

ORDINANCE 2009-43

**TO BE ENTITLED: "AN ORDINANCE TO AMEND CHAPTER 5 AND TABLE 5-8: FENCE AND WALL HEIGHT RELATING TO REQUIREMENTS FOR CHAIN LINK OR WIRE FENCING IN THE FRANKLIN ZONING ORDINANCE."**

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF FRANKLIN, TENNESSEE AS FOLLOWS:**

**SECTION I.** That Chapter 5, Section 5.6.2(2) of the City of Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~striketrough~~; to add the following text noted in **bold**; and is approved to read as follows:

5.6.2 Applicability

...

- (2) Review for Compliance
- (a) Review for compliance with the standards of this section shall occur as a part of review of the Site Plan, Preliminary Plat, Regulating Plan, or Building Permit, as appropriate.
  - (b) **A permit from the Department of Building and Neighborhood Services shall be required for any fence or wall for any use.**

**SECTION II.** That Chapter 5, Section 5.6.4(1) of the City of Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~striketrough~~; to add the following text noted in **bold**; and is approved to read as follows:

5.6.4 Basic Standards Applicable to All Fences and Walls

- (1) Appearance
- All fences and walls shall:
- (a) Be constructed of any combination of brick, stone, masonry materials, treated wood posts and planks, rot-resistant wood (such as cypress or redwood), or metal, except that chain link **or wire** fencing shall be coated with dark green or black vinyl when used for any use; ~~except detached residential;~~

**SECTION III.** That Chapter 5, Table 5-8 of the City of Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~strikethrough~~; to add the following text noted in **bold**; and is approved to read as follows:

<b>TABLE 5-8: FENCE AND WALL HEIGHT</b>			
<b>Fence or Wall Function</b>		<b>Maximum Height</b>	
		<b>Front Yard (feet) [1]</b>	<b>Side Yard, Rear Yard, Side Street (feet) [1]</b>
Chain link <b>or Wire</b> fences		<del>6</del> <b>0</b>	<del>8</del> <b>6</b>
Retaining walls & grade transition walls [2]	Residential uses	<del>2</del> <b>3</b>	6
	Nonresidential and mixed-uses	10 [3],[4]	
All other fences & walls	Residential uses	<del>3</del> <b>3.5</b>	7

**SECTION IV.** That Chapter 5, Section 5.6.4(1) of the City of Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~strikethrough~~; to add the following text noted in **bold**; and is approved to read as follows:

5.6.10 Prohibited Fencing and Gate Materials

- (1) Permanent fences, gates, and walls constructed of chain link **or wire** without vinyl coating or with plastic or metal slats shall be prohibited; however, chain link fencing used as temporary tree protection fencing is not required to be vinyl coated.
- (2) Wire fences or above-ground electrified fences **without vinyl coating** for the control of livestock shall be permitted only within the Agricultural (AG) district or as part of an approved Regulating Plan.

**SECTION V.** BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect from and after its passage on third and final reading, the health, safety, and welfare of the citizens requiring it.

**ATTEST:**

**CITY OF FRANKLIN, TENNESSEE:**

By: \_\_\_\_\_  
**ERIC S. STUCKEY**  
 City Administrator/Recorder

By: \_\_\_\_\_  
**JOHN C. SCHROER**  
 Mayor

PLANNING COMMISSION RECOMMENDED DEFERRED:	<u>7-23-09</u>
PLANNING COMMISSION RECOMMENDED APPROVAL:	<u>10-22-09</u>
PASSED FIRST READING:	_____
PASSED SECOND READING:	_____
PUBLIC HEARING HELD:	_____
PASSED THIRD READING:	_____



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## MEMORANDUM

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November 4, 2009

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator *Ei*  
Vernon Gerth, Assistant City Administrator for Community and Economic Development  
Gary Luffman, Interim Planning Director

SUBJECT: Ordinance 2009-43, Zoning Text Amendment to Amend Table 5-8: Fence and Wall Height of the *City of Franklin Zoning Ordinance*

### **Purpose**

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information regarding amendments to Table 5-8: Fences and Wall Height of the *Franklin Zoning Ordinance* to revise requirements relating to Chain-link or wire fencing.

### **Background**

The proposed *Zoning Ordinance* text amendment was originally included within Ordinance 2009-02, but was removed, at the request of the Planning Commission, for further study. This text amendment was presented as a stand-alone ordinance at the July 23, 2009 FMPC meeting and was deferred due to concerns about chain-link fences in front-yards.

This revised text amendment proposes to prohibit chain-link fences in all front-yards and to lower the allowed height of chain-link fences in all side- and rear-yards from eight (8) feet to six (6) feet. This text amendment also links wire fences to the requirements for chain-link fences. The amendment would also require a permit for any fence or wall within the city to ensure compliance with the requirements of the *Zoning Ordinance*. Additionally, there is a correction added to this amendment for the "All other fences & walls" requirement in Table 5-8, to raise the allowed maximum height of fences or walls in the Front Yard to three and one-half (3.5) feet. This is based on other requirements for fences or walls within the *Zoning Ordinance*, as well as several field inspections of existing fences or walls around the city.

At the July, 23, 2009 FMPC meeting, several Commissioners noted concerns about precluding chain-link or wire fences in the front yard. Staff continues to recommend, with the revised *Zoning Ordinance* Text Amendment, that any chain-link or wire fencing be prohibited in the front yard throughout the city. Staff has compiled the following list of advantages and disadvantages for residential and non-residential uses to help facilitate discussion.

This text amendment was recommended 5-4 by the Planning Commission at the October 22, 2009 FMPC meeting.



RESIDENTIAL USES	
ADVANTAGE	DISADVANTAGE
1.) Chain-link or wire is less costly than wood or other products	1.) Appearance: (a) Initial installation is unsightly (b) Durability issues, especially with rust and corrosion (c) Structural failure (d) Easily damaged by mowers or people climbing over the fence (e) Weeds, grass, and small trees grow into the base of the fence
2.) Provides security for homeowners	2.) Difficult to maintain: (a) Hard to mow around and keep weeded (b) Chemicals and Herbicide often used for weed control
3.) If vinyl coated, then more durable than wood	3.) Emergency personnel are hampered or restricted from carrying out safety measures
	4.) Animals: (a) Impacts movement of emergency responders (b) Creates barren grass spots along fence rows (c) Noise issues from dogs barking at vehicular or pedestrian traffic along street
	5.) Code Enforcement

NONRESIDENTIAL USES	
ADVANTAGE	DISADVANTAGE
1.) Chain-link or wire is less costly than wood or other products	1.) Appearance: (a) Initial installation is unsightly (b) Durability issues, especially with rust and corrosion (c) Structural failure (d) Easily damaged by mowers or people climbing over the fence (e) Weeds, grass, and small trees grow into the base of the fence
2.) Provides security for property owners	2.) Difficult to maintain: (a) Hard to mow around and keep weeded (b) Chemicals and Herbicide often used for weed control
3.) If vinyl coated, then more durable than wood	3.) Emergency personnel are hampered or restricted from carrying out safety measures. Additionally, creates safety issues with staging and access to site.
4.) Compatible with surrounding development pattern and uses, especially in Industrial Zones	4.) Animals: (a) Impacts movement of emergency responders (b) Creates barren grass spots along fence rows (c) Noise issues from dogs barking at vehicular or pedestrian traffic along street
	5.) Code Enforcement



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## MEMORANDUM

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### **Financial Impact**

Not applicable to this item.

### **Options**

Not applicable to this item.

### **Recommendation**

Approval of the text amendment is recommended by staff and by the Planning Commission.