
3.20 FENCE REGULATIONS

A. PURPOSE

All fences shall be considered structures as defined in this ordinance. This section provides standards for the erection, construction, location, and maintenance of fences and ensures that hazardous or nuisance situations do not result from said erection, construction, location or maintenance; and, furthermore, the provisions of this article shall be applicable to all fences constructed on property located within the municipal limits of the town.

B. PERMITTED LOCATION OF FENCES

Fences are permitted in the required setbacks subject to the provisions provided herein. All fences shall be located at least 36 inches from fire hydrants. Fences may be erected on the property line at the property owner's risk. No "as-built" surveys are required by the town for fences.

C. LOCATION OF FENCES TO PREVENT HAZARDOUS TRAFFIC SITUATIONS

No fence shall be erected in any location that interferes within a sight distance triangle of motorists utilizing public or private roadways. A sight distance triangle shall be the visually unobstructed area of a street/driveway corner as determined by measuring a distance of 30 feet along the intersecting curb lines, or edges of pavement of the intersecting street/driveway if curbs are not present, and connecting the two (2) points by a straight line to form a triangular shaped area over the corner.

D. HEIGHT RESTRICTIONS

1. Measurement.

- a) Height shall be measured at the highest point, not including columns or posts, after any fill or grading of the site. The point of measurement shall be along the outside of the fence adjacent to the abutting property. If the fence is adjacent to a right-of-way, the height shall be measured from the grade at the right-of-way line.
 - b) Columns or posts shall not extend more than 18 inches above the built height of the fence. Columns or posts shall be separated by a horizontal distance of at least four (4) feet, except at gates.
 - c) Any retaining wall or berm below the fence shall be considered as part of the overall height of the fence. Bulkheads that are adjacent to estuarine waters are exempt from this regulation.
2. ~~With the exception of fences located in the industrial zoning district,~~ no fence shall exceed six (6) feet in height-, except for fences located in the industrial zoning district.
3. No fence shall exceed four (4) feet in height when located in the front yard setback-, except for fencing required for nonconforming commercial pools located within a front setback which shall meet the following:
- a) Not exceed five (5) feet in height.
 - b) Maximum opacity of 50%.
4. Exemptions. Town facilities, utilities, and all uses specifically identified as having an allowance for fencing exceeding six (6) feet shall be exempt from the height requirements provided herein.

E. ZONING PERMIT REQUIRED FOR ALL FENCES

No fence shall be erected by any person until a permit for same has been issued by the UDO Administrator. A building permit shall also be required for all fences exceeding six (6) feet in height. Properties located in an area of environmental concern (AEC) require a CAMA permit. Sand fences and silt fences are exempt from these permit requirements.

F. MAINTENANCE REQUIRED

All fences shall at all times be kept in good repair. If at any time a fence should become unsafe or poorly maintained, the Building Inspector or Code Enforcement Officer shall notify the owner of such condition, and, upon failure of the owner to correct such situation within a 30-day period, the Building Inspector or Code Enforcement Officer shall take appropriate legal action to have such fence repaired or removed.

G. CONSTRUCTION STANDARDS

All fences permitted in all districts shall meet the structural requirements of the State Building Code and other wind resistant construction requirements that may be specified or suggested by the Building Inspector. Fences shall be constructed so that the finished (sheathed) side is oriented toward adjoining lots or the public right-of-way.

H. NONCONFORMING FENCES

Fences erected before the adoption of the ordinance from which this section is derived, which violate the provisions of this article, shall be considered nonconforming. If more than 50% of a nonconforming fence is destroyed or removed for any reason, then only that portion of the fence shall comply with the provisions of this article.

I. GATED STREETS AND DRIVES

1. Permits shall be obtained and are subject to approval by the town. All gates shall meet the following requirements:
 - a) Shall not be located in an improved public access easement or public right-of-way.
 - b) A vehicle turnaround shall be provided before the gate entrance. The turnaround shall be a minimum of 20 feet from the curb line or end of the abutting street.
 - c) Gate setback: Minimum of 60 feet from curb line or end of abutting street.
 - d) All gates will be required to open away from, not toward, a vehicle entering the development.
 - e) Pedestrian access shall be provided.
 - f) The gate entrance shall be illuminated.
 - g) Emergency access shall be approved by the Town of Carolina Beach Fire Marshal and meet the North Carolina State Fire Prevention Code.
 - h) Opening gate requirements:
 - i) Single gate width: Minimum clear width of 22 feet from curb face to curb face for one-way or two-way traffic.
 - ii) Dual gate width: Minimum clear width of 14 feet per lane from curb face to curb face on both travel lanes.
 - i) The closing of town streets and facilities for safety and maintenance reasons shall be exempt from the requirements above.

(Ord. No. 24-1230, 7-9-2024)