Agenda Item: Zoning Motion 2021-1, UDO Text Amendment to allow a six-foot fence in the front yard setback along major thoroughfares with proper setbacks and vegetative screening.

DATE: April 7, 2021
FROM: Robert Will, Senior Planner

Background/Issue:

- Staff was directed by the Board of Commissioners to look at the possibility to allow fences higher than 4 feet in the front yard setback along major roadway corridors in the Town to give residents some relief from traffic noise and increased privacy.

- After researching the issue, staff has found that a few communities in North Carolina allow a fence up to 6 feet in height in the front yard setback along certain roadways. However, the taller fence height also typically requires the property owner to do additional mitigation steps such as set the fence back from the right-of-way line a certain distance and have a vegetative buffer in front of the fence.

Proposal/Solution:

As stated above, this is a starting point. The Board may wish to further limit the number of major thoroughfares, adjust the fence setback and buffering, or impose other conditions.

Financial Impact:

None

Related Town Goal(s) and/or Strategies:

Quality of Life
Economic Development/Land Use Planning

Recommended Motion/Action:

Hold the public hearing on the proposed text changes to § 155.601.21 Fences and Walls in Residential Districts and Developments of the Matthews UDO.
A. Within the single-family residential districts (R-20, R-15, R-12, R-9, R-MH, R-VS, CrC), no wall or fence may exceed four feet (4’) in height in any required front setback, or no more than six feet (6’) in height within any required side or rear yard.

1. For new or substantially rebuilt fences adjacent to a major thoroughfare right(s)-of-way:
   Fences may be up to 6 feet in the required front setback if the following criteria are met: the fence must be setback at least 15 feet from the right-of-way; and evergreen shrubs need to be placed an average of every five feet of fence frontage. Evergreen shrubs must be at least 24 inches tall at installation.

B. For any housing development in other districts which are exclusively or primarily residential in nature, including R-15MF, R-12MF, SRN, and C-MF, no wall or fence may exceed six feet (6’) in height in any required front setback, or required side or rear yard.

C. Fence height shall be the vertical distance measured on the exterior side of the fence from the ground directly under the fence to the highest point of the fence, exclusive of capitals or ornamental projections which are no closer than five foot (5’) intervals. When applicable, the finished side of the fence shall face the exterior of the property.

D. Where the ground elevation is inconsistent, the fence height along any unbroken run, up to sixteen (16) lineal feet, may be averaged, as long as no point along that unbroken run exceeds ten percent (10%) of the stated height limit. Fence capitals or ornamental projections on columns or posts may extend six inches (6”) above the actual fence height if they are spaced centerline to centerline between five feet (5’) and twelve feet (12’) apart. Capitals or ornamental projections may extend twelve inches (12”) above the actual fence height if they are spaced centerline to centerline greater than twelve feet (12’) apart, or may extend eighteen inches (18”) above the actual fence height if they are spaced centerline to centerline greater than twenty four feet (24’) from any other capital or ornamental projection.

E. Fully opaque fences and walls are not desired at entrances to housing areas or along front setbacks of dwellings. Privacy fences and walls which are intended to create private yards, courtyards, or play spaces for use by residents are allowed along street edges, but should incorporate landscaping or other features to visually break the appearance of a solid single plane for pedestrians.

F. The wall or fence height limitation does not apply to walls and fences constructed around structures and facilities for public utilities, communications towers and related equipment, or similar essential nonresidential uses. Walls and fences related to these uses are subject to landscape screening provisions elsewhere in this Title. (“72 Code 1624) (Ord.477, passed 2-8-88; Ord. 912, passed 1/27/97; Ord 1526, passed 1/8/07; Ord 1577, passed 7/23/07) [formerly § 153.091]