

### § 154.139 FENCES, LANDSCAPING WALLS AND HEDGES.

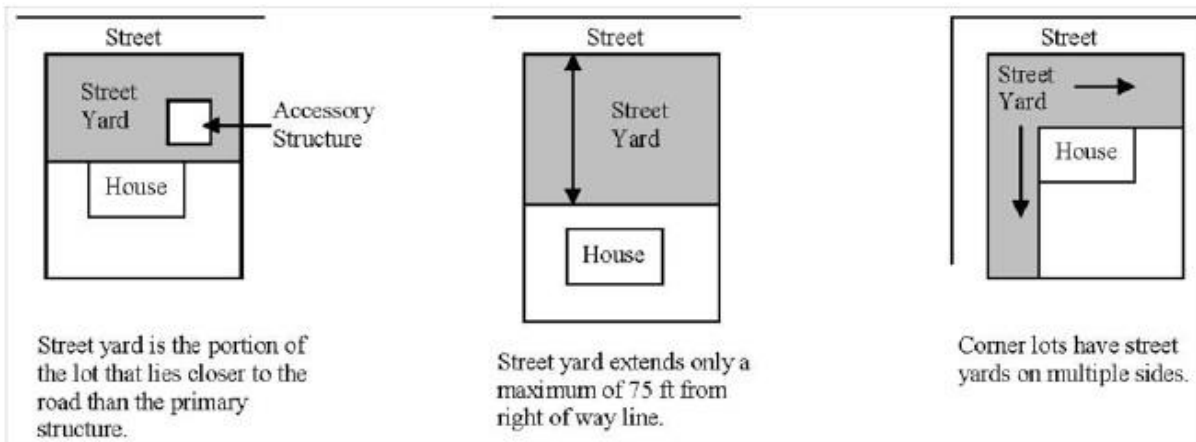
(A) **Purpose.** The purpose of this section is to regulate the materials, location, and height of fencing, landscaping walls and ornamental hedges in order to preserve the beauty of the mountain, to prevent the creation of nuisances, and to promote the general welfare of the public.

(B) **Definitions.** For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **GARDENING FENCE.** Fencing used to protect individual plants, trees, or flowers from animals, provided that such fencing surrounds individual plants, trees, or flowers or encloses an area of not larger than 200 square feet. Such fencing shall be constructed with T-posts and stock fencing (welded wire) or similarly inconspicuous material and shall be green, brown, or other color intended to blend in with the surroundings.

(2) **SCREENING.** Visual obstruction placed so as to preclude view of a particular object such as an above ground fuel tank or a garbage dumpster. **SCREENING** shall not have a perimeter that is substantially larger than necessary to shield the particular object from view.

(3) **STREET YARD.** Any portion of a lot or tract that lies closer to a right of way than the primary structure on that lot or tract. For lots on which the primary structure is more than 75 feet from the road right of way, the **STREET YARD** is the portion of the lot or tract that lies within a distance of 75 feet of a right of way line. See illustrations below:



(4) **TEMPORARY FENCING.** Fencing erected for a duration of less than 180 days. **TEMPORARY FENCING** includes snow fencing, silt fencing for erosion and sedimentation control, and temporary fencing used during the construction process.

(C) **Scope.** The requirements of this section apply to all fencing, landscape walls and ornamental hedges with the following exceptions:

- (1) Fencing not exceeding 24 inches in height;
  - (2) Retaining walls used to support earth and having only one side exposed (the other side being covered with backfill);
  - (3) Screening, as defined above;
  - (4) Temporary fencing, as defined above;
  - (5) Gardening fence, as defined above;
  - (6) Fencing not visible from beyond the boundaries of the property on which it is located;
- and
- (7) Fencing erected by the Town of Beech Mountain.

(D) **Permit required.** No fence, wall, or ornamental hedge shall be installed without first obtaining a permit.

(1) **Permit standards.** Applications for a fence permit must be accompanied by the information below.

(a) A recent survey of the property on which the proposed fence is to be located. Property corners as illustrated on the survey shall be clearly marked and identifiable on site.

(b) A sketch or plan of the location of the proposed fence in relation to the boundaries of the property on which it is to be located. It is preferable that such information be provided on the survey.

(c) A sketch or design of the type of fencing to be used. This design must show the materials used, the dimensions (height and spacing of individual members), and the general appearance of the fence once erected.

(d) A completed building permit application form.

(e) An appropriate fee as provided in the Town of Beech Mountain Permit Fee Schedule available in the Department of Planning and Inspections.

(E) **Fence standards.**

(1) **Construction.** All fences, walls, or hedges must be constructed and erected or planted in accordance with the approved plans submitted with the permit.

(2) **Material and color requirements.**

(a) With the exception of division (E)(2)(c) below, fences shall be faced with natural or manufactured wood, stone, brick, or wrought iron.

(b) If painted, fencing must be painted in such a manner that it substantially conforms to the color(s) used on the primary structure on the lot.

(c) Chain link fencing may be erected in the following locations only:

1. To protect tennis courts, swimming pools, athletic fields, and playgrounds;  
2. To protect water supply, pumping stations, water storage tanks, and similar utilities or infrastructure; and

3. In the CS-1/ CS-2 districts where protection of the property from trespassers is essential to the health and safety of the community.

(d) Above-ground electric fencing is expressly prohibited, provided that dumpster screening is not considered to be fencing for the purposes of this section.

(3) **Height.** With the exception of chain link fencing, no fence, wall, or ornamental hedge may exceed six feet in height. If located in the street yard as defined above, the maximum height shall be five feet.

(4) **Gates.** Any gates must conform substantially in style, design, and types of materials to the fence through which it provides access.

(5) **Containment.** Fences or enclosures constructed for the purposes of containing animals must comply with the standards of this section.

(a) For containment purposes, any permitted fence, landscape wall, or hedge may be backed by welded wire. The wire shall be firmly affixed to property owner's side of the fence, wall or adjacent to the hedge, and shall not exceed the height of the fence, wall, or hedge.

(b) Any hedge containing wire backing shall be planted in such a manner that the wire backing is completely obscured from the adjacent property or the street, as determined by the building inspector.