

1 **..Title**

2 **Fence Permit Requirements Related to Buildings and Construction Standards in Title 17**

3 – For the purpose of requiring a completed application and permit issued before removing fences
4 of a certain size; requiring plans to show the location of trees of a certain size; and clarifies when
5 a stop-work order will be issues; reformatting these sections to current Code style; and generally
6 related for fence requirements in Title 17.

7 **..Body**

8 **CITY COUNCIL OF THE**
9 **City of Annapolis**

10 **Ordinance 29-24**

11 **Introduced by: Alderman Savidge**

12 **Referred to:**

13 Economic Matters Committee

14 **AN ORDINANCE** concerning

15 **Fence Permit Requirements Related to Buildings and Construction Standards in Title 17**

16 **FOR** the purpose of requiring a completed application and permit issued before removing fences
17 of a certain size; requiring plans to show the location of trees of a certain size; and clarifies
18 when a stop-work order will be issues; reformatting these sections to current Code style;
19 and generally related for fence requirements in Title 17.

20 **BY** repealing and reenacting with amendments the following portions of the Code of the City
21 of Annapolis, 2024 Edition:

22 **17.34.010**

23 **17.34.020**

24 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
25 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

26 **Title 17 - BUILDINGS AND CONSTRUCTION**

27 **Chapter 17.34 - Fence Permits**

28 **Section 17.34.010 - Fences and walls.**

29 **A. Permit Required.**

- 30 ~~1. No new fence or wall shall be erected, placed, or maintained and no existing fence or~~
31 ~~wall shall be altered or replaced until a permit is obtained from the Department of~~
32 ~~Planning and Zoning. The nonrefundable application and permit fees schedule shall be~~

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established by resolution of the City Council. The permit shall not be issued until the application and supporting documentation have been reviewed by the appropriate City departments and approved by the Director or his or her designee.

2. At a minimum, the permit application shall be accompanied by a scaled drawing showing the proposed location and dimensions of the fence or wall on the subject lot, and its relationship to the property lines, public rights of way, easements, utilities, existing structures, existing trees, and steep topography. The permit application shall also include construction drawings, pictures or diagrams sufficient to illustrate the overall design and materials to be used for the proposed fence or wall. The Director may require the applicant to provide additional information as deemed necessary by the City in order to review the proposed fence or wall for conformity with the City Code.

3. Work shall commence within thirty days from the date of the issuance of the permit and be completed in one hundred twenty days after issuance, unless extended by the Director of Planning and Zoning, or the permit will be revoked.

1. Permits - Generally.

- a. No new fence or wall shall be erected, placed, or maintained, and no existing fence or wall shall be altered or replaced, and no existing fence over 400 feet in length shall be removed or demolished until a complete application is submitted and a permit is obtained from the Department of Planning and Zoning.
- b. The nonrefundable application and permit fees schedule shall be established by resolution of the City Council.
- c. The permit shall not be issued until the application and supporting documentation have been reviewed by the appropriate City departments and approved by the Director or his or her designee.

2. Permit Applications.

- a. At a minimum, the permit application shall be accompanied by a scaled drawing showing:
 - i. the proposed location;
 - ii. dimensions of the fence or wall on the subject lot;
 - iii. its relationship to the property lines;
 - iv. public rights-of-way;
 - v. easements;
 - vi. utilities;
 - vii. existing structures;

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viii. existing trees over five inches diameter breast height; and

ix. steep topography.

b. The permit application shall also include construction drawings, pictures or diagrams sufficient to illustrate the overall design and materials to be used for the proposed fence or wall.

c. The Director may require the applicant to provide additional information as deemed necessary by the City in order to review the proposed fence or wall for conformity with the City Code.

d. An application that does not meet these requirements shall not be considered or approved by the Department.

Title 17 - BUILDINGS AND CONSTRUCTION

Chapter 17.34 - Fence Permits

Section 17.34.020 - Appeals.

~~A. A person aggrieved by a determination or an order of the Director or the Director's designee made pursuant to this chapter, other than the issuance of a municipal citation, may appeal to the Building Board of Appeals within fifteen calendar days of the date of the determination or order. The notice of appeal shall be in writing stating the grounds for appeal and shall be filed with the Department of Planning and Zoning along with a nonrefundable fee in an amount established by the City Council. Any right to appeal shall be waived if not timely filed.~~

~~B. Fifteen days' notice of the hearing shall be given to persons or entities owning property within two hundred feet of the location of the proposed fence or wall that is the subject of the appeal. Notice shall be by first class mail, and to the general public by a notice published in a newspaper of general circulation in the City. All required notices shall be at the appellant's expense.~~

~~C. The Building Board of Appeals shall consider the appeal based upon the information and documentation provided to the Department of Planning and Zoning at the time of the determination or order from which the appeal is taken. If the Board finds that the determination or order was in error or contrary to the provisions of this Code or other applicable law, the Board may reverse or modify the determination or order. The decision of the Board on all appeals shall be in writing and shall contain the factual findings of the Board and the reasons for the decision.~~

~~D. A person aggrieved by a decision of the Building Board of Appeals made pursuant to this section may appeal that decision to the Circuit Court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200, as may be amended from time to time. For purposes of this subsection, a person shall not be considered aggrieved by a decision of the Board unless the person has appeared as a party at the hearing before the Board. An~~

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~~appeal under this section shall be taken within thirty days of the date of the decision
appealed and shall be the exclusive remedy of the aggrieved party from that decision.~~

A. Appeal of Director's Decision.

1. A person aggrieved by a determination or an order of the Director or the Director's designee made pursuant to this chapter, other than the issuance of a municipal citation, may appeal to the Building Board of Appeals within 15 calendar days of the date of the determination or order.
2. The notice of appeal shall be in writing stating the grounds for appeal and shall be filed with the Department of Planning and Zoning along with a nonrefundable fee in an amount established by the City Council.
3. Any right to appeal shall be waived if not timely filed.
4. The applicant shall be notified by the Department when an appeal has been filed and the Department shall post a stop work order on the proposed work until the appeal is settled by the Building Board of Appeals.

B. Hearing Notice.

1. Fifteen days' notice of the hearing shall be given to persons or entities owning property within 200 feet of the location of the proposed fence or wall that is the subject of the appeal.
2. Notice shall be by first-class mail, and to the general public by a notice published in a newspaper of general circulation in the City.
3. All required notices shall be at the appellant's expense.

C. Board Determination.

1. The Building Board of Appeals shall consider the appeal based upon the information and documentation provided to the Department of Planning and Zoning at the time of the determination or order from which the appeal is taken.
2. If the Board finds that the determination or order was in error or contrary to the provisions of this Code or other applicable law, the Board may reverse or modify the determination or order.
3. Each appeal should be handled on a case-by-case basis. The Board shall not veer from the plainly written meaning and intention of the code and shall make recommendations to the Council when the Code needs to be clarified.
4. The decision of the Board on all appeals shall be in writing and shall contain the factual findings of the Board and the reasons for the decision.

D. Judicial Appeal.

1. A person aggrieved by a decision of the Building Board of Appeals made pursuant to this section may appeal that decision to the Circuit Court for Anne Arundel

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1 County pursuant to Maryland Rule Title 7, Chapter 200, as may be amended from
2 time to time.

3 2. For purposes of this subsection, a person shall not be considered aggrieved by a
4 decision of the Board unless the person has appeared as a party at the hearing before
5 the Board.

6 3. An appeal under this section shall be taken within 30 days of the date of the decision
7 appealed and shall be the exclusive remedy of the aggrieved party from that
8 decision.

9
10 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
11 **ANNAPOLIS CITY COUNCIL** that this ordinance:

- 12 1. Shall take effect upon passage; and
13 2. Apply to all projects and applications without final approval from the Department.