

Planning Board Meeting – February 20, 2017 Minutes

Members Present: Harold Broadwell, Errol Briggerman, Gilda Wall, Ruth Van der Grinten, Lloyd Lancaster, Kathe Schaecher, Ashley Anderson, Victoria Curtis, Allen Swaim

Members Absent: None

Staff Present: Planning Director David Bergmark, Planner Allison Rice

Guests Present: Curt Phipps

1. Meeting Called to Order

Mr. Broadwell called the meeting to order.

2. Welcome and Recognition of Guests

Mr. Broadwell welcomed the public.

3. Chairman and Board Members' Comments

There were no comments.

4. Adjustment and Approval of Agenda.

Gilda Wall made a motion to accept the agenda. Ruth Van der Grinten seconded the motion. The motion passed.

5. Public Comments

There were no members of the public signed up to speak.

6. Approval of Minutes

Ms. Schaecher made a motion to accept the January 17, 2017 minutes. Ms. Van der Grinten seconded the motion. The motion passed.

7. Discussion, Consideration, and Action on the Following Items:

Item 7A – Discussion and Action on a proposed text amendment to Chapter 4 of the UDO as it relates to front yard fence regulations.

Ms. Rice gave the following report, in italics:

Richard Sykes of 232 S. Cypress Street submitted an application for a Zoning Text Amendment in January 2017. His application requests that Chapter 4.5 of the UDO be amended to allow front yard fences up to a maximum 4 feet in height. The UDO currently allows front yard fences and walls up to 3 feet in height, and this proposed amendment would bring Mr. Sykes' recently installed fence into compliance. Renee Broach, of Broach's Signs, subsequently joined Mr. Sykes' amendment request. All other regulations regarding residential fences would remain.

Side and rear yard fences may be installed up to 6 feet in height. The height for front yard fences is typically lower in municipal standards, for both safety and aesthetic reasons. Front yard fences are meant to be more decorative, rather than serve as a physical and visual barrier.

Upon researching fence regulations in surrounding municipalities, staff found that Wendell's front yard fence height standards were more strict than most. All municipalities in Wake County have height restrictions for front-yard residential fences, but the vast majority allow for a maximum height of 4 feet. A comparison is shown in Attachment A.

Staff supports changing section 4.5 of the UDO in accordance with the applicants' request. This change will make Wendell's regulations more consistent with those in surrounding municipalities. If the proposed amendment is passed, the only exception to the new 4 foot height allowance would be when a fence is located within the sight triangle of an intersection on a corner lot. Sight triangles establish a defined area along street intersection which must be clear above 3 feet in order to ensure visibility of motorists. Sight triangles are currently addressed in Section 9.E.3 of the UDO. For clarity, staff recommends adding a sentence to Section 4.5.A.1 that directs the reader to the section of the UDO that addresses height requirements on corner lots.

Ms. Wall had a question concerning materials. She said section 4.5.A.3 outlines the types of materials permitted for fences. She asked if that included spacing within the fence construction to ensure visibility, or was that not clarified. Ms. Rice said that wasn't addressed within the UDO. She said that language included both decorative walls and fences. She said staff had considered writing language to allow higher fence heights depending on the transparency of the fence, but quickly realized that it would be complicated to read and enforce.

Mr. Lancaster asked Ms. Rice to elaborate on the safety reasons for having a 4' front yard fence height regulation. Ms. Rice said there were two safety concerns. She said one was that tall fences obscure yards, which prohibits code enforcement from seeing people's yards from the public right of way. She said this would make it difficult for code enforcement officers to enforce junk and grass ordinances, which were there for pest control. She said the second reason was to allow visibility for emergency services. She said police, fire, etc. needed to be able see the approach to the house before going on to the property to assess the situation. She said they also needed to be able to clearly see the house number so that they could reach the house in a timely manner. Mr. Lancaster asked why house numbers couldn't be placed on mailboxes. Ms. Rice said that wasn't always done or maintained. She said in addition that houses in new subdivisions didn't have individual mailboxes, that they instead had cluster mailboxes.

Mr. Lancaster said this came down to a property rights matter. He said that if he owned the land, he should be allowed to install a privacy fence in the front yard if that was what he desired. Ms. Schaecher said that if you wanted to install a privacy fence in the front yard then you didn't need to live in town.

Mr. Bergmark said that a statement of consistency wasn't included in the report, but that the first principle from the Comprehensive Plan, to maintain the historic character and small-town feel, would be appropriate if that was the Board's desire. Ms. Schaecher said she agreed with that principle. She said that the Town regulations go overboard sometimes, but shorter fence heights in front yards would maintain a homey feel and that's what would draw people here.

Ms. Schaecher made a motion to approve the request for changes to Chapter 4 of the UDO, with the suggested statement of consistency. Ms. Curtis seconded the motion. The motion passed 7-2, with Lloyd Lancaster and Gilda Wall voting against the motion.

8. Adjourn to Next Regularly Scheduled Meeting

Mr. Briggerman made a motion to adjourn the meeting. Ms. Schaecher seconded the motion. The motion passed unanimously.