

158.051: FENCES AND WALLS

I. Standards:

- A. If any of the provisions of this chapter are inconsistent with the provisions of any other law presently existing or enacted in the future, the more restrictive requirement shall apply.
- B. If any other provision of any other chapter of these ordinances is clearly in conflict with this chapter, this chapter shall apply.
- C. Other provisions determined by the Planning Commission, Architectural Review Board or the Zoning Board of Appeals to have a detrimental effect on the surrounding neighborhood and businesses.

II. Definitions:

Main Street District: For the purpose of this section, this shall include main Street (Hwy 302 from town limit to town limit), Ramblin Road (from Town Limit to town limit) and Pine Street

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III. Purpose

The purpose of this Section is to regulate the location, height, and appearance of fences and walls to maintain visual harmony within neighborhoods in the town, protect adjacent properties from the indiscriminate placement and unsightliness of fences and walls, and ensure the safety, security, and privacy of properties.

IV. Applicability

The provisions of this Section shall apply to all construction, substantial reconstruction, or replacement of fences or walls not required for support of a principal or accessory structure, or any other linear barrier intended to delineate different portions of a lot.

V. General Requirements for Fences and Walls

- A. Location. Fences are permitted on the property line between two or more parcels of land held in private ownership.
- B. Temporary Fences. Temporary fences for construction sites or a similar purpose shall comply with the requirements of the **Building Code adopted by the County**
- C. Fences and Walls near Fire Hydrants. Fences and walls shall not be located where they would prevent immediate view from the street of, use of, or access to, fire hydrants or other fire-fighting water supply devices, in accordance with the Fire Code.
- D. Fences in Easements. Fences should not be located within utility easements. The town shall not be responsible for damage to, or the repair or replacement of, fences that must

be removed to access such easements. In no instance shall this provision be construed to prevent fencing around stormwater retention or detention facilities.

- E. Blocking Natural Drainage Flow. No fence shall be installed so as to block or divert a natural drainage flow on to or off of any other land.
- F. Fences on Retaining Walls or Berms. If a fence is constructed on top of a wall or berm, the combined height of the fence and wall or berm shall not exceed the maximum height that would apply to the fence or wall alone.
- G. Fences and Walls within Buffers. Fences and walls shall be installed so as not to disturb or damage existing vegetation or installed plant material within perimeter or riparian buffers.
- H. Integration with Other Required Landscaping. Required landscape screening for fences or walls may be integrated into the landscaping required for vehicular use area screening or perimeter buffers, provided the standards in Landscaping, Buffers, and Screening Standards are maintained.
- I. Customary Materials treated wood or cedar, wrought iron, vinyl, aluminum, fiberglass or other composite. Clear coat wood preservatives may be applied. Such fences shall be horizontal split rail or vertical picket type with a minimum of three and one quarter inches (3 ¼") between rails or pickets to allow visibility. At the discretion of the lot owner, a wire mesh may be added from the top rail to the ground. The openings in the wire mesh must be 2" x 2" or greater, and it must be made of welded, galvanized or vinyl coated wire 12 gauge or lighter. The top rail shall not be higher than sixty inches (60") above grade. The posts must be spaced at least six feet (6') apart, except at corners or gates or where additional structural support may be needed.
- J. No person shall permit any gate or door attached to a building or fence upon such person's property or property over which such person has control to open into or upon any street, sidewalk or public square.
- K. It shall be unlawful for any person to paste, paint, tack or place any handbill, circular, picture or other advertising matter upon any fence in the Main Street District. Other property, without the written consent of the owner thereof.

VI. Height Requirements for Fences and Walls

All fences and walls shall conform to the following standards. In all cases, heights are measured from natural grade.

- A. Fences or walls shall not exceed a height of four feet in front yards and corner side yards located between the side street right-of-way and the side of a structure, or a height of six feet in side and rear yards.
- B. Main Street District (Pine Street, Ramblin Road, Hwy 302) Except for fences or walls providing required screening, fences and walls in the C4, C5, and S zones shall not be permitted in front and corner side setback areas, shall not exceed a height of eight feet in the remainder of front and corner side yards, and shall not exceed a height of eight feet in rear yards.

C. Exemptions

1. Required Screening. A fence or wall provided to screen an outdoor maintenance, storage, or salvage yard, is exempt from the height standards of this Section, but in no case shall the fence or wall exceed a height of ten feet.
2. Recreational Fencing. Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility shall be exempt from the height restrictions of this Section.
3. Public Safety Use Fences and Walls. Major utilities, wireless communication towers, government facilities, and other public safety uses shall be allowed to increase maximum fence or wall heights to 10 feet in front, side, and rear yards, unless further increased through an approved security plan, see Subsection 5, below.
4. Security Plan Fences and Walls. An owner, tenant, or a representative of a public agency responsible for a public facility may submit to the Planning Board a site security plan proposing fences or walls taller than those permitted by this Section, or the use of barbed or concertina wire atop a fence or wall. The Planning Commission shall approve, or approve with conditions, the site security plan and its proposed exemption of fences or walls from the standards of this Section, on finding that:
 - a. The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land; and
 - b. The proposed taller fences or walls, or use of barbed or concertina wire, will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

VI. **Perimeter Fences and Walls Abutting Public Rights-of-Way**

Fences or walls located within 15 feet of a public right-of-way shall be:

- A. Located Outside ROW. Be located outside the public right-of-way;
- B. Uniform Style. Be of a uniform style; and
- C. Materials. Fences and walls abutting public rights-of-way should be constructed from the following materials:
 1. Piers and Walls: Brick, Cast Stone and/or Stucco over concrete.
 2. Rails and Posts.
 - a. Wood or products designed to resemble wood;
 - b. Fiber cement; and/or
 - c. Aluminum or iron.
 3. PVC, fiberglass and chain link are not encouraged.

VII. **Design and Appearance**

- A. Consistency with Character and Intensity of Zone: The type, design and, materials of fences and walls should correspond to the character and intensity of the surrounding area.

- B. Finished Side to Outside. Wherever a fence or wall is installed, if one side of the fence or wall appears more “finished” than the other (e.g., one side has visible support framing and the other does not), then the more “finished” side of the fence shall face the perimeter of the lot rather than the interior of the lot. See figure below.

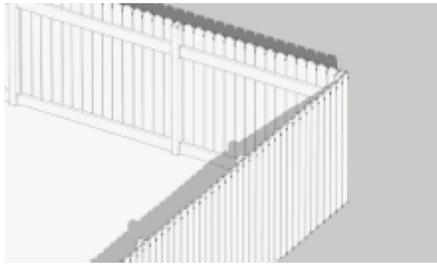


Figure 5.4.60.B: Privacy Fence with Finished Side to Outside

- C. Compatibility of Materials along a Single Lot Side. All fencing or wall segments located along a single lot side shall be composed of a uniform style and colors compatible with other parts of the fence and with the associated buildings.
- D. Landscape Screening. All chain link fences and fences and walls exceeding four feet in height, if located within 15 feet of a public street right-of-way, shall be supplemented with landscape screening in accordance with the following standards, to soften the visual impact of the fence. These standards shall not apply to fences in the single-family dwellings, unless they are located within 15 feet of the right-of-way of an arterial or collector street.
1. Shrubs Required. One evergreen shrub shall be installed for every five linear feet of fence or wall, and on the side of the fence or wall facing the public street right-of-way.
 2. Substitution of Understory Trees. One understory or ornamental tree may be substituted for every three evergreen shrubs, provided that the tree meets the size standards.

VIII. Visibility Clearance

Fences and walls shall be placed outside of required sight triangles or areas needed for visibility.

IX. Restricted and Prohibited Fences

- A. Restricted Fences
1. Chain Link fences in Residential Areas. Chain link fences in residential areas may be permitted in rear yards only.
 2. Chain Link fences in Commercial Areas. Chain link fences used in commercial areas shall be completely screened from view from public rights-of-way.
- B. Prohibited Fences
1. Barbed Wire, Concertina Wire, and Aboveground Electrified Fences. In all zones, fences using barbed or concertina wire and aboveground electrified fences

shall be. Underground electric fences designed for control of domestic animals are allowed.

2. Debris, Junk, Rolled Plastic, Sheet Metal, Plywood, cement blocks or Other Waste Materials. Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited in all zones unless such materials have been recycled and reprocessed, for marketing to the general public, as building materials that resemble new building materials (e.g., picket fencing made from recycled plastic and fiber).

X. Maintenance Required

- A. All fences and walls and associated landscaping shall be maintained in good repair and in safe and attractive condition—including, but not limited to, the repair or replacement of missing, decayed, or broken structural and decorative elements.
- B. Any person found to be violating the provisions of this section shall be notified by a Town Official to remedy such condition within a space of five (5) days, and neglect or failure on the part of such offending person so to do shall constitute a misdemeanor.

XI. Continuation of Non-conformities

- A. All parcels which are subject to not comply with these provisions on the date of their adoption are allowed to continue as non-conformities until the earliest of the following occurrences:
 - 1. A permit for alteration to the parcel, parking lot, or any existing or proposed structure is issued.
 - 2. The passage of 365 days (1 year) from the date of adoption of this section or the adoption of any subsequent amendments thereto.