



City of Annapolis
Department of Planning and Zoning
 145 Gorman Street Fl 3
 Annapolis, MD 21401-2529

Permitting@annapolis.gov • 410-260-2200 • Fax 410-263-9158 • TDD use MD Relay or 711 • www.annapolis.gov

Fence Permit Application

Per City Code [Section 17.34](#) and [21.60.070](#)

FENCE PERMITS

[17.34.010](#) Fences and walls.

A. Permit Required.

1. No new fence or wall shall be erected, placed, or maintained and no existing fence or wall shall be altered or replaced until a permit is obtained from the Department of Planning and Zoning. The nonrefundable application fee and permit fee shall be in accordance with Section [17.12.056](#). 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.

B. Restrictions.

1. In addition to the provisions of this Section, fences and walls shall be required to comply with the standards and requirements outlined in Section [21.60.070](#) of the Zoning Code.
2. No new fence or wall shall be erected, placed, or maintained and no existing fence or wall shall be altered or replaced so as to encroach upon a public right-of-way or easement area, without written approval from the Director of Public Works or his or her designee. When any part of a permitted fence or wall is installed within a public easement area, the City or any agent of the City permitted to use the easement area shall be held harmless by the owner of the property upon which the permitted fence or wall is located for any and all claims for damage to the fence or wall that might occur when work is performed in the public easement area, and shall not be held responsible or liable for the reinstallation of any fence or wall removed from the public easement.
3. The area three feet in radius around fire hydrants, fire hose connections and utility boxes shall be kept free of any fences or walls that could impede use of the hydrant, hose connection or utility box.
4. Fences and walls shall be installed so as not to disturb or damage existing trees equal to or greater than five inches diameter at breast height, unless otherwise approved by the City.
5. Fences and walls shall not alter or impede the natural flow of stormwater, nor divert the water onto the property of others.
6. Fences and walls shall be assembled in accordance with the manufacturer's requirements and be constructed of wood, masonry, stone, wire, metal, plastic, or any other manufactured material or combination of materials normally used for fences and walls, and that has been manufactured for the purpose of fence or wall construction. The bottom of fence posts and wall foundations shall be set at least thirty inches below finished grade.
7. Fences and walls shall be maintained in accordance with the City's property maintenance code.

(Ord. O-26-03 § 1 (part); Ord. O-38-01 § 1 (part); Ord. O-30-91 § 1 (part); Ord. O-5-88 § 1 (part))

(Ord. No. O-40-10 Amended, § 1, 9-26-2011; Ord. No. O-47-11 Amended, § 1, 10-28-2013)

[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 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.

(Ord. O-26-03 § 1 (part))

(Ord. No. O-47-11 Amended, § 1, 10-28-2013)

17.34.030 Violations.

A person who violates this chapter is guilty of a municipal infraction and is subject to a fine of one hundred dollars for any single, initial violation and a fine of two hundred dollars for each repeat or continuing violation.

(Ord. O-26-03 § 1 (part))

21.60.070 Fences and walls.

Fences and walls as defined by this Title may be erected, placed, maintained, altered or replaced pursuant to a permit issued in accordance with Section [17.34.010](#) of the Annapolis City Code. The following additional standards apply:

- A. If located within the historic district as defined in this Title, all proposed new fences and walls, and all proposed alterations to existing fences and walls, require the review and approval of the Historic Preservation Commission. The Historic Preservation Commission has the authority to grant a waiver or exemption, if necessary, in order to comply with the Historic Preservation Commission Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation.
- B. Fences and walls may be installed up to, but not over the property line. It is the responsibility of the property owner to assure that the proposed fence or wall is not installed on property of others. All property line disputes are between abutting property owners, and they shall not seek or have any remedy against the City.
- C. Within required bufferyards adjacent to public streets, to the extent practical in order to achieve proper screening, fences and walls shall be located towards the interior edge of the landscape buffer, rather than at the edge of the public right-of-way.
 - D. Except as permitted by this Title, fences and walls shall not obstruct view cones or sight visibility triangles.
- E. Fences and walls shall not be located to unduly obstruct light and air from neighboring properties or public ways.
- F. The overall design and materials used for fences and walls shall be in keeping with the character and purpose for which the fence or wall is intended, and shall be compatible with other similar structures in the neighborhood.
- G. All fences and walls shall be installed with the finished side facing out, so that posts and lateral supports are not on the side of the fence or wall which faces an adjacent property or public right-of-way, unless such supporting members are exposed on both sides due to the specific design of the fence or wall.
- H. Except in connection with penal and correctional institutions and public utility and service uses, no fence or wall shall consist, in whole or in part, of barbed wire or similar materials designed or customarily utilized to inflict injury upon persons or animals.
- I. Standard Maximum Height.
 - 1. A. On properties within the R2-NC, R3-NC and R3-NC2 Residential Neighborhood Conservation Districts, the maximum height of a fence or wall shall be six feet, unless the fence or wall is located along a public street, in which case the maximum height of the fence or wall shall not exceed four feet.

B. The height limits in subsection (l)(1) of this section shall also apply to properties within the WME and WMM Maritime Districts as well as the OCD Overlay District, only when a fence or wall is located along a lot line or public street that is contiguous with an adjacent property in the R2-NC District.

2. Fences and walls shall not be considered as being located along a public street if they otherwise meet the same minimum front and corner-side yard setbacks that would be required for the principal structure on the subject property in the zoning district in which the fence or wall is located.
- J. Allowance for Additional Height.
1. Up to two additional feet of height is allowed for decorative gates which do not exceed twenty-five feet in width for vehicular gates, or eight feet in width for pedestrian gates.
 2. In accordance with the procedures for Administrative Adjustments set forth in Chapter [21.18](#), the Planning and Zoning Director may permit certain fences and walls an additional height allowance of up to four feet above the standard maximum height limit established by this section.
 3. In addition to the review criteria in Section [21.18.040](#), the Director of Planning and Zoning shall make additional written findings based on the following:
 - a. The subject fence or wall will be compatible with other similar structures in the neighborhood and is required to mitigate impacts from adjacent land uses, the subject property's proximity to public right-of-ways, or safety concerns.
 - b. Within the intent and purpose of this Zoning Code, the proposed additional fence or wall height, if granted, is the minimum adjustment necessary to afford relief.
- K. Notwithstanding the height limitations in this section, temporary fences and walls, incidental to construction on or development of the premises on which the temporary fences and walls are located, shall be permitted during the time construction or development is actively underway.
- L. Lawfully existing fences and walls that do not conform to the bulk or other development or design standards for the district in which the fence or wall is located may be continued, if properly repaired and maintained as provided in Chapter [21.68](#), Nonconforming Uses and Structures. Nonconforming fences and walls which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this Title.

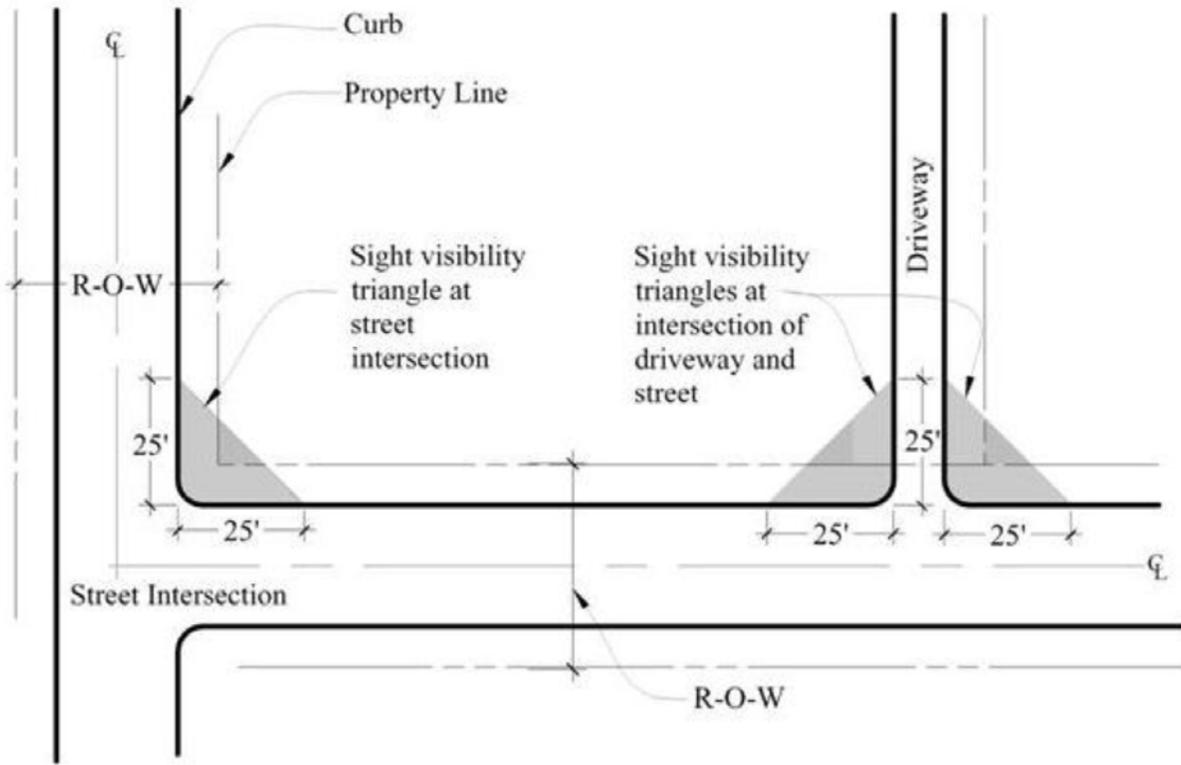
(Ord. No. O-47-11 Amended, § 1, 10-28-2013)

[21.60.075](#) Sight Visibility Triangle.

In all districts, a sight visibility triangle, as defined in Section [21.72.010](#), shall be provided at all intersections, including alleys and driveways, and shall be kept free of obstructions to vision between the height of two and one-half feet and twelve feet above the street. If, in the opinion of the Director of Planning and Zoning with the concurrence of the Director of Public Works, this requirement may be altered if such alteration will not result in a potential traffic hazard. Where intersections occur on roadways under the jurisdiction of the State of Maryland or Anne Arundel County, the sight visibility triangle required by the State or County may be substituted in-lieu-of the requirements above.

(Ord. No. O-47-11 Amended, § 1, 10-28-2013)

Sight Visibility Triangle. See illustration. "Sight visibility triangle" means a triangular area intended to remain free of visual obstructions to prevent potential traffic hazards across all property corners formed by two intersecting streets or the intersection of an alley and a street or the intersection of a driveway and a street. The sight visibility triangle is determined by drawing a diagonal line across the corner of the lot between two points each measured twenty-five feet back from the vertex of the extended curb lines of the intersecting streets, alleys or driveways.





City of Annapolis
Department of Planning and Zoning
 145 Gorman Street Fl 3
 Annapolis, MD 21401-2529

FOR CITY USE ONLY	
PERMIT #	_____
ISSUED	_____
EXPIRES	_____

Permitting@annapolis.gov • 410-260-2200 • Fax 410-263-9158 • TDD use MD Relay or 711 • www.annapolis.gov

Fence Permit Application

Per City Code [Section 17.34](#) and [21.60.070](#)

Site Information

Building Site Address _____

Property Tax ID # _____ Is this in the Historic District? Yes No

Residential Commercial If commercial, name of business. _____

Is the above address with the _____

If located within the Historic District, all proposed new fences and walls, and all proposed alterations to existing fences and walls, require the review and approval of the Historic Preservation Commission, prior to submitting for a fence permit.

Property Owner Information	Applicant Information
Name _____	Name _____
Address _____	Address _____
City _____ State _____ Zip _____	City _____ State _____ Zip _____
Day phone _____ Cell _____	Day phone _____ Cell _____
E-mail _____	E-mail _____

Contractor's Information	
Name _____	MHIC License # _____
Address _____	Expiration Date _____
City _____ State _____ Zip _____	State of MD Construction License # _____
Day phone _____ Cell _____	Expiration Date _____
E-mail _____	

Submittal Requirements (See page 6, attached). APPLICATION MUST BE SUBMITTED WITH THE ATTACHED CHECK LIST OR THE APPLICATION MAY NOT BE PROCESSED.

Permit Type: New Work Replace Existing Repair Alter Existing

Type of Fence (wood, masonry, stone, wire, metal, plastic, vinyl, etc) _____

Fence Length _____ Height _____ Value of Construction _____

Signature of owner or authorized agent

The applicant certifies & agrees as follows: (1) that they are authorized to make this application; (2) that the information is correct; (3) that they will comply with all regulations of the City of Annapolis which are applicable hereto; (4) that they will only perform work on the above property specifically described in this application; (5) that they grant the City officials the right to enter onto the property for the purpose of inspecting the work permitted and posting notices; (6) if you choose to appeal the issuance, decision, determination or order of this permit, the petition for appeal shall be in writing stating the grounds for appeal and shall be filed with the Building Board of Appeals within 15 calendar days of the issuance, decision, determination or order. Any right to appeal shall be waived if not timely filed.

Owner or Authorized Agent (print) _____

Signature _____ Date _____

FOR CITY USE ONLY	
Final Approval _____	Date _____
App Fee Paid _____	Permit fee _____
	Fee due _____



City of Annapolis
 Department of Planning and Zoning
 145 Gorman Street Fl 3
 Annapolis, MD 21401-2529

Permitting@annapolis.gov • 410-260-2200 • Fax 410-263-9158 • TDD use MD Relay or 711 • www.annapolis.gov

**Supplement to Fence Permit Application
 Plan Submittal Check List**

Building Site Address _____ Permit # _____

FIVE (5) COPIES OF THE FOLLOWING must be submitted or application may not be processed. Six (6) copies for commercial.

This 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.

Required Submittal – CONFIRM CORRECT # OF COPIES FOR EACH BELOW.

<u>Attached</u>	<u>Not Applicable</u>	<u>Required Submittal (Confirm correct number of copies for each below)</u>
		1. If located within Historic District – <i>HPC Certificate of Approval</i>
		2. Fence Permit Application
		3. Site Plan – <i>a scaled drawing showing the proposed location and dimensions of the fence or wall (including any gates) on the subject lot, and its relationship to the property lines, public rights-of-way, easements, utilities, existing structures, existing trees, and steep topography.</i>
		4. Construction Drawings – <i>measured drawings showing the overall design and materials to be used, footing details, and architectural elevations of both sides of the proposed fence or wall (the finished side of the fence or wall must face out).</i>
		5. Photographs – <i>in addition to the above documents: pictures showing the existing site conditions, and/or pictures of other fences or walls that are similar to the proposed.</i>
		6. Tree Permit Application – <i>required for the removal of trees ≥ 5" in diameter located within the front or side yard setbacks adjacent to the City right-of-way.</i>
		7. Other – <i>any other additional documentation sufficient to illustrate the overall design and materials to be used for the proposed fence or wall as deemed necessary by the City in order to review the proposed fence or wall for conformity with the City Code. Please describe below.</i>

PLEASE CAREFULLY READ THE ATTACHED REGULATIONS FROM THE CITY CODE CONCERNING FENCES AND WALLS WITHIN THE CITY OF ANNAPOLIS.

ALL FENCES AND WALLS MUST BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PROVISIONS OF THE CITY OF ANNAPOLIS CODES, WHETHER HEREIN SPECIFIED OR NOT.

Signature of owner or authorized agent

I attest that the above plans/drawings are either attached, or are not applicable as noted above.

Owner or Authorized Agent (print) _____

Signature _____ Date _____

NO WORK MAY BEGIN UNTIL YOU HAVE RECEIVED YOUR FENCE PERMIT CARD FOR POSTING.