

**ORDINANCE NO. 02012-53**

**AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, AMENDING ARTICLE 12, SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 12.01 REGULATIONS APPLICABLE FOR ALL DISTRICT REGULATIONS, SECTION 12.01.020 FENCES, WALLS AND HEDGES OF THE GALLATIN ZONING ORDINANCE; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE (ZONE 2020-0019)**

**WHEREAS**, the Gallatin Municipal-Regional Planning Commission, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval in GMRPC Resolution No. 2020-157 ; and

**WHEREAS**, notice and public hearing before the Gallatin City Council has or will occur before final passage pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE** as follows:

1. The Gallatin City Council hereby concurs with the recommendations of the Gallatin Municipal-Regional Planning Commission and hereby approves amending Article 12, Section 12.01, Regulations Applicable to All Districts, Section 12.01.0220, Fences, Walls and Hedges, Gallatin Zoning Ordinance as described in Exhibit 'A'; and
2. Based upon the recommendation of approval by the Gallatin Municipal-Regional Planning Commission and after public notice and public hearing in compliance with Section 15.07.060 of the Gallatin Zoning Ordinance, the architectural design requirements are hereby amended and established as described in Exhibit 'A'; and
3. The Gallatin City Council does hereby approve, authorize and direct the revision of the Gallatin Zoning Ordinance in accordance with Section 15.07.080 of the Gallatin Zoning Ordinance of the City of Gallatin, Tennessee, shall, upon the effective date of this ordinance, be amended to reflect the amended text; and
4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict; and
5. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provision or applications of this ordinance which can be given without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.


**BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE**, that this Ordinance shall take effect upon final passage, the public welfare requiring such.

PASSED FIRST READING: January 5, 2021.

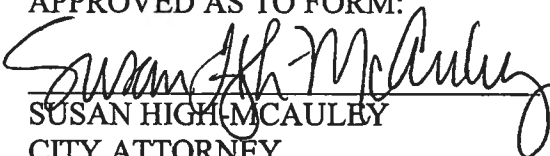
PASSED SECOND READING: February 2, 2021.

  
MAYOR PAIGE BROWN

ATTEST:

  
CONNIE KITTRELL  
CITY RECORDER

APPROVED AS TO FORM:

  
SUSAN HIGH MCAULEY  
CITY ATTORNEY

# Exhibit 'A'

## ARTICLE 12.00 SUPPLEMENTARY DISTRICT REGULATIONS

### 12.01 Regulations Applicable to All Districts

The following supplemental regulations shall apply to specified districts.

#### 12.01.020 Fences, Walls, and Hedges

Notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard as follows:

- A. Fences, walls, and hedges must comply with Section 12.01.010, Visibility at Intersections.
- B. No fence or wall shall be installed so as to block or divert a natural drainage flow on to or off of any other land.
- C. Appearance – Fences and walls shall comply with the following standards:
  1. Customary Materials – Fences and walls shall be constructed of materials customarily used and manufactured as common fence or wall materials, including solid wood, brick, masonry, stone, chain link, wrought iron, decorative metal materials, or products designed to resemble these materials. Chain link fencing approved as part of a Site Plan or Final Master Development Plan shall be vinyl coated and colored dark green, brown or black. Low voltage, invisible fences with buried lines are excluded from this requirement.
  2. Prohibited Materials – Fences and walls constructed of debris, junk, rolled plastic, sheet metal, plywood, or other waste materials are prohibited in all zone districts, unless such materials have been recycled and reprocessed into building materials marketed to the general public and designed for use as fencing or wall materials. No electrified or barbed wire fence shall be permitted except in Agricultural-Residential zoned properties or property used primarily for agricultural purposes and for public institutions. Public Institutions may also apply other material necessary to ensure public safety.
  3. Finished Side to Outside – All fences and walls shall be oriented with the “good” or “finished” side facing outward (i.e. one side has visible support framing and the other does not) rather than facing the interior of the lot unless the fence or wall includes materials creating a “finished” side on both sides of the fence or wall. This provision may be varied by the Zoning Administrator in situations where the unfinished side will not be visible to the public or other properties, or where other unusual circumstances exist. This provision shall not preclude the placement of a shadow-box type fence.
  4. Uniformity of Materials Construction – Fencing and wall segments located along a single lot side shall be of uniform height, material, type, color, and design and shall be uniform for the entire length of the fence or wall, except where a fence or wall segment transitions from one yard to another or from one height to another.

5. Height Requirements Restrictions

- a. In residential and mixed use zone districts developed with residential uses, fences and walls shall not exceed a height of four (4) feet in a required front yard and six (6) feet in a required side and/or rear yard. However, a fence or wall of no more than ten (10) feet in height may be installed within the rear and side yard of a residentially zoned property or mixed-use zoned properties developed with residential uses that abuts property zoned for or used and developed with commercial or industrial activities or where the residential zoned property abuts property developed with multi-family residential structures. Any fence installed in a front yard shall be of no greater than 50 percent opacity (that is, it shall obscure no more than 50 percent of the view into the land). If a fence is constructed on top of a retaining or other wall or berm, the combined height of the fence and wall shall not exceed the maximum height that would apply to a fence or wall alone, in relation to the grade on the highest side of the wall.
- b. In commercial districts, fences and walls shall not exceed a height of four (4) feet in a required front yard and ten (10) feet in a required side or rear yard. Any fence installed in the front yard of any lot in a commercial district shall be no greater than fifty (50) percent opaque. In industrial districts, fences and walls shall not exceed a height of six (6) feet in a required front yard and ten (10) feet in a required side or rear yard. If a fence is constructed on top of a retaining or other wall or berm, the combined height of the fence and wall shall not exceed the maximum height that would apply to a fence or wall alone, in relation to the grade on the highest side of the wall.
- c. No fence or wall exceeding six feet in height shall be placed or erected in any public utility or drainage easement or other public easement. Any fence or wall of six feet or less in height may be placed in the public utility and drainage easement or other public easement provided that the fence or wall will not disrupt the operations and function of the easement. If such fence or wall requires removal by the owner of the easement then such fence or wall may be removed by the owner of the easement. Replacement of any fence or wall removed from an easement shall be the responsibility of the property owner. The City may prohibit fences and walls in certain easements dependent upon the function of the easement. Replacement of existing fences and walls of less than six feet in height removed for maintenance and construction within public easements do not require a permit, if replaced in the same location prior to removal for maintenance of or construction in the easement.
- d. Fences or walls provided to meet the requirements outlined in Section 13.04, Transitional Bufferyard Design Standards, may be exempted from the location standards as necessary to meet the requirements of that section when approved as part of an overall landscape and bufferyard plan. A fence or wall may be placed within a required bufferyard and used to comply with opaque bufferyard requirements but shall not be permitted to reduce the required bufferyard design standards unless approved by the Planning Commission as part of an alternative bufferyard.
- e. The Zoning Administrator may approve driveway entry features, including, but not limited to, decorative columns and gates, at a height greater than the height specified in Section 12.01.020.C.5 a through c.



6. Maintenance Required – All fences and walls shall be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements.

D. Permits Required - Prior to the construction or erection of any fence or wall, the applicant shall first obtain a fence/wall permit complying with the designs standards herein and the building regulations adopted by the Building/Codes Department per Chapter 5, Article XIV, Gallatin Code of Ordinances.