

Plann. Comm. Review: 6-3-2020  
Notice Published/Posted: 6-22-2020  
Public Hearing: 7-8-2020  
Adopted: 7/8/20

ORDINANCE NO. A-1 S.4.2-A

AN ORDINANCE AMENDING ORDINANCE NO. A-1 ("ZONING ORDINANCE OF THE TOWN OF GREENWOOD") TO CREATE UNIFORM FENCE HEIGHT REQUIREMENTS THROUGHOUT ALL ZONING DISTRICTS

WHEREAS, the Town of Greenwood is authorized to enact zoning regulations pursuant to 22 Del. C. Chapter 3 and section 29(a)(23) of the Town Charter;

WHEREAS, the Town Council adopted a Zoning Ordinance on January 6, 2009; and

WHEREAS, in the opinion of the Town Council of the Town of Greenwood, it is in the best interest of the health, safety, and welfare of the citizens of the Town of Greenwood to amend the Zoning Ordinance to create uniform fence height requirements throughout all zoning districts situated in the Town of Greenwood.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Greenwood, a majority thereof concurring in Council duly met, that the Zoning Ordinance of the Town of Greenwood be amended as follows:

**Section 1.** Amend Article 5, Use Regulations, Section 5.4 (Fences) by making insertions as shown by underline and deletions as shown by ~~strike through~~ as follows:

**Section 5.4 Fences.**

**5.4.1 Existing Fences.** Any fence lawfully existing as of the effective date of this ordinance may be repaired, reconstructed, or replaced in the exact same location as the existing fence and using substantially the same type of materials as the existing fence, but not exceeding the height limitations for new fences as provided herein. The repair, replacement, or reconstruction of any existing fence under this section shall not require a zoning compliance certificate.

**5.4.2 New Fences.** Any fence erected after the effective date of this ordinance, other than as provided in 5.4.1 above, shall require a zoning compliance certificate and shall be subject to the following restrictions:

- (a) Fences may be erected up to or on (but not beyond) the owner's property line.
- (b) A fence erected on any property along the rear property line and along the side property lines up to the front yard setback line shall not exceed six (6) feet in height. A fence erected in the front yard setback shall not exceed four (4) feet in height. Fence heights shall be measured from the finished grade abutting the fence to the topmost point of the fence (excluding fence posts). ~~located within any R-1 or R-2 district which is contiguous to another property located within any R-1 or R-2 district shall not exceed four feet in height (excluding the fence~~

posts), measured from the finished grade abutting the fence to the topmost point of the fence, except that fences may be constructed to a height of six feet: (i) along the rear property line and along the side property lines up to the rear yard setback line or (ii) with the written consent of the abutting residential property owner, along the side property line up to the front yard setback line.

(c) Where any property in a residential district (R-1, R-2, or R-3, or RPC) abuts a property in any Commercial District (DC or HC) or in any Manufacturing & Light Industrial District (M/LI), a fence up to six feet in height may be erected along their common rear and/or side property lines.

(d) (c) At the intersection of two or more streets, no fence or wall over three feet shall be permitted that would interfere with vehicular sight distance as determined by the Code Enforcement Official.

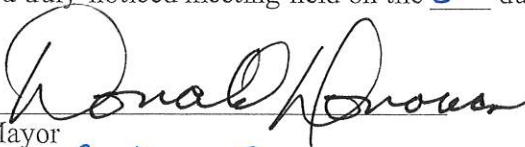
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### SYNOPSIS

This ordinance creates uniform fence height requirements throughout all zoning districts in the Town of Greenwood.

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This shall certify that this is a true and correct copy of the Ordinance duly adopted by a majority vote to the Greenwood Town Council at a duly-noticed meeting held on the 8<sup>th</sup> day of July, 2020.

  
Mayor

ATTEST:  (SEAL)