

**Public Hearings**  
**Proposed Unified Development Ordinance (UDO) Amendments for**  
**Article 6 Section 6.04 Table of Permitted Uses**  
**Article 7 Section 7.09 Fences**  
**Article 9 Section 9.09 Off-Street Parking Space Requirements**  
**June 5, 2017**  
**7:00 pm**

**SECTION 6.04 TABLE OF PERMITTED/SPECIAL USES**

<i>Primary Zoning Districts</i>																
Uses	MR1 p.6-17	MR2 p.6-19	MR2 A p.6-21	MR3 p.6-22	MB1 p.6-24	MB2 p.6-26	BR1 p.6-27	BR2 p.6-29	BB1 p.6-31	MH1 p.6-33	MH2 p.6-35	RI1 p.6-37	CR 1 p.6-39	AF1 p.6-41	MUD *	Supplemental Regulations
<b><u>Fences (nonresidential)</u></b>					<b><u>PS</u></b>	<b><u>PS</u></b>			<b><u>PS</u></b>						<b><u>PS</u></b>	<b><u>Section 7.09</u></b>

**SECTION 7.09 ~~PRIVACY~~ FENCES**

(B) Single-Family Residential. In all beach residential zoning districts, a **fence** or wall may be constructed not to exceed four (4) feet in height from natural **ground level**. In the BR-1 district, **fences** and walls cannot extend beyond more than one hundred fifty (150) feet from the property line **abutting** the right-of-way of Main Street. In all mainland residential zoning districts, a **fence** or wall may be constructed not to exceed six (6) feet in height from natural **ground level**. A fence or wall may be constructed on the property line subject to the following conditions in all zoning districts:

- (1) The **fence** or wall does not restrict the **ground level** view of any **adjacent property** facing the ocean, waterway, marsh, lakes, or **golf course**. In accordance with this provision, a fence installed facing the ocean, waterway, marsh, lakes, or golf course may not exceed four (4) feet in height and shall be at least fifty (50) percent transparent.

(C) Nonresidential. A nonresidential fence may be installed as part of a buffer strip, in accordance with Article 10, when a nonresidential use is developed immediately adjacent to an existing residential use or zoning district. A nonresidential fence or wall may be constructed on the property line subject to the following conditions:

(1) Fences or walls shall be uniform in design, construction, and material. The fence or wall shall be brick, vinyl, decorative cement block, stucco, maintenance-free metal, or treated wood (excluding any type of plywood or lattice sheets) or any combination. Height shall not exceed six feet. Both sides of a fence or wall must be equal in construction and appearance.

(2) Fences or walls shall not restrict the ground level view of any adjacent property facing the ocean, waterway, marsh, lakes, or golf course. In accordance with this provision, a fence installed facing the ocean, waterway, marsh, lakes, or golf course may not exceed four (4) feet in height and shall be at least fifty (50) percent transparent.

(2) Fences and walls are limited to rear and side yards; however, fences or walls cannot be located in a side yard abutting a street right-of-way on a corner lot. Exception: In a side yard abutting a street right-of-way on a corner lot, open fences are allowed in the buildable area of the lot, but are limited to four (4) feet in height and shall be at least thirty-five percent (35%) open.

(3) Side fences or walls shall be placed a minimum of five (5) feet behind the front footprint of the structure. However, if circumstances exist related to asymmetrical lot lines, lot recombination, or unusual property line configuration relative to the location of the existing primary structure, the Planning Board may modify this standard upon review and approval of a sketch plan. When a modification is requested, all property owners immediately adjacent to the proposed fence shall be notified of the meeting in which the request will be heard by regular mail. The Planning Board should consider public safety, interference with sight visibility at intersections, harmony with the surrounding properties, and maintaining the spirit of this requirement when making any modification. Any fence modification shall not permit encroachment into the required front yard setback.

(4) Living fences are permitted and encouraged. These are open support structures that allow vegetation to grow on, through or as part of the structure as support whereby the resulting buffer is a mature, vegetative wall or screen with no readily visible portion of the underlying structure is shown. The vegetation shall be installed to a minimum depth of five (5) feet and such that seventy-five percent (75%) visual opacity within one (1) year of planting is attained and remain in such condition throughout the year.

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## SECTION 9.09 OFF-STREET PARKING SPACE REQUIREMENTS

(D) Minimum Number of Required Spaces. Each principal and accessory use of land shall be provided with at least the number of off-street parking spaces indicated for that use in Table 9-1.

Table 9-1. Required Off-Street Parking Spaces

<b>Building Type</b>	<b>Number of Required Parking Spaces</b>
Restaurants	1 per 3 seats or 50 sq. ft. (whichever is greater)
<b>Carry-out restaurant/café (5 or fewer seats)</b>	<b>1 per 200 sq. ft.</b>
Drive-through Window (Restaurants)	3 stacking or queuing spaces for the first window; 3 stacking spaces for each additional window.