

ORDINANCE NO. 09-3506

AN ORDINANCE TO AMEND CHAPTER 2 OF THE ZONING ORDINANCE RELATIVE TO THE HEIGHT AND GENERAL ORIENTATION OF FENCES LOCATED BETWEEN PRINCIPLE STRUCTURES AND STREET RIGHTS-OF-WAY IN THE RESIDENTIAL ZONING DISTRICTS AND FOR RESIDENTIALLY USED PROPERTIES.

WHEREAS, From time to time it is necessary to review and update the regulations found in the Zoning Ordinance; and

WHEREAS, Concern has been expressed regarding the lack of regulation for fencing when located between a primary structure and the street; and

WHEREAS, A fence has been constructed on a residential lot in such a way as to obscure the view into the property; and

WHEREAS, As part of the Staff discussions, research was performed to find out how other municipalities regulate fencing; and

WHEREAS, the Lebanon Municipal Regional Planning Commission at their February 24, 2009, meeting recommended the following amendments to the Zoning Ordinance relative to fencing in the residential zoning districts; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF LEBANON, TENNESSEE:

Section 1. That pursuant to Title 14, Chapter 12, Lebanon Municipal Code, that the Lebanon Municipal Code, Title 14, Chapter 2, Section 14-212 be inserted, renumbering the current Section 14-212 and all following sections of Chapter 2 appropriately to state:

14-212. Fencing for Residential Zoned and/or Used Properties.

(1) Fencing located between the front of the primary structure and the street shall be limited to a maximum of four (4) feet in height as measured from the finished grade elevation. Corner lots shall be considered as having two fronts for the purposes of this section. A maximum height of six (6) feet may be permitted for fences located along the rear lot line of through or reverse-frontage lots.

(2) The structural side of the fence, top and bottom rails, shall face the interior of the property, not the street or adjoining property.


(3) These regulations shall apply to all properties zoned residential as well as non-residentially zoned properties that are being used for residential purposes.

Section 2. That this ordinance shall take effect on and after its passage.

Notice of Public Hearing was published in the "The Lebanon Democrat" on April 3, 2009.

A Public Hearing was held at 5:55 pm in the City Council Chambers on April 21, 2009.

Attest:



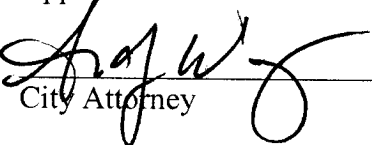
Commissioner of Finance & Revenue

Approved:



Mayor

Approved as to form:



City Attorney

Passed first reading: March 17, 2009

Passed second reading: **April 21, 2009**

TO BE PUBLISHED April 3, 2009

PUBLIC NOTICE

In reference to Ordinance No. 08-3506, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on April 21, 2009 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed amendments to Title 14, Chapter 2 relative to fences located between principle structures and street rights-of-way. The Lebanon Municipal Regional Planning Commission recommended this amendment at their February 24, 2009 meeting. The proposed amendments to Title 14 and public hearing are being conducted pursuant to the laws of the State of Tennessee (TCA 13-7-203 and 13-7-204) and the City of Lebanon, Tennessee. Copies of the amendment are available for inspection at the following locations: City of Lebanon Mayor's Office and Planning Office at 200 North Castle Heights Avenue.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2850.

Bill and send proof of publication to City of Lebanon, Mayor's Office, 200 North Castle Heights Avenue, Attn: Debbie Jessen