: The existing UDC only regulates the height and other characteristics of residential fences. It does not address restrictions on fences in Commercial, Industrial, or other zone districts. Staff believes that this warrants some further analysis and discussion. While commercial, industrial or other uses may require fences with additional height for security purposes. Additionally, there are no requirements for the screening of outside storage. Outside storage may be essential for the success of some businesses, however it can also be unsightly and should be screened from the public right of way.

§ 5.1.4 Fences and Walls

- A. Definitions
 - 1) *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.
 - 2) *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 (1) year 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 rear of the dwelling. Fences erected forward of the line of the rear of the

building shall not exceed four 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 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 is erected, the final 25 feet to the sidewalk shall be no higher than three 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 is 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. Exceptions 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. (text relocated)
- 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 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 fifty percent (50%) solid.
 - 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) A permit may be issued for the construction of a security fence for commercial and industrial properties, upon application.~~
 - 7) 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.
- L. 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.
- M. 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.

Fiscal Impact: None

Approved by: 

PROPOSED ORDINANCE

ORDINANCE NO. 1079

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND, TO REVISE SECTION 5.1.4 OF THE UNIFIED DEVELOPMENT CODE TO INCLUDE FENCE STANDARDS FOR COMMERCIAL LOTS.

WHEREAS, upon consideration of the recommendation of the Planning and Zoning Commission, and upon consideration of the staff of the Department of Planning and Zoning, the comments made at a public hearing before City Council, held on June 20, 2016 the City Council finds that the proposed amendments are needed to protect the public health, safety and welfare; and

WHEREAS, on April 5, 2016 the Planning Commission held a public hearing and issued recommendation regarding the proposed text amendment. The Planning Commission unanimously recommended that the Commissioners of Cambridge approve the text to revise Section 5.1.4 of the Unified Development Code to include fence standards for commercial lots; and

WHEREAS, the Commissioners of Cambridge find that it is in the best interest of the City to revise Section 5.1.4 of the Unified Development Code to include fence standards for commercial lots; and

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of Cambridge, that the City's Unified Development Code is hereby amended as follows:

§ 5.1.4 Fences and Walls

A. Definitions

- 1) *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.
- 2) *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 (1) year 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 rear of the dwelling. Fences erected forward of the line of the rear of the building shall not exceed four 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 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 is erected, the final 25 feet to the sidewalk shall be no higher than three 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.
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- J. Location Restrictions – Any fence erected under this Ordinance may be located on the 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.
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- M. 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.

AND BE IT FURTHER enacted and ordained that this Ordinance shall become effective on the tenth (10th) day following the date of adoption.

ATTEST:

Sandra Tripp-Jones, City Manager

THE COMMISSIONERS OF CAMBRIDGE

By: _____
Donald Sydnor, Acting Mayor

Introduced the 13th day of June, 2016
Adopted the 20th day of June, 2016
Effective the 30th day of June, 2016