

Sec. 13-3011. - BARBED WIRE.

- (a) The use of barbed wire in the *City* of Raleigh is prohibited below a point five (5) feet above ground level. Barbed wire is any wire or strand of wire armed with barbs or sharp points. No barbed wire *shall* be installed, except pursuant to these regulations. All nonconforming existing barbed wire *shall* be removed within one (1) year after initial application of this ordinance. <sup>[2]</sup>
- (b) Notwithstanding the above provisions, barbed wire *may* be used in any application at a penal institution so long as any wire located below the seven-foot level is at least fifteen (15) feet from the closest public right-of-way. Barbed wire *may* also be used in agricultural applications for the enclosure of livestock and livestock holding and grazing areas so long as the wire is located at least fifteen (15) feet from the edge of the closest *street* pavement or, if the *street* is curbed and guttered, fifteen (15) feet from the back of the curb.
- (c) The use of barbed wire on any lot containing one (1) or more dwellings, congregate care, or congregate living structures is prohibited in the *City* of Raleigh and *shall* not be installed after application of this ordinance.\* All nonconforming existing barbed wire *shall* be removed within one (1) year after initial application of this ordinance. <sup>[3]</sup>

(Ord. No. 1985-664, §1, 11-5-85; Ord. No. 1986-760, §1, 4-1-86; Ord. No. 1987-951, §1, 4-7-87; Ord. No. 1998-305, §§1, 2, 4-7-98)

Footnotes:

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Editor's note: This provision first became applicable on November 5, 1985, Ord. No. 1985-664.

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Editor's note: This provision first became applicable on April 7, 1998, Ord. No. 1998-305.

9.4.1 - RESIDENTIAL DISTRICTS

- A. No fence or wall located in any front yard setback shall be built to a height greater than four (4) feet above grade except as provided in subsection C. Notwithstanding this provision, when the zoning administrator finds that there exists an unusual or extraordinary circumstance where an overwhelming public interest is served by allowing additional height to protect a residential use from the potential negative impacts of non-residential uses, he may permit a height of up to ten (10) feet above grade for such fences.
- B. No fence or wall located in the side or rear yard shall be greater in height than eight (8) feet above grade height in the rear yard except as provided subsection C. Notwithstanding this provision, when the zoning administrator finds that there exists an unusual or extraordinary circumstance where an overwhelming public interest is served by allowing additional height to protect a residential use from the potential negative impacts of non-residential uses, he may permit a height of up to twelve (12) feet above grade for such fences.
- C. Any fence or wall serving as a retaining wall shall be solid cement, masonry or wood and be constructed to the standards of the City of Gastonia.
- D. Any fence or wall constructed within a sight distance triangle must conform to the regulations contained in Section 9.7.
- E. No fence or wall shall be constructed within a general drainage or utility easement which will block or materially impede the flow of stormwater runoff.
- F. Electric fences, except for livestock protection fences, shall be prohibited. Invisible pet fences are not considered "electric."
- G. A finished side of all walls or fences shall face the common property line boundary.

(Ord. No. 12-608, § 4, 4-17-12; Ord. No. 12-617, § 3, 8-21-12)

5.11. - Fences

5.11.1. - Purpose and Intent

The purpose and intent of this section is to regulate the location, height, and appearance of fences to protect adjacent properties from the indiscriminate placement of fences, ensure the safety, security, and privacy of land, and ensure that fences are subject to timely maintenance, as needed.

5.11.2. - Applicability

The provisions of this section shall apply to all construction or replacement of fences, unless exempted in accordance with Section 5.11.3, Exemptions. A fence may only be erected in accordance with Section 2.5.15, Zoning Compliance Permit.

5.11.3. - Exemptions

The following are exempted from the standards in this section:

- A. Temporary fences for construction sites, including but not limited to: fencing necessary for soil erosion and sedimentation control and tree protection.
- B. The fence height limitations in this section shall not apply to fences built in conjunction with the following:
  - 1. Utility Facilities, Major and Minor;
  - 2. Landfills, Major and Minor;
  - 3. Correctional Facilities;
  - 4. Military facilities; or
  - 5. Hazardous Waste Disposal Facilities.

(Ord. No. 7266/17-08, § 22, 1-17-2017)

5.11.4. - Locational Requirements

- A. **General**
  - 1. Fences shall be located outside of the public right-of-way.
  - 2. Fences may be located within any required yard or setback.
- B. **In Utility Easements** Fences located within utility easements shall receive written authorization from the easement holder. The City shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements.
- C. **Blocking Natural Drainage Flow** A fence shall not be installed so it blocks or diverts a natural drainage flow onto or off of any other land.
- D. **Obstructions at Intersections** No fence shall be erected or maintained in a manner that obstructs visibility for motorists at any street intersection in accordance with the standards of Chapter 6 of the City Code, Visibility at Intersections.
- E. **Within the Local Historic Overlay (LHO)** A fence constructed within an LHO district shall comply with the requirements in Section 2.4.4, Certificate of Appropriateness, and all applicable LHO district standards.

(Ord. No. 7287/17-29, § 10, 4-3-2017)

5.11.5. - Height Standards

- A. **Measurement** Maximum fence height shall be determined in accordance with Section 10.2.12, Fences.
- B. **Residential Uses** The maximum fence height for residential uses is as shown in Table 5.11.5.B, Fence Height for Residential Uses.

TABLE 5.11.5.B: HEIGHT FOR RESIDENTIAL USES	
LOCATION ON A <u>LOT</u>	MAXIMUM HEIGHT (FEET)
Within 15 feet of a thoroughfare or collector <u>street right-of-way</u>	6
Within 15 feet of a local <u>street right-of-way</u> except on corner and double frontage <u>lots</u>	4
On corner <u>lots</u> within 15 feet of any <u>street right-of-way adjacent</u> to the side yard where rear <u>lot</u> lines abut one another [1]	6
On double frontage <u>lots</u> within 15 feet of any <u>street right-of-way</u> along the rear yard as long as the <u>principal structures</u> on both sides of the double frontage <u>lot</u> face the same direction as the double frontage <u>lot principal structure</u>	6
All other locations	8
NOTES:	
[1] A 6-foot <u>fence</u> shall not encroach into the front yard setback area.	

- C. **Nonresidential and Mixed Uses** No fence may be erected that exceeds 8 feet in height, unless the fence is 15 feet from a lot line, or it complies with the minimum setback requirements as applied to the principal structure, whichever is greater.
- D. **Athletic Fields** Athletic fields, tennis courts, playgrounds, or similar recreational areas abutting a street may include a non-opaque fence with a maximum height of 15 feet, provided the fence is not located within a required landscape area.
- E. **Colleges or Universities** College or universities may erect fences with a maximum height of 8 feet in residential districts provided:
  1. The land is contiguous to and within 350 feet of a campus area of at least 10 acres in area;
  2. The land is owned by the college or university, at which time the fence may be placed on any part of the lot;

3. If the land is not owned by the college or university, a fence easement must be obtained from the landowner. The fence may not be located between the right-of-way and the front of an existing dwelling.

(Ord. No. 7365/17-108, §§ 1, 10, 11-20-2017)

#### 5.11.6. - Materials

A. **General** The following fencing materials are permitted for fences:

1. Masonry or stone;
2. Ornamental iron, steel, or aluminum;
3. Wood;
4. Composite materials designed to appear as wood, metal, or masonry; or
5. Chain-link, except where prohibited by this Ordinance.

B. **Restricted Materials**

1. Barbed wire, razor wire, concertina wire, and similar materials may only be used in the following instances:
  - (a) Fences for correctional institutions may use barbed, razor, and concertina wire.
  - (b) Fences enclosing livestock may use barbed wire.
  - (c) Fences for other nonresidential uses may use barbed wire, razor wire, and concertina wire provided all of the following are met:
    - (1) The wire portion of the fence shall be at least six feet above the grade; and
    - (2) The wire shall be included in the overall height determination of the fence.
2. Fences that carry an electrical current are allowed for the purposes of enclosing livestock (nothing shall prohibit below-ground electrical fences intended for the keeping of pets).

C. **Prohibited Materials** Fences made of debris, junk, rolled plastic, sheet metal, untreated or unpainted plywood, or waste materials, unless the materials have been recycled and reprocessed, for marketing to the general public, as building materials designed to resemble new building materials (e.g., picket fencing made from recycled plastic and fiber).

#### 5.11.7. - Finished Side

When a fence is primarily parallel to and within 15 feet of a public street, it shall be configured so that the finished side of the fence faces the street right-of-way other than when required by the State Building Code. For the purposes of this section, the finished side does not include any supporting members or bracing.

#### 5.11.8. - Maintenance

Fences shall be maintained in a safe manner plumb (vertical) to the ground. Fences not maintained in a safe manner through neglect, lack of repair, manner of construction, method of placement, or otherwise shall be repaired, replaced, or demolished.

10.2.12. - Fences

Fence height shall be measured in accordance with the following standards:

- A. **Measurement Location** Fence height shall be measured at the highest point above grade (not including columns or fence posts) on the portion of the fence nearest an abutting or adjacent lot or street right-of-way.
- B. **Column and Post Height** Columns or posts shall not exceed a height 18 inches above the built height of the fence.
- C. **Wall or Berm Below Fence** Any retaining wall or berm below a fence shall be included within the fence height.
- D. **Railings Not Included** Safety railings required by the State Building Code shall not be included in fence height measurements.

F. Drive-In Theaters: An eight-foot high opaque screen shall be required except at driveways. The viewing screen will be directed away from major thoroughfares or collector streets. Lighting shall be shielded so as to cast no direct light on adjoining property. Sound shall be delivered to each car by individual speakers only. Automobile standing space for patrons awaiting admission shall be provided on the site in an amount equal to not less than 20 percent of the vehicular capacity of the theater.

G. Fences and Walls:

1. In Residential, Office-Institutional and Commercial Districts: The maximum height of any fence or wall between any street line and the building line, except necessary retaining walls, shall be four feet from the ground elevation at the base of such fence or from the centerline street elevation of the street along with which the fence is erected, except where otherwise specifically required by this ordinance. **(Amendment adopted July 15, 1986)**
  - a. In Residential Districts and Office-Institutional Districts: With the exception of bona fide agricultural uses, no electric fences and no barbed wire of any kind shall be permitted, and no barbed edges at the top of chain link fences shall be permitted unless such barbed edges are located at a height of six feet or more above the ground.
  - b. In Business Districts: With the exception of bona fide agricultural uses, no electric fences shall be permitted and no barbed edges on chain link fences or barbed wire of any kind shall be permitted unless such barbed edges or wire are located at a height of six feet or more above the ground.
2. In Industrial Districts: In Industrial Districts, open-type fences and walls between the street line and building line shall not be more than ten feet in height, and fences with barbed edges or barbed wire shall be installed such that no barbed edge or barbed wire shall be lower than six feet above the ground. Fences and walls other than open-type that are located between the street line and the building line shall not be over four feet in height except when specifically required in this ordinance. **(Amendment adopted October 2, 1984)**
3. Swimming Pools as an Accessory Use to Residential Uses shall be completely isolated from adjacent properties and from streets by a fence or other structure having a minimum height of four feet and constructed of such materials and by such methods as to prevent the passage of small children and shall conform to the requirements of the location of accessory buildings in the district in which it is located. Such fences or other structures shall be constructed and maintained in proper condition, and said fences shall be so constructed so that all

gates or doors opening through such fence or wall shall have self-closing and self-latching devices for keeping the gate or door closed at all times when not in actual use except that the door of any dwelling that furnished part of the enclosure need not be so equipped. It is provided further, however, that if the entire premises of the residence is enclosed, then this aforesaid fencing provision may be waived by the Building Inspector upon inspection and approval of the residence enclosed. Swimming pools existing at the time of adoption of this ordinance shall be made to conform to these requirements by June 1, 1983. For the purposes of the foregoing provision, the term swimming pool shall mean any artificially constructed, portable or non-portable pool that may be installed above and/or below ground level and the same being capable of use for swimming or recreational bathing and having a depth of two feet or more at any point. The foregoing definition of pool shall not be interpreted to include natural watercourses, ponds, streams or other naturally occurring bodies of water. It is the intent and purpose of this ordinance to provide protection to children and others against injury or mishap resulting from reconstruction and maintenance of swimming pools. **(Amendment adopted April 5, 1983)**

H. Golf Courses, Par-Three Courses, Driving Ranges, Miniature Golf:

1. Courses: Golf courses shall meet the following requirements:
  - a. No building shall be nearer to any property line than 100 feet.
  - b. No green shall be nearer to any property line than 150 feet.
  - c. Lighting shall be so shielded as to cast no direct light upon adjacent property.
2. Par-Three and Miniature Golf: Par-three and miniature golf courses shall meet the following requirements:
  - a. No green shall be nearer to any property line than 100 feet.
  - b. Lighting shall be so shielded as to cast no direct light upon adjacent property.
3. Golf Driving Ranges: Golf driving ranges shall meet the following requirements: **(Amendment adopted May 19, 1992)**
  - a. The depth of a driving range along the driving axis shall be not less than 250 yards measured from the location of the tees and the width not less than 125 yards.
  - b. Lighting shall be so shielded as to cast no direct light upon adjacent property.



4. Cornices and eaves may extend up to 5 feet into required yard spaces, but must remain at least 2 feet within the property line.
5. Marquee signs and awnings may extend into yard spaces in conformance with standards found in the Sign Section of this ordinance (Section 12).
6. Pedestrian bridges, breezeways, building connections, and supports of these structures may extend into required yards upon findings by the approving body that the connecting feature is necessary to provide safe pedestrian access or to improve transit access.
7. Security gates and guard stations may be located within required yards.
8. Piers and docks may be located in any yard spaces covered by water.
9. At grade patios, decks or uncovered terraces may extend up to 4 feet into any required side yard, or up to 8 feet into any required front yard, or within 4 feet of a rear property line. Uncovered steps and handicapped access ramps shall be exempt from this calculation.
10. No more than 50% of the rear yard area may be devoted to the construction of improvements such as: above grade porches, decks, tennis courts, pools, greenhouses, covered patios, or other similar features. Building separations as specified in this ordinance shall be maintained. Uncovered steps and handicapped access ramps shall be exempt from this calculation.
11. Mechanical equipment for residences may extend into required side yards but shall remain at least 6 feet within the property line.
12. Bay windows, entrances, balconies, and similar features which are less than 10 feet wide may extend up to 1.5 feet into required yard spaces but must remain at least 6 feet within the property line.
13. Yard requirements may be reduced by the Governing Body at time of site plan approval in order to provide for better access to transit facilities.

#### 8.1.6 Retaining Walls

Retaining walls may be located within yard spaces.

#### 8.1.7 Reserved

#### 8.1.8 Fences and Walls

Retaining walls may be located within yard spaces.

1. Fences and walls in residential, office, and neighborhood commercial (NC) zones: Fences and walls not exceeding 8 feet in height, shall be permitted within side and rear yards or along side yard and rear yard property lines. Opaque fences on rear yards with street frontages exceeding 4 feet in height, [for example, a stockade fence between a rear yard and a street.] shall have a vegetative cover along the street side of the fence. The vegetation at maturity, shall cover 75% of the fence. Fences and walls within any portion of the front yard extending across the full width of the lot and lying between the street frontage of the lot and the building front, shall not exceed 4 feet in height, unless a use permit is obtained from the Board of Adjustment. For corner lots, fences and walls located directly between the primary structure and the side street shall not exceed 4 feet in height along a side yard which is adjacent to a street unless a use permit is obtained from the Board of Adjustment. An exception shall be granted for lots of 2 acres or more where fences may exceed the 4 foot height limit up to 8 feet without Board of Adjustment approval if the fence is located at least 50 feet from the right of way and is made of a material which allows public view through the fence; for example, a rail fence or a chain link fence. In cases where the Board of Adjustment is asked to rule on a request for a higher fence, the Board shall consider among other things, the size and location of the lot, the dimensions of setbacks on adjacent lots, whether the fence or wall will be detrimental to nearby properties or will affect the health and welfare of the citizens. Fences or walls existing as of August 10, 1998, shall be considered nonconforming and must meet existing regulations if damaged more than 50% of replacement value and rebuilt. In addition, fences and walls required to be higher by other provisions of this ordinance shall be allowed. Higher fences or walls shown and approved on a development plan or site plan are also allowed. Adjustments to the height limits may be permitted by staff due to field conditions or in order to accommodate decorative features on the fence or wall.
2. Fences and walls in the remaining zones: Fences and walls shall not exceed 4 feet in height in street yards except when required to screen junkyards or vehicle repair shops within land with a light industrial (I-2) or heavy industrial (I-3) designation. If fences or walls are made of see-through construction, they may exceed the 4 foot height limit and may be allowed up to 8 feet in height. Fences and walls shall not exceed 8 feet in

height elsewhere on the property unless a higher fence is specifically required or allowed by the provisions of this ordinance, or has been shown and approved on a development plan or a site plan. Adjustments to the height limits may be permitted by staff due to field conditions, or in order to accommodate decorative features on the fence or wall.

3. The Board of Adjustment may allow fences or walls to exceed the height limits if the following findings are made.
  - a. That the fence or wall does not impede the natural light from reaching the subject or surrounding properties to their detriment.
  - b. That normal circulation of air is not unreasonably impeded by the fence or wall for the subject or surrounding properties.
  - c. That the fence or wall will not hinder access to the subject or surrounding properties for emergency services.
  - d. That the fence or wall shall be reasonably compatible with the surrounding properties in that it will not adversely affect property values.
  - e. That vision clearances for pedestrian and vehicular traffic will not be impeded.

#### **8.1.9 Swimming Pools**

Additional requirements for swimming pools are found in Section 7.

#### **8.1.10 Clustering Standards**

A single family development made up of reduced individual lot areas may be permitted within those residential districts whose primary purpose is to provide for single family detached dwellings. These developments, called cluster developments, are permitted subject to the following:

1. The tract of land devoted to a cluster development shall be 4 contiguous acres or larger.
2. The cluster development may not exceed the maximum single family detached density allowed in the zoning district.
3. The development shall contain permanent open space which shall be equivalent to the reduction of the standard lot areas. No more than 50% of the open space shall be covered by water or floodway. This percentage may be increased by the Governing Body in order to promote wetland protection or to enhance unique water features. Streets shall not be computed as open spaces. The open space shall be identified by metes and bounds on a recorded plat. A mechanism for permanent maintenance of the open space shall also be recorded. Open space on the perimeter of the clustered development which is not devoted to water shall meet the requirements for 50 foot buffers found elsewhere in this ordinance.
4. Lot area: Lots in the cluster development which are adjacent to unclustered single family lots may not be reduced in area unless the approving authority determines a reduction will not adversely affect adjacent property. In no case shall these lots be reduced more than 20% in area. Clustered lots interior to the project may not be reduced more than 50% in area below the standard lot requirements for the zoning district.
5. Setbacks: Lots in the cluster development which are adjacent to single family lots not part of a cluster development, may not reduce the required setbacks unless the approving authority determines that a reduction will not adversely affect adjacent unclustered lots. Setback requirements of clustered perimeter lots or lots interior to the project may not be reduced more than 50%. At least 15 feet must be maintained between principal buildings and a public street and between principal buildings.
6. Parking requirements shall be as specified in Section 9 of this ordinance.

#### **8.1.11 Zero Lot Line Development**

Zero lot line dwellings are allowed where the subdivision has been designated as a zero lot line subdivision on the plat at the time of approval. A zero lot line development or subdivision shall require that adjacent interior lots on the block face be developed as zero lot line dwellings. In a zero lot line development or subdivision, the side yard requirement may be eliminated on one side of each lot. The remaining side yard shall maintain the minimum side yard dimension of the zoning district. Each lot shall meet the minimum area requirements of the zoning district. Easement agreements shall be recorded which allow maintenance and access for that side of the dwelling adjacent to the property line. When the minimum side yard is used, a privacy fence at least 6 feet high is required between buildings.

Cross-access is not required when the subject adjacent properties have one or more of the following conditions or barriers:

1. the properties do not have common frontage along the same street;
2. significant topography differences in existing or proposed conditions;
3. significant natural features;
4. vehicular safety factors;
5. existing cross-access provisions;
6. other safety and security factors;
7. incompatible land uses; or
8. existing infrastructure obstructions.

**D. Easement Recordation**

A cross-access easement must be recorded on the final plat for property involving a subdivision, or recorded by separate instrument when no plat is proposed.

**E. No Obstruction of Access**

All cross access must be built to the property line (or lease line). An accessway may not be blocked off, parked in, or otherwise "obstructed" unless approved by the Transportation Director .

**F. Parking Requirement Relief**

Where a required cross-accessway eliminates otherwise required parking spaces, parking space requirements may be reduced by the number of spaces lost to the provision of the cross-accessway.

**G. Perimeter Landscaping Requirement Relief**

Where a required cross-accessway eliminates otherwise required perimeter landscape planting area, perimeter tree and shrub requirements may be reduced by the length of the perimeter affected by the provision of the cross-accessway.

**H. Joint Maintenance**

When a cross-access easement is created to serve more than one lot, an owners association or binding contract is required for the purpose of maintenance.

**I. Property Owner Cooperation**

Applicants are not required to seek cooperation or permission from the adjacent property owner.

## **30-9-4 Fences and Walls**

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### **30-9-4.1 Applicability**

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All fences and walls must comply with the standards of this section unless otherwise expressly stated in this ordinance.

### **30-9-4.2 Setbacks**

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Fences and walls are permitted in required setbacks in accordance with 30-7-1.4(C), subject to the standards of this section.

### **30-9-4.3 Temporary Fences/Walls**

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Nothing in this section precludes the installation of temporary fences or walls for construction purposes.

### **30-9-4.4 Allowed Materials**

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Fences and walls must be constructed of:

- A. masonry or stone;
- B. Ornamental metal;
- C. chain-link or woven wire;
- D. plastic or vinyl;
- E. wood; or
- F. similar materials.

### **30-9-4.5 Prohibited Fence/Wall Heights**

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The following fence and wall types are prohibited:

- A. fences or walls constructed primarily of barbed or razor wire, except for the purpose of enclosing livestock for agricultural purposes;
- B. fences or walls carrying electrical current, except for the purpose of enclosing livestock for agricultural purposes or as allowed in 30-9-4.7(G);
- C. fences or walls constructed of readily flammable material such as paper, cloth, or canvas; and
- D. fences or walls topped with barbed wire or razor wire in residential, C-N, C-L, MU- and TN zoning districts, except those serving a public institution for public safety or security purposes.

(Amended by Ord. 13-157 on 12/17/13)

### **30-9-4.6 Fence/Wall Height**

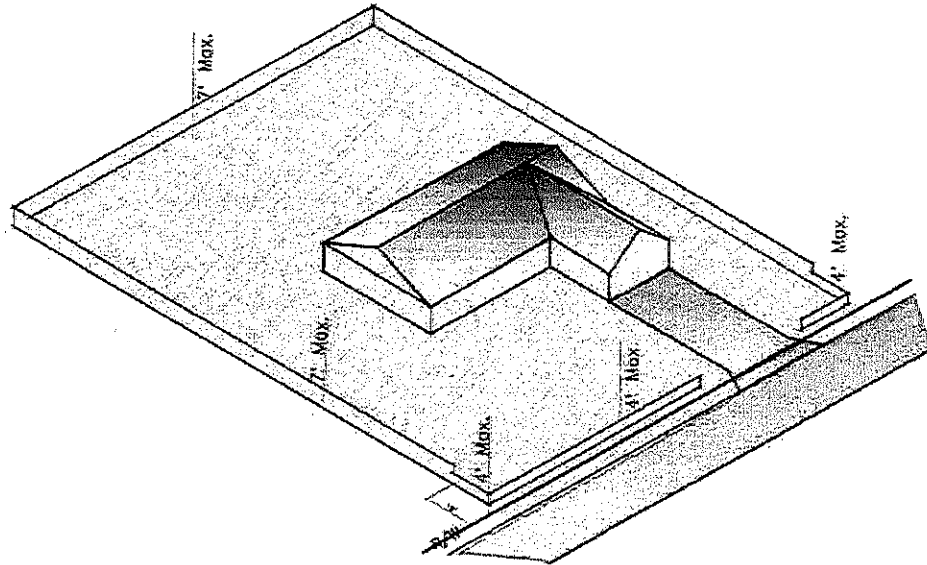
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#### **A. Residential Uses**

Except as provided in this subsection, no fence or wall may exceed 4 feet in height within 15 feet of any public or private street right-of-way. On lots where the rear or side yard adjoins a major thoroughfare or a minor thoroughfare and there is no driveway access and no sight distance interference, no fence or wall may exceed 6 feet in height within 15 feet of the thoroughfare right-of-way. Otherwise, no fence or wall may exceed 7 feet in height.

Figure: Fence or Wall Height for Residential Uses

### Fence or Wall Height for Residential Uses



#### B. Recreational and Agricultural Uses

No fence or wall may exceed 8 feet in height unless the fence complies with the required principal building setbacks or is at least 15 feet from all property lines. Otherwise, no fence or wall may exceed 12 feet in height, unless it is part of a ballfield backstop, tennis court, driving range or similar facility approved by the Planning and Community Development Director.

#### C. Commercial, Industrial, Institutional, Office, or Other Nonresidential Uses

No fence or wall may exceed 8 feet in height unless the fence complies with the required principal building setbacks or is at least 15 feet from all property lines or meets the requirements of 30-9-4.7(G).

#### D. Exceptions

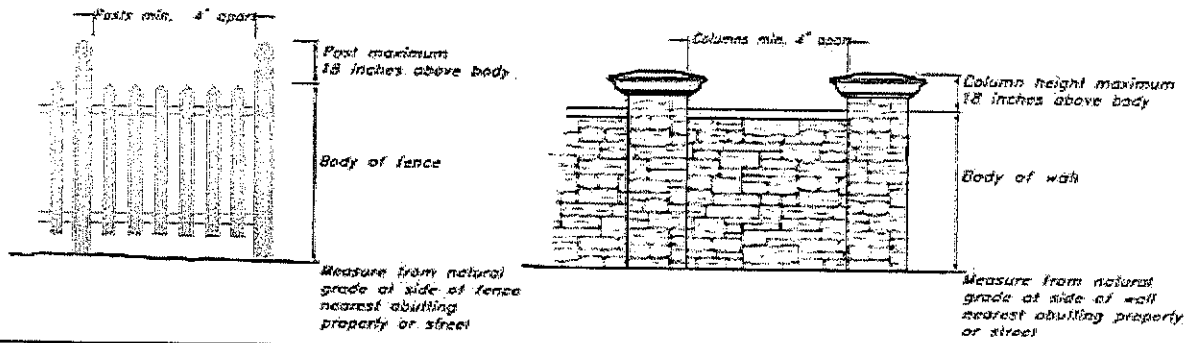
Fence and wall height limitations do not apply to retaining walls or fences or walls built in conjunction with electric or gas substations; municipal solid waste disposal facilities; water or sewage treatment plants or facilities; municipal water storage facilities; public correctional institutions; military facilities; hazardous waste facilities or similar facilities approved by the Planning and Community Development Director.

#### E. Measurements

1. Fence and wall height is to be measured at the highest point, not including columns or posts, of the fence/wall section as measured from the grade on the side nearest the abutting property or street. Any retaining wall or berm below the fence is considered part of the overall fence or wall height. Safety railings required by the NC Building Code are not included in height measurements
2. Columns or posts may not extend more than 18 inches above the built height of the fence or wall. Columns or posts must be separated by a horizontal distance of at least 4 feet, except at gates.

**Figure: Measuring Fence and Wall Height**

**Measuring Fence and Wall Height**



### 30-9-4.7 Other Requirements

**A. Obstruction of View**

No fence may be placed or retained in such a manner as to obstruct sight at any intersection of two or more of the following: public streets, private streets, private driveways or private drives.

**B. Obstruction of Access**

Fences or walls may not block access from doors or windows. Fences or walls must be located at least 2 feet from building walls except where fences or walls project from a building wall.

**C. Obstruction of Drainageway**

Fences or walls may not be placed or maintained where they will alter or impede the natural flow of water in any stream, creek, drainage swale, or ditch.

**D. Height of Barbed Wire**

On fences or walls topped with barbed wire, the bottom strand must be at least 6 feet above grade.

**E. Historic Districts**

Fences and walls in Historic District Overlays must meet the guidelines for the subject Historic District Overlay.

**F. Within Required Planting Yards**

Fences within required planting yards are subject to review and approval as part of the required landscaping plan.

**G. Low-Voltage Electrified Fencing**

Low-voltage electrified fencing with a maximum of 12 volts, primary voltage, is allowed in the Light Industrial and Heavy Industrial Districts, provided that:

1. an electrified fence may not exceed 10 feet in height;
2. an electrified fence must be inside of or enclosed by a non-electrified fence or wall with a minimum height of 6 feet;
3. the entire electrified fence must be separated from the non-electrified fence or wall by a minimum distance of at least 6 inches at the closest point; and
4. the electrified fence must be identified by a warning sign displayed at the rate of at least one sign per 50 linear feet of fencing.

**H. Fences and Walls in Easements**

See 30-7-1.6.

## I. **Fences and Walls in Tree Conservation Areas**

Fences and walls in tree conservation areas are subject to 30-12-1.5(F).

### **30-9-4.8 Maintenance**

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Fences and walls must be maintained in a safe manner, plumb (vertical) to the ground. Fences or walls no longer maintained in a safe manner through neglect, lack of repair, manner of construction, method of placement, or otherwise must be repaired, replaced, or demolished. Failure to maintain a fence or wall in accordance with this section constitutes a violation of this ordinance.

### **30-9-4.9 Fencing Located in a UMU, AO, or NS Districts**

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The standards of this section shall apply to fencing and walls located within a UMU, AO, or NS district:

- A. No chain link or solid fencing shall be located between the principle structure and the public right-of-way.
- B. No barbed wire or razor wire shall be located between the principle structure and the public right-of-way.
- C. No walls over 3 feet in height shall be located between the principle structure and the public right-of-way.
- D. No fence shall have a gate of chain link located between the principle structure and the public right-of-way.
- E. If there is no building located on the site the above shall apply between the minimum street setback and the public right-of-way.

(Amended by Ord. 10-156 on 10/19/10 and Ord. 14-13 on 1/21/14)

### **30-9-5 Outdoor Display and Storage**

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#### **30-9-5.1 Outdoor Display Areas**

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##### **A. Applicability**

The standards of this section apply to all outdoor display areas except the following:

- 1. the sale of food, flowers, newspapers, periodicals and similar materials that are not left outdoors overnight; and
- 2. temporary sales events, such as weekend sidewalk sales (on private sidewalks), seasonal vegetable sales, Christmas tree sales, and sales of customary holiday items.

##### **B. Definitions**

###### **1. Class A Outdoor Display**

Areas outside of a completely enclosed building or structure used to display goods for sale to the general public that are part of and subordinate to the retail establishment. This includes but is not limited to garden supplies, building supplies, and plants.

###### **2. Class B Outdoor Display**

Areas where at least 40% of the retail space is outdoors and items are for sale to the general public. This includes but is not limited to garden nurseries, vehicles sales and services, manufactured home sales, play equipment sales, and other similar uses.

##### **C. Standards**

###### **1. Class A Outdoor Display**