

FENCE - ZONING REVIEW APPLICATION

DATE: _____ Application Fee (\$10.00) Paid _____ Received by (Int) _____ Permit# _____

1. Applicant Name: _____ Mailing Address: _____
Telephone (Home): _____ Work: _____ Cell: _____
Mailing Address: _____
Property Owner Mailing Address (if different): _____

2. Project Site Location
Street Address of Property Covered by the Application: _____
Legal description of property (i.e., Lot 1, Block 1 of Example Subdivision): _____

3. Type of Fence Proposed: Residential Commercial/Industrial

Front Yard
Site Plan Attached: Yes ___ No ___
Fence Materials: _____
Height: _____
Setback from Property Line(s): _____
Setback from Habitable Space: _____
Will Fence Face a Street or Alley: Yes ___ No ___

Rear/Side Yard
Site Plan Attached: Yes ___ No ___
Fence Materials: _____
Height: _____
Setback from Property Line(s): _____
Setback from Habitable Space: _____
Will Fence Face a Street or Alley: Yes ___ No ___
Is an Electric Fence Proposed: Yes ___ No ___
Is a Sharp-Edged Top Proposed: Yes ___ No ___

(Applicant must insure that the above information and that submitted in the attached site plan are in agreement. If a discrepancy exists, the above information shall prevail and any permit issued will be based on such.)

All fence construction shall be in accordance with Fence Permit Attachment A (Site Plan) and applicable Statues of the State of Arkansas and ordinances adopted by the City of White Hall. By signing this application, the applicant/property owner is certifying that he/she has received a copy of, understands, and agrees to adhere to attachment A of this Fence Permit, and that the applicant holds the City harmless and assumes all responsibility for erecting said fence within the boundaries of the subject property.

Applicant's Signature

Property Owner's Signature

FOR OFFICIAL USE ONLY:

Fence Permit for the above is hereby: Issued Denied on this day _____

Conditions: _____

Zoning Official

Fence Permit applied for above is denied for the following reason(s):

If issued this permit does not in any way relieve the owner or any other person or persons in possession or control of the land or building or any part thereof, for the uses or purpose for which the land or building is designed or intended from complying with any lawful order issued with the object of maintaining the building or land in a safe or lawful condition, nor from complying with all other codes, ordinances, or regulations in force and effect with the City of White Hall, Arkansas.

I have read and understood the Conditions: _____ Date: _____

ATTACHMENT A

FENCE PERMIT REQUIREMENTS, CONDITIONS, RESPONSIBILITIES, AND PERFORMANCE STANDARDS

1. PERMIT REQUIREMENTS:

- a. No person shall install, replace, or reconstruct a fence or wall in the City without first obtaining a Fence Permit and complying in all respects with the terms and conditions and this Ordinance. A Fence Permit is not required for painting or maintenance, or for repair or replacement of less than sixteen (16) lineal feet.
- b. A scaled site plan must be submitted with the Fence Permit Application that show the following:
 1. This location, type and height of the proposed fence.
 2. Distances of the proposed fence from lot lines and other improvements on the property.
 3. Location of driveway(s)
 4. Location of public streets, sidewalks, and alleys.
 5. For fence subject to the 50% solid limitation, an accurate and dimensioned drawing or illustration of the fence is required.
 6. Such other information as may be reasonably required to determine compliance with City code and ordinances.

2. COMPLETION OF INSTALLATION:

A fence or wall authorized by a Fence Permit shall be fully installed in accordance with this Ordinance and permit conditions within one hundred eighty (180) days of the date of permit issuance. A Fence Permit shall expire one hundred eighty (180) days after the date of issuance. After a Fence Permit expires, no work requiring such a permit shall be commenced, resumed or undertaken until a new permit is issued or the original permit is extended.

The permit applicant may file a written request for an extension of the Fence Permit stating the reason for the request, for up to one hundred eighty (180) additional days to complete the fence installation. The Zoning Official, in administering this Code, shall grant the request if good cause is shown.

3. RESPONSIBILITY OF APPLICANT

The applicant is solely responsible for installing the fence or wall:

- a. Within the boundaries of their property determined by survey, in compliance with the City's Fence Ordinance and this Permit, including but not limited to, proper materials, height, setback, and vision clearance.
- b. In compliance with any subdivision covenants or restrictions, deed restrictions, utility easement restrictions, land use restrictions of record including applicable plan review and approval or waiver requirements.
- c. In a manner as will not obstruct storm water drainage, violate a City approved storm water plan or unreasonably divert storm water on this property of another.
- d. Without damaging any underground utilities.

4. EXISTING FENCES AND WALLS

Any fence or wall existing upon the effective date of this Ordinance shall not be enlarged, extended or replaced, except in strict compliance with all of the requirements of this Ordinance, except that existing fences that are damaged less than 50% of replacement value may be rebuilt, but no residential fence to be rebuilt may include barbed wire or other sharp edge material such as razor wire.

5. GENERAL STANDARDS

- a. Fences and walls must be constructed in a substantial, workmanlike manner. They shall be constructed, and shall include line, gate, and corner posts securely anchored to the ground, all in conformance with generally accepted good fence construction practices.
- b. Fences and walls shall be designed and constructed in a uniformly consistent manner and shall have a neat, clean, and finished appearance. Used materials shall not be utilized for fence construction unless the materials are refurbished in appearance and structure to approximate new material.
- c. All fences facing streets and alleys shall be installed so that the finished side of the fence is exposed to the public view and the parts of the fence structure (horizontal and vertical support posts, etc.) are exposed to the view of the property owner. Fences facing properties other than streets and alleys may be erected with the finished side facing either inward or outward.
- d. Post spacing shall be equidistant except to accommodate gates or a repeating architectural design.
- e. Fences and walls shall be maintained in an upright condition.
- f. Any fence or wall which is or has become dangerous to public safety, health, or welfare, is considered a public nuisance. The zoning Official may start proper proceedings for an abatement.
- g. Boundary line fences and wall will be located entirely upon the private property of the person constructing or causing the construction of the fence or wall unless the owner of the property adjoining agrees, in writing, that a fence or wall may be erected on the division line of both properties.
- h. Civil disputes over the location of a fence or wall at adjoining private properties are not within the enforcement authority of the City to resolve.
- i. Fences and walls placed within easements are subject to removal by City and utility maintenance workers if such becomes necessary to permit access for the purpose of installing, repairing, cleaning, replacing or rehabilitating City utility or drainage facilities located or proposed within the easements. The locations where easements are crossed by fence installations, locked gates may be required to allow vehicular access. Acceptable provisions to allow access into underground structures are required when fences and walls are placed over such facilities.
- j. Schools, public parks, and/or playgrounds may erect open-mesh fences within accepted industry standards, and fencing surrounding tennis courts and baseball and/or softball field backstops may be erected in conformance with accepted industry standard as long as other provisions of these regulations are met.
- k. No fence or wall shall be installed in any yard that will shield any window or opening in a habitable space of a dwelling. A minimum distance of three (3) feet shall be maintained between any solid fence or wall and any such window or opening in a dwelling.
- l. No advertising signs are allowed on fences or walls.
- m. It shall be the responsibility of the property owner to insure that a fence or wall does not block or obstruct the flow of storm water.

6. APPROVED FENCE MATERIALS

- a. Front yard fences shall be fifty percent (50%) open (see-through) and be of ornamental design, i.e., split rail, wrought iron or picket. Chain link fences shall not be located within any portion of the front yard.
- b. Fences or walls to be situated in side and/or rear yards shall be constructed using materials suitable for residential-style fencing, including but not limited to brick, fieldstone, wrought iron, vinyl, chain link, stockade or board-on-board wood.
- c. Chain link/open mesh fences, wherever permitted, will be constructed so that the barbed end is at the bottom of the fence and knuckle end is at the top. Chain link/open mesh fences shall not contain strips or slats among the links.
- d. Agricultural/farm fences shall only be permitted on properties that have been used for the purpose of enclosing livestock or other agricultural activities within the proceeding twenty-four month period. Agricultural/farm fences are those fences consisting of chicken wire, deer fence, hog wire, high tensile, wire strands, used in the agricultural, farming and livestock business, specifically for livestock, animal and bird control.
- e. No fence or wall shall be constructed of used or discarded materials in disrepair, including but not limited to pallets, tree trunks, trash, junk, or other similar items. Materials not specifically manufactured for fencing, such as railroad ties, wooden doors, landscape timbers or utility poles shall not be used for, or in the construction of a fence.

7. FENCE STANDARDS FOR RESIDENTIAL DISTRICTS

All fences in residential districts shall comply with the following standards in addition to the general standards and approved fencing materials:

- a. Fences within any portions of the front yard extending across the full width of the lot and lying between the street frontage of the lot and the front yard setback as set forth in the Zoning Ordinance, shall not exceed forty-two inches (42") in height and post and/or decorative finials together may add no more than six (6) inches to the total height.
- b. The maximum height of fences and walls located in a rear or side yard is eight (8) feet.
- c. All fences, walls, or hedges shall be in compliance with Section 154.045 Sub-Paragraph B of the White Hall Code of Ordinances (25-foot visibility triangle at intersections).
- d. No fence or wall shall be located within one (1) foot of a sidewalk.
- e. Electric fences at a height of no more than five and one-half feet (5 ½') are allowed in rear and side yards when: completely enclosed by another fence or wall that is not charged with electricity, is opaque, and does not have barbs, spikes, or dangerous projections, and said outer fence is at least six and one-half (6 ½') feet in height.
- f. No residential fence may include barbed wire or other sharp edge material such as razor wire. Existing fences including barbed wire or other sharp edge material shall be considered nonconforming and may not be extended or replaced except in conformance with this ordinance.
- g. All fences or walls on a single parcel shall have a unified style along a single plane and for all fence segments visible from off the premises for any single direction except as otherwise permitted or required in this ordinance.

8. FENCE STANDARDS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS

All fences and walls in commercial and industrial districts shall comply with the following standards in addition to the general standards:

a. Location

1. In order to maintain clear vision lanes for vehicles and pedestrians, no opaque faces shall be permitted within ten (10') feet, in any direction, of the following points:
 - (i) At the intersection of a driveway and sidewalk (or front property line if there is no sidewalk).
 - (ii) At the intersection of a driveway and public right-of-way.
 - (iii) At the intersection of any two driveways.
2. All fences, walls, or hedges shall be in compliance with Section 154.045 Sub-Paragraph B of the White Hall Code of Ordinances (25-foot visibility triangle at intersections).
3. No Fence or wall shall be located within one (1) foot of a sidewalk.

b. Materials and Construction.

1. Electric fences are allowed only when completely enclosed by another fence or wall that is not charged with electricity, is opaque, and does not have barbs, spikes, or dangerous projects, and said outer fence is at least six and one-half (6 ½') feet in height and is located within a rear or side yard.
2. A fence may be topped with barbed wire or other sharp edged materials when:
 - (i) Included as a security fence as part of an approved development plan;
 - (ii) Such materials are located above a height of six and one-half (6 ½) feet.
3. Only ornamental fences shall be permitted in the front yard setback unless required by these or other governmental regulations.
4. All fences and walls on a single parcel shall have a unified style along a single direction.

c. Height.

1. Unless otherwise permitted or required in this ordinance, fences and walls within any position of the front yard extending across the full width of the lot and lying between the street frontage of the lot and the front yard setback as set forth in the Zoning Ordinance, shall not exceed forty-two inches (42") in height, and posts and/or decorative finials together may add no more than six (6") inches to the total height.
2. Unless otherwise permitted or required in this ordinance, the maximum height of fences and walls located in a rear or side yard is eight (8') feet.

STAFF REVIEW*
FENCE PERMIT

APPLICANT:		PROPERTY LOCATION:	
<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial/Industrial	<input type="checkbox"/> Front Yard	<input type="checkbox"/> Rear/Side Yard
Item	Approval Criteria	Action Needed to Comply	
<input type="checkbox"/> Scaled site plan submitted	<input type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable		
<input type="checkbox"/> Shows location, type, and height	<input type="checkbox"/> Fencing material is acceptable. (1) <input type="checkbox"/> Fence height is acceptable. (2)		
<input type="checkbox"/> Shows distances from lot lines and property improvements	<input type="checkbox"/> Fence is inside property line. <input type="checkbox"/> Fence is 8 feet from any habitable space opening in existing structure(s).		
<input type="checkbox"/> Shows location of driveway(s)	<input type="checkbox"/> Commercial/industrial fence meets setbacks at driveway intersection(s). (3)		
<input type="checkbox"/> Shows location of public streets, sidewalks and alleys.	<input type="checkbox"/> Finished side facing street/alley must be stated as a condition. <input type="checkbox"/> 1-foot setback from sidewalk met. <input type="checkbox"/> Visibility triangle met.		
<input type="checkbox"/> Illustration of front yard fence submitted	<input type="checkbox"/> Construction is 50% see-through		
<input type="checkbox"/> Plan includes electric fencing in rear or side yard.	<input type="checkbox"/> Electric fencing is enclosed by a 6 ½ to 8-foot high non-electric opaque fence. <input type="checkbox"/> Electric fence is 5 ½ feet or less in height (residential)		
<input type="checkbox"/> Plan includes a fence topped with barbed wire or other sharp edged material (commercial/industrial only).	<input type="checkbox"/> Fence is part of an approved development plan. <input type="checkbox"/> Such materials are located above a height of 6 ½ feet.		

1. Fence Material

Front Yard: Fences shall be 50% open (see-through) and be of ornamental design such as split rail, wrought iron, or picket. Chain link fences are not permitted in the front yard.

Rear/Side Yard: Materials suitable for residential-style fencing, including but not limited to brick, fieldstone, wrought iron, vinyl, chain link, stockade, or board-on-board wood. The knuckle end of chain link/open mesh fences must be at the top; such fences also may not contain strips or slats.

2. Fence Height

Front Yard: 42 inches with posts and finials adding no more than 6 inches for a total height of 4 feet.

Rear Yard: 8 feet.

3. Driveway Setbacks (Commercial/Industrial Only)

No opaque fences shall be permitted within ten feet, in any direction, of the following points:

- a. At the intersection of a driveway and sidewalk (or front property line if there is no sidewalk).
- b. At the intersection of a driveway and public right-of-way.
- c. At the intersection of any two driveways.

* Item and approval criteria may be used by the applicant as a personal checklist for completeness and compliance with regulations prior to application submittal.