

UDO-290 – Revised CDHGG Committee Option – December 2019

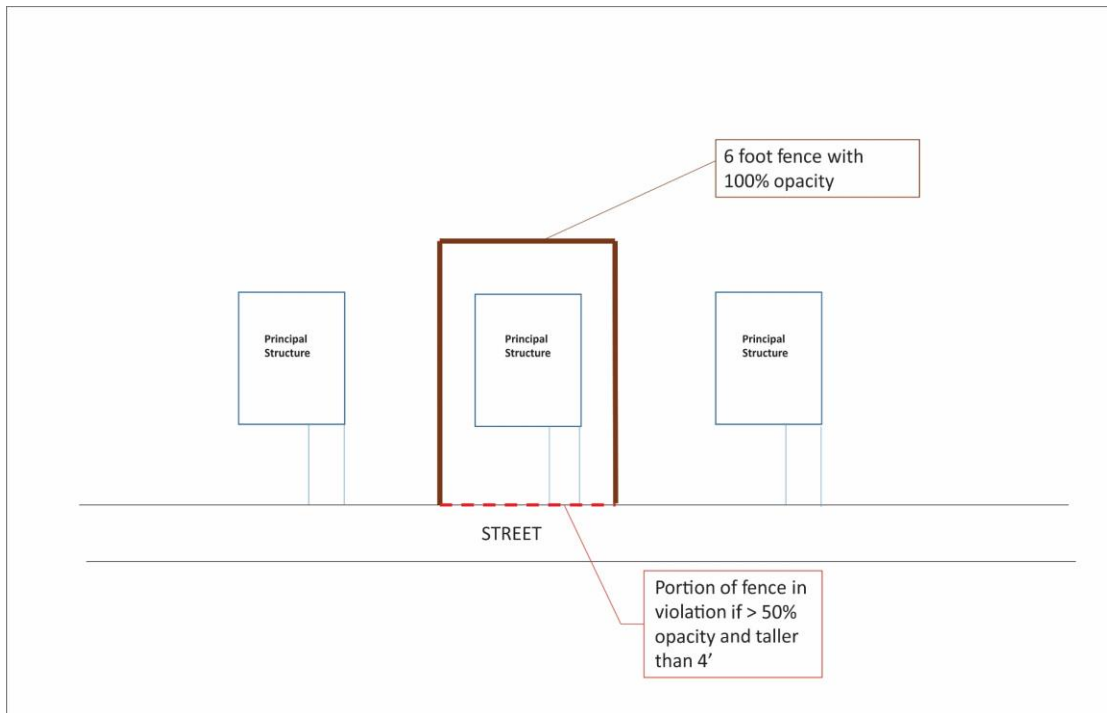
AN ORDINANCE REVISING CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES TO REGULATE RESIDENTIAL FENCES IN FRONT YARDS ON PROPERTY WITH A RESIDENTIAL BUILDING THAT IS A SINGLE FAMILY, DUPLEX, TWIN HOME, TRIPLEX, QUADRAPLEX, OR TOWNHOUSE USE

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**

- (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 located **in the front yard between the street right-of-way and the front of the principal structure, running along a course parallel or near parallel to the street, except as provided in Section 3-11.3(C)(4).**



- (B) **Applicability.** The provisions of this section shall apply to the construction, installation, repair, maintenance and replacement of residential fences **in the front yard between the street right-of-way and the front of the principal structure, running along a course parallel or near parallel to the street.**

except as provided in Section 3-11.3(C)(4) 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 may be erected only in accordance with the provisions of this section.

(C) Location Requirements.

1. General.

- a. Fences shall not be located within the public right-of-way.
- b. Fences 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 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.

3. Blocking Natural Drainage Flow. A fence 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 shall be erected, installed, repaired or maintained in a manner that obstructs visibility for motorists at any street intersection. All fences 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 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 with an opacity of greater than 50%, located within any portion of the **in the front yard between the street right-of-way and the front of the principal structure, running along a course parallel or near parallel to the street, except as provided in Section 3-11.3(C)(4)** 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 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. Safety railings required by the State Building Code shall not be included in fence height measurements.

(E) Prohibited Materials.

1. Fences with barbed wire, razor wire, concertina wire, or similar materials are prohibited.
2. Fences 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 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 materials designed to resemble fencing materials (e.g. picket fencing made from recycled plastic and fiber).
4. Boundary fences 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 is located **in the front yard between the street right-of-way and the front of the principal structure, running along a course parallel or near parallel to the street, except as provided in Section 3-11.3(C)(4)** it shall be configured so that the finished side of the fence faces the street. For purposes of this section, the finished side shall not include supporting members or bracing.

(G) Maintenance. Fences shall be constructed, installed, and maintained in a safe manner plumb (vertical) to the ground. Fences 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) Administrative Waivers. The height and opacity requirements of Chapter B, Section 3-11.3(D) can be waived by the Director of Planning & Development Services if the subject property meets one (1) or more of the following criteria (Note: the maximum height of the fence in no case shall exceed eight [8] feet in height). The waiver criteria is as follows:

1. The subject property is located along a Collector street classification or higher as indicated in the *Comprehensive Transportation Plan (CTP)*.
2. The subject property is located across from, adjacent to or has a clear line of sight to a Commercial or Industrial zoning.
3. The subject property is located across from a Hi Intensity Use as shown on the Table of Permitted Uses (Table B.2.6).
4. A portion of the front yard has a slope of greater than 2:1.

(J) Nonconforming Fences. All non-conforming fences shall be removed within six (6) months from the effective date of this ordinance.

Section 2. This ordinance shall be effective upon adoption.