

MEMORANDUM

TO: Cape Elizabeth Town Council
FROM: Ordinance Committee
DATE: October 28, 2020
SUBJECT: Fence Amendments

At the August 10, 2020 meeting, the Town Council referred a review of fence regulations to the Ordinance Committee.

The committee reviewed existing town rules, as well as state restrictions and a sampling of regulations in other communities at the October 5, 2020 meeting. The committee concluded that establishing a height limit may be helpful to residents who often inquire about fence requirements. At the October 26, 2020 meeting, the committee made the following recommendation by a vote of 3-0.

That the fence amendments be sent to the Town Council for consideration.

**Fence Regulation
Zoning Ordinance**

SEC. 19-1-3. DEFINITIONS

Fence: Any permanent partition or barrier more than twelve (12) inches in height from the natural grade (or the top of a retaining wall if a fence is placed on such wall) bordering or parallel to and within five (5) feet of a lot line that in whole or in part defines the boundaries of said lot. A retaining wall or landscaping material such as hedges shall not be considered a fence. Fences located within the interior of a lot which do not serve to define a lot boundary, such as, but not limited to, fences that enclose dog runs, play areas, pools, tennis courts, etc., are not subject to regulation pursuant to this ordinance except for any portion of such fence that borders or is parallel to and within five (5) feet of a lot line.

Formatted: Font: Bold

Height, fence: The vertical distance measured from the natural grade of the ground at the location where the fence is erected (or from the top of a retaining wall if a fence is placed on such wall) to the top of the fence section or panel. Fence supports such as posts, columns, piers or pilasters, as well as gates and arbors may exceed the height restriction contained in this ordinance by not more than twelve (12) inches. In cases where the top of the fence section or panel is curved, the height shall be calculated using the average of the highest and lowest points on the top of the fence section or panel.

Formatted: Font: Bold

SEC. 19-7-12. FENCES AND CORNER CLEARANCES

Formatted: Font: Palatino, Italic

Formatted: Normal

Deleted:

A. Fence Height. The height of a fence located within 5' of the property line in or adjacent to the Residence A, B or C zoning districts shall not exceed eight feet (8') in height. The height of fences necessary for public athletic facilities, such as but not limited to softball diamonds or tennis courts, shall be permitted at heights in conformance with established recreation standards. Any existing fence that does not conform with the requirements of this section shall be considered nonconforming. Replacement of an existing fence shall comply with this section.

Formatted: Heading 2, Justified, Indent: Left: 0", Hanging: 0.5"

Formatted: Font: 12 pt, Not Bold, Not Italic

Formatted: Font: (Default) Palatino, Bold, Italic

B. Corner Clearances. On a corner lot in any district, no fence, wall, hedge, or other planting more than three and a half (3 ½) feet in height shall be erected, placed or maintained within the three-sided area formed by the intersecting street lines and a line joining them at points which lie twenty (20) feet distant from the point of intersection, measured along said street lines.

Formatted: Normal, Left

Formatted: Indent: Left: 0", Hanging: 0.5"

Formatted: Font: Bold