

# MEMO

To: Mayor Santini & City Council  
From: Randy Mannino and David Hardegree  
Date: February 23, 2021

Re: *Text Amendment T21-01. Fences and Walls revisions, Sec. 4.16 of the Zoning code*

The purpose of this text amendment is to clarify the location and appropriateness of the use of chain link fences for properties within the city limits. The Planning and Development Department has received numerous calls and requests for clarification on the use of chain link fences in side and rear yards. The current ordinance language is vague and suggests chain link fences may only be approved with a variance. Property owners have argued that this creates an undue burden if the fence is desired for side and rear yards.

The text amendment clarifies that chain link fences are allowed by right in side and rear yards. Chain link fences in front yards will still require a variance as will increases in front yard fence height above 4 feet.

ABC Fence Company, Bartow Fence Company and Cartersville Fence Company were provided the text amendment and asked to comment. As of 3-1-21, only ABC Fence Company had responded with no comments.

## Existing ordinance. Chapter 26, Zoning. Sec. 4.16, Fences and Walls:

*No fence or wall shall constitute an obstruction to the vision for or create a hazard to vehicular traffic. In all residential zoning districts, fences and/or walls shall not exceed four (4) feet in height in a front yard and shall not exceed eight (8) feet in height in a side or rear yard. In all commercial zoning districts, fences and/or walls shall not exceed eight (8) feet in height in a side or rear yard.*

*In all residential and commercial zoning districts, any fence or wall which extends into the front yard shall be ornamental or decorative, and shall not be opaque. Any such fence or wall may be constructed of brick, stone, wood, wrought iron, split rail, or other decorative material as approved by the zoning administrator; provided that no fence or wall shall be constructed of exposed concrete block, tires, junk or other discarded materials, with the following exceptions:*

- 1. Chain-link fencing material may be used with prior approval of a variance by the board of zoning appeals.*
- 2. For a corner lot or double frontage lot in a residential zoning district, a screening or opaque fence may be installed to the rear of the principal structure at a maximum of eight (8) feet in height provided that the fence shall be located behind the required front yard setback and shall not be located adjacent to or abutting a collector or arterial street.*
- 3. The fencing standards as stated in this section shall not apply to fencing for detention ponds.*

*In all residential and commercial districts, razor wire (ribbon) shall be prohibited. In all residential and commercial districts, no retaining wall shall be constructed of exposed concrete block.*

(Proposed Amendments in Red and underlined )Sec. 4.16. - Fences and Walls.

A. In all zoning districts:

1. No fence or wall shall constitute an obstruction to the vision for or create a hazard to vehicular traffic.
2. No fence or wall, including retaining walls, shall be constructed of exposed concrete block, tires, junk or other discarded materials.
3. The fencing standards as stated in this section shall not apply to fencing for detention ponds.
4. The wall standards as stated in this section shall not apply to retaining walls approved by the plan review process for planned developments.

B. In all residential and commercial zoning districts:

1. Any fence or wall which extends into the front yard shall be ornamental or decorative, and shall not be opaque. Any such fence or wall may be constructed of brick, stone, wood, wrought iron, split rail, or other decorative material as approved by the zoning administrator.
2. Fences and walls shall not exceed four (4) feet in height in a front yard and shall not exceed eight (8) feet in height in a side or rear yard.
3. Chain-link fencing material may be used in the front yard with prior approval of a variance by the board of zoning appeals. No variance is required if chain link fencing material is used in a side or rear yard.
4. For a corner lot or double frontage lot, a screening or opaque fence may be installed to the rear of the principal structure at a maximum of eight (8) feet in height provided that the fence shall be located behind the required front yard setback and shall not be located adjacent to or abutting a collector or arterial street.
5. Razor wire (ribbon) shall be prohibited.

C. In all industrial zoning districts:

1. Fences or walls shall not exceed (8) feet in height in front, side and rear yards.

**Application for Text Amendment(s)  
To Zoning Ordinance  
City of Cartersville**

Case Number: T21-01  
Date Received: 2-15-21

**Public Hearing Dates:**

Planning Commission 3/9/21 5:30pm 1<sup>st</sup> City Council 3/18/21 7:00pm 2<sup>nd</sup> City Council 4/1/21 7:00pm

**APPLICANT INFORMATION**

Applicant <u>City of Cartersville</u> (printed name) <u>P&amp;D OFFICE</u>	Office Phone <u>770-387-5614</u>
Address <u>10 N. PUBLIC SQ.</u>	Mobile/ Other Phone _____
City <u>CARTERSVILLE</u> State _____ Zip <u>30144</u>	Email _____
<u>DAVID HARDEGREE</u> Representative's printed name (if other than applicant)	Phone (Rep) _____ Email (Rep) _____
_____ Representative Signature	_____ Applicant Signature
Signed, sealed and delivered in presence of:  _____ Notary Public	My commission expires:  _____

**1. Existing Text to be Amended:** CHAPTER 26, ZONING

Article IV, Section 4.16, Subsection \_\_\_\_\_

Existing Text Reads as Follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2. Proposed Text:**

Proposed Text Reads as Follows: To CLARIFY CHAIN LINK FENCE LOCATION. See ATTACHED DRAFT.  
\_\_\_\_\_  
\_\_\_\_\_

(Continue on additional sheets as needed)

**Application for Text Amendment(s)  
To Zoning Ordinance  
City of Cartersville**

Case Number: T-21-01  
Date Received: 2-15-21

3. Reason(s) for the Amendment Request: Current Text is unclear  
AS TO WHERE CHAINLINK FENCE IS ALLOWED.

---

---

---

---

---

(Continue on additional sheets as needed)

**REQUIREMENTS FOR FILING  
AN APPLICATION FOR TEXT AMENDMENT(S)  
CITY OF CARTERSVILLE, GA**

Completed applications must be submitted to the City of Cartersville Planning & Development Department, located at 10 N. Public Square, 2<sup>nd</sup> Floor. Cartersville, GA 30120.

**Requirements**

1. **Completed Application:** Include all signatures. Complete items 1, 2 and 3.
2. **Filing Fee:** A non-refundable filing fee of **\$400.00** must accompany the completed application.
3. **Public Notice Fee (Optional):** The applicant may choose to have city staff prepare and manage the public notification process outlined in **Requirement 4** below. If this option is requested, there is an additional, non-refundable fee of **\$30.00** which covers the cost of the newspaper ad.
4. **Public Notification:** The applicant is responsible for the following **public notification** process unless the applicant has requested that staff manage this process as outlined in **item 4** above:
  - a. Not less than fifteen (15) days and not more than forty-five (45) days prior to the scheduled date of the public hearing being the final action by the City Council and not less than ten (10) days prior to the Planning Commission meeting, a **notice of public hearing** shall be published in the legal notice section of the Daily Tribune newspaper within the City of Cartersville. Such notice shall state the application file number, and shall contain the location of the property, its area, owner, current zoning classification, and the proposed zoning classification. Such notice shall include both the Planning Commission and the City Council meeting dates. (See attached Notice of Public Hearing).

**Ordinance no. \_\_\_\_\_**

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES, CHAPTER 26 – ZONING, ARTICLE IV – GENERAL PROVISIONS, SECTION 4.16. – FENCES AND WALLS is hereby amended by deleting the section in its entirety and replacing it as follows:

1.

Sec. 4.16. - Fences and walls.

A. In all zoning districts:

1. No fence or wall shall constitute an obstruction to the vision for or create a hazard to vehicular traffic.
2. No fence or wall, including retaining walls, shall be constructed of exposed concrete block, tires, junk or other discarded materials.
3. The fencing standards as stated in this section shall not apply to fencing for detention ponds.
4. The wall standards as stated in this section shall not apply to retaining walls approved by the plan review process for planned developments.

B. In all residential and commercial zoning districts:

1. Any fence or wall which extends into the front yard shall be ornamental or decorative, and shall not be opaque. Any such fence or wall may be constructed of brick, stone, wood, wrought iron, split rail, or other decorative material as approved by the zoning administrator.
2. Fences and walls shall not exceed four (4) feet in height in a front yard and shall not exceed eight (8) feet in height in a side or rear yard.
3. Chain-link fencing material may be used in the front yard with prior approval of a variance by the board of zoning appeals. No variance is required if chain link fencing material is used in a side or rear yard.
4. For a corner lot or double frontage lot, a screening or opaque fence may be installed to the rear of the principal structure at a maximum of eight (8) feet in height provided that the fence shall be located behind the required front yard setback and shall not be located adjacent to or abutting a collector or arterial street.
5. Razor wire (ribbon) shall be prohibited.

C. In all industrial zoning districts:

1. Fences or walls shall not exceed (8) feet in height in front, side and rear yards.

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: \_\_\_\_\_  
SECOND READING: \_\_\_\_\_

\_\_\_\_\_  
MATTHEW J. SANTINI, MAYOR

ATTEST: \_\_\_\_\_  
JULIA DRAKE, CITY CLERK