

# Fences



## Chapter 40 Zoning Article VII, Sec. 40-204 Height restrictions

### BACKGROUND

P&Z Requested staff to review Fence regulations, particularly related to how height is measured. Staff took P&Z feedback to TRC and discussed various fencing ordinance changes. These changes were compiled into several updates related to how fences are controlled and inspected. Proposed changes include changing how height is measured, adjusting the front yard setback, maximum height, and retaining walls. After last month's P&Z discussion, staff took feedback back to TRC and has come up with the below options for discussion for a future text amendment.

### OPTIONS

#### 1. Maximum Height

Sec. 40-204(b)(1) No fence shall exceed six feet in height.

Proposed Change:

- a. No fence shall exceed seven feet in height. Fences exceeding six feet in height must meet all NC State building code requirements.

#### 2. Height – Front Yard Setback

Sec. 40-204(b)(2) No fence shall exceed four feet in height when located in the front yard setback.

Proposed Changes:

- a. No fence shall exceed four feet in height within 10 feet of the front property line
- b. No fence shall exceed four feet in height within 15 feet of the front property line
- c. No fence shall exceed four feet in height within 20 feet of the front property line

#### 3. Measurement

Sec. 40-204(a)(1) Height shall be measured at the highest point, not including columns or posts, of the fence section to the existing natural grade. The point of measurement shall be along the outside of the fence adjacent to the abutting property.

Proposed Change:

- a. The point of measurement shall be along the inside of the fence.

#### 4. **Retaining Walls**

Sec. 40-204(a)(3) Any retaining wall or berm below the fence shall be considered as part of the overall height of the fence. (Maximum height of 7ft cumulatively)

Proposed Changes:

- a. If the retaining wall is on the property line, for every foot in height of retaining wall the fence must be setback the same height from the property line.
- b. If the retaining wall is on the property line, for every foot in height of the retaining wall over 3ft, the fence must be setback the same number as the additional height from the property line.
- c. Fences over 4ft must be setback 5ft (or other number) from the internal edge of the retaining wall.
- d. When the overall fence height including the retaining wall would be greater than 7 feet, the fence must be setback 5 feet from the property line.