



Ordinance No:	<u>2018-04</u>
Accepted by Planning Commission:	<u>05/01/2018</u>
Introduced by Town Council:	<u>05/21/2018</u>
Two Newspaper Advertisements:	<u>06/14/2018</u> <u>06/21/2018</u>
Public Hearing:	<u>07/09/2018</u>
Enacted:	<u>08/13/2018</u>
Effective:	<u>09/13/2018</u>

## ORDINANCE

### ADOPTING AMENDMENTS TO THE WASHINGTON GROVE ZONING ORDINANCE TO MODIFY SPECIAL RULES FOR FENCES AND CARPORTS, ADD DEFINITIONS FOR CLARITY AND CONSISTENCY, AND MODIFY ACCESSORY BUILDING SET BACKS

PART 1. The Town Council adopts the following opinion:

The Planning Commission filed and accepted an application for a text amendment to the Washington Grove Zoning Ordinance on May 2, 2018. The Zoning Ordinance is Article VII of the Code of Ordinances of the Town of Washington Grove, and all subsequent Section references are to Article VII. The application for text amendment was filed pursuant to Section 13.2. The text amendment includes consideration of modifying special rules for fences and carports, adding definitions for clarity, and modifying setbacks for accessory buildings. A public hearing was held on July 9, 2018. At this hearing concerned residents testified. The public hearing was left open for this amendment until August 13, 2018. After consideration of the public record, the Town Council concludes:

(3.327) Modifying special rules for 6-foot high fences and masonry walls on lot lines separating privately-owned land such that fences and walls over 4 feet high do not extend forward of the Main Building Line Extended will reinforce a Master Plan intent for open character of public areas, and a sloped or scalloped transition from the 6-foot to 4-foot fence height for the rear yard will help address visibility issues for pedestrian and vehicle safety;

(3.329) Restoring special rules for adjacent carports will provide for structure placement which retains more usable open space within the affected properties;

(4.2) Adding definitions of "Avenue Line" and "Main Building Line Extended" will facilitate special rules for location of fences and masonry walls.

(4.2) Adding definitions of "Repair" and "Ordinary Repairs" will help ensure clarity and consistency for building permit requirements; and

(9.1) Modifying the minimum set back requirements for accessory buildings will increase flexibility for structure placement which retains more usable open space within the affected properties.

PART 2. The Town Council adopts the following amendments to the text of the Washington Grove Zoning Ordinance:

Section 3.327 is amended as follows:

3.327 Fences

(a) Fences and masonry walls not above 4 feet in height may be erected on a lot line. A fence and masonry wall not exceeding 6 feet in height, however, may be erected on any lot line separating privately owned land from the rear lot line to the main building line extended. However, when two privately owned lots are adjoining, with rear yards oriented such that the side lot line of one is the rear lot line of the other, both lots will be allowed the higher 6-foot fence height on the shared boundary lot line. Where a 6-foot fence would meet a street line or an avenue line, a sloped or scalloped transition from the 6-foot to 4-foot fence height for a least 7 feet is required.

\* \* \*

(d) A fence may be up to six (6) feet in height if it meets the main building front set back requirements and accessory building side set back and rear set back requirements.

\* \* \*

Section 3.329 is added as follows:

3.329 Carports – an open, covered carport may extend to the side lot line, provided that:

(a) the adjacent area of the adjoining lot is occupied by similar structure,

(b) both structures are built at the same time,

(c) the structure does not extend into the required front or rear yard,

(d) the structure does not exceed 15 feet in height, and

(e) the structure does not touch the neighboring structure.

In Section 4.2 Definitions, the introductory sentence is modified as follows:

For the purposes of this Article, the following words and phrases have the meanings stated, unless the context clearly indicates otherwise.

In Section 4.2 a definition of “Avenue Line” is added as follows:

Avenue Line – a line defining the edge of an avenue right-of-way and separating the avenue right-of-way from the abutting property or lots.

In Section 4.2 a definition of “Main Building Line Extended” is added as follows:

Main Building Line Extended – a boundary line extending horizontally from the front of a main building to both side lot lines.

In Section 4.2 definitions of “Repair” and “Repairs, Ordinary” are added as follows:

Repair – the reconstruction, replacement or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

Repairs, Ordinary – repairs to assets caused by day-to-day wear and tear that are required to maintain the asset’s functionality. These ordinary repairs do not increase the value of capital assets, they merely preserve value.

Section 9.1 Schedule of Standards, Standard Method of Development, is amended as follows:

\* \* \*

Minimum Set Back Requirements

Accessory Building

\* \* \*

Side

If Height Over 15 Feet

If Height Under 15 Feet

If side adjacent to street

\* \* \*

RR-1 – 10 ft RR-2 – 4 ft RR-3 – 10 ft RR-4 – 10 ft

RR-1 – 5 FT RR-2 – 4 FT RR-3 – 5 FT RR-4 – 5 FT

RR-1 – 15 ft RR-2 – 10 ft RR-3 – 15 ft RR-4 – 15 ft

PART 3. EFFECTIVE DATE: This Ordinance shall become effective thirty (30) days from the date of enactment hereof in the absence of a petition by qualified voters as set forth in Section 15 of the Charter of the Town.

ADOPTED THIS 13<sup>TH</sup> DAY OF August, 2018.

TOWN OF WASHINGTON GROVE

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Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date