

FENCING REFERENCE GUIDE



This document is intended for guidance only and does not relieve property owners of the requirements of the Municipal Code. *Code references follow each statement below.

PERMIT REQUIRED **Permit Required:** All fencing must obtain a Miscellaneous Improvements building permit from the Community Development Services Department. However, fencing in the A-1, Agricultural zoning district at least 5 feet from Right-of-Way and replacement of less than 49% of the linear length of an existing fence are exempted from permit.

PERMIT SUBMITTAL REQUIREMENTS	<ol style="list-style-type: none"> 1. Completed application and permit fee. 2. Site Plans, drawn to a standard engineering scale should depict: <ol style="list-style-type: none"> a. Property lines; b. Existing and proposed structure locations; c. Existing and proposed pools or spas locations; d. Existing fencing on or adjacent to the property that will remain in place; e. Existing fencing that will be replaced, if applicable; f. Proposed fencing locations; g. Septic drainage field location, if applicable; h. Drainage ways and drainage easements on or adjacent to the property i. Utilities and utility easements on or adjacent to the property. 3. Details: <ol style="list-style-type: none"> a. Dimensions and height of the fencing b. Proposed fencing material. 	DESIGN STANDARDS
	<ul style="list-style-type: none"> ▪ Prohibited Materials: <ul style="list-style-type: none"> - Razor wire is prohibited. - Barbed wire is prohibited except in R-E (Residential Estate), commercial and agricultural zones. - Electric fences are prohibited except in A-1 (Agricultural) and R-E. - Where permitted, barbed wire and electric fences shall be minimum 5 feet from rights-of-way and public sidewalks. ▪ Connection: In instances where a fence exists on an adjacent property, the proposed fence may be located directly adjacent to existing fencing or attached to such fencing with the consent of the fence owner. (109-248)(a) ▪ Height: Fences may not exceed eight (8) feet maximum height above average grade. (109-249)(2) ▪ Finished Surface: All finished surfaces must face outward from the property with posts and support beams inside the finished surface or designed to be an integral part of the finished surface. (109-249)(3) ▪ Gates: All fence segments abutting a street, except for corner lots, must provide one gate opening per lot to allow access to the area between the fence and the street pavement for maintenance and mowing. (109-249)(4) 	

POOLS & SPAS DETENTION & RETENTION PONDS

- Outdoor pools, spas and hot tubs must be protected by an enclosure designed to restrict access by children. If a fence is intended to serve as the required enclosure, it must be a minimum of forty-eight (48) inches above grade with the bottom vertical clearance no more than two (2) inches. Chain link meshing can be no more than 2.25 square inches.
- Fences installed around a detention or retention pond with permanent depth of two (2) feet deep or more, must meet the requirements of Section 109-250 Pools & Spas.

QUESTIONS?

Community Development Services Department
616 W. Lancashire Blvd.
Bella Vista, Arkansas 72715
(479) 268-4980

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VEHICLE/ TRAILER SCREENING

- Fencing *may* be used to provide an “opaque screen” as a barrier that completely blocks an object from a viewer’s sight twelve (12) months out of the year from any city street. (109-225)
- Opaque screens must be permanent in nature, continually maintained in a neat and orderly manner and in compliance with all other City ordinances. (109-225)

LOCATION

- No fence shall be erected on any property without the consent of the property owner. Fences shall not encroach onto adjoining property not owned by the owner of the fence, nor shall any fence encroach upon any right-of-way. Fences may be located directly adjacent to existing fencing or attached to such fencing with the consent of the fence owner. (109-248)(a)
- Front Yard:** Front yard’ shall be defined as any portion of a lot forward of the footprint of the primary structure on the lot. **A detached garage/carport is not considered a part of the primary structure footprint.** In the case of corner lots, the ‘front yard’ shall be delineated by the orientation of the primary pedestrian entry to the structure. (109-248)(b)(1)

Front Yard Height Restrictions (109-248)(b)(2-4)

Zoning	Lot Size	Front Yard Height Maximum
Residential	< 4 acres	3’-0”
	4 acres or more	8’-0”
Non Residential	N/A	8’-0”

- Rear and Side Yard:**
 - A fence that does not cross any portion of the front yard may begin on a rear or side property line at the full height of the fence not exceed eight feet (8’) in height. (109-248)(c)(1)
 - When placed along a side property line, a fence taller than three feet (3’) may run to and no farther than the front setback line. (109-248)(c)(2)
 - Fences may be located in the rear or side yard as long as they comply with other regulations of placement. (109-248)(c)(3)
- Sight Triangle:** Fences constructed near driveways and street intersections shall stay clear of all sight triangles in order to provide a reasonable degree of traffic visibility. See Section §109-3 for the definition and reference dimensions of a sight triangle. (109-248)(d)
- Easements:**
 - Utility Easements:** Construction of fences in utility easements is permitted, but the fence installer and/or property owner assumes risk by doing so. Any fence proposed to enclose a utility easement shall have a gate installed to permit access to the easement. (109-248)(e)(1)
 - Drainage Easements:** Fences shall not impede the normal flow of stormwater and shall not cross an open drainage channel. Fences proposed in drainage easements shall be approved on a case by case basis. (109-248)(e)(2)
 - Access Easements:** Fences shall not be constructed over a public access easement. Fences proposed over private emergency access easements must be approved by the fire department to ensure adequate access for emergency vehicles and equipment at all times. (109-248)(e)(3)

INSPECTION CLOSEOUT

- Inspection:** The applicant is responsible for contacting the Community Development Services Department upon completion to request a final inspection. (109-246)(e)
- Close Out:** If the fence is constructed in accordance with the regulations and submitted permit materials, a Certificate of Compliance will be issued. Otherwise, the Building Inspector will prepare an inspection report detailing the deficiencies. (109-246)(e)