

UDO-290 (ORIGINAL VERSION HEARD BY THE PLANNING BOARD)

AN ORDINANCE REVISING CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES TO REGULATE RESIDENTIAL FENCES AND WALLS IN FRONT YARDS ON PROPERTY WITH A RESIDENTIAL BUILDING THAT IS A SINGLE FAMILY, DUPLEX, TWIN HOME, TRIPLEX, QUADRAPLEX, OR TOWNHOUSE USE

Be it ordained by the City Council of the City of Winston-Salem that the Unified Development Ordinances are hereby amended as follows:

Section 1. Chapter B, Article III, Section 3-11 OTHER STANDARDS is amended as follows:

3-11.3 ~~RESERVED~~ **FENCES AND WALLS**

(A) Purpose and Intent. The purpose and intent of this section is to ensure the safety, security, and privacy of land, by regulating the location, height, and appearance of fences and walls located within any portion of the front yard lying between the street frontage of the lot and the principal structure, and protecting adjacent properties from the indiscriminate placement of fences and walls.

(B) Applicability. The provisions of this section shall apply to the construction, installation, repair, maintenance and replacement of residential fences and walls in front yards on property with a residential building that is a single family home, duplex, twin home, triplex, quadraplex, or townhouse, unless exempted in accordance with Chapter B, Section 3-11.3(H) Exemptions. A residential fence or wall may be erected only in accordance with the provisions of this section.

(C) Location Requirements.

1. General.

- a. Fences and walls shall not be located within the public right-of-way.
- b. Fences and walls shall not block alleys in violation of Sections 74-92 or 74-99 of the City's Code of Ordinances.

2. Public Utility Easements. Fences and walls 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 and walls that must be removed to access such easements.

3. Blocking Natural Drainage Flow. A fence or wall shall not be installed so as to block or divert a natural drainage flow onto or off of any other land.

4. Obstructions at Intersections. No fence or wall shall be erected, installed, repaired or maintained in a manner that obstructs visibility for motorists at any street intersection. All fences or walls with an opacity of greater than 50%, erected or installed at any street intersection, shall comply with the sight triangle easement (10' x 70') standards set forth in Chapter D of the Unified Development Ordinances.

5. Application Within a Historic District, Historic Overlay District, or Local Historic Landmark. The provisions of this ordinance shall not apply to a fence or wall constructed within a Historic District, Historic Overlay District, or Local Historic Landmark property *if the Historic Resources Staff determines that the non-compliant fence or wall is as a historic component of the parcel. Such determination shall be documented in a letter to the Chief Building Official from Historic Resources staff.*

(D) Height Standards.

1. Opacity and Height. No fence or wall with an opacity of greater than 50%, located within any portion of the front yard lying between the street frontage of the lot and the principal structure, shall be built to a height greater than four (4) feet above grade, subject to the line of sight provision in Chapter B, Section 3-11.3(C)(4).

2. Measurement. Fence and wall height shall be measured at the highest point above grade (not including columns or fence posts) on the portion of the fence or wall nearest an abutting or adjacent lot or street right-of-way. Safety railings required by the State Building Code shall not be included in fence or wall height measurements.

(E) Prohibited Materials.

1. Fences and walls with barbed wire, razor wire, concertina wire, or similar materials are prohibited.

2. Fences and walls that carry an electrical current are prohibited except for the purpose of enclosing livestock or as required by a federal, state or local government agency. Nothing shall prohibit below-ground electrical fences intended for keeping pets.

3. Fences and walls 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 fencing or wall materials designed to resemble fencing or wall materials (e.g. picket fencing made from recycled plastic and fiber).

4. Boundary fences and walls made of concrete masonry units (also known as cinder blocks) are prohibited, with the exception of decorative concrete masonry units, including, but not limited to, split-face block.

(F) Finished Side. When a fence or wall is located within any portion of the front yard lying between the street frontage of the lot and the principal structure, it shall be configured so that the finished side of the fence or wall faces the street. For purposes of this section, the finished side shall not include supporting members or bracing.

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

(H) Exemptions. The following are exempted from the standards in this section:

1. Temporary fences for construction sites, including but not limited to: fencing necessary for soil erosion and sedimentation control and tree protection.

2. Any and all masonry boundary walls, built entirely of masonry, that are also in compliance with all of the provisions of Chapter B, Section 3-11.3(E).

(I) Nonconforming Fences and Walls. All non-conforming fences and walls shall be removed within six months from the effective date of this ordinance.

Section 2. This ordinance shall be effective upon adoption.