

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

From: Russell Martin, AICP, Community Development Director
Caitlin Crowe, Planner I
Joey Staubes, AICP, Planner II

Date: October 15, 2019

CC: Tammi Saddler- Jones – City Administrator

RE: Zoning Code Amendment – Fencing

BACKGROUND

The Community Development Department recently reviewed the Zoning Ordinance regarding the fencing requirements within the City of Smyrna. The current fencing requirements do not address which direction the finished side of the fence should face. Community Development has received several complaints about the City not requiring the finished side of fencing to face adjoining properties or the public rights-of-way. In addition, the fencing requirements are also currently grouped into the accessory structures code section, which is an inappropriate category and should be in a separate category.

ANALYSIS

The City's fencing requirements can be found throughout the Zoning Ordinance in different code sections. Section 402.25.1 of the Zoning Ordinance provides the definition of a fence as the City defines it and Section 501.10 provides fencing requirements for the front yard and street side yard. There is no area within the ordinance where the requirements can all be found in one location. Community Development is recommending consolidating all the fence requirements into one code section to make the requirements easier to find for residents. In addition, Community Development has added pictures to the code section for visual references as it pertains to fencing requirements.

In addition to consolidating the fencing requirements into one code section, Community Development is proposing an amendment to require the finished side of the fencing to face adjoining property or public rights-of-way. Community Development has received numerous calls and complaints regarding property owner facing the unfinished side of their fence toward the public rights-of-way and toward adjoining property. Pictures have been added as visual reference to provide guidance as to the finished and unfinished sides of the fence. The proposed amendment will address aesthetic issues and will ensure uniformity with respect to which direction the finished side of the fence will face. This should improve the visual appearance of fencing throughout the City.

The Planning and Zoning Board heard the proposed text amendments at the October 14, 2019 meeting and recommended approval of the proposed amendment by a vote of 5-0.

STAFF COMMENTS

Community Development has reviewed the City's Zoning Ordinance with respect to fencing and is proposing code amendments to create a new fencing section and to eliminate fencing requirements from Section 501 for accessory structures. The proposed amendments include:

- 1) Creation of a new separate fencing code section;
- 2) Provision of a fencing requirement for the finished side of the fence to face adjoining properties and rights-of-way; and
- 3) Inclusion of fencing graphics for visual references.

Community Development recommends **approval** of the following code amendments to Section 501 and 503 of the City's Zoning Ordinance:

Subsections of Section 501 of the Zoning Ordinance shall be amended to remove fencing regulations. The proposed sections shall read as follows (amended portions are highlighted).

ARTICLE V. – GENERAL PROVISIONS

Sec. 501.- Accessory uses and structures.

(501.10) ~~Within any front yard (front yard shall also include a corner lot in which both yards abutting a street shall be deemed a front yard), in all zoning districts, no chain link or similar woven wire fence shall be permitted. However, within a front yard in the aforementioned districts, a decorative or ornamental rail, split rail, picket, opaque, basket weave or similar fence constructed of wooden materials may be permitted provided that said fence does not exceed four feet in height. Columns comprised of brick, stone or similar material may be placed between fence sections in the front yard. Decorative wrought iron shall also be permitted provided that said fence does not exceed four feet in height.~~ Reserved.

Article V of the Zoning Ordinance shall be amended to create a fencing section. The proposed sections shall read as follows (amended portions are highlighted).

ARTICLE V. – GENERAL PROVISIONS

Sec. 503-A.- Fencing

(503-A.1) No fence shall be more than eight feet in height, or be constructed in a public right-of-way.

(503-A.2) In all cases, the finished side of a fence shall face adjoining properties and/or public right-of-ways. For purposes of this section, the finished side shall be defined as the side of the fence that contains no visible support structures, unless approved by the Community Development Director.

Examples of the finished side of a fence:



Examples of the unfinished side of a fence:



(503-A.3) Within any front yard (front yard shall also include a corner lot in which both yards abutting a street shall be deemed a front yard), in all zoning districts, no chain link or similar woven wire fence shall be permitted. However, within a front yard in the aforementioned districts, a decorative or ornamental rail, split rail, picket, opaque, basket weave or similar fence constructed of wooden or vinyl materials may be permitted provided that said fence does not exceed four feet in height. Columns comprised of brick, stone or similar material may be placed between fence sections in the front yard but still cannot exceed four feet in height. Decorative wrought iron or black aluminum fencing shall also be permitted provided that said fence does not exceed four feet in height.

Examples of decorative fences:

