

Prince George's County Council Agenda Item Summary

Meeting Date: 11/18/2008
Reference No.: CB-072-2008
Draft No.: 1
Proposer(s): Olson
Sponsor(s): Olson, Turner
Item Title: An Ordinance amending the regulations for fences in residential zones.

Drafter: Jackie Brown, PZED Committee Director
Resource Personnel: Dannielle Glaros, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	10/7/2008	Executive Action:	
Committee Referral:	10/7/2008 - PZED	Effective Date:	1/5/2009
Committee Action:	10/15/2008 - FAV		
Date Introduced:	10/21/2008		
Public Hearing:	11/18/2008 - 10:00 AM		
Council Action (1)	11/18/2008 - ENACTED		
Council Votes:	MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, DCH:A, TK:A, EO:A, IT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-420

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 10/15/2008

Favorable, 5-0 (In favor: Council Members Exum, Dean, Dernoga, Knotts and Olson)

This legislation amends the Zoning Ordinance to lower the permitted height of fences on residential lots with one acre or less from 6 feet to 4 feet, but allows the Board of Appeals to approve a variance for a higher fence. CB-72-2008 contains a grandfathering provision for existing fences and those to be constructed pursuant to a building permit issued before October 1, 2008. If an existing fence is replaced, the new fence must meet the 4-foot height limitation.

Council Member Olson, the bill's sponsor, informed the committee that he proposed this legislation as a result of numerous complaints that he has received from several communities, such as Glenn Dale, Seabrook and Henson Oaks, regarding illegal vehicle repairs being conducted on residential property as well as other line of sight and visual issues especially at lots located at an intersection.

Council Member Dernoga suggested that since the Board of Appeals currently has the authority to grant variances for fences above 6 feet in height, the Board should condition these variances to allow the Department of Environmental Resources right of entry to the property if a complaint has been filed or there is evidence of a violation. In order to

move the subject legislation forward, Mr. Dernoga agreed to hold this additional language and propose legislation to accomplish this during the next legislative year.

The Office of Law reviewed CB-72-2008 and determined that it is in proper legislative form. The Planning Board supports the legislation.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

The Zoning Ordinance allows fences up to six feet high in residential yard areas. This standard is problematic in front yards for County inspectors conducting on-site inspections. In addition, the six-foot height prevents neighborhood connectedness. This legislation proposes a four-foot height limit for fences constructed in front yards on properties of one acre or less in size.

CODE INDEX TOPICS:

INCLUSION FILES:
