

**ORDINANCE NO. 2020-22**

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE  
CHAPTER 3**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapters 3, be amended to allow a form of welded wire fencing in the front yard of properties and allow decorative chain link perimeter fencing in general industrial zoning districts, and use; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the City of Brevard Comprehensive Plan, specifically the following sections:

*ELEMENT 4: LIVABLE COMMUNITIES*

*POLICY 4.1.G: Modify development ordinances and regulations to incorporate design standards and guidelines that respect existing community character while allowing greater residential density and intensity of nonresidential development within mixed use zoning areas.*

and,

WHEREAS, a legislative public hearing was conducted on Monday, October 19, 2020, by Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Brevard City Code, Unified Development Ordinance be amended as outlined below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

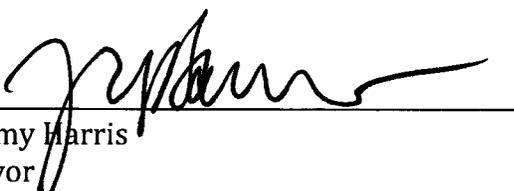
SECTION 01. Brevard City Code, Unified Development Ordinance Chapter 3 is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 02. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

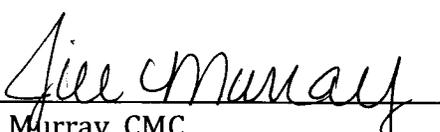
SECTION 03. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 04. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved upon second reading this the 19<sup>th</sup> day of October, 2020.

  
Jimmy Harris  
Mayor

ATTEST:

  
Jill Murray, CMC  
City Clerk

APPROVED AS TO FORM:



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Michael K. Pratt  
City Attorney

### 3.30. - Fences and walls (all districts) permitted with standards.

No fence shall be placed within the sight triangle of any intersection as specified in Chapter 4 of this ordinance.

- A. All fences shall be constructed so that the best face faces outward from the parcel upon which it is constructed and towards adjacent properties.
- B. All fences and walls shall be located off of any property line unless a fence or wall is shared between property owners and constructed upon any property line with the express consent of all property owners sharing the same property line.
- C. Fences and walls shall not be placed within public utility easements or public right-of-way without first securing an encroachment agreement from the City of Brevard, the North Carolina Department of Transportation, or other appropriate entity.
- D. Fence heights are restricted as follows:
  1. In industrial districts, and public safety and other critical facilities. Fences shall be no greater than six feet in height before the front building line and no greater than eight feet in height in the side or rear yard.
  2. All other districts and uses. Fences or walls shall be no greater than eight feet in height behind the front building line or four feet in height before the front building line.
- E. Fence materials shall conform to the following requirements:
  1. *Residential districts:*
    - (a) All fences and walls must be of brick, stone, stucco, wrought iron, wood, or other materials similar in appearance and durability, except that chain link or woven wire may be used in the side and rear yard behind the front building line.
    - (b) All other wire fences, including barbed wire or concertina wire, are prohibited. All walls and fences in the front yard and the side yard up to the front building line shall be materially similar to other walls and fences in the same block or general vicinity.
    - (c) Nothing in this chapter shall prevent the administrator from approving architecturally variant uses of material to allow creative fence design, such as the contemporary look of heavy-gauged welded wire panels framed in timber.
    - (d) The use of PVC plumbing pipe is a prohibited fence material.
  2. *Commercial districts:*
    - (a) All fences and walls must be of brick, stone, stucco, wrought iron, wood, or other materials similar in appearance and durability.
    - (b) Chain link wire fences may be used as secure enclosures internal to the property or site subject to the following requirements:
      - (1) Chain link fences shall not be visible from a public right-of-way,
      - (2) Chain link fences shall not serve as a perimeter fence or property line fence unless buffered by a type A buffer yard on all side, and then only in the side or rear yard behind the front building line.
    - (c) All other wire fences, including barbed wire or concertina wire, are prohibited.
    - (d) All walls and fences shall be materially similar to other walls and fences in the same block or general vicinity.
  3. *Industrial districts, public safety facilities, and other critical facilities:*
    - (a) *Materials:*
      - (1) All fences and walls must be of brick, stone, stucco, wrought iron, wood, or other materials similar in appearance and durability, and shall be materially similar to other walls and fences on the same block or general vicinity.
      - (2) Vinyl coated, chain link fencing may be approved by the administrator as perimeter fencing with additional filtering through openings using opaque or semi opaque slats or screening or by installing a type A landscaping buffer between incompatible uses, between different zoning districts or where visible from a public street.
      - (2) ~~Chain-link wire fences may be used as secure enclosures internal to the property or site but shall not be visible from a public right-of way, and shall not serve as a perimeter fence or property line fence unless buffered by a type A buffer yard on all side. Fences that comply with this subsection may be topped with barbed wire or concertina wire.~~
  4. ~~4.~~ *[Barbed wire:]* Barbed wire may be permitted within bona-fide agricultural operations within any zoning district.