

**AN ORDINANCE
TO AMEND SECTION 4-7 OF THE CITY OF NORTH CHARLESTON CODE OF
ORDINANCES, APPENDIX A, ZONING REGULATIONS, TO REVISE THE FENCE
REQUIREMENTS**

Whereas, the City of North Charleston is empowered to regulate to provide for the health, safety, and welfare of its citizens; and

Whereas, the City is statutorily authorized to pass zoning and land use regulations; and

Whereas, Appendix A, Section 4-7 of the City of North Charleston Code of Ordinances establishes standards for fences; and

Whereas, pursuant to a duly advertised public meeting held on September 14, 2020, it has been recommended to the Mayor and Council by the Planning Commission that the zoning text should be amended to delete those obsolete references;

Now, therefore, be it ordained and enacted by the Mayor and Council that certain provisions of the Zoning Ordinance, as amended, be further amended as follows in **EXHIBIT A** attached hereto and incorporated herein. Note new language/amendments are underlined and changes are in [~~strikethrough~~].

THE WITHIN ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON ITS RATIFICATION BY CITY COUNCIL.

Ordained in City Council this 22nd day of October, 2020 in the Year of our Lord, and in the 244th year of Independence of the United States of America.


R. KEITH SUMMEY, MAYOR

APPROVED AS TO FORM:


LEGAL COUNSEL

ATTEST:


SANDY L. BROWN, MUNICIPAL CLERK

**NORTH CHARLESTON CITY COUNCIL
AGENDA ITEM**

Meeting of October 22, 2020

DATE: September 29, 2020

ITEM TITLE: Ordinance – Final Reading
An Ordinance to Amend Section 4-7 of the City of North Charleston Code of Ordinances, Appendix A, Zoning Regulations, to Revise the Fence Requirements

SUBMITTED BY: Planning Department

CONTACT PERSON: Gwen Moultrie, Zoning Administrator, (843) 740-2572

SUMMARY EXPLANATION:

The amendment to Section 4-7 proposes the following changes:

- Residential properties when abutting commercial or industrial zones – or a different residential type – may utilize a fence height consistent with the abutting property
- Institutional uses in residential zones may have a fence 6 feet in height
- Flag lots would be exempt from front yard height requirements since typically the front yard of one property is the rear yard of the abutting property
- Height limits on fences are revised so that residential and commercial fences are no higher than 8 feet; and industrial fences are 10 feet
- Barbed wire fencing is permitted with conditions for industrial and commercial properties

STAFF RECOMMENDATION:

Staff recommends approval.

BOARD, COMMISSION, COMMITTEE RECOMMENDATIONS:

On September 14, 2020, the Planning Commission held a public hearing and voted unanimously to recommend approval (7-0-0).

COUNCIL COMMITTEE RECOMMENDATION:

On October 15, 2020 the Public Safety Committee voted to recommend approval.

COUNCIL ACTION:

On October 8, 2020 City Council voted to approve the Ordinance for first reading as presented and to move it to final reading.

EXHIBIT A

Section 4-7. - Structures and projections into required yards and setback areas:

Every building or structure hereafter erected or established shall be located within the buildable areas as defined by this section, and in no case shall such buildings extend beyond the buildable area into the respective front, side, rear yards or other setbacks required for the district in which the lot is located, except for the following:

- (1) Ornaments, eaves, chimneys, cornices, window sills, awnings and canopies, which may project into any required yard a distance not to exceed three (3) feet.
- (2) Accessory uses, as specified in subsections 4-8(a) and (b).
- (3) Fences and walls provided that:
 - a. No such structure when located in an R-1, R-1A, R-2, or R-3 zoning district shall measure more than four (4) vertical feet in height when located in a front yard, except under the following conditions or impede visibility as required by section 4-13.
 - i. Fences or walls proposed on residentially zoned parcels located adjacent to dissimilarly residentially zoned or used parcels, commercially zoned parcels, or industrially zoned parcels may utilize a fence height consistent with the fence height permitted on the adjacent parcel along the common property line.
 - ii. Fences and walls for places of worship, schools, and other non-residential uses, including public facilities, which are located in residential districts shall measure no more than six (6) vertical feet in height when located in a front yard, provided the fence is constructed of chain-link or wrought iron material.
 - iii. Flag lots and lots that share common boundary lines with flag lots are exempt from the four-foot maximum front yard fence height along the common boundary lines.
 - b. No such structure when located in a commercial zoning district or in the side or rear yards of a residential lot shall measure more than eight (8) feet. Residentially used properties located in commercial zoning districts shall be subject to the front yard height requirements above.
 - c. No such structure when located in an industrial zoning district shall exceed ten (10) feet in height.
 - d. Fences at athletic facilities are exempt from maximum fence heights.
 - e. Telecommunications facilities shall provide fences as per the requirements of article IX.
 - f. The finished side of the fence or wall shall be directed outward. The finished side is the side whose framing, supports, or posts are not visible.
 - g. No fence or wall shall impede visibility as required by section 4-13.
 - e. ~~No fence shall exceed ten (10) feet in height measured from the finished grade of the lot or property upon which the fence is being erected except as otherwise provided in appendix A, zoning ordinance. Fences at athletic facilities are exempt from this provision.~~
 - dh. Permitted materials-:

i. Materials permitted for a fence or wall are brick, stone, decorative block, wood, chain link, metal tubing or wrought iron. Vinyl or fiberglass composite materials may be utilized if the material is approved for use by manufacturer or general building standards for fencing materials. Metal posts will be allowed on wood fences.

ii. Barbed and razor wire may be used under the following conditions:

A. The area to be surrounded by such wire is commercially or industrially zoned;

B. The wire is affixed to the top of a fence or wall made of one or more of the permitted materials listed above;

C. The wire, when added to the top of the fence or wall, will not exceed the maximum allowed fence height plus two feet; and

D. The wire cannot be installed along the right of way.

i. *Prohibited materials.*

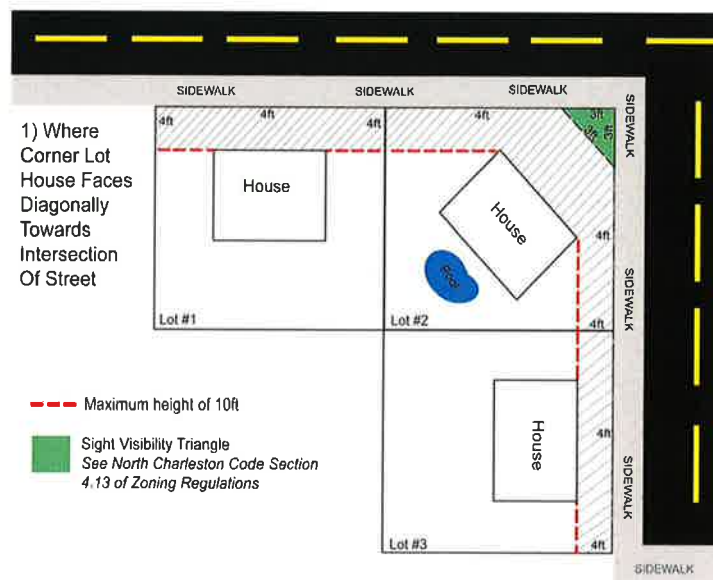
1i. No person shall use for a fence rope, string, ~~wire products, barbed and razor wire~~, hog wire, wire fabric, cut or broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, fiberglass panels, or plastic panels in any fence provided, however, that chain link fence material is allowable. The building official of the building department or his designee may require the applicant to provide the manufacturer's standards to establish intended use of a proposed fencing material.

2ii. No person shall construct a fence of wood, metal or plastic products that are designed specifically for uses other than fence construction.

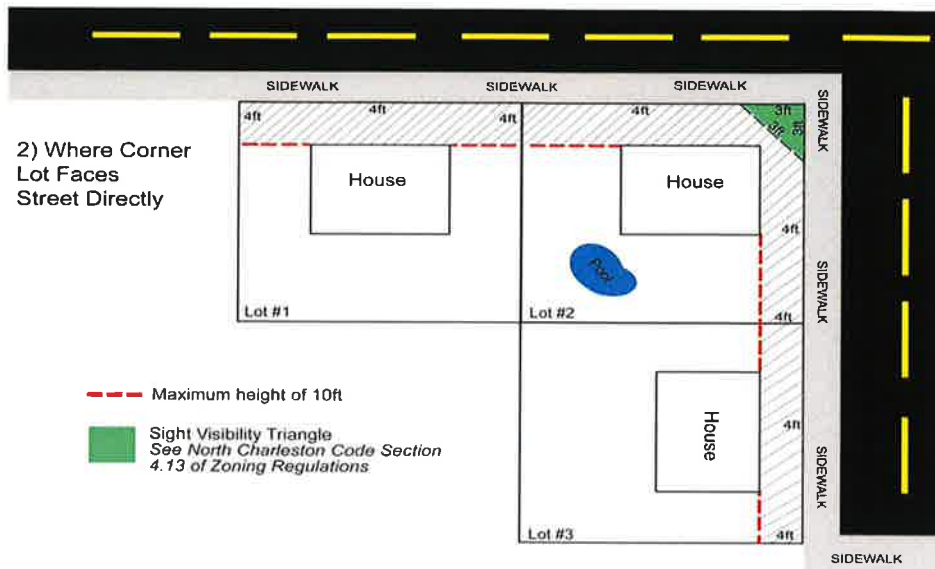
3iii. —No person shall construct a fence of damaged or unsafe materials.

fi. *Corner lots.*

4i. Where house faces diagonally towards intersection of streets, see diagram below.



2ii. Where house faces one (1) street front directly, see diagram below.



~~g. Amortization of existing nonconforming fences. Fences/structures that are nonconforming as to materials only have five (5) years to conform after the date of acceptance of the ordinance.~~

~~(4) Hedges, provided that no such structure or hedge shall impede visibility as required by section 4-13.~~

(54) Structures within commercial and industrial districts which are adjacent to railroads may locate closer to the railroad right-of-way than the permitted side or rear yard setbacks of the respective zoning districts. However, the location must be in accordance with applicable railroad standards and conform to all other pertinent provisions of the zoning ordinance.

(65) Structures necessary for the ingress and egress of persons with disabilities from a building or site, including, but not limited to, handrails and ramps, may encroach within a required setback the minimal amount necessary to achieve access when it has been determined to the satisfaction of the zoning administrator that the proposed improvements may not practicably be located within the buildable area as defined in section 4-6.1. ~~Encroachments into the canopies of grand trees for accessibility modifications are also allowed without the need to seek a variance, provided documentation sufficient to comply with subsection 6-16(g)(2) is provided to the zoning administrator.~~ These exemptions do not relieve the applicant of the need to meet any other applicable codes with regard to accessibility standards.

(Ord. No. 1998-85, 9-24-98; Ord. No. 2000-034, 7-13-00; Ord. No. 2015-005, 1-22-2015; Ord. No. 2018-052, 8-23-2018)