

Section 18-410 Fences

Proposed Amendments

EDIT No. 14

Issue: The Town of Vienna zoning and subdivision ordinance requires fences taller than 4 feet on corner properties be setback the same depth as both principal structures on adjacent lots. Fences over 6 feet are desired for the protection of pets and privacy in rear yards. On many corner lots the area that can be fenced greater than 4 feet is very limited because of the location of adjacent structures. The deepest front yard setback in the Town of Vienna is 35' from the front property line, but it is not a requirement that the building is constructed at the front yard setback. In addition to owner preference, other factors such as deed restrictions or topography may cause the development of the principal structure farther back on any adjacent lot, which leaves only a zoning variance the option for homeowners to install 6-foot fences.

Recommendation: Discuss and adopt revisions to *Section 410 Fences* that remove the requirement to adjust the location of a 6-foot fence line based on the location of adjacent structures. The location of a 6-foot fence may be based on the zoning setbacks for more consistency and transparency.

OR, any revisions as recommended by Town Council.

Recommended Zoning Code Text w/Redline:

Section 18-410 Fences **and Decorative Walls**

1. General Requirements.

- A. Fence height is measured from the ground of each fence panel or post, to the highest feature of the fence panel or post.
- B. All fences or screens shall have the finished side facing the street and the adjoining properties.
- C. The use of barbed wire is not permitted.

2. Interior lots. Fence height standards shall be as follows:

- A. Front Yard: From the front of the building line to property line the fence may not exceed four (4) feet max.in height. ~~(Note: See sight triangle §18-412)~~
- B. Interior Side Yard: Six (6) feet max.
- ~~C. Corner Yard: Four (4) feet max. (Note: See sight triangle §18-412)~~
- C. Rear Yard: Six (6) feet max.

3. Corner lots. Fence height standards shall be as follows: ~~Fences on corner lots may not be greater than four (4) feet in height in the area between the extension of the neighbor's front building line and the right-of-way. See Figure 4A.3.~~

- A. Front yard: From the front of the building line to the property line, the fence may not exceed (4) feet, and the fence may not exceed three (3) feet within the required Sight Triangle (See sight triangle §18-412).
- B. Corner Side Yard: For the depth of the front yard setback of the adjacent lot zoning, the fence may not exceed four (4) feet in height.
- C. Rear yard: Six (6) feet max.

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4. **Construction fences.** Temporary fences for construction sites and tree protection are exempted from these standards but shall comply with ~~the requirements of the Uniform Statewide Building Code~~ approved site plan.
5. **Garden fences.** Fences used for gardening and protection of plants shall not exceed 6 feet in height in any yard.

Zoning Code Text Adopted in 2024:

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1. Fence height standards shall be as follows:
 - A. Front Yard: Four (4) feet max. (Note: See sight triangle §18-412)
 - B. Interior Side Yard: Six (6) feet max.
 - C. Corner Side Yard: Four (4) feet max. (Note: See sight triangle §18-412)
 - D. Rear Yard: Six (6) feet max.
2. Fences on corner lots may not be greater than four (4) feet in height in the area between the extension of the neighbor's front building line and the right-of-way. See Figure 4A.3.
3. All fences or screens shall have the finished side facing the street and the adjoining properties.
4. The use of barbed wire is not permitted.
5. Temporary fences for construction sites and tree protection are exempted from these standards but shall comply with the requirements of the Uniform Statewide Building Code.

Pre-2023 Zoning Code Text:

Sec. 18-17. - Fences.

- a) Any fence from the rear lot line to and including the front line of the building shall be no more than six feet high, except that on a corner lot the fence along the side yard fronting on a street shall be not more than four feet high, and the fence along the rear line, from the front of the adjacent house to its street line shall not exceed four feet in height. Any fence located between the front of the house and the front property line shall be not more than four feet high.
 - b) Any fence or screen constructed in any residential zone shall have the finished side facing the street or adjacent or abutting properties. The use of barbed wire is not permitted in any residential zone.
- (Code 1969, § 18-17; Ord. of 8-30-1976)