



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Agenda Item

**File #:** 2019-4122  
**File Status:** Approval Review

1/28/2020

**Public Hearing:** YES  NO  **Department:** Planning & Sustainability

### **SUBJECT:**

**COMMISSION DISTRICT(S): ALL DISTRICTS**

**Application of the Director of Planning and Sustainability for a text amendment to the Zoning Ordinance, Chapter 27, Article 5.4.7, Fences, walls, landscape buffers and Article 9.1.3.**

**PETITION NO: D2. TA-19-1243416 (2019-4122)**

**PROPOSED USE:** Fencing, walls and landscape buffers

**LOCATION:** DeKalb County

**PARCEL NO. :** All Districts

**INFO. CONTACT:** Marian Eisenberg

**PHONE NUMBER:** 404-371-4922

### **PURPOSE:**

Application of the Director of Planning and Sustainability for a text amendment to the Zoning Ordinance, Chapter 27, Article 5.4.7, Fences, walls, landscape buffers and Article 9.1.3 Defined Terms adding standards for fencing of residential developments, and related definitions. The property is located on properties throughout DeKalb County (County-wide).

### **RECOMMENDATION:**

**COMMUNITY COUNCIL: (12/2019) CC-1 No Quorum; CC-2 Approval; CC-3 No Recommendation; CC-4 Denial; CC-5 No Recommendation.**

**PLANNING COMMISSION: (1/7/20) Approval. (11/5/19) Approval; (9/10/19) Full Cycle Deferral.**

**PLANNING STAFF: (1/7/20) Approval (11/5/19) Approval; (9/10/19) Approval.**

**STAFF ANALYSIS:** This text amendment seeks to add fencing standards for residential development. The current DeKalb County Zoning Ordinance does not provide clear guidance for fencing around new residential subdivision development. This text amendment will require any fence along the right-of-way to be ornamental or decorative and shall have landscaping between the fence and sidewalk. The fence and landscape strip is subject to review and approval by the director and shall be part of the sketch plat and on the required landscape plan of the Land Disturbance Permit (LDP).

**PLANNING COMMISSION VOTE: (1/7/20) Approval 8-0-1.** J. West moved, P. Womack, Jr. seconded for Approval per Staff recommendation. J. Johnson abstained. **(11/5/19) Approval 7-0-0.** A. Atkins moved, J. West seconded for approval, per Staff recommendation. **(9/10/19) Full Cycle Deferral 7-0-1.**

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: (12/2019) CC-1** No Quorum; **CC-2** Approval 5-0-0; **CC-3** Approval; **CC-4** No vote, meeting time expired; **CC-5** Approval 11-0-0. **(10/2019) CC-1** No Quorum; **CC-2** Approval 4-1-1; **CC-3** No Quorum; **CC-4** Approval w/Conditions 4-0-0, Council recommended approval with the following conditions (1) Mandatory fencing or berm and (2) provision for maintenance of fencing and/or berm; **CC-5** Time expired. No vote. **(8/2019) CC-1** Approval w/conditions; **CC-2** Approval; **CC-3** Approval; **CC-4** Approval w/conditions; **CC-5** Approval w/conditions.

Sec. 5.4.7. - Walls, fences, and retaining walls.

**Freestanding Walls and Fences.**

**A. General provisions, freestanding walls and fences.**

1. When this chapter requires a wall or fence to be constructed, the wall or fence shall be completed prior to the issuance of a certificate of occupancy for the principal structure.
2. No wall or fence shall be constructed in any public right-of-way.
3. See Table 5.3 Freestanding fence and wall standards for additional requirements.
4. The height of a wall or fence is measured along the adjacent finished grade. However, if located within fifteen (15) feet of any street, and if the street grade is above the adjacent finished grade, the fence or wall height may be measured from the street. Grade and height shall be determined by a registered surveyor or licensed engineer.
5. No freestanding walls or fences may be composed of exposed common concrete block, tires, junk, pallets, railroad ties, loose stone, vinyl and other discarded materials.
6. With the exception of M and M-2 zoning districts, freestanding walls or fences erected within the front yard shall be constructed of brick, stone, wood, wrought iron, or material simulating wrought iron. Any other material, including but not limited to, chain link and other wire fences are prohibited in the front yards of all districts, with the exception of M and M-2 zoning districts.
7. Fences and walls in the M and M-2 zoning districts where exempt from regulations governing the height and materials shall not impede necessary safe line of sight for entry and egress.
8. Security entrance gates in multifamily or non-residential districts shall be located at least fifty (50) feet from the property line in order to ensure safe queuing, ingress to and egress from the property.
9. Temporary fencing may be erected during construction for security and public safety purposes, provided that it does not impede necessary safe line of sight for entry and egress.
10. Wall or fence gates in single family residential may be six (6) feet in the front yard. Gates shall be set back a minimum of fifteen (15) feet from right-of-way.

**B. Residential Subdivision Walls and Fences.**

*1. For new attached or detached single family or multi-family developments (with a sketch plat or LDP approved after effective date of this ordinance), the perimeter of the development that is adjacent to the public street from which it is accessed must utilize one or more of the three following perimeter designs.*

*A. Wall or fence. When a wall or fence is proposed to be erected on the perimeter of an attached or detached single family or multi-family development, where the structures are internally oriented to the subdivision, a wall or fence plan shall be submitted for review and approval by the Planning and Sustainability Department staff concurrent with an application for sketch plat, or LDP. The wall or fence plan must show the location and type of proposed perimeter wall or fence, as well as proposed perimeter landscaping.*

- 1) Where the fence or wall is at least 6 feet in height, a minimum 15 feet wide buffer must be provided between the fence or wall and any street. The buffer must meet the requirements of Section 5.4.5.C.1., 2., and 3, regarding planting height, planting type and planting function.*
- 2) Street-facing fences shall have masonry (brick, stone, or hard coat stucco finish) piers separating fence sections with maximum lengths of 24 feet. A piers shall be required at any point where the fence changes direction. Piers must be at least 12 inches wide.*

- 3) *Only black, white, earth tones, or colors of natural wall or fence materials shall be permitted. Primary and neon colors are prohibited.*
  - 4) *Walls or fences that are fully or partially made of wood shall utilize pressure treated lumber, with the finished side facing towards the street or adjoining properties, away from the improvement it is meant to screen, unless there is an existing or proposed transitional buffer 25 feet or greater or a stream buffer on the exterior of the fence.*
  - 5) *Chain link fencing is prohibited from public view from any street or sidewalk.*
- B. Berm with Planted Buffer. For new attached or detached internally oriented single family or multi-family developments (with a sketch plat or LDP approved after effective date of this ordinance) that do not to utilize a combined six feet fence and 15 feet buffer on the public street adjacent frontage, a 30 feet wide planted buffer with a four feet high berm shall be utilized. The buffer and berm must meet the requirements of Section 5.4.5.C. paragraphs 1., 2., and 3, regarding planting height, planting type and planting function.*
- C. Externally oriented residential lots. For new attached or detached single family or multi-family developments (with a sketch plat or LDP approved after effective date of this ordinance) that orient houses to front on the public street from which the development is accessed, no walls, fences, or buffers are required. Externally oriented lots shall be developed with structures and site design that are compatible and similar in design with surrounding development.*
2. *In multi-family or single family attached developments where dumpster(s) are utilized trash and recycling areas dumpster(s) shall be placed in the least visible location from public streets and shall be enclosed on all four sides with a wall and metal gate(s) that are at least one foot taller than what is contained in the interior. The dumpster enclosure shall be constructed of the same material(s) as either the primary structure that is most visible from the development entrance or the material(s) utilized for fencing piers, whichever is deemed by the director of planning to be the more durable material. Dumpster enclosure doors or gates shall be metal and shall be painted to match the material(s) used for the enclosure wall.*

**Table 5.3 Fence and Wall Standards**

<b>Freestanding walls and fences (other than retaining walls)</b>			
<b>Use</b>	<b>Height</b>	<b>Setbacks</b>	<b>Variance Allowed</b>
Fences in the front yard and side corner yard of single family detached residences	Up to four (4) feet from finished or street grade.	Shall not be within the right-of-way	Administrative variance required to increase wall height from four (4) to six (6) feet based on topography. May apply for a variance from zoning board of appeals to increase height up to eight (8) feet max.
Fences and walls in interior side or rear yards of single family detached residential	Up to eight (8) feet.	Fences may be up to property line; walls, including footings, must not encroach over property line.	May apply for a variance from zoning board of appeals to increase height up to ten (10) feet max.
<del>Fences and walls on the perimeter of single family detached, attached and multifamily developments (i.e., privacy, decorative)</del>	<del>Six (6) feet adjoining the street, eight (8) feet all other property lines</del>	<del>Fences may be up to property line; walls, including footings, must not encroach over property line. Shall not be within the right-of-way.</del>	<del>May apply for a variance from zoning board of appeals to increase height up to ten (10) feet max.</del>
<u>Fences and walls on land that is adjacent to public streets, on the perimeter of single family detached, attached, and multifamily developments that are internally oriented</u>	<u>Six (6) feet adjoining the street</u>	<u>A 15 feet wide buffer must be constructed between the fence/wall and the street right of way.</u>	<u>May apply for a variance from zoning board of appeals to increase height up to ten (10) feet max</u>
Industrial	No limit if adjoining non-residential use. Eight (8) feet if adjoining residential zoning or use	Fences may be up to the property line; walls, including footings, must not encroach over property line. Shall not be within the right-of-way	If next to residential, may apply for a variance from zoning board of appeals to increase height up to ten (10) feet max.
Single-family subdivisions and multi-family developments identification or monument walls	Up to eight (8)	Shall not be located in right-of-way. Setback varies, depending on sight visibility.	May apply for a variance from zoning board of appeals to increase height up to ten (10) feet max).
Non-residential, and mixed-use zoning districts	Up to ten (10) feet if adjoining non-residential	Shall not be located in right-of-way. Setback varies, depends on sight	May apply for a variance from zoning board of appeals to increase height up to twelve (12) feet max.

	use. Eight (8) feet if adjoining residential zoning or use	visibility.	
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**9.1.3 Defined terms.**

*Landscape wall:* A wall built to be a decorative or architectural feature that is not designed to stabilize a slope or prevent erosion.

*Retaining wall:* A structure constructed and erected between lands of different elevations to protect structures ~~and/or~~, to stabilize a slope, and or to prevent erosion.

**YES**



**NO**



**YES**



**NO**





**YES**



**NO**



**YES**



**NO**



**YES**



**YES**

