

Section 5.60 Regulation of Fences

Section 5.61 Intent and Purpose

It is the intent of these regulations to improve public safety and the welfare of persons using city sidewalks and streets through the maintenance of adequate visibility into and from private property and within public rights-of-way, particularly as related to the front yard spaces between the public sidewalks and any buildings on a lot. Furthermore, the regulations are designed to allow individual property owners to provide adequate screening for privacy on their lots without undue negative impact on the interests of residents on abutting properties to secure adequate light and air. It is not the intent of these regulations to discourage creative and attractive fence designs, consistent with the stated intent and purpose of this Section 5.60.

Section 5.62 Applicability

This Section 5.60 shall only apply to the construction of all permanent fences in all zoning districts in the City, whether or not a permit or other approval is required, that are installed within any required front yard or within six (6) feet of any property line, whichever is greater.

This Section 5.60 shall not apply to open or porous fences installed in public parks, or public or private recreation areas and athletic fields for safety purposes or to regulate and contain athletic activities. Nor shall these regulations apply to temporary fences installed at construction sites, or for erosion protection or as required in accordance with a City-issued Obstruction Permit.

Section 5.63 Definitions

Fence: A structure made of metal, masonry, wood, plastic, stone or any combination thereof, resting on or partially buried in the ground and rising above ground level and used for confinement, screening, partition, or ornamental purposes. Natural living plant material shall not be considered a fence for the purposes of this Section 5.60.

Height of a Fence: The vertical distance from each point of natural ground level to the highest point of the fence immediately above it.

Closed, Opaque or Solid fence: A fence that consists of less than fifty percent (50%) voids when viewed from the outside of the fence in a direction perpendicular to the plane of the fence, exclusive of (a) supporting posts no wider than six (6) inches and no closer than four (4) feet and (b) no more than two (2) horizontal rails or supports provided that they each have a horizontal dimension of four inches or less.

Open or Porous fence: A fence that consists of at least fifty percent (50%) voids when viewed from the outside of the fence in a direction perpendicular to the plane of the

fence, exclusive of supporting posts and up to two (2) horizontal rails or supports provided that they each have a vertical dimension of four (4) inches or less.

Chain Link Fence: An open mesh fence made entirely of metal wire woven in squares of approximately 1½ to 2 inches forming a diamond pattern mesh, supported by vertical and horizontal metal tubing.

Section 5.64 Requirements

All fences subject to this Section 5.60 shall comply with all the requirements contained herein. Where requirements for fences appear elsewhere in the Ordinance and differ from the requirements of this Section 5.60, the stricter provisions shall apply (e.g. See Section 11.10, Section 20.60, and Article 6.000).

1. Maximum Height Limitations

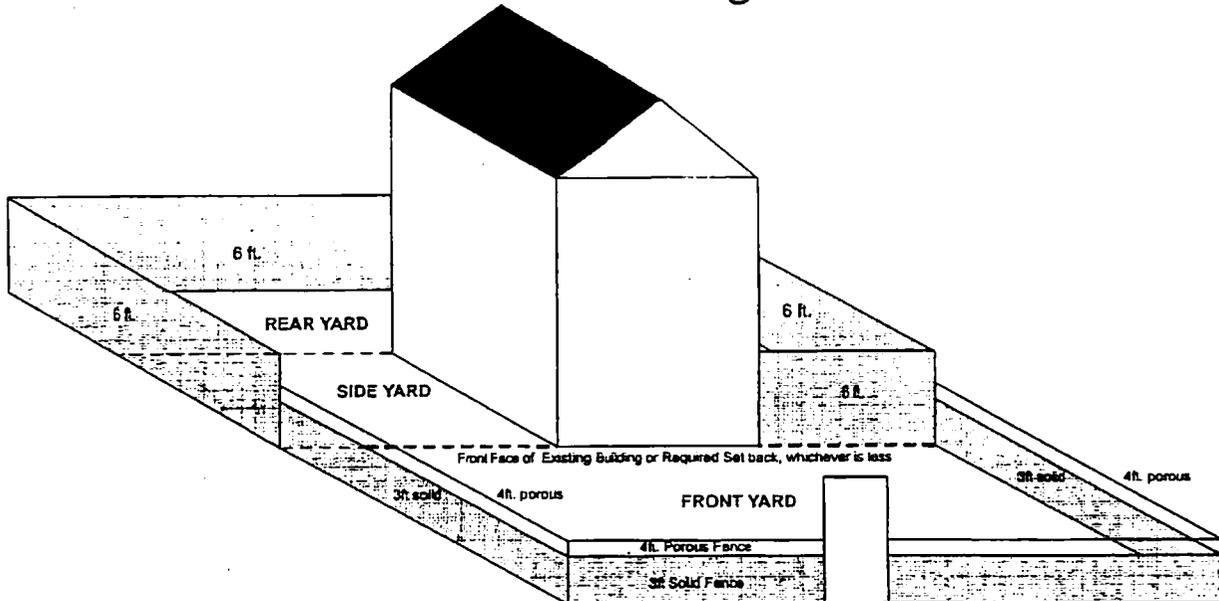
a. Within a required Front Yard, a Closed Fence shall be limited to three (3) feet in height and a Porous Fence shall be limited to four (4) feet in height. Where the Principal Front Wall Plane of the Principal Use structure on the lot is set back from the Front Lot Line less than the Minimum Yard requirement, the height provisions of this Subparagraph (a) shall apply only to that portion of the lot between the Front Lot Line and the Principal Front Wall Plane. Beyond that point the provisions of Paragraph (b) below shall apply.

A section of Porous Fence may be installed atop a Closed Fence to a height of four (4) feet.

b. All other fences shall be limited to six (6) feet in height.

c. Where a fence is installed on top of a retaining wall the fence height shall be measured from the filled ground behind the retaining wall. Where the retaining wall extends above the ground elevation, the retaining wall shall be considered as a portion of the fence height.

City of Cambridge Allowed Fence Heights



d. Posts and other vertical supports may exceed by six inches the fence heights permitted in Subparagraphs (a) and (b) above, provided the posts are spaced no closer than four (4) feet horizontally.

e. A pergola, arbor or similar open structure, installed at a pedestrian entry or gate opening in a fence, may exceed the height limits set forth in Subparagraphs (a) and (b) above provided it does not exceed eight (8) feet in height or six (6) feet in any horizontal dimension.

2. Other Requirements

a. No fence shall be made of barbed wire, razor ribbon or be electrified in accordance with the City of Cambridge Ordinances, Section 9.04.040.

b. No fence shall be topped with metal spikes where the top of such spikes is less than five (5) feet in height from the adjoining grade.

c. Court or wind screening fabrics may be attached to an Open Fence, but must be made of an open mesh fabric.

d. Any fence that has a finished side and an inferior side shall be installed with the finished side facing out from the property and inferior side facing inward; e.g. stockade type fencing, which has an inferior side having exposed support rails, shall be installed so that the face containing the support rails will face inward from the property line

Section 5.65 Waiver of the Provisions of this Section.

The Board of Zoning Appeal may grant a special permit to waive the requirements of this Section 5.50 where the applicant can demonstrate the proposed alternate design would not derogate from the purposes of this Section 5.60, that there are special circumstances on the lot that justify a fence design that does not conform to the requirements of this Section, that the proposed design better serves the objectives of this Section 5.60, or that the alternate fence design continues an historic custom, pattern or tradition appropriate to its location.

Section 5.66 Maintenance, Replacement, and Non-conformity

Property owners shall maintain fences free from dilapidated or dangerous conditions.

Where a fence does not meet the requirements of this Section 5.60 it shall be considered non-conforming and subject to the provisions of Article 8.000 of the Zoning Ordinance; any alternation, repairs, extensions or expansions shall be subject to the limitations of Article 8.000.

Section 5.67 Other Ordinances.

Other Ordinances of the City of Cambridge apply to the construction and maintenance of fences in the city. Among those that should be consulted are Article 6.000 and Section 11.10 and 20.60 of the Zoning Ordinance and Sections 12.12.130 and 9.04.040 of the City Ordinances.