

6.5. FENCES, WALLS, AND BERMS

- A. **Purpose and Intent.** The purpose of this section is to establish standards for construction or replacement of all fences, walls, and berms within the town on individual lots or developments. The standards of this section protect public safety while promoting aesthetic quality. The intent of this section is to:
1. Ensure the safe and aesthetically pleasing construction of fences, walls, and berms.
 2. Provide for public safety, security, and privacy; and
 3. Allow for high quality designs for fences, walls, and berms used as transitions between public and private spaces.
- B. **Applicability.** The standards of this section shall apply to all construction or replacement of fences, walls, and berms. Reviews of fences, walls, and berms are required per 6.5.D: Review.
- C. **Exemptions.** The following are exempt from the standards of this section:
1. Internal garden areas in residential districts;
 2. Bona fide farm purposes and agriculture activities, as set forth in N.C. Gen. Stat. § 160D-903 and where permitted by the LDO;
 3. Fences for active construction sites, where a permit has been issued by the town;
 4. Silt fencing used during construction;
 5. Fencing used for tree protection; and
 6. Fences required around swimming pools by the North Carolina Building Code.
- D. **Review.**
1. Review of all fences, walls, and berms applicable under this section shall be reviewed during the site plan process for any new development or building.

2. Review is not required for individual single-family or two-family dwellings for fences, walls, and berms. Review for fences, walls and berms for subdivisions however shall be required during preliminary plat.

E. General Standards.

1. **Materials.** Fences and walls shall be constructed of high-quality materials including brick and stone, stucco over concrete masonry blocks, treated wood, wrought iron/aluminum, composite fencing, or PVC vinyl. All other materials are prohibited.

Figure 6.5.1. Wrought Iron/Aluminum Material (Illustrative Example)



2. **Design.**
 - a. All fence support structures must be located on the inside of the fence covering material.
 - b. All fences and walls shall be installed with the finished side facing towards the exterior or adjoining properties and rights-of-way.
 - c. All fences and walls shall be constructed in accordance with the North Carolina Building Code.
3. **Maintenance.** Fences, walls, and berms shall be maintained in the state in which they were approved. Any missing or deteriorated portions shall be replaced or

repaired as necessary. No fence, wall, or berm shall pose a threat to people or property due to neglect or lack of repair.

4. **Height.** Height shall be measured from the finished grade for all fences, walls and berms.
 - a. The maximum height of a fence or wall shall be eight (8) feet in nonresidential zoning districts. Exceptions may be granted for unique uses such as sports venues, utilities, or where required for the safety of pedestrians or motorists.
 - b. The maximum height of a fence or wall within required rear and side setbacks shall be six (6) feet in residential zoning districts. The maximum height of a fence within required rear and side setbacks is eight (8) feet when a residential lot on the perimeter of a subdivision is adjacent to a more intense residential or nonresidential zoning district. Fences and berms are not permitted in front setbacks unless a subdivision fence or wall is permitted in a site plan for a subdivision.
 - c. Subdivision walls along the perimeter of residential development are permitted to be a maximum of eight (8) feet in height and shall have a minimum setback of eight (8) feet.
 - d. Height requirements for berms are defined in Section 6.5.G: Specific Berm Standards.
 - e. An additional maximum one (1) foot of height may be permitted for decorative details including posts, columns, light fixtures, and the like.
5. **Colors.** Bright colors, including orange, yellow, and red, are not permitted for permanent fences or walls.
6. **Location.**
 - a. No fence, wall, or berm may encroach into a public right-of-way or inhibit motorist visibility or site triangle.
 - b. Fences, walls, and berms shall not block any required ingress or egress point.

- c. Fences, walls, and berms shall not inhibit access to fire hydrants.
 - d. Fences, walls, and berms may encroach into required setbacks.
 - e. Fences, walls, and berms may encroach into town owned easements. Encroachments shall be parallel to the easement. The landowner shall remain liable for any repair or replacement to the fence, wall, or berm if damage occurs while performing activities in the easement.
7. **Setbacks.** Fences, walls (excluding a subdivision wall), and berms, are exempt from setback requirements. However, a berm may not be constructed so that any portion of berms slopes extends over the property line.
8. **Drainage.** Fences, walls, and berms shall not alter, impede, or affect the natural flow of water in any stream, drainage swale, or easement.
9. **Landscaping.**
- a. For any fence or wall above four (4) feet in height, the property owner (or HOA or similar group) shall landscape the area between the street side of the wall or fence and the right-of-way line if within five (5) feet of the right-of-way line. Landscaping shall comply with Section 6.2.4: Landscaping Standards.
 - b. For any subdivision perimeter wall, required landscaping shall include sufficient quantities, types, heights and densities of materials to provide at least fifty (50) percent opacity within five (5) years of planting, and shall be maintained at fifty (50) percent or greater opacity thereafter. All other fences and walls shall utilize shrubs, plant material and ornamental grasses to be planted and maintained.
 - c. Required landscape buffers shall be planted within sixty (60) days of the completion of the wall.
 - d. Maintenance of the landscaping shall be the responsibility of the owner, HOA, or similar group.

F. Prohibited Fence and Wall Items.

1. **Electric Fences.** Electric fences are only permitted in conjunction with bona fide agricultural activities as set forth in N.C. Gen. Stat. § 160D-903 and where permitted by the LDO, unless stated otherwise in this LDO.
 - a. Warning signs shall be required on all-electric fences and meet all safety and emergency services requirements.
 - b. Underground electric fences that are used in conjunction with electric transponder collars for pets may be permitted in all districts.
2. **Barbed Wire Fences.** Barbed wire fences are only permitted in conjunction with bona fide agricultural activities as set forth in N.C. Gen. Stat. § 160D-903 and where permitted by the LDO or may be approved as part of a site plan permit if deemed necessary to protect the public health and safety in association with utility structures, landfills, airports, law enforcement, or similar civil uses.
3. **Tarps and Silt Fencing.** Tarps and silt fencing utilized during construction shall not be permitted (i.e. shall be removed) after completion of construction.
4. **Smooth-Face Concrete.** Smooth-face concrete, which has not been stucco treated, shall not be permitted for any fence or wall.

G. **Specific Berm Standards.** Berms shall conform to the following standards:

1. **Berms In Required Setbacks.** Berms may be located in required setbacks or easements; however, the landowner shall remain liable for any repair or replacement to the berm if damage occurs while performing activities in the easement.
2. **Grading of Berms.** Berms shall not exceed a grade of one (1) foot of rise in three (3) feet of length.
3. **Landscaping.** Berms, which may also feature walls as permitted in Section 6.2.4: Landscaping Standards, of this LDO, shall be landscaped and meet all landscape requirements.
4. **Height.** Berms shall not exceed a total of eight (8) feet above the toe of the berm.

5. **Flat Top.** Berms shall have a minimum two (2) foot flat top width at the top of the berm height.
6. **Drainage.** Berms shall not drain onto neighboring yards and cause undue pooling of water. Runoff shall be directed into appropriate drainage easements or facilities.
7. **Fences and Walls On Berms.** Fences and walls that comply with the standards of this section may be permitted on top of a berm and comply with the following standards:
 - a. In designs where a fence or wall is located on top of a berm, the maximum fence or wall height permitted shall include the height of the berm, as measured from the toe of the slope of the berm.

6.5.2. Berm (Illustrative Example)

