

ORDINANCE NUMBER O09-03-02

AN ORDINANCE TO AMEND SECTION 204, SUPPLEMENTAL DISTRICT REGULATIONS, AND SECTION 235, ILLUSTRATIONS, OF THE OFFICIAL ZONING CODE OF THE CITY OF COOKEVILLE, TENNESSEE, AS ADOPTED BY ORDINANCE NO. O01-11-15 ON DECEMBER 20, 2001 AND AS SUBSEQUENTLY AMENDED.

**ORDINANCE NUMBER: O09-03-02
REQUESTED BY: Planning Commission
PREPARED BY: Planning Department
APPROVED FORM /CORRECTNESS:**

(City Attorney)
PUBLIC HEARING HELD: _____
PASSED 1ST READING: _____
PASSED 2ND READING: _____
MINUTE BOOK _____, PAGE _____

THE CITY COUNCIL OF THE CITY OF COOKEVILLE, TENNESSEE, HEREBY ORDAINS:

Section 1: That Section 204, Supplemental District Regulations, of the Official Zoning Code of the City of Cookeville, Tennessee, as adopted by Ordinance No. O01-11-15 on December 20, 2001, and as subsequently amended, is hereby amended by deleting said Section 204.9, Fences, Walls, and Hedges, in its entirety and by inserting a new Section 204.9, Fences, Walls, and Hedges, to read as follows:

SECTION 204.9 FENCES, WALLS, AND HEDGES

The following provisions shall apply for fences and walls in all zoning districts unless otherwise specified herein:

204.9 A Permit Required

1. No fence or wall shall be erected or placed upon any property without first obtaining a fence/wall permit from the Codes Department.
2. Plans indicating specific location, material type, and height of proposed fence or wall shall be submitted with the permit application.
3. A permit fee of \$25.00 shall be submitted with the permit application.
4. No permit shall be required for the maintenance of existing fences or walls and shall not be required for replacement when the replacement fence or wall is at the same location, at the same height and is of same material. When replacing an existing fence the replacement fence shall be oriented as required in Section 204.9 (E).
5. No permit shall be required for the placement of garden fencing, provided such fencing is not located within any required setback area.

204.9 B Materials

1. Materials for fences and walls shall be limited to woven wire, chain link, brick, stone, stucco, masonry, standard wood fencing, split rail, wrought iron, standard PVC or similar material fencing, and composite fencing materials approved by the Building Official.
2. In all zoning districts, except the CI, LM, HM and QM districts, razor wire, barbed wire and electric fences are prohibited except as follows:
 - a. Barbed wire and electric fences are allowed when used to fence large livestock, provided such fencing is located no closer than ten (10) feet from any public street or sidewalk.
 - b. Low voltage electric fences are allowed for domestic pets and to protect gardens.
 - c. The Building Official has determined that the use of razor wire, barbed wire or electric fences is necessary for a non-residential use deemed to be a hazardous use or in need of additional security, provided that any barbed wire or razor wire is installed as specified in Section 204.9 B (3).
3. In the CI, LM, HM and QM districts barbed wire and razor wire are allowed for non-residential uses provided no strand of barbed wire or razor wire is less than seven (7) feet from ground level. No more than three (3) strands of barbed wire shall be permitted. Razor wire coils shall not exceed 18 inches in diameter.

204.9 C Location

1. Fences and walls may be placed up to side and rear property lines. The owner of the property on which the fence or wall is to be placed, shall be responsible for locating the property line for the placement of the fence or wall. The City of Cookeville will not inspect for nor have any responsibility to locate the property line.
2. No fence or wall shall be placed on any street right-of-way or public easement, unless determined by the City Manager that excessive right-of-way exists that would allow the fence or wall to be located in the right-of-way and not create a traffic hazard. Such determinations shall include a duly executed agreement between the property owner and the city indicating that should it be determined by the city that the fence or wall needs to be removed from the right-of-way that it will be done so in a timely fashion by the property owner and at the property owner's expense. In no case shall any fence be closer than five (5) feet from any public street or closer than two (2) feet from any sidewalk.
3. No fence, wall or hedge shall be placed so as to constitute a hazard to traffic or safety.
4. No fence or wall shall be placed in a manner that will impede the flow of natural drainage.
5. No fence or wall shall be placed closer than five (5) feet from the edge of any street or two (2) feet from any sidewalk.

6. All fences and walls shall be located so as to provide a clear area with a minimum radius of three (3) feet from all fire hydrants or utility structures.
7. In all residential districts on parcels less than five (5) acres in size, fences of chain link, woven wire or similar material are prohibited in the area between the front of the principal structure and any street.

204.9 D Maximum Height

1. The height of a fence or wall shall be determined by measuring from the lowest point of the original or natural grade of the undisturbed ground under the fence or wall. Any material or berm that raises the height of the fence or wall above the original or natural grade shall be considered a part of the fence or wall.
2. No fence, wall or hedge shall be erected, constructed, maintained or grown to a height of three (3) feet above the nearest adjacent street grade within a visual clearance area defined as the triangular area formed when measuring a distance of 25 feet along each curb or edge of street from the point of intersection and the third (3) side being a diagonal line connecting the first two (2) lines. See Illustration 25, "Visual Clearance Area" in Section 235 of this Zoning Code.
3. No wall or fence more than 25 percent opaque shall exceed four (4) feet in height when placed within the required setback area between the principal structure and any street. In all zoning districts, except the CI, LM, HM and QM districts, fences less than 25 percent opaque may be permitted to a height of six (6) feet when placed within the required setback area between the principal structure and any street. See Illustration 26, "Fence Heights Front Yard" in Section 235 of this Zoning Code. In the CI, LM, HM and QM districts, fences less than 25 percent opaque may be permitted to a height of ten (10) feet when placed within the required setback area between the principal structure and any street.
4. For corner or double frontage lots in all zoning districts a wall or fence more than 25 percent opaque may be permitted to a height of six (6) feet within the required setback area between the rear or side of the principal structure and the street provided such wall or fence is placed no closer than ten (10) feet from the edge of the street and provided that no driveway access is located from the rear or side of the structure to the street. See Illustration 27, "Fence Heights Side and Rear Yards on Corner and Double Frontage Lots" in Section 235 of this Zoning Code.
5. In all zoning districts, except CI, LM, HM and QM districts, no fence or wall shall exceed eight (8) feet in height when placed within the area to the side or rear of the principal structure. In the CI, LM, HM and QM districts, no fence or wall shall exceed ten (10) feet in height when placed within the area to the side or rear of the principal structure.

6. For public uses, utilities, schools, certain recreational uses such as ball fields and tennis courts, or uses where fence heights greater than specified in this Section are determined necessary for public safety, the Building Official may approve greater heights than specified.

204.9 E Orientation

All fences and walls shall be oriented with the “good” or “finished” side facing outward. This provision shall not preclude the placement of a shadowbox type fence.

204.9 F Maintenance

All fences and walls shall be maintained in a structurally sound and attractive manner.

204.9 G Nothing in this Section shall preclude the installation of temporary fences around construction projects, including fences for soil erosion and sediment control, erected or maintained pursuant to any Federal, State or other local regulation.

Section 2: That Section 235, Illustrations, of the Official Zoning Code of the City of Cookeville, Tennessee, as adopted by Ordinance No. O01-11-15 on December 20, 2001, and as subsequently amended, is hereby amended by inserting the following illustrations: Illustration 25, “Visual Clearance Area”, Illustration 26, “Fence Heights Front Yards”, and Illustration 27, “Fence Heights Side and Rear Yards on Corner and Double Frontage Lots”, and which are attached to this Ordinance as Exhibits 1, 2, and 3.

Section 3: This Ordinance shall take effect fourteen (14) days from and after its passage, the public welfare requiring it.

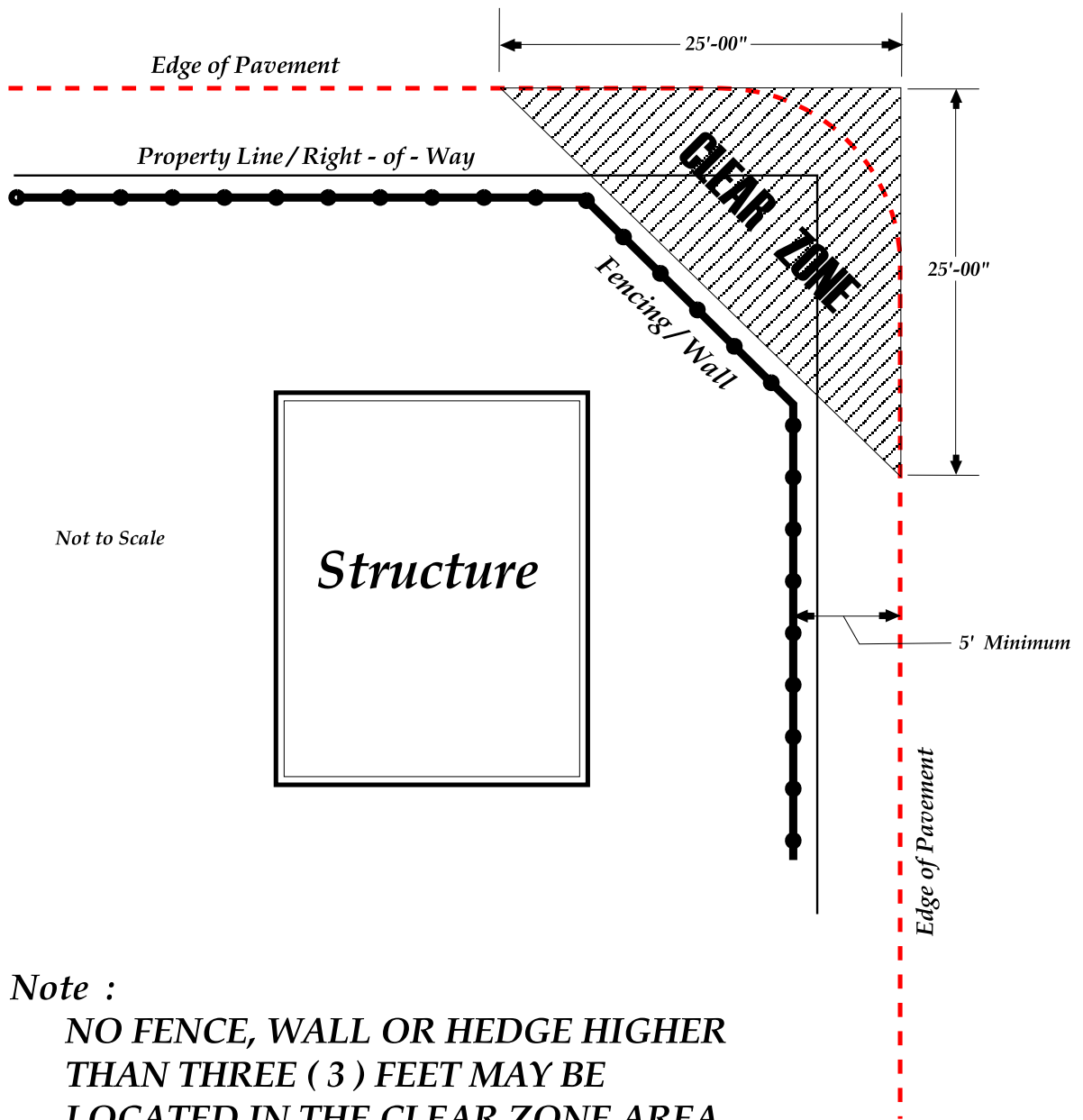
THE CITY OF COOKEVILLE, TENNESSEE

Sam Sallee, Mayor

ATTEST:

Cathy McClain, City Clerk

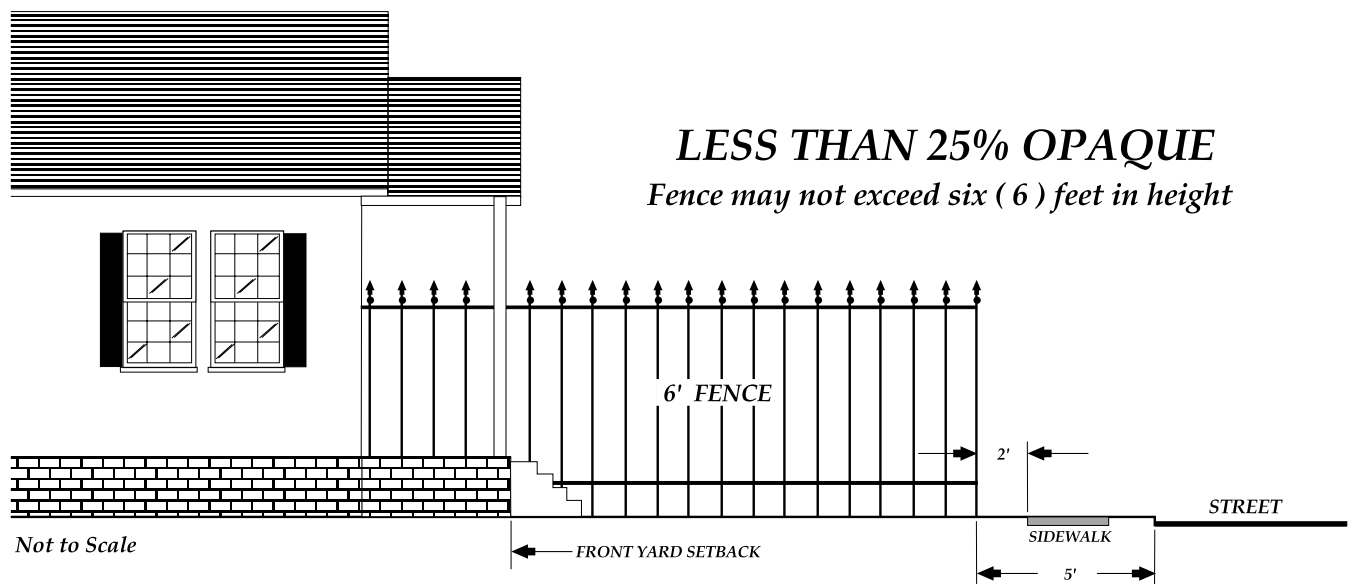
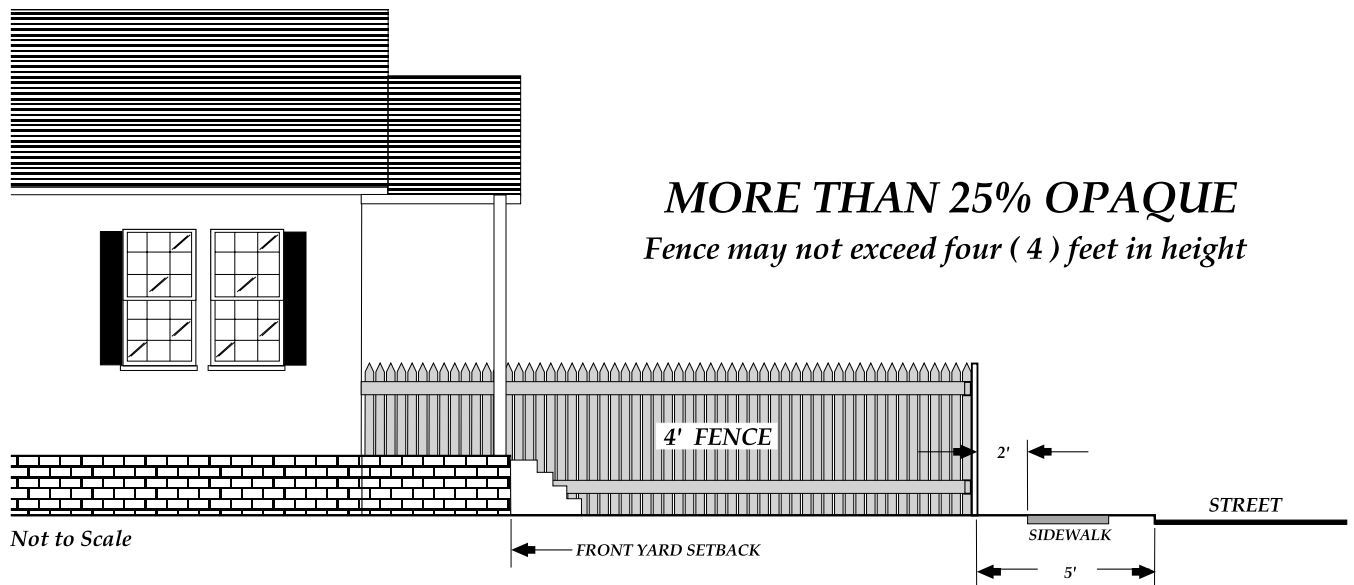
VISUAL CLEARANCE AREA



Note :

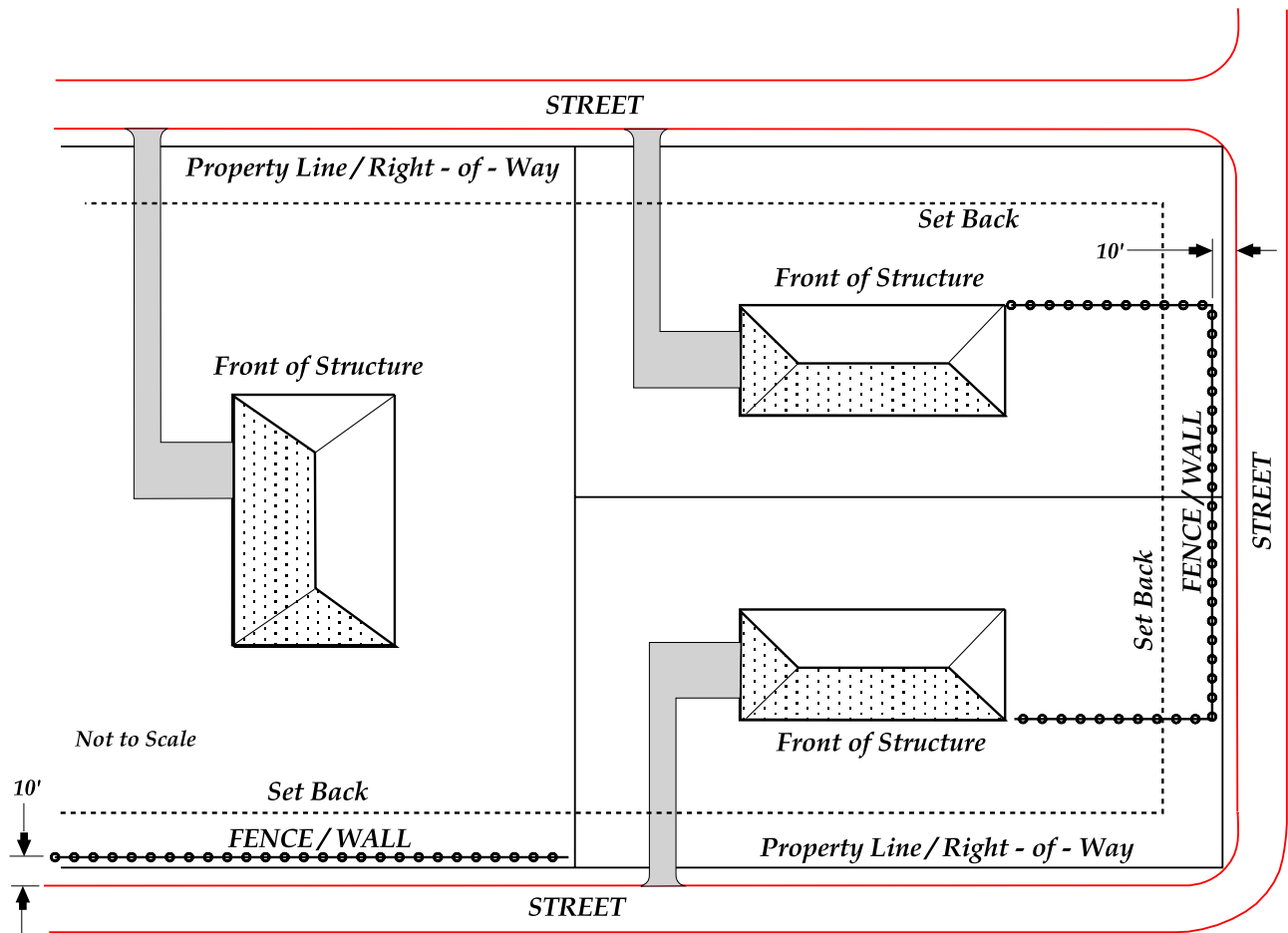
NO FENCE, WALL OR HEDGE HIGHER THAN THREE (3) FEET MAY BE LOCATED IN THE CLEAR ZONE AREA.

FENCE HEIGHTS FRONT YARD



Note :
IN CI, LM, HM AND QM ZONES FENCE HEIGHT OF UP TO
TEN (10) FEET PERMITTED IF LESS THAN 25% OPAQUE.

FENCE HEIGHTS SIDE & REAR YARDS CORNER & DOUBLE FRONTAGE LOTS



Note :

FENCE OR WALL MAY NOT EXCEED SIX (6) FEET IF MORE THAN 25% OPAQUE.