

TOWN OF WALKERSVILLE  
ORDINANCE 2014-07

AN ORDINANCE TO AMEND THE ZONING CHAPTER OF THE WALKERSVILLE TOWN CODE TO 1) DELETE SECTION 88-57F., ALLOWABLE PROJECTIONS OF FENCES INTO YARDS, OF THE WALKERSVILLE TOWN CODE; 2) TO AMEND SECTION 88-12 "OBSTRUCTIONS TO VISION AT INTERSECTIONS PROHIBITED" BY DELETING THE EXISTING TITLE AND TEXT AND REPLACING IT WITH A NEW SECTION 88-12 TITLED "FENCES".

BE IT ENACTED AND ORDAINED by the Burgess and Commissioners of the Town of Walkersville that § 88-36 of the Walkersville Town Code shall be amended as follows. New provisions are indicated by being in UNDERLINED CAPITAL LETTERS and the provisions being eliminated are indicated by being ~~struck through~~, and in *italics*:

~~§ 88-57F. Allowable projections of fences into yards.~~

~~Fences may be constructed in or project into yards, provided that:~~

- ~~(1) No fence or planting more than three (3) feet high shall be located within thirty (30) feet of a street intersection.~~
- ~~(2) No fence more than four (4) feet high may be located closer to the front of the lot than the principal building.~~
- ~~(3) No fence more than six (6) feet high shall be allowed on any other part of the lot.~~

~~§ 88-12 Obstruction to vision at intersections prohibited.~~

~~On any corner lot in any district except the B-2 Shopping Center District, there shall be no obstruction to traffic visibility within thirty five (35) feet of the intersection of the two (2) street property lines of the corner lot\*.~~

Replace § 88-12 with the following:

**§ 88-12 Fences**

**A. Agricultural District**

- (1) Location:
  - (a.) Fences are permitted up to the property line.
  - (b.) Fences are not permitted in the public right-of-way.
- (2) Intersections: Must be in compliance with Section 69-10 Obstructions of View at Intersections.
- (3) Zoning Certificate: Not required.

**B. Open Space District**

- (1) Appearance:
  - (a) Fences shall be constructed of materials specifically designed and manufactured for fencing purposes.
  - (b) The finished side of the fence shall face outward toward surrounding properties and rights-of-way.
  - (c) The fence details shall be shown on the site plan and subject to approval by the Walkersville Planning Commission.
- (2) Height
  - (a) Maximum permitted height of a fence is 6 feet.

- (b) Fences located around a sports field, sports court or sport facility that necessitates such enclosure are permitted to exceed the maximum height listed above with the approval of the Planning Commission.
- (3) Location:
  - (a) Fences are permitted up to the property line. However, if the property line extends to the curb and there is no sidewalk, the fence must be set back 6 feet to allow for the construction of a sidewalk in the future.
  - (b) Fences are not permitted in the public right-of-way.
- (4) Intersections: Must be in compliance with Section 69-10 Obstructions of View at Intersections.
- (5) Zoning Certificate: Required.
- (6) Site Plan Approval:
  - (a) The fence details and location shall be shown on the site plan and subject to approval by the Walkersville Planning Commission.
  - (b) The Planning Commission shall consider the following in their review:
    - i. the proposed fence in relation to the scale and design of the surrounding neighborhood;
    - ii. The impact the proposed fence would have on the use and enjoyment of other properties in the immediate vicinity.
    - iii. The safety and security needs of the property occupant.

**C. Institutional District**

- (1) Appearance:
  - (a) Fences shall be constructed of materials specifically designed and manufactured for fencing purposes.
  - (b) The finished side of the fence shall face outward toward surrounding properties and rights-of-way.
  - (c) The fence details shall be shown on the site plan and subject to approval by the Walkersville Planning Commission.
- (2) Height:
  - (a) Maximum permitted height of a fence is 6 feet.
  - (b) Fences located around a sports field, sports court or sport facility that necessitates such enclosure are permitted to exceed the maximum height listed above with the approval of the Planning Commission.
- (3) Location:
  - (a) Fences are permitted up to the property line. However, if the property line extends to the curb and there is no sidewalk, the fence must be set back 6 feet to allow for the construction of a sidewalk in the future.
  - (b) Fences are not permitted in the public right-of-way.
- (4) Intersections: Must be in compliance with Section 69-10 Obstructions of View at Intersections.
- (5) Zoning Certificate: Required.
- (6) Site Plan Approval:
  - (a) The fence details and location shall be shown on the site plan and subject to approval by the Walkersville Planning Commission.
  - (b) The Planning Commission shall consider the following in their review:
    - i. the proposed fence in relation to the scale and design of the surrounding neighborhood;
    - ii. The impact the proposed fence would have on the use and enjoyment of other properties in the immediate vicinity.
    - iii. The safety and security needs of the property occupant.

**D. R-1, R-2, R-3, and R-4 Residential and Old Town Mixed Use Districts**

- (1) Appearance:

- (a) Fences shall be constructed of materials specifically designed and manufactured for fencing purposes.
- (b) The finished side of the fence shall face outward toward surrounding properties and rights-of-way.
- (2) Height:
  - (a) Except as noted below for corner lots, fences shall not be greater than six (6) feet in height in the side yard and rear yard or greater than 4 feet in height in the front yard.
- (3) Corner Lots:
  - (a) Corner lots shall be considered to have two front yards, a side yard and a rear yard, which shall be noted on the plot plan.
  - (b) No fence more than 4 feet tall shall be located closer to the front of the lot than the front of the dwelling in at least one front yard.
  - (c) A fence up to 6 feet tall shall be permitted within the designated second front yard, provided it is set back a minimum of 20 feet from the curb or edge of pavement of the street.
- (4) Location:
  - (a) Fences are permitted up to the property line. However, if the property line extends to the curb and there is no sidewalk, the fence must be set back 6 feet to allow for the construction of a sidewalk in the future.
  - (b) Fences are not permitted in the public right-of-way.
- (5) Intersections:
  - (a) Must be in compliance with Section 69-10 Obstructions of View at Intersections.
- (6) Prohibitions:
  - (a) Above ground electrical fences, razor fences, and barbed wire fences are prohibited in or adjacent to residential and mixed use districts.
- (7) Zoning Certificate:
  - (a) Fences in multi-family developments (except for individual townhouse lots) are subject to site plan approval by the Walkersville Planning Commission.
  - (b) A zoning certificate is required (includes pre-and post-construction inspection by Town Code Enforcement Officer) to construct a fence in the residential and mixed use districts.

**E. B-1, B-2, and B-O Commercial Districts**

- (1) Appearance:
  - (a) Fences shall be constructed of materials specifically designed and manufactured for fencing purposes.
  - (b) The finished side of the fence shall face outward toward surrounding properties and rights-of-way.
  - (c) The fence details shall be shown on the site plan and subject to approval by the Walkersville Planning Commission.
- (2) Height:
  - (a) Fences up to 8 feet in height shall be permitted along the property lines, subject to site plan approval by the Planning Commission.
  - (b) The height of fences located elsewhere on the property shall be subject to site plan approval by the Walkersville Planning Commission.
- (3) Location:
  - (a) Fences are permitted up to the property line. However, if the property line extends to the curb and there is no sidewalk, the fence must be set back 6 feet to allow for the construction of a sidewalk in the future.
  - (b) Fences are not permitted in the public right-of-way.
- (4) Intersections: Must be in compliance with Section 69-10 Obstructions of View at Intersections, and subject to site plan approval by the Planning Commission.
- (5) Prohibitions:
  - (a) Above ground electrical fences, razor fences, and barbed wire fences are prohibited in or adjacent to residential and mixed use districts.
- (6) Site Plan Approval:

- (a) The fence details and location shall be shown on the site plan and subject to approval by the Walkersville Planning Commission.
- (b) The Planning Commission shall consider the following in their review:
  - i. the proposed fence in relation to the scale and design of the surrounding neighborhood;
  - ii. The impact the proposed fence would have on the use and enjoyment of other properties in the immediate vicinity.
  - iii. The safety and security needs of the property occupant.
- (7) Zoning Certificate: Required.

**F. LI, LIP, and GI Industrial Districts**

- (1) Appearance:
  - (a) Fences shall be constructed of materials specifically designed and manufactured for fencing purposes.
  - (b) The finished side of the fence shall face outward toward surrounding properties and rights-of-way.
  - (c) The fence details shall be shown on the site plan and subject to approval by the Walkersville Planning Commission.
- (2) Height:
  - (a) Fences up to 8 feet in height shall be permitted along the property lines.
  - (b) The height of fences located elsewhere on the property shall be subject to site plan approval by the Walkersville Planning Commission.
- (3) Location:
  - (a) Fences are permitted up to the property line. However, if the property line extends to the curb and there is no sidewalk, the fence must be set back 6 feet to allow for the construction of a sidewalk in the future.
  - (b) Fences are not permitted in the public right-of-way.
- (4) Intersections: Must be in compliance with Section 69-10 Obstructions of View at Intersections, and subject to site plan approval by the Planning Commission.
- (5) Prohibitions:
  - (a) Above ground electrical fences, razor fences, and barbed wire fences are prohibited in or adjacent to residential and mixed use districts.
- (6) Site Plan Approval:
  - (a) The fence details and location shall be shown on the site plan and subject to approval by the Walkersville Planning Commission.
  - (b) The Planning Commission shall consider the following in their review:
    - i. The proposed fence in relation to the scale and design of the surrounding neighborhood;
    - ii. The impact the proposed fence would have on the use and enjoyment of other properties in the immediate vicinity.
    - iii. The safety and security needs of the property occupant.
- (7) Zoning Certificate: Required.

INTRODUCED THIS \_\_\_<sup>TH</sup> DAY OF \_\_\_\_\_, 2014.

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 Burgess and Commissioners of Walkersville, MD  
 Ralph W. Whitmore, President

PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.

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Burgess and Commissioners of Walkersville, MD  
Ralph W. Whitmore, President

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

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Burgess and Commissioners of Walkersville, MD  
Ralph W. Whitmore, President