

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF SENOIA, GEORGIA FOR THE PURPOSE OF ESTABLISHING REGULATIONS PERTAINING TO FENCE STANDARDS AND PERMITTING; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

Article XI- Supplemental Regulations

Sec. 74-239. Fences, delete section in its entirety and replace with the following:

Sec. 74-239 Fences, Boundary Walls, and Retaining Walls

DEFINITIONS

Fence means a structure serving as an enclosure, a barrier, or a boundary, usually made of posts or stakes joined together by boards, wire or rails.

Fence height means the vertical dimension from the natural ground level to the top of the fence measured at any point along the length of the fence.

Natural ground level means the level of the ground prior to any recent manmade changes in the elevation of the ground. For purposes of administering this section, "natural ground level" shall also include the level of the ground established on any site plan or landscape plan approved in accordance with the city's review process for site plans and subdivision plats.

Yard, front means an unoccupied area extending the full width of the lot located between the front line and the front façade of the primary structure. Corner lots have two front yards.

Wall, is generally a continuous vertical brick, stone or cement structure that encloses or divides and an area of land.

Wall, boundary is generally a non-structural wall whose functions is to enclose and protect a parcel of land and separate two parcels of adjoining land, A boundary wall including foundation and piers, sits wholly on the land of one owner.

Wall, retaining is a structural wall that retains soil backfill or water and is four (4') feet or taller as measured from the top of the footing to the top of the wall. Walls that retain water regardless of height shall be considered retaining walls that require a permit.

(a) PERMITS.

A building permit shall be required for the construction or alteration of any fence, boundary wall or retaining wall in the City of Senoia. As a part of the permitting process, the building official, or designee, shall review plans, issue permits, inspect installations, and ensure compliance with the requirements of this section.

All fences, boundary walls or retaining walls built in the city must comply with the provisions of this section. A licensed contractor, property owner, or property owner's representative may apply for the permit.

(1) Site Plan/Permit Submittals.

- a. A site plan or plat of survey depicting the proposed fence or wall location is required for a permit. The site plan must delineate the location of the fence or wall and provide a description of the materials, and measurements of the lengths and heights of fence or wall sections and all dimensions to property lines and utility easements. The site plan must further show compliance with all applicable setbacks as required by City ordinances.
- b. Fences, boundary walls and retaining walls including piers, columns and footings must be entirely contained within and sit wholly upon the land of one property owner.
- c. The applicant/owner is responsible for locating the property lines; locating pins and/or surveying the property. Applicant/owner acknowledges, by receipt of a permit to construct a fence or wall that the City of Senoia accepts no responsibility for the accuracy of the site plan or survey supplied for the issuance of a fence or boundary wall permit.
- d. Retaining walls shall require engineered plans, profiles and a factor of safety report and must be sealed/stamped by a Professional Engineer. Additionally all retaining walls shall require the engineer of record to perform inspections and present a final engineer's certification on the completed wall prior to a certificate of occupancy or certificate of completion.

(2) Hazardous conditions.

The building official, or designee, may require the installation of a fence where it is determined that a hazardous condition exists for which a fence would protect the general welfare of the public. Any fence required by the building official must also comply with the appropriate standards for the zoning district in which it is located.

(3) Temporary fences.

The building official, or designee, at their discretion, may permit the installation of a temporary fence at a construction site to protect public safety, welfare, and/or for the security of an active construction site. A temporary fence shall remain in place for no more than one year and must comply with the following conditions:

- a. A permit is not required for a temporary fence, however, a city official must approve the fence material and location prior to installation.
- b. In any commercial or industrial zoning district, a temporary fence shall not exceed eight feet in height.
- c. No signs shall be attached to any temporary fence.

(b) GENERAL STANDARDS

All fences, boundary walls and retaining walls built or erected within the city shall conform to the general standards specified in this section. Additional standards apply in the Historic District and within Commercial or Industrial Districts.

(1) Finish and Color.

- a. Only black, white or earth tones are permitted. Primary and neon colors are prohibited.
- b. All fences or boundary walls in the city must have their finished side facing outward toward the adjacent properties and streets.
- c. Retaining walls visible from the public right of way shall have a decorative finish or be constructed of decorative materials appropriate for the underlying zoning district.

(2) Encroachments and Utility Easements.

- a. No fence, boundary wall or retaining wall shall encroach into the public right of way, a public access easement or within any required undisturbed buffer or setback area.
- b. Fences shall not be installed within utility easements but may be allowed to cross utility easements on a case-by-case basis. Where City staff approves a fence installation to cross a utility easement(s), the property owner must sign a waiver acknowledging that the City will not be responsible for repair or replacement of any portion of the fence or gates, should the fence or gates need to be removed by the City of Senoia.
- c. Where the City approves a fence to cross a utility easement, it shall be the responsibility of the property owner to install a double gate at each easement crossing and the gate(s) may only be locked if the property owner provides the city with 24 hour access.

(2) Stormwater Drainage.

- a. If a fence, boundary wall or retaining wall is installed in such a manner as to adversely affect storm water drainage, the property owner will be responsible for making adjustments/modifications to correct any storm water drainage issue(s).
- b. Fences, boundary walls and retaining walls installed within a regulatory floodplain must not obstruct the flow of water and must be an approved material or design that does not impact the flow of water or cause flooding to adjacent buildings or properties.

(4) Obstructions.

Fences, boundary walls, retaining walls, hedges and other vegetation must not:

- a. Block lines of sight for public safety and law enforcement;
- b. Impede the natural flow of water or the normal pattern of natural wildlife; or

- c. Impair or block the sight distance of drivers so as to constitute a safety hazard.

(5) Corner Lots and Front Yards.

The following regulations apply to all fences and walls installed parallel and/or adjacent to a public right of way and located between the right-of-way and the building setback line:

- a. No fence or boundary walls located in a front yard may exceed four (4') feet in height. However, retaining walls located in the front yard may exceed the height restrictions listed in this section where required for grade transition and subject to approval by the City Engineer.
- b. Retaining walls in front yards shall be constructed of decorative materials or poured concrete with a decorative finish and shall include decorative railing for safety, where railing is required by code.
- c. A minimum 3-foot landscape strip must be provided between any fence, boundary wall, or retaining wall and the public right of way.
- d. When a lot is located on the corner of two or more streets, it shall be required that the height of the fence or boundary wall along the primary and secondary street frontage not exceed four (4') feet.
- e. Fences or boundary walls located in any front yard shall be constructed of wood, stone, brick, decorative wrought iron, decorative aluminum, or a combination thereof.
- f. Chain link and wire fences are prohibited in front yards,
- g. All fences and boundary walls located in front yards, must provide architectural variations with decorative columns or piers spaced approximately every twenty four (24') feet and at any point where the fence or wall changes direction.
- h. Decorative columns or pier must be a minimum of twelve (12") inches wide and constructed of brick, stone, stucco or a combination thereof.

(7) Maintenance.

- a. It shall be the responsibility of the owner of the property on which a fence or wall is located to maintain the fence or wall in good repair so that at all times it presents a neat and orderly appearance to surrounding property owners and to the general public.

- b. Any fence or wall damaged by accident or an act of God shall be repaired within 90 days of the occurrence.
- c. Fencing required for public safety purposes shall be repaired immediately.

(8) Swimming pool enclosures.

All swimming pool fences shall be constructed in accordance with the specific requirements for pools, as indicated in the International Swimming Pool and Spa Code, latest edition and comply with section 74-265 (10) – Accessory uses and Structures – swimming pools.

(9) Special purpose enclosures.

If a property owner wishes to install a tennis court or other similar special-purpose facility, a fence not to exceed eight (8') feet in height may be erected with the following conditions:

- a. A site plan showing the special purpose facility and fence must be submitted for review in accordance with the city's site plan review process, and
- b. The special purpose facility must comply with the requirements of the underlying district.

(10) Height in side and rear yards

Unless otherwise stated herein, no fence or wall located, within a side or rear setback, shall exceed six (6') feet in height; however, if due to variations in topography or if the fence contains decorative features such as newels or finials, it may exceed six feet in height, but in no case shall it exceed seven feet in height. Retaining walls located in the side or rear yards may exceed height restrictions listed in this section where grade transitions require the additional height and subject to the approval of the City Engineer.

(11) Gates.

- a. Gates, whether electronically or manually operable, are allowed on private property. Gates must open inwardly (doors opening towards the property) and be located a minimum of thirty (30') feet from the edge of pavement.
- b. Gates shall not exceed the height of the fence on which they are located.

(d) HISTORIC DISTRICT STANDARDS

- (1) Any fence or boundary wall constructed in the Historic District shall be compatible in form, scale, size, placement and finish with the surrounding properties and may be subject to the review and approval of the Historic Preservation Committee.
 - a. Any fence or boundary wall located in a front yard shall not exceed four (4') feet in height.
 - b. Any fence or boundary wall located in a rear or side yard shall not exceed six (6') feet in height.

- c. Retaining walls located in the historic district shall be allowed to exceed height restrictions listed in this section where grade transitions require the additional height and subject to the approval of the City Engineer.
- (2) Approved Materials.
 - a. Fences and boundary walls shall be constructed of wood, decorative wrought iron, stone, brick, or a combination thereof.
 - b. Chain link and wire fences are not permitted in the Historic District in any yard.
- (3) Replacement and Repair.
 - a. Repair with like materials shall not require review by the Historic Preservation Committee. When replacement of an existing fence is necessary, the owner shall preserve all architectural features that are character-defining elements of the original fence or boundary wall, including gates, granite pillars, hardware, decorative pickets, and rails.

(e) NON-RESIDENTIAL DISTRICT STANDARDS

- (1) No fence or boundary wall shall exceed eight (8') feet in height, unless specifically approved in accordance with the city's site plan review process; however, in no instance shall any fence or boundary wall exceed ten (10') feet in height.
- (2) Retaining walls located in any non-residential district shall be allowed to exceed height restrictions listed in this section where grade transitions require the additional height and subject to the approval of the City Engineer.
- (3) No fence or boundary wall comprised of metal parts, which is visible from a public road or from an internal drive or parking area of a commercial development, may be constructed unless all exposed metal parts are vinyl-coated or painted a standard dark brown, dark green or black color to blend into the natural surroundings.
- (4) If a fence is required by any governmental authority to provide for the safety and security of the residents of the city, that fence shall not be removed or otherwise left in an unsafe condition for any reason without the approval of the building official, and without proper precautions taken to provide for continuous protection.

Article XV

Sec. 74-317. – Repeal of conflicting ordinances; validity of prior approval and actions.

All ordinances or parts of ordinances in conflict with this ordinance are hereby be repealed.

This Ordinance shall become effective upon adoption. This _____ day of _____, 2023.

SENOIA, GEORGIA
CITY COUNCIL

Mayor - William "Dub" Pearman, III

Attest:

By: _____

Lynn Carter, City Clerk

First Reading: _____