

9.3 FENCES AND WALLS

9.3.1 Applicability

The provisions of this section shall apply to all new construction, redevelopment, or replacement of fences or walls not required for support of a primary or accessory structure, or any other linear barrier intended to delineate different portions of a lot. In the event of any inconsistency between the provisions of this section and any screening standard in Section 7.2.9, Screening, the latter shall govern.

9.3.2 General Requirements for Fences and Walls

(1) Location

Fences are permitted on the property line between two or more parcels of land held in private ownership.

(2) Temporary Fences

Temporary fences for construction sites or a similar purpose shall comply with the construction requirements of the Town.

(3) Fences in Easements

Fences shall be prohibited within utility easements and the Town shall not be responsible for damage to, or the repair or replacement of fences that must be removed to access such easements. In no instance shall this provision be construed to prevent fencing around stormwater retention or detention facilities required by this Ordinance.

(4) Blocking Natural Drainage Flow

No fence shall be installed so as to block or divert a natural drainage flow on to or off of any other land.

(5) Fences on Retaining Walls or Berms

If a fence is constructed on top of a wall or berm, the combined height of the fence and wall or berm shall not exceed the maximum height that would apply to a fence or wall alone.

(6) Fences and Walls within Buffers and Streetscape Landscaping Areas

Fences and walls shall be installed so as not to disturb or damage existing vegetation or installed plant material. The perimeter fencing or wall for a single subdivision or development shall be of a uniform, approved style that meets the standards of this section in order to provide visual interest in an orderly manner.

9.3.3 Height Requirements for Fences and Walls

All fences and walls shall conform to the following standards. In all cases, heights are measured from natural grade.

(1) Residential

In the residential districts, fences shall not exceed a height of four feet in front yards. Walls shall be limited to a maximum height of three feet in front yards. Walls and fences located behind the front building line shall not exceed six feet in height. If a fence is constructed on top of a retaining or other wall, the combined height of the fence and wall shall not exceed the maximum height that would apply to a fence or wall alone.

(2) Nonresidential and Mixed-Use

In the nonresidential and mixed-use districts, fences and walls shall not be permitted in front setback areas, and shall not exceed a height of six feet in front yards and within 20 linear feet of public rights-of-way in side and rear yards. Fences and walls shall not exceed eight feet in height in all other areas. If a fence is constructed on top of a retaining or other wall, the combined height of the fence and wall shall not exceed the maximum height that would apply to a fence or wall alone.

(3) Exemption for Required Screening

Fencing provided to meet the standards of Section 7.2.9, Screening, shall be exempted from the height standards of this subsection, but in no case shall the fencing exceed more than two feet above the maximum height limits of Section 7.2.9, Screening.

(4) Exemption for Recreational Fencing

Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility shall be exempt from the height restrictions of this subsection.

(5) Exemption for Safety

Major utilities, government facilities, and other public safety uses shall be exempted from these standards as needed for public safety.

9.3.4 Perimeter Fences and Walls Abutting Public Rights-of-Way

Perimeter fences or walls abutting a public right-of-way shall:

(1) Be of a uniform style;

(2) Be located outside the right-of-way associated with a public street;

(3) Be located outside any required streetscape landscaping (see Section 7.2.8); and

(4) Include breaks in the wall plane at least every 200 feet.

9.3.5 Visibility Clearance

Fences and walls shall be placed in accordance with the standards in Section 9.3.4(10), Sight Triangles.

9.3.6 Prohibited Fences

(1) Chain Link and Metal-Slat Fencing

Fences and walls constructed of chain link or metal slats shall be prohibited within the front yard in all residential and mixed-use zoning districts.

(2) Barbed Wire and Above Ground Electrified Fences Prohibited

Except as needed for Agriculture uses, major utilities, government facilities, and other public safety uses, barbed wire fences and above ground electrified fences are prohibited in all zoning districts. Underground electric fences designed for control of domestic animals are permitted.

(3) Debris, Junk, Rolled Plastic, Sheet Metal, Plywood, or Other Waste Materials

Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited in all zoning districts, unless such materials have been

recycled and reprocessed into building materials marketed to the general public and resemble new building materials.

9.3.7 Appearance of Fences and Walls

(1) Customary Materials

Fences and walls shall be constructed of customary materials, including solid wood, brick, masonry, stone, wrought iron, decorative metal materials, or products designed to resemble these materials. Where specific materials are specified for particular types of screening or buffering fences or walls, all other fence materials are prohibited.

(2) Finished Side to Outside

Wherever a fence or wall is installed, if one side of the fence or wall appears more "finished" than the other (i.e. one side has visible support framing and the other does not), then the more "finished" side of the fence shall face the perimeter or outside of the lot, rather than facing the interior of the lot.

(3) Uniformity of Materials on a Single Lot Side

All fencing or wall segments located along a single lot side shall be composed of a uniform material and shall be of a uniform color.

(4) Chain Link Fencing

Where allowed, chain link fencing shall be vinyl coated and colored dark green, brown, or black.

(5) Landscape Screening

Fences and walls that exceed two-and-one-half (2½) feet in height and are located within 20 feet of a public right-of-way shall meet the following landscaping standards:

(A) Shrubs Required

One evergreen shrub shall be installed for each five feet of frontage along the public right-of-way. Shrubs may be installed in a staggered, clustered, grouped, or linear fashion, and all plantings shall be installed on the side of the fence that faces the public right-of-way.

(B) Substitution of Understory Trees

One understory or ornamental tree may be substituted for every three evergreen shrubs provided that the tree meets the minimum size standards at the time of planting found in Section 7.2.3(3), New Planting Standards.

(C) Integration with Other Required Landscaping

Required landscape screening for fences or walls may be integrated into the landscaping required for streetscape landscaping, vehicular use area screening, or perimeter buffers provided the standards in Section 7.2, Landscaping Standards, are maintained. In no case shall fencing or required walls be placed between the edge of the right-of-way and any required streetscape landscaping.

(6) Maintenance Required

All fences and walls shall be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements. All fences and walls shall

receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged or decayed fence materials shall be promptly repaired, and any fence or wall post or section that leans more than 20 degrees from vertical shall be promptly repaired to correct that condition.