

Introduced 3/6/09  
Public Hearing 3/16/09  
Council Action 4/6/09  
Executive Action 4/18/09  
Effective Date 6/09/09

## County Council Of Howard County, Maryland

2009 Legislative Session

Legislative Day No. 3

Bill No. 17 -2009 (ZRA 112)

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending the Howard County Zoning Regulations to allow fences of a certain height along certain lot lines that adjoin public street rights-of-way; to set forth certain setbacks for certain fences and walls that are a certain height; to prohibit certain arrangements for certain fences and walls; and generally related to the Howard County Zoning Regulations.

Introduced and read first time March 2, 2009. Ordered posted and hearing scheduled.

By order Stephen M. LeGendre  
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on March 16, 2009.

By order Stephen M. LeGendre  
Stephen LeGendre, Administrator

This Bill was read the third time on April 6, 2009 and Passed ☒, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order Stephen M. LeGendre  
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 7<sup>th</sup> day of April, 2009 at 11 a.m./p.m.

By order Stephen M. LeGendre  
Stephen LeGendre, Administrator

☒ Approved/Vetoed by the County Executive April 8, 2009

Ken Ulman  
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that*  
2 *paragraph 9 of Subsection A "Supplementary Bulk Regulations" of Section 128*  
3 *"Supplementary Zoning District Regulations" of the Howard County Zoning Regulations*  
4 *is amended to read as follows:*

5  
6 **Howard County Zoning Regulations**

7 **SECTION 128: Supplementary Zoning District Regulations**

8  
9 **A. Supplementary Bulk Regulations**

10 The following supplementary regulations shall apply in addition to the requirements of  
11 the applicable zoning district.

12 **9. Setback Requirements for Fences, Walls and Retaining Walls**

13 The following regulations shall apply to fences and retaining walls in all zoning  
14 districts [[except the NT District]].

15 **a. Fences shall be classified in the following categories:**

16 (1) Open fence are fences which do not restrict visibility beyond the  
17 fence line. Open fences include wire, chain link, post and rail,  
18 paddock, picket, and other fences in which more than 50 percent  
19 of the fence area is left open. The fence area is the surface area  
20 from the bottom to the top of the fence section, including  
21 stringers supporting the section but not the post area above or  
22 below the fence section.

23 (2) Closed fences include board on board, privacy or stockade  
24 fences, or any other fences in which 50 percent or less of the  
25 fence area is open. Masonry walls that serve the same purpose as  
26 a closed fence are considered closed fences.

27 **b. The following types of fences and retaining walls shall be exempt from**  
28 **all structure or use setback requirements, including the setbacks in the**  
29 **M-1 and M-2 Districts which apply specifically to fences:**

30 (1) Closed fences three feet or less in height.

31 (2) Open fences five feet or less in height.

32 (3) Retaining walls three feet or less in height.

33 (4) A series of retaining walls in which the height of each individual  
34 wall does not exceed three feet and the horizontal distance

1 between walls is three feet or greater, however, a series of  
2 retaining walls must be set back in accordance with engineering  
3 requirements in the Design Manual. If the adjoining property is  
4 developed for residential use, no more than two retaining walls  
5 are permitted in a series and the closer wall can be no nearer than  
6 10 feet from the property line.

7 c. Fences and walls six feet or less in height shall not be subject to structure  
8 or use setback requirements if located in a side or rear yard which is not  
9 adjacent to a public street right-of-way.

10 D. FENCES AND WALLS SIX FEET OR LESS IN HEIGHT SHALL NOT BE SUBJECT  
11 TO SETBACK REQUIREMENTS IF LOCATED IN A SIDE OR REAR YARD  
12 WHICH ADJOINS A PUBLIC STREET RIGHT-OF-WAY, PROVIDED THE  
13 PROPERTY IS NOT A CORNER LOT. ON CORNER LOTS, FENCES AND WALLS  
14 SIX FEET OR LESS IN HEIGHT SHALL NOT BE SUBJECT TO SETBACK  
15 REQUIREMENTS IF LOCATED IN A SIDE YARD WHICH ADJOINS A PUBLIC  
16 STREET RIGHT-OF-WAY, PROVIDED THE FENCE COMPLIES WITH SECTION  
17 128.A.9.E, BELOW, AND DOES NOT ENCROACH INTO A FRONT SETBACK  
18 FROM A PUBLIC STREET RIGHT-OF-WAY.

19 E. ON A CORNER LOT, CLOSED FENCES AND WALLS OVER THREE FEET IN  
20 HEIGHT SHALL NOT BE LOCATED WITHIN A TRIANGLE FORMED BY THE  
21 PROPERTY CORNER WHERE THE STREETS INTERSECT AND THE POINTS ON  
22 THE PROPERTY LINE TWENTY-FIVE (25) FEET FROM THE PROPERTY  
23 CORNER WHERE THE STREETS INTERSECT.

24 [[d.]] F. Where the ground is higher on one side of a fence or retaining wall than  
25 another, the height of a fence shall be measured on the side where the  
26 ground is lower.

27 [[e.]] G. Other than the exceptions noted above, fences must comply with all bulk  
28 requirements of the applicable zoning district.

29  
30 *Section 2. And Be It Further Enacted by the County Council of Howard County,*  
31 *Maryland, that this Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on April 8, 2009.

Stephen M. LeGendre  
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Stephen M. LeGendre, Administrator to the County Council