

One family health care structure is permitted on a lot with a single-family detached dwelling, in accordance with the standards in Section 160D-915 of the North Carolina General Statutes. Nothing shall prohibit the use of a manufactured or movable tiny home as a family health care structure provided it complies with the standards in this section. All family health care structures shall comply with the following standards:

a. Structure

A family health care structure is one that:

- i.** Is transportable and primarily assembled at a location other than the site of installation;
- ii.** Is located on a lot with an existing single-family detached dwelling;
- iii.** Is limited to one occupant who is a mentally or physically impaired person related to the caregiver;
- iv.** Is used by a caregiver or legal guardian in providing care for one mentally or physically impaired person on property owned or occupied as the caregiver's or guardian's residence;
- v.** Has no more than 300 square feet of gross floor area;
- vi.** Is connected with water, wastewater, and electrical systems by branching service from the single-family detached dwelling;
- vii.** Has the same street address and mailbox as the existing single-family detached dwelling;
- viii.** Uses the same driveway as the existing single-family dwelling, unless the structure is accessed from a right-of-way not used by the dwelling (e.g., a rear alley or separate street access on a corner or through lot);
- ix.** Meets the dimensional standards of the zoning district for a single-family detached dwelling; and
- x.** Meets the applicable provisions in the North Carolina Building Code; however, is not located on a permanent foundation.

b. Need and Relationship

- i.** The occupant of the structure must be a mentally or physically impaired person that is a resident of the State who requires assistance with two or more activities of daily living (bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating) as certified in writing by a physician licensed to practice in North Carolina.
- ii.** The caregiver must be an individual 18 years of age or older who provides care for the mentally or physically impaired person and is a first or second degree relative of the impaired person. A first or second degree relative is a spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew or niece, including half, step, and in-law relationships.

c. Permit Conditions

- i.** Once the applicant provides sufficient proof that the family health care structure meets all standards, then the structure shall be permitted for a period of 12 months.
- ii.** The applicant may renew the prior approval for a 12-month period and continue to renew it provided the applicant provides evidence of continued need and compliance with these standards.
- iii.** The City may make periodic inspections of the family health care structure at reasonable times convenient to the applicant.
- iv.** No signage shall be permitted on the exterior of the structure or on the lot that identifies or promotes the existence of the structure.
- v.** The structure shall not be subdivided or otherwise separated in ownership from the single-family detached dwelling.
- vi.** The structure shall be removed within 60 days if the impaired occupant is no longer receiving or in need of assistance.
- vii.** The approval may be revoked or other enforcement actions taken if these standards are violated.

11. Fence or Wall

a. Purpose and Intent

These standards provide development standards for permanent fences and walls on individual lots or development sites. These standards are proposed to protect the health and safety of the public while balancing the practical uses for fencing and walls like security and privacy with the need for

aesthetic quality and a high-quality built environment. More specifically, these standards are intended to:

- i. Provide for privacy and security on individual lots;
- ii. Ensure proper construction techniques are followed and that fences and walls are maintained in good repair;
- iii. Assist with the transition between public and private spaces; and
- iv. Ensure fencing and walls are consistent with the City's desired architectural character.

b. Applicability

i. Generally

The provisions of this section shall apply to all construction or replacement of all fences, screening walls, or retaining walls. A fence or wall may only be erected in accordance with the standards in this section and Section 2.4.J, Fence Permit.

ii. Pre-Existing Development

Lawfully established fences and walls established prior to November 1, 2019, that do not comply with these standards shall be subject to the applicable standards in CHAPTER 9. NONCONFORMITIES.

c. Exemptions

The following are exempted from the standards in this section:

- i. Bona fide farms and agricultural use types in districts where these uses are permitted; and
- ii. Temporary fences for construction sites, including but not limited to: fencing necessary for soil erosion and sedimentation control and tree protection.

d. Locational Standards

i. General

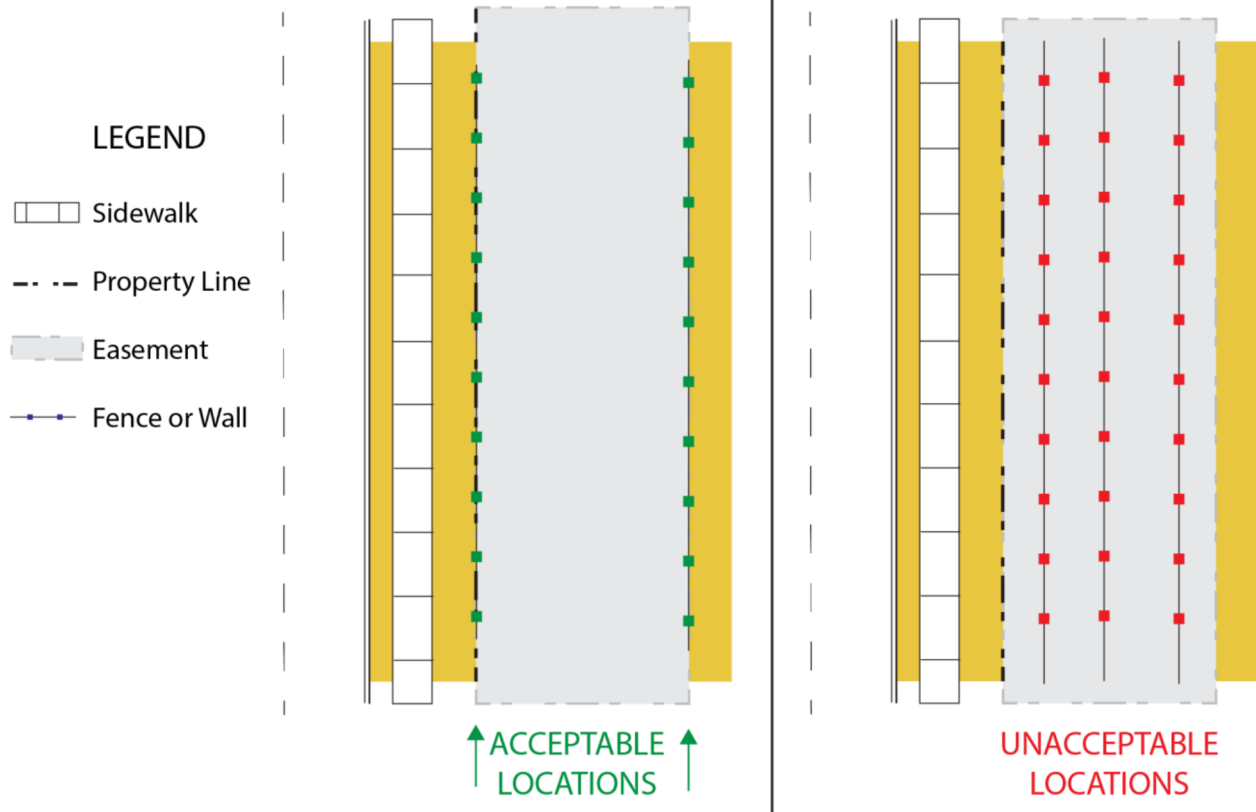
No fence or wall shall:

- a) Be located within the public right-of-way (except for public fences or walls, or as needed for retention of soil);
- b) Impede visibility of the required property address number; or
- c) Block pedestrian access from doors or windows.

ii. Easements

(AMENDED 03.15.22 UDOTA-02-22; 6.21.22 UDOTA-3-22)

- a) In cases where a fence or wall is proposed within a public easement, the fence or wall shall be allowed to cross the easement perpendicularly and run along the edge of the easement but not run along and inside the easement (see Figure 4.5.F.11.d.ii, Fence Placement within Easement). Crossings may be required to install a gate wide enough for maintenance equipment to transverse.
- b) It is the landowner's responsibility to verify fence or wall locations within a private easement with the easement owner. The City's permitting of such fence or wall does not supersede or negate any private easement agreements or allowances.
- c) The landowner shall remain solely liable for any repair or replacement if any portion of the fence or wall located within a required easement is damaged during the maintenance of construction activities within the easement by the easement owner or their agent.

FIGURE 4.5.F.11.D.II: FENCE PLACEMENT WITHIN EASEMENT**iii. Block Drainage**

Fences or walls shall not alter or impede the natural flow of water in any stream, creek, drainage swale, or ditch.

iv. Obstructions at Intersection

Except for necessary retaining walls, no fence or wall shall be located within a required sight distance triangle (see Section 5.2.G, Sight Distance Triangles).

v. Required Setbacks

Fences or walls may be located within required setbacks but shall not encroach onto a separate lot.

vi. Required Landscaping Areas

Fences or walls may be located in required landscaping areas, subject to the standards in Section 5.3.H, Features Allowed Within Required Landscaping Areas.

e. Maximum Height

- i. Maximum fence and wall height shall be in accordance with Table 4.5.F.11.e, Maximum Fence and Wall Height, and Figure 4.5.F.11.e.ii, Maximum Fence and Wall Height:

TABLE 4.5.F.11.e: MAXIMUM FENCE AND WALL HEIGHT		
TYPE OF ZONING DISTRICT	LOCATION ON SITE	MAXIMUM HEIGHT (FEET) [1]
LDR, MDR, HDR, RMH, & CR [2]	Between the front façade line of a building and a lot line abutting a street ROW	4 [3]

TABLE 4.5.F.11.e: MAXIMUM FENCE AND WALL HEIGHT

TYPE OF ZONING DISTRICT	LOCATION ON SITE	MAXIMUM HEIGHT (FEET) [1]
(AMENDED 10.20.20 UDOTA-03-20; 1.4.22 UDOTA-1-22; 6.21.22 UDOTA-3-22; 10-17-23 UDOTA-03-23)	Between the building setback line and a lot line abutting a street right-of-way	4
	All other locations	8
OI, NB, GB, CBD, MX, PD, PDD, COI, & CB [2] (AMENDED 10.20.20 UDOTA-03-20; 1.4.22 UDOTA-1-22; 6.21.22 UDOTA-3-22; 05.16.23 UDOTA-01-23)	Between the front façade line of a building and a lot line abutting a street ROW	4
	Between the building setback line and a lot line abutting a street right-of-way	6
	All other locations	8
LI, MI, HI, & CI [2] (AMENDED 10.20.20 UDOTA-03-20; 1.4.22 UDOTA-1-22; 6.21.22 UDOTA-3-22; 05.16.23 UDOTA-01-23; 10-17-23 UDOTA-03-23)	Between the front façade line of a building and a lot line abutting a street ROW	6
	All other locations [4]	Within a required yard or setback: 10
		Outside a required yard or setback: 10
NOTES: (AMENDED 10.20.20 UDOTA-03-20; 6.21.22 UDOTA-3-22; 10-17-23 UDOTA-03-23)		
[1] Fence height limits shall not apply to chain link fences surrounding tennis courts or ball field backstops.		
[2] Includes corresponding parallel conditional zoning districts.		
[3] On through lots bounding a street at the front and the rear, a fence or wall in the rear of the lot may have a maximum height of six feet between the building setback line and the lot line abutting the street ROW.		

- ii. Fence and wall height shall be measured in accordance with the standards in Section 8.3.P, Fence and Wall Height.

FIGURE 4.5.F.11.E.II: MAXIMUM FENCE AND WALL HEIGHT

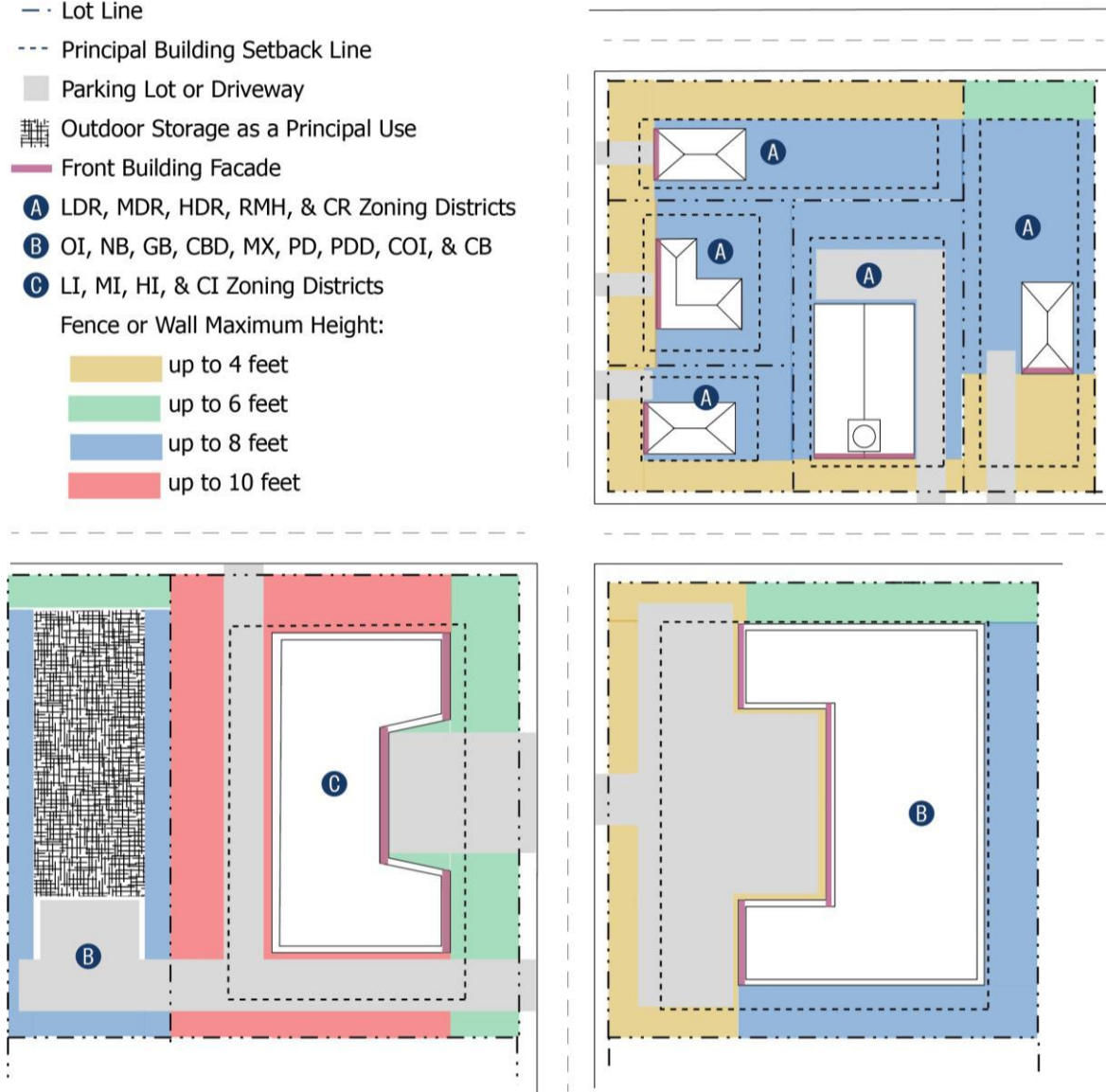
(AMENDED 10.20.20 UDOTA-03-20)

LEGEND

- Lot Line
- Principal Building Setback Line
- Parking Lot or Driveway
- Outdoor Storage as a Principal Use
- Front Building Facade
- A** LDR, MDR, HDR, RMH, & CR Zoning Districts
- B** OI, NB, GB, CBD, MX, PD, PDD, COI, & CB
- C** LI, MI, HI, & CI Zoning Districts

Fence or Wall Maximum Height:

- up to 4 feet
- up to 6 feet
- up to 8 feet
- up to 10 feet



f. Wind Loading

All fencing and walls subject to the standards of this section shall be constructed in accordance with the North Carolina Building Code, and shall be designed and constructed in order to meet the minimum applicable wind loading standards in the City of Burlington.

g. Material Lifespan

(AMENDED 10.20.20 UDOTA-03-20)

Fences and walls shall be designed, constructed, and maintained to ensure a minimum useful life of at least ten years.

h. Permitted Materials

(AMENDED 6.21.22 UDOTA-3-22; 10-17-23 UDOTA-03-23)

The following materials are permitted for fences and walls:

- i. Bricks or stone;
 - ii. Ornamental iron, steel, or aluminum;
 - iii. Wood;
 - iv. Vinyl, rigid non-rolled plastic, or composite;
 - v. Textured concrete masonry units; or
 - vi. Chain-link and wire of 12 gauge or higher, except where prohibited by this Ordinance.
- i. Restricted Fence Materials**
- i. Barbed Wire as Fencing**
Barbed wire as a fence is prohibited in all zoning districts except that it may be allowed as part of a bona fide farm use.
 - ii. Barbed Wire Atop another Material**
(AMENDED 6.21.22 UDOTA-3-22)
 - a) No barbed or razor wire shall be permitted on a fence or wall in a residential or OI district except where needed, in the opinion of the Planning Director, to protect public health and safety or security on a site containing utility facility.
 - b) Barbed or razor wire may be used atop another fencing material (e.g., chain link) outside of residential or OI districts only in cases where the barbed or razor wire is at least six feet above the ground measured at the base of the fence.
 - iii. Wire Mesh**
(AMENDED 6.21.22 UDOTA-3-22)
Wire mesh fencing (e.g., chicken wire, hardware cloth, etc.) is permitted as part of a residential use provided it is not located within a required principal setback or does not exceed 36 inches in height above the adjacent grade. Wire mesh fencing meeting these standards shall not require issuance of a fence permit.
- j. Prohibited Materials**
(AMENDED 6.21.22 UDOTA-3-22; 10-17-23 UDOTA-03-23)
- i. Fences made of wooden pallets, tires, debris, junk, rolled or sheet plastic, sheet metal, untreated or unpainted plywood, readily flammable material, or waste materials shall be prohibited, unless the materials have been recycled and reprocessed, for marketing to the general public as building materials designed to resemble new building materials (e.g., picket fencing made from recycled plastic and fiber).
 - ii. Fences and walls comprised of smooth-face concrete block or monolithic concrete barriers shall be prohibited.
 - iii. In no instance shall tarps or silt fencing remain on a lot or site after completion of construction.
- k. Materials for Temporary Fences**
Temporary fences in place for up to 90 days may be comprised of any material approved by the Planning Director.
- l. Wall Material Standards**
- i. Walls shall be constructed of one or more of the following materials:
 - a) Stucco over concrete block;
 - b) Exposed aggregate concrete; or
 - c) Brick, stone, or architectural block assembled in a structurally safe and attractive condition.
 - ii. No walls of exposed smooth-face concrete block shall be permitted.
 - iii. Stacked stone or other masonry configurations where no mortar or other bonding agent is used between stones or individual masonry units shall not exceed 36 inches in height above grade.
 - iv. Alternative wall materials may be permitted by the Planning Director provided they provide a similar level of opacity to that of the listed materials and are in keeping with the architecture of the development.

m. Electric Fences

Fences that carry an electrical current are allowed solely for the purposes of enclosing livestock as part of a bona fide farm use. Nothing shall prohibit below-ground electrical fences intended for the keeping of pets.

n. Finished Side

All fences or walls shall be configured so that the finished side faces outwards. For the purposes of this section, the finished side does not include any supporting members or bracing (see Figure 4.5.F.11.m: Finished Side).

FIGURE 4.5.F.11.N: FINISHED SIDE

LEGEND

- A** Finished Side of Fence - Facing Outward
- B** Unfinished Side of Fence - Facing Inward



o. Maintenance

(AMENDED 1.4.22 UDOTA-1-22)

- i.** Any fence or wall which, through neglect, lack of repair, type or manner of construction, method of placement or otherwise, constitutes a hazard or endangers any person, animal, or property is in violation of this Ordinance.
- ii.** When a fence or wall is in violation of this Ordinance, the Planning Director shall require the owner or occupant of the property upon which the fence or wall is located to repair, replace, or demolish the fence or wall in accordance with all applicable standards in this Ordinance.
- iii.** A fence permit (see Section 2.4.J, Fence Permit) shall be required for replacement or upgrade of eight linear feet or more of an existing fence or wall.

12. Flagpole

(AMENDED 10.20.20 UDOTA-03-20)

- a.** No more than two flagpoles shall be allowed on a residential lot in a residential zoning district.
- b.** Flagpoles on all other lots shall comply with the following standards:
 - i.** No more than three flagpoles shall be allowed;
 - ii.** Flagpoles shall be located on the same lot as the principal building;
 - iii.** Flagpoles may be located on the wall of the principal building on the lot or within 75 feet of the building's main entrance;
 - iv.** Flagpoles shall not be located within a public right-of-way; and
 - v.** Flagpoles shall not exceed a height of 25 feet.
- c.** Flags shall comply with the appropriate standards in Section 5.6.J, Sign Standards by Sign Type.

13. Guard House, Shelter, or Gatehouse

(AMENDED 10.20.20 UDOTA-03-20)