

ORDINANCE NO. 338

AN ORDINANCE AMENDING ORDINANCE NO. 169 (ZONING REGULATIONS) TO ADD TO THE REGULATIONS AND REQUIRMENTS FOR FENCING OF PROPERTY WITHIN AND FOR THE CITY OF BETHEL HEIGHTS, ARKANSAS

WHEREAS, The City of Bethel Heights, Arkansas has previously enacted Ordinance 169 setting standards, regulations, and requirements for the zoning and development for property within the City of Bethel Heights; and

WHEREAS, The City of Council for the City of Bethel Heights, Arkansas has determined that the standards, regulations, and requirements for "fencing" as set out in Section 10. General Standards should be expanded and clarified.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BETHEL HEIGHTS, ARKANSAS.

1. Section 10. General Standards. Subsection g. Fences. Is amended to read as follows:

g. Garden Walls, Fences and Hedges.

1. General.

- A. Fences shall not exceed eight feet (8') unless approved by the Planning Commission. Provided that fencing around tennis courts and other recreational amenities shall be exempt from the height restriction.
- B. Fences must comply with the corner visibility standards of (f) hereinabove.
- C. Fences in all residential zoning districts shall be constructed so that the horizontal and vertical support posts are inside the fence area and are hidden from view of persons outside the fenced area. This requirement shall not apply to fences that abut nonresidential zoning districts or in situations where the owner of the lot adjacent to the fence agrees to a plan placing support posts on the "outside" of the fence. All exposed steel, except galvanized metal, shall have a color finish coat applied to them and be preserved against rust and corrosion.
- D. All fences shall be maintained in their original upright condition. Fences designed to be painted or have other surface finishes shall be maintained in their original conditional as approved, designed and constructed. Missing, destroyed or damaged boards, pickets, posts or

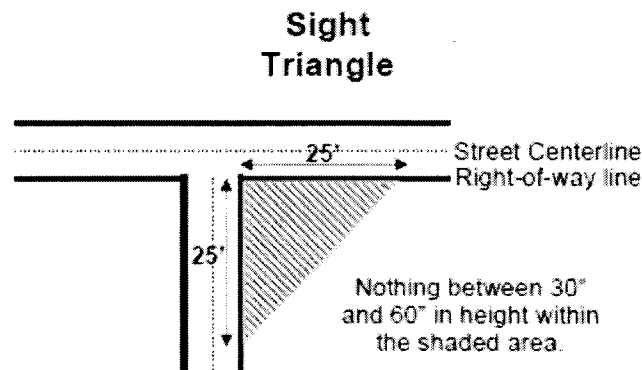
other fence parts must be replaced in a timely manner with material of the same type and quality.

2. Height and Appearance.

- A. Fences in front yards shall not be 100% opaque and shall provide visible separation between the fence slats. Fences in a rear or side yard may be at a maximum 100% opaque.
- B. Fences in front yards (in front of the primary structure) shall have a maximum height of 42 inches and a minimum height of 30 inches.
- C. Fences located in rear and/or side yards (behind the principal façade of the primary structure) shall have a minimum height of 30 inches and maximum height of 8 feet.

3. Location.

- A. Adjacent to the Public Right-of-Way. A fence or wall may not be placed closer 5 feet to a current or planned public right-of-way as set out in the current Master Street Plan.
- B. Sight Distances. Safe sight distances at intersections and points of access shall be maintained. In order to provide reasonable traffic visibility, fences, wall and hedges constructed near street intersections must stay clear of the "sight distance triangle" set herein below and comply with corner visibility standards as set out on Section f.



4. Encroachment upon Easements.

- A. Utility Easements. Walls used as fences and footing of retaining walls are prohibited from being constructed in a utility easement. Construction of other types of fences in utility easements is permitted, but the fence installer and/or property owner assumes the risks of such construction. Any fence constructed in a manner that restricts access to a utility easement must have a gate to provide access to the easement.
- B. Drainage easements. Fences, walls or hedges must not impede the normal flow of storm water and must not cross an open drainage


channel. Fences, walls or hedges proposed in drainage easements are subject to consideration for approval on a case by case basis.

- C. Access Easement. Fences, walls or hedges must not be constructed over a public access easement. Fences, walls or hedges proposed over private access easements must be approved by the Fire Department to ensure adequate access for emergency vehicles and equipment.

PASSED AND APPROVED THIS 21 DAY OF July, 2015.

APPROVED: Cynthia J. Black
Mayor

ATTEST: Janet Nelson
Recorder/Treasurer

The seal is circular with a dotted border. The text around the border reads "THE INCORPORATED CITY OF BETHEL HEIGHTS, ARKANSAS" with a star at the bottom. The word "SEAL" is printed in the center.