TOWN OF MANCHESTER

ORDINANCE NO. 277

AN ORDINANCE TO AMEND CHAPTER 250, AMENDING THE ZONING CODE TO MODIFY AND CLARIFY LANGUAGE PERTAINING TO FENCES AND PROHIBITIONS IN ACCESSORY USES, BUILDINGS AND STRUCTURES.

WHEREAS, by virtue of the authority contained in Section 5-213 of the Local Government Article of the Maryland Annotated Code and Article IV of the Charter of the Town of Manchester, the Mayor and Council have the authority to create, and from time to time amend regulations relating to the use of real property within the Town; and

WHEREAS, this Ordinance has been reviewed by the Planning and Zoning Commission, and they voted to recommend that the Mayor and Council approve and adopt the proposed ordinance; and

WHEREAS, the Mayor and Council held a public hearing on these amendments on the _____ day of _____, 2026;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MANCHESTER:

ARTICLE 1. That § 250-26 be amended as follows:

§ 250-26. E Prohibitions.

Prohibitions. No accessory building may be used for human habitation except for accessory buildings approved as an accessory dwelling unit pursuant to § 250-26.1[~~. Except~~] and for a pool house[~~, no~~]. No accessory building or structure in a residential single-family district, except for an accessory dwelling unit, shall contain full bathroom facilities. "Full bathroom facilities" shall mean the provision of a sink, toilet, and bathtub or shower.

§ 250-26. F Accessory uses.

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(4) Fences, trees, planted barriers (plants, bushes, shrubs, etc.). Hedges or other planted barriers cannot exceed three feet in height and/or obstruct traffic visibility. Fences must not enclose public utilities. Fences must be located a minimum of five feet from any sidewalk; if no sidewalk, then a minimum of five feet from the road surface; and follow regulations as they pertain to visibility across corner lots detailed in § 250-21. Fences require a zoning certificate from the Town of Manchester. [~~Hedges or other planted barriers cannot exceed three feet in height and/ or obstruct traffic visibility.~~] Any fence in a utility easement is subject to removal, by the Town, at the expense of the property owner if the Town must access such easement. The Planning and Zoning Commission must approve chain-link and/or wire fences. Fences must also comply with the following:

~~(a)~~ [~~Privacy fences. Privacy fences must be located in the rear yard behind the front building and may not exceed six feet in height. Posts shall be generally spaced six to eight feet apart and may extend above the height of the fence up to four inches, including caps or other architectural treatments. The Town recommends the fence be placed inside the property line so maintenance can be performed from both sides of the fence. A privacy fence shall be constructed of standard dimensional lumber, vinyl or synthetic lumber. The Planning and Zoning Commission must approve chain-link, wire or plastic fences.~~]

~~(b) Decorative fences. Decorative fences may be located in any yard or setback area. Decorative fences located outside of the rear yard cannot exceed three feet in height, and must not interfere with visibility and may not be solid. Decorative fences shall be constructed of standard dimensional lumber, synthetic lumber, wrought iron or aluminum.~~

(a) All fences besides privacy fences. Such fences may be located in any yard or setback area, as long as such fences comply with Town Code. Posts shall be generally spaced six to eight feet apart and may extend above the height of the fence, up to six inches, including caps or other architectural treatments. The Town recommends the fence be placed inside the property line so maintenance can be performed from both sides of the fence. Fences shall be constructed of standard dimensional lumber, synthetic lumber, vinyl, wrought iron or aluminum. Such fences must not interfere with visibility and may not be solid. Fence height shall be as follows:

[1]. Fences located in the front yard(s) cannot exceed four feet in height,

[2]. Fences located in the side and rear yards cannot exceed six feet in height.

(b) Privacy fences. Privacy fences may only be located in the rear and side yards behind the front principal building wall(s), may not exceed six feet in height,

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and must not interfere with visibility. Privacy fences cannot be located in any front yard(s). Posts shall be generally spaced six to eight feet apart and may extend above the height of the fence, up to nine inches, including caps or other architectural treatments. The Town recommends the fence be placed inside the property line so maintenance can be performed from both sides of the fence. A privacy fence shall be constructed of standard dimensional lumber, vinyl or synthetic lumber.

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ARTICLE 2. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this chapter, it being the intent of the Town that this chapter shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion thereof.

ARTICLE 3. Section Headings, Chapter Headings, Titles.

Section headings, chapter headings, titles, etc., are for the purpose of description or ease of use and do not for a part of the test of this Ordinance or any Code or test adopted hereby.

ARTICLE 4. Interpretation.

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This Ordinance shall be construed broadly in favor of the Town of Manchester for the purpose to promote the purpose for which it was adopted.

ARTICLE 5. Abrogation and Greater Restrictions.

1. Public Provisions. This Ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulations, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

2. Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the

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provisions of the easement, covenant, or private agreement impose duties and obligations more restrictive than these regulations, and the private provisions are not consistent with these regulations, then the private provisions shall be operative and supplemental.

ARTICLE 6. Effective Date.

This Ordinance shall take effect on the ____ day of _____, 2026.

Introduced this 8th day of September 2026.

_____
Kelly Baldwin
Director of Finance

Passed this ____ day of _____, 2026, by a vote of ___ Council members in favor, and ___ members opposed, and ___ abstentions.

Delivered to the Mayor for their approval or disapproval this ____ day of _____, 2026.

ATTEST:

_____ _____
Kelly Baldwin Melinda Smith
Director of Finance Mayor

Effective this ____ day of _____, 2026.

Approved as to form and legal
sufficiency this _____ day of
_____, 2026.

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By: _____
Thomas McCarron, Town Attorney

---Matter in [~~brackets~~] and [~~strikethrough~~] is to be deleted from the ordinance
Matter underlined is new material to be added to the Ordinance

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