

19-24 Fencing Regulations

A. Scope. The term fence shall include any tangible barrier, an obstruction of any material, a line of obstacles, lattice work, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line.

B. Provisions Constitute Minimum Requirements In interpreting and applying the provisions of this Section, the requirements contained in this Section are declared to be the minimum requirements.

C. Effect of Section on Covenants, Agreements, etc. This Section shall not nullify the more restrictive provisions of covenants, agreements or ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

D. Fences - Residential Standards

1. Side Yards and Rear Yards In any required side or rear yard on lots, the height of fences shall not exceed 6 feet in height.

2. Front Yards Fences in required front yards shall be allowed provided that solid type fences shall not exceed 3 feet in height, and open type fences (for example, chain link fences), shall not exceed 4 feet in height.

3. Corner Lots In addition to the other provisions contained in this Section, fences located on corner lots shall be subject to the following provisions:

a. Any fence, wall and/or hedge on the front yard setback shall not exceed 3 feet in height if opaque construction, or 4 feet in height if open construction.

b. In the side yard setback which fronts on a street, height up to 6 feet shall be allowed beyond 40 feet from the intersection measured from the intersection of extended curb lines. Height within the 40 foot area shall conform to the requirements of a front yard setback.

c. Heights on the rear yard setback and interior side yard setback shall not exceed 6 feet.

4. Lots with Slopes - A fence may be built upon a slope greater than 15% provided that the following conditions are met:

a. Fences shall be located only upon areas constituting usable land unless otherwise approved by the Morgan County Planning Department.

b. Fencing materials shall be in conformance with Chapter 28, Sensitive Lands Regulations.

c. The fence shall be built in accordance to this chapter and comply with all restrictions imposed by setbacks, etc, as defined in this Code

d. All requirements of the Sensitive Lands Regulations shall be met prior to the construction of the fence.

e. Fencing on hillside lots shall only be approved in conjunction with an approved landscape plan in conformance with the General Plan.

E. Vacant Lots. For the purpose of this Chapter, it shall be presumed that a vacant lot shall contain a minimum front, side and rear yard that are otherwise required by ordinance. In any required side and rear yard on vacant lots, the maximum height of fences or other similar structures shall be 6 feet.

F. Retaining Walls. Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

G. Barbed or Razor Wire. Fences containing strands of barbed wire, razor wire or other similar fencing designed to prevent intrusions are prohibited, unless specifically approved by the Planning Commission for public safety, health or welfare. Such fences include fencing for farm animals and public utility stations.

H. Exceptions. The provisions of this Section shall not apply to certain other fences such as tennis court backstops or patio enclosures in the front, side or rear yards, if approved by the Planning Commission, if in its opinion they do not create a hazard or violation of other ordinances.