

Information Item

Date: April 4, 2018

To: The City Manager

From: Angela I. Carmon, City Attorney

Subject:
Draft Winston-Salem Fence Ordinance

Strategic Focus Area: Livable Neighborhoods

Strategic Objective: No

Strategic Plan Action Item: No

Key Work Item: No



Following the February 13th Community Development/Housing/General Government Committee's review and brief discussion of concerns relating to tall, opaque and solid fences, the attached ordinance was drafted. The attached draft ordinance contains provisions addressing the location, height and material standards for residential fences in residential zoning districts. The ordinance applies to fences only and not walls.

In general, the draft ordinance prohibits the installation of the residential fences within the public-right-of-way or on public utility easements without written permission, in areas that would block or divert a natural drainage flow onto or off of any other land, or in a manner that would obstruct visibility for motorists at any street intersection.

In terms of height, the draft ordinance prohibits the installation of a fence in any front yard setback in height greater than 4 feet above grade except as provided in the ordinance. If the zoning officer 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, the zoning officer may permit a height of up to ten (10) feet above grade for such fences.

In terms of the side and rear yards, the draft ordinance prohibits the installation of a fence greater in height than eight (8) feet above grade height in the side or rear yard. Notwithstanding this provision, when the zoning officer 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, the zoning officer may permit a height of up to twelve (12) feet above grade for such fences.

In terms of materials, barbed wire, razor wire, concertina wire, or similar materials are prohibited for residential uses. Fences made of debris, junk, rolled plastic, sheet metal, untreated or unpainted plywood, or waste materials are prohibited unless the materials have been recycled

and reprocessed, for marketing to the general public, as building materials designed to resemble building materials (e.g. picket fencing made from recycled plastic and fiber).

All non-conforming fences shall be removed within two years from the effective date of the ordinance unless the zoning officer 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 negative impacts of non-residential uses provided the fence does not exceed the additional height limitations set forth in 1.11.4. Enforcement of the ordinance will be on a complaint basis only.