

CHAPTER 16 - LAND USE ORDINANCE

Article XI - Supplementary Land Use Regulations

Section 16-161 Bed and Breakfast.

(A) Bed and Breakfast establishments are permissible with a conditional use permit in the bed and breakfast overlay zoning district as well as the CB, GB, and OI districts. *[Amended October 13, 1998]*

(B) The building that houses the dwelling unit may not be expanded by more than ten percent of its original floor area, nor may rooms for rent be added onto or created within accessory buildings.

(C) Not more than one sign advertising the existence of a bed and breakfast operation may be erected on the lot where such use is located. No side of this sign may exceed four square feet in surface area. The sign may not be internally illuminated.

Sections 16-161 through Section 16-170 Reserved.

Section 16-171 Perimeter Fences and Walls.

(A) For the purposes of this section, a *fence* or *wall* shall be defined as a *structure used to delineate a boundary or used as a barrier or means of protection, confinement, or screening*. Furthermore, for the purposes of this section, a *retaining wall* is to be included within the meaning of a *fence* or *wall*.

(B) Fences and walls are permitted as an accessory use in all zoning districts, provided that:

1. Except as expressly authorized by an applicable conditional use permit or otherwise required to comply with an applicable provision of the Blowing Rock Code of Ordinances, no fence or wall located within a required front yard setback area shall exceed four feet in height above grade. Where there is no required front yard setback, no fence located forward of the actual building line or within 25 feet of the front property line, whichever is less, shall exceed four feet in height, above street grade.

2. No fence or wall, located within a side or rear yard setback, shall exceed six feet in height above grade, except as expressly authorized by an applicable conditional use permit or otherwise required to comply with an applicable provision of the Blowing Rock Code of Ordinances. No other fence or retaining wall, outside of applicable setback areas, shall exceed 12 feet in height above grade, except as expressly authorized by an applicable conditional use permit or by authorization from the Blowing Rock Town Council. Retaining walls and/or retaining structures exceeding five (5) feet in height, measured from the top of the footing, shall be designed and constructed under the responsible charge of a NC registered professional engineer. The monitoring engineer shall submit a sealed report, including final approval, on the retaining structure(s) construction to the Building Code Official. *[Amended March 8, 2005]*

3. Columns or posts shall not extend more than 18 inches above the built height of the fence or wall. Columns or posts shall be separated by a horizontal distance of at least four feet, except at gates.

4. The height limitations do not apply to fences or walls built in conjunction with electric or gas substations; water or wastewater treatment plants; reservoirs; or outdoor recreational uses. Such fences or walls shall not exceed ten feet in height without specific approval of the Town Council.

5. The height shall be measured at the highest point, not including columns or posts, of the fence or wall section as measured from the grade on the side nearest the abutting property or street. Any retaining wall or berm below the fence or wall shall be considered as part of the overall height. Safety railings shall not be included in height measurements.

(C) No fence or wall shall be constructed within or upon any street right-of-way or easement. In addition, no fence or wall shall be constructed within six feet of the edge of any street pavement.

(D) No fence or wall shall alter or impede the natural flow of water in any stream, creek, drainage swale, ditch, or drainage easement.

(E) No wall or solid fence higher than 42 inches above grade shall be placed within the sight visibility triangle of any public street, private street, or driveway.

(F) Fences or walls shall be constructed of wood, brick, ornamental iron, chain link, wire, stone, or other approved masonry. Any fence or wall serving as a retaining wall shall be solid concrete, rock, masonry, or wood and constructed to the standards of the State Building Code.

(G) Chain link or wire fences with slat weave shall be prohibited. Chain link or wire fences shall not be permitted in the Central Business (CB), General Business (GB), or Office Institutional (OI) zoning districts.

A chain link or wire fence located within the required front yard setback in a residential zoning district shall be screened from adjacent properties and the street by an opaque screen, "Type A", as described in Section 16-307 of the Land Use Ordinance.

(H) The finished side of the fence or wall shall face the abutting property. The exposed framing of each section of fence, if any, shall face the interior yard or property.

(I) The owner of the property on which the fence or wall is located is required to maintain the fence or wall in a safe and attractive condition and plumb (vertical) to the ground. Fences or walls that are not maintained in a safe manner through neglect, lack of repair, manner of construction, method of placement, or otherwise shall be repaired, replaced, or demolished.

(J) No fence or wall shall block access from doors or windows. Fences or walls shall be located at least three feet from building walls except where the fences or walls project from a building wall.

(K) Nothing in this section shall preclude the installation of temporary fences around construction works, erected or maintained pursuant to the NC Building Code or Section 16-264 (Sedimentation and Erosion Control).

(L) A permit shall be obtained from the Planning and Inspections Office prior to the construction or the erection of any fence or wall to assure compliance with the requirements of this section. The fee for the permit shall be the same as for a Miscellaneous Zoning Permit.

(M) The Town Council recognizes that, because of the wide range of properties to which this Section must apply, it is neither possible nor prudent to establish inflexible requirements related to fence or wall design, placement, or height limitations. Therefore, the Administrator may authorize deviations from the presumptive requirements for fence or wall design, placement, or height limitations whenever the Administrator finds that (1) such deviations are necessary because of particular characteristics or circumstances associated with a specific property or project; and (2) such deviations will not be detrimental to the public welfare or contrary to the intent of these regulations. Whenever the Administrator allows or requires a deviation from the presumption requirements of this Section, that deviation shall be noted on the face of the fence permit along with the reasons for allowing or requiring the deviation. An application for a deviation from the requirements of this Section that is denied by the Administrator may be appealed to the Board of Commissioners. [*Adopted August 8, 2000*]

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