

CITY OF DISTRICT HEIGHTS, MARYLAND

2024 Legislative Session

ORDINANCE Number:	<u>DH-2024-02</u>
Proposed and Presented by:	<u>Mayor and Commission</u>
Introduced by	<u>Mayor and Commission</u>
Co-Sponsors	<u>Mayor and Commission</u>
Date of Introduction	<u>January _____, 2024</u>

ORDINANCE

1 AN ORDINANCE concerning:

2 **FENCES**

3 FOR THE PURPOSE OF AMENDING THE CITY’S ORDINANCE TO REDUCE THE
4 NUMBER OF HEARINGS FOR FENCES BROUGHT BEFORE THE COMMISSION; TO
5 ADOPT THE COUNTY’S FOUR FOOT HEIGHT LIMIT, AND PROVIDE A BETTER
6 EXPERIENCE FOR RESIDENTS IN THE APPLICATION AND PERMITTING PROCESS.

7 BY amending the Code entitled “Code of Ordinances of the City of District Heights, Maryland”,
8 published by Municode, consisting of chapters 1 through 18, each inclusive.

9 **by adding Section 4-6 Fences; and**
10 **amending Section 1-2. Definitions and rules of construction.**

11 **BE IT ORDAINED BY THE MAYOR AND COMMISSION OF THE CITY OF**
12 **DISTRICT HEIGHTS, MARYLAND THAT:**

13 * * * * *

14 **SECTION 1.** Purpose and Scope. This Section shall apply to all fences as defined herein,
15 constructed, reconstructed, or replaced on residential lots.

16 **SECTION 2.** Definitions.

17 Fence. Any structure, barrier, wall, retaining wall, or partition or combination thereof, regardless
18 of composition, and any hedge or other natural growth greater than four feet in height that
19 constitutes a barrier to access to the lot, having the effect of or constructed and maintained for
20 purposes such as, but not limited to, enclosing a piece of land, dividing a piece of land into
21 distinct portions, separating two contiguous estates, exclusion, protection, privacy, security,
22 retainment or aesthetics.

1 Front Yard. The front yard is defined as the area extending across the width of a lot between the
2 front street line and the nearest part of the main building (or its enclosed or covered projection).

3 In a through or corner lot, all yards abutting streets are front yards

4 Height. The height of a fence measured, from one point, from the top of the fence to the grade on
5 the side of the fence where the grade is the lowest.

6 Lot. A designated area of land to be used, developed, or built upon as a unit in accordance with
7 the Prince George's County Zoning Ordinance, and having the minimum contiguous area
8 required for a lot in the applicable zone, and frontage on a public street or private road, right-of-
9 way, or easement.

10 Lot, Corner. A lot which has two intersecting sides abutting a public street.

11 Lot Line, Front. The front lot line is the line running along the front of the lot and separating it
12 from the street. The front lot line may also be referenced as the front street line.

13 Lot Line, Rear. A rear lot line is the lot line generally opposite or parallel to the front lot line.

14 Lot Line, Side. A side lot line is any lot line other than a front or a rear lot line. A side lot line
15 separating the lot from a street is a side street line.

16 Rear Yard. The rear yard area shall be that area extending across the width of the lot between the
17 rear lot line and the nearest part of the principal building (or its enclosed or covered projection).

18 Street. A street, avenue, right-of-way, road, highway, throughfare, or lane.

19 Yard. Open space located on the same lot with a building, structure (not including ground-level
20 paved surfaces unless specifically noted), or use, between the building, structure or use (such as
21 outdoor storage) and the nearest lot line or street line.

22 Yard, Side. Side yards shall be that area between the side lot line or side street line and the
23 nearest part of the main building (or its enclosed or covered projection), extending from the front
24 yard to the rear yard, or in the absence of either of these yards, to the front street line and the rear
25 lot line. In a through lot, any yard that does not abut a street is a side yard.

26 * * * * *

27 **SECTION 3. Front yard fences and side yard fences.**

28 Except as hereinafter provided, fences more than four (4) feet in height shall not be constructed
29 or reconstructed in a front or side yard.

30 Front and side yard fences must be constructed so that at least fifty percent (50%) of the
31 available light and air can pass through, or, the spaces between the slats, planks, boards,

1 balusters, or pickets must equal or exceed the width of the slats, planks, boards, balusters or
2 pickets used.

3 Except as hereinafter provided, fences more than six (6) feet in height shall not be constructed or
4 reconstructed in a rear yard.

5 Rear yard fences must be constructed such that at least fifty percent (50%) of the available light
6 and air can pass through, or, the spaces between the slats, planks, boards, balusters or pickets
7 must equal or exceed the width of the slats, planks, boards, balusters or pickets used.

8 Right-of-way and setbacks. No fence may be constructed to encroach into the public right-of-
9 way or violate the visual obstruction setbacks required by Prince George's County Code § 27-
10 421, as amended, for corner lots.

11 Prohibited materials. In no event shall a fence be constructed of barbed wire, electrically charged
12 material, or other hazardous material.

13 Fence construction. Fences shall be built with the finished side facing outwards and structural
14 support shall face the interior of the subject lot.

15 Permit required. A City permit is required for the construction, replacement or reconstruction on
16 residential property of all fences as defined in this section.

17 A permit may be issued for rear yard fences to exceed the height requirements of this section
18 provided that the following criteria are met:

- 19 a. The proposed fence must use materials, colors and other architectural selections that are
20 visually consistent with the surrounding built environment.
- 21 b. If the subject lot abuts an alley, the portion of the fence that directly abuts the alley shall
22 be constructed such that at least fifty percent (50%) of the available light and air can
23 pass through, or, the spaces between the slats, planks, boards, balusters or pickets must
24 equal or exceed the width of the slats, planks, boards, balusters or pickets used.
- 25 c. Abutting property owners are required to be notified of the permit application for a
26 permit to exceed the height requirement by certified mail and have seven (7) days to
27 comment on the application.
- 28 d. A final inspection must be performed prior to issuance of the permit.

29 Permit Denial. An applicant may appeal, in writing, a decision to deny a permit no more than 14
30 days following the written determination. The appeal shall be heard no later than 60 days after
31 the appeal is filed.

1 Existing Fences. This ordinance shall not be construed to prohibit the reconstruction or
2 replacement, with the same dimensions and placement, of any fence legally existing prior to the
3 adoption of this ordinance; provided that such reconstructed fence adhered to the ordinance
4 requirements in place at the time of permit issuance or this ordinance.

5 Fees. Fees are assessed to offset the cost of application review and pursuant to the City's adopted
6 fee schedule.

7 **SECTION 7.** BE IT ORDAINED BY THE MAYOR AND THE COMMISSIONERS OF THE
8 CITY OF DISTRICT HEIGHTS that this Ordinance shall be introduced this ____ day of
9 _____, 2024 and posted on the City's website and in the City Clerk's office for at least six (6)
10 days but no more than sixty (60) days after its introduction. If adopted, the Ordinance shall be
11 effective twenty (20) days after adoption. Notice of its passage shall be posted in a public place
12 within the CITY OF DISTRICT HEIGHTS, MARYLAND, and published at least once in a
13 publication of general circulation within the City.

14

1 **APPROVED** this _____ day of January _____, 20__

2 **CITY COMMISSION OF DISTRICT HEIGHTS, MARYLAND**

3 BY: _____
4 Cynthia L. Miller, Mayor

5 BY: _____
6 Xander Harcourt, Vice-Mayor

7 BY: _____
8 Gyasi Gomez, Commissioner

9 BY: _____
10 Pamela Janifer, Commissioner

11 BY: _____
12 Anthony Tilghman, Commissioner

13 ATTEST:
14 _____

15 Starr Jefferson, City Clerk

16 I, Starr Jefferson, City Clerk of the City of District Heights, Maryland hereby certify that the
17 following motion was made at the meeting of the Mayor and City Commission of District
18 Heights on _____, 2024

19 Motion: I, Commissioner _____, move that the Mayor and City Commission adopt
20 Resolution No. DH 2024-__.

21 Motion Seconded: I, Commissioner _____, Second the Motion.

22 ROLL CALL VOTE YEA/NAY/ABSTAIN/ABSENT

23 Mayor Miller _____

24 Vice Mayor Harcourt _____

25 Commissioner Gomez _____

26 Commissioner Janifer _____

27 Commissioner Tilghman _____

1 Effective Date: _____, 2024

2 ATTEST: City Clerk for the Incorporated City of
3 District Heights, Maryland
4

5

6

7

Starr Jefferson

8

9

10

11 KEY:

12 Underscoring indicates language added to existing law.

13 [~~Strikethrough~~] indicate language deleted from existing law.

14 Asterisks *** indicate intervening existing Code provisions that remain unchanged.