

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2016 Legislative Session

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**Reference No.:** CB-004-2016  
**Draft No.:** 2  
**Committee:** PLANNING, ZONING AND ECONOMIC DEVELOPMENT  
**Date:** 03/02/2016  
**Action:** FAV (A)

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### REPORT:

Committee Vote: Favorable as amended, 3-0 (In favor: Council Members Harrison, Franklin and Taveras)

Council staff summarized the purpose of the legislation and informed the Committee of written referral comments that were received. Staff presented a Proposed Draft-2 (DR-2), prepared in consultation with the sponsor's office, Planning Department staff and the Zoning Hearing Examiner, which provides clarifying amendments concerning the additional regulations proposed by this legislation for the construction of fences.

Council Member Lehman, the bill's sponsor, indicated that she sponsored the legislation to address a constituent complaint regarding a fence that was constructed "inside out" resulting in concerns with maintenance, safety and negative effect on property values for the adjoining neighbors. Ms. Lehman informed the Committee that the provisions of the legislation are prospective and do not affect existing fences. The regulations in CB-4-2016 apply to fences for which a permit must be obtained.

The Office of Law reviewed CB-4-2016 and found it to be in proper legislative form with no legal impediments to its enactment. The Planning Board supports the legislation with amendments and provided the following analysis. "It is not clear how the permit site plans will be reviewed. Planning Department staff only review setbacks and location requirements; we do not review the detail of a fence in residential zones. Permits staff only review architectural drawings when an application requires a Planning Board hearing.

Currently, there are no requirements that a detail of a fence be provided to the Department of Permitting, Inspections and Enforcement (DPIE). What types of fences are intended to be covered under the proposed legislation? Common fence types include: split rail, picket, board on board and chain link. If this bill is enacted, can the property owner draw their own detail of the fence or does it have to be professionally done? In addition, as drafted, how will the fence detail

requirements be enforced by DPIE? What will be the process for applicants who cannot meet the fence detail requirements?

Perhaps the District Council may want to consider requiring DPIE to attach a detail of the fence as part of the fence application to demonstrate what the applicant may build. This requirement would be similar to the current process for the detail of a deck. The review of the fence detail could occur when DPIE reviews the fence footers.

In addition, the requirement that all fences be built with the fence parts and accessories facing inward into the fenced area could be dangerous for livestock. Horses could injure themselves on the fence posts. The horizontal rails could be punched out by livestock. If it is the intent of the District Council to move forward with this legislation, an exemption should be added to the bill for agricultural purposes.”

The following revisions, as well as a new Figure 42.1 (as an attachment to the bill), are incorporated in Proposed DR-2 to address Planning Board comments:

Vertical fence posts and horizontal rails supporting fence panels are prohibited on the exterior side of the fence. The exterior side shall be considered the side facing or visible to the public from outside of the enclosed area. Except for fences less than four (4) feet in height, fences not requiring a permit, and fences on land assessed as agricultural uses, all structural support (vertical posts and horizontal rails) shall face the interior of the subject lot. (See Figure 42.1).

The Committee voted favorable including the amendments in Proposed DR-2.