



# DeKalb County Government

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

## Agenda Item

File ID: 2019-4122

Substitute

2/4/2020

Public Hearing: YES  NO

Department: Planning and Sustainability

**SUBJECT:** Retaining walls and fences

Commission District(s): All

Information Contact: Andrew Baker, Director of Planning & Sustainability

Phone Number: 404-687-7154

**PURPOSE:**

To amend certain sections of Chapter 27 concerning retaining walls, fences, and transition buffers.

**NEED/IMPACT:**

To protect aesthetics in residential areas of DeKalb County by amending certain sections of Chapter 27 concerning retaining walls and fences.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

To approve the attached text amendment.

**AN ORDINANCE  
TO AMEND CHAPTER 27 OF  
THE CODE OF DEKALB COUNTY, GEORGIA,  
AND FOR OTHER PURPOSES.**

**WHEREAS;** the Board of Commissioners is tasked with protecting the health, safety, and aesthetics of DeKalb County;

**WHEREAS;** the Board of Commissioners seeks to amend certain sections of Chapter 27 concerning retaining walls and fences to further protect aesthetics in residential areas of DeKalb County, among other things;

**NOW THEREFORE, BE IT ORDAINED** by the Governing Authority of DeKalb County, Georgia, and it is hereby ordained by the authority of same, that Chapter 27 of the Code of DeKalb County, as Revised 1988, is hereby amended as follows:

**PART I. ENACTMENT**

*By amending section 5.4.7(a), by adding section 5.4.7(b), by amending table 5.3, and by amending section 9.1.3 in Chapter 27 of the Code of DeKalb County as Revised 1988, to read as follows:*

\* \* \*

**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 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 27-5.4.5(C)(1)-(C)(3) of this code 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 27-5.4.5(C)(1)-(C)(3) of this code 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.

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**Table 5.3 Fence and Wall Standards**

Use	Height	Setbacks	Variance Allowed
<b>Freestanding walls and fences</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 on individual lots and perimeter of subdivision.	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.
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.	Six (6) feet adjoining the street.	A 15 feet wide buffer must be constructed between the fence/wall and the street right of way.	May apply for a variance from zoning board of appeals to increase height up to ten (10) feet max.
Industrial	No limit if adjoining non-residential use. Eight (8) feet if adjoining	Fences may be up to the property line; walls, including footings, must not encroach over property	If next to residential, may apply for a variance from zoning board of appeals to

	residential zoning or use.	line. Shall not be within the right-of-way.	increase height up to ten (10) feet max.
Single-family subdivisions and multi-family developments identification or monument walls.	Up to eight (8) feet.	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 use. Eight (8) feet if adjoining residential zoning or use	Shall not be located in right-of-way. Setback varies, depends on sight visibility.	May apply for a variance from zoning board of appeals to increase height up to twelve (12) feet max.

\* \* \*

**Sec. 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 structure, to stabilize a slope, or to prevent erosion.

\* \* \*

**PART II. EFFECTIVE DATE**

This ordinance shall become effective immediately on the date of adoption by the board of commissioners and approval by the chief executive officer.

**PART III. SEVERABILITY**

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole nor any part thereof other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

**ADOPTED** by the DeKalb County Board of Commissioners, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
STEPHEN R. BRADSHAW  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

**APPROVED** by the Chief Executive Officer of DeKalb County, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
MICHAEL THURMOND  
Chief Executive Officer  
DeKalb County, Georgia

**ATTEST:**

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BARBARA SANDERS-NORWOOD, CCC  
Clerk to the Board of Commissioners  
And Chief Executive Officer  
DeKalb County, Georgia

**APPROVED AS TO FORM:**

**APPROVED AS TO SUBSTANCE:**

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VIVIANE H. ERNSTES  
County Attorney  
DeKalb County, Georgia

\_\_\_\_\_  
ANDREW BAKER  
Director of Planning & Sustainability  
DeKalb County, Georgia