

MEMORANDUM

To: Mayor and City Council
From: Paul Leonhardt, Planning & Zoning Manager
Date: April 12, 2021
Subject: Text Amendment
 Chapter 27— Fences and Walls

ITEM DESCRIPTION

Councilwoman Tallmadge requested staff to research and draft a text amendment to limit fence and wall height in single-family residential areas to six feet based on constituent concerns. The proposed text amendment would only impact those fences in interior side and rear yards. Fences in front and side street yards would remain limited to four feet in height or six feet in specific situations.

DISCUSSION

Privacy fences are commonly used in residential districts to demarcate the property boundaries and to provide visual privacy from neighbors. Privacy fences are typically between six and eight feet tall with six feet being the most common. Generally, six-foot fences are sufficient for visual protection and to enclose most dog breeds. A benefit of taller fences is the additional privacy, especially if neighboring lots are of higher elevation. Arguments against taller fences typically reference the visual impact. The taller a fence is the more it constrains the residents’ and their neighbor’s view and distracts from the natural or landscaped setting. Both sides of the argument are elevated by Dunwoody’s hilly terrain that can make tall fences more looming and can increase the need for visual screening.

Because fences in a rear yard do not require permits, staff does not have a systematic overview over the height of privacy fences in Dunwoody. A review of similar regulations shows that municipalities in the Atlanta region typically either allow six-foot or eight-foot fences in side and rear yards. The below table shows current regulations in neighboring municipalities. Similarly, there are municipalities across the country changing codes from one to the other based on local preferences.

6-foot-Maximum	8-foot Maximum
Alpharetta	Brookhaven
Atlanta	Chamblee
Doraville	Decatur
	Roswell
	Sandy Springs

Staff supports a change to six feet as long as there is no administrative permit process to exceed the limit. Any additional height would have to go through the Zoning Board of Appeals and obtain a Variance. Staff would not support a process where applicants can obtain an administrative permit for additional height.

RECOMMENDATION

Staff recommends **APPROVAL**.

PLANNING COMMISSION RECOMMENDATION

At its March 9 meeting, the Planning Commission recommended **DENIAL** on a 7-0 vote. Main reasons are a desire not to take away fencing options and a low number of complaints about fence height. Commissioners discussed options to take height into consideration, however no option that would be easy to administer was found.

ATTACHMENTS

Chapter 27, Article IV, Division 4. Fences and Walls - current.
Chapter 27, Article IV, Division 4. Fences and Walls – proposed.

**AN ORDINANCE AMENDING CHAPTER 27 OF THE CITY OF DUNWOODY
CODE OF ORDINANCES BY AMENDING ARTICLE IV, DIVISION 4 TO ADJUST
THE ALLOWABLE FENCE AND WALL HEIGHT**

WHEREAS, the City of Dunwoody is charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the City of Dunwoody finds that fences and walls are important development features in its neighborhoods that deserve careful consideration; and

WHEREAS, the Mayor and City Council have determined that it is appropriate to amend Chapter 27, to limit the height of fences and walls under certain conditions.

THEREFORE, Mayor and City Council of the City of Dunwoody hereby **ORDAIN as follows:**

Chapter 27 (Zoning Ordinance) of the City of Dunwoody Code of Ordinances is hereby amended by revising Article IV, Division 4 (Fences and Walls) to read as follows:

- **DIVISION 4. - FENCES AND WALLS**
- **Sec. 27-266. - Applicability.**

The fence and wall regulations of this division govern the design and location of all fences and walls, including retaining walls and wing walls.

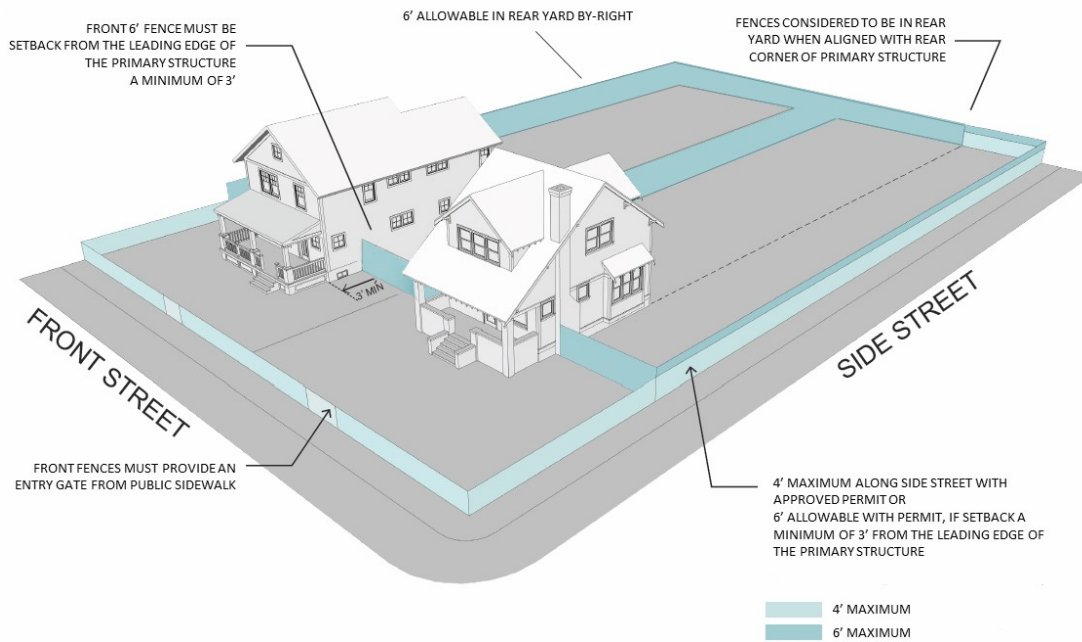
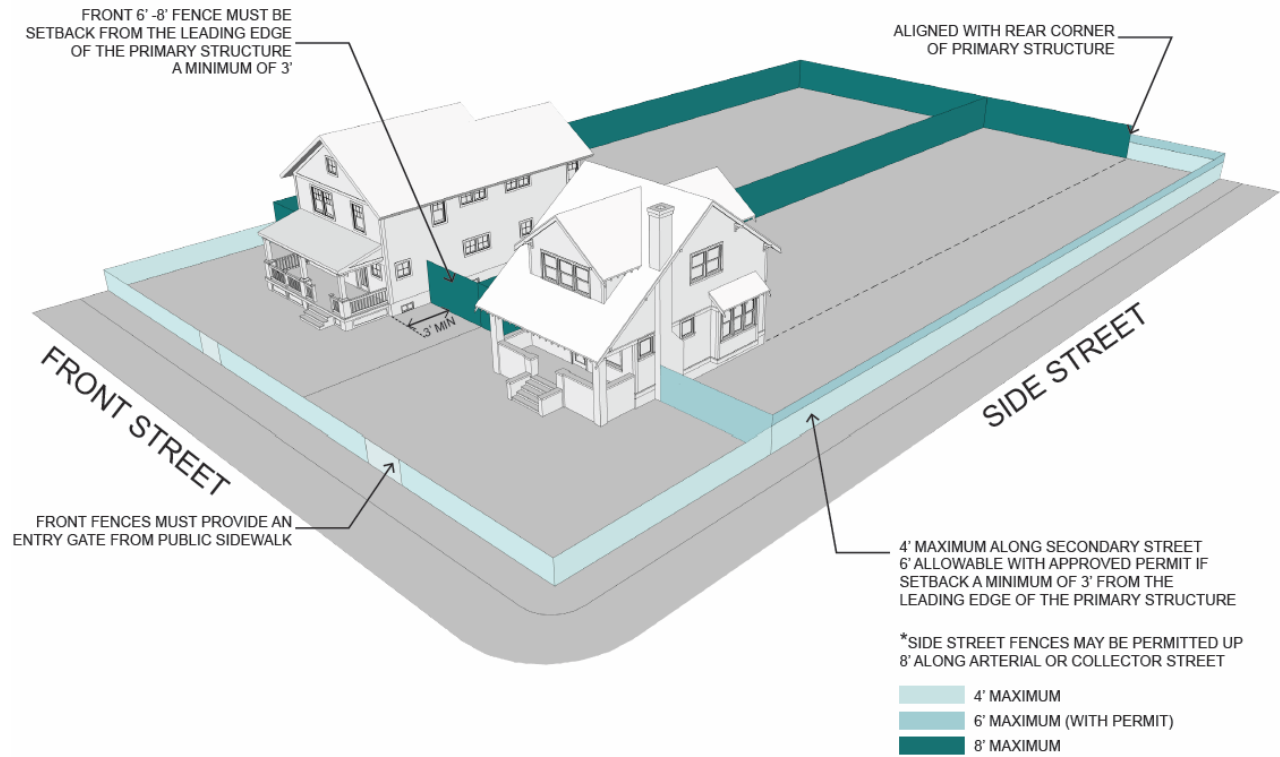
(1)*Building permit required.* Walls, fences, and retaining walls constructed in a front yard or a side yard fronting a street must be permitted by the community development department prior to installation. To receive a permit, the applicant must submit a completed application to the community development department. For walls and fences, upon receipt of a completed, compliant application, the community development department shall issue the applicant a permit within one business day of receipt of the completed application at no cost to the property owner. For retaining walls, the applicable fee shall be that which is listed in the community development department fee schedule as adopted by the city council. Permits shall only be issued for walls, fences, and retaining walls that conform to the provisions of this section.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-15.10), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. 2018-03-05, § I, 3-26-2018)

• Sec. 27-267. - Maximum height.

- a) In ~~residential-detached single-dwelling and attached single-swelling~~ zoning districts, fences and walls shall meet the following requirements:
- 1) ~~Fences and walls~~ located in street yards may not exceed four feet in height. ~~The height, with the following exceptions:~~
 - a. ~~Fences and walls located in street yards adjacent to a collector or arterial street may not exceed six feet in height if located within a side yard ([see] Figure 15-1).~~
 - b. ~~The community development director is authorized to approve an administrative permit (in accordance with article V, division 7) allowing fences in the side yardside yards fronting a street on residential-corner lots at a height of up to six feet.~~
 - 2) ~~Fences on residential lots adjacent to a collector or arterial street may not exceed eight feet in height within said street yard. Fences on residential lots fronting on a collector or arterial street may not exceed four feet within the front yard. The community development director is authorized to approve an administrative permit (in accordance with article V, division 7) allowing fences in the side yard fronting a street on residential corner lots at a height of up to six feet. All other fences and walls may not exceed six feet in height ([see] Figure 15-1).~~
- b) ~~In all other zoning districts, fences and walls may not exceed eight feet in height unless otherwise expressly stated in this zoning ordinance.~~
- c) ~~Fences shall not obstruct visibility as prescribed in section 27-289 of this article. All other fences and walls are limited to a maximum height of eight feet unless otherwise expressly stated in this zoning ordinance ([see] Figure 15-1).~~
- d) The height of fences and walls shall be measured from the natural adjacent grade on the lowest side of the fence to the top of the fence.

Figure 15-1: Maximum Fence and Wall Heights



(Ord. No. 2013-10-15, § 1(Exh. A § 27-15.20), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. 2018-03-05, § 1, 3-26-2018)

• **Sec. 27-268. - Required fences and walls.**

When fences or walls are required to be installed, the wall or fence must be in place before issuance of a certificate of occupancy for the principal use or structure.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-15.30), 10-14-2013)

• **Sec. 27-269. - Retaining walls in single-dwelling residential districts.**

The regulations of this section apply to retaining walls in single-dwelling residential zoning districts.

- 1) Newly constructed retaining walls are subject to the following maximum height limits:

Required Approval	Maximum Height (feet)
As of right (except when building permit required per section 27-266(1))	Up to 4
Administrative permit (article V, division 7)	More than 4, up to 8
Special exception (article V, division 6)	More than 8, up to 12

(2) Existing retaining walls may be repaired and replaced if the repair or replacement does not result in an increase in the height of the wall.

(3) On lots occupied by a detached house, retaining walls must be set back from all property lines a distance equal to the required building setback. The community development director is authorized to approve an administrative permit (in accordance with article V, division 7) allowing a retaining wall to encroach the setback.

(4) A decision to allow an authorized administrative permit or special exception must be based on a determination that exceptional topographical restrictions exist on the lot in context with the adjoining property that were not created by the applicant or owner, and a determination that no practical alternative retaining wall design is feasible. The applicant must submit a site plan or a topographical map certified by an engineer or landscape architect with any exception application for retaining walls.

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(5) Retaining walls may not exceed 12 inches above grade at the higher side elevation.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-15.40), 10-14-2013; Ord. No. 2018-03-05, § I, 3-26-2018)

- **Sec. 27-270. - Wing walls in single-dwelling residential districts.**

The regulations of this section apply to wing walls in single-dwelling residential zoning districts.

(1) Newly constructed wing walls that are part of the foundation of the principal structure are permitted when exceptional topographical restrictions exist on the subject lot in context with the adjoining properties that were not created by the owner or applicant.

(2) Wing walls may not exceed ten feet in height, or the height of the foundation wall to which it is attached, whichever results in a lower wing wall height. Wing walls may not be used to allow a house to exceed the detached house infill regulations of [section 27-147](#).

(3) When affixed to a detached house, a wing wall may project into a street setback or rear setback for a distance not to exceed ten feet. The community development director is authorized to approve an administrative permit (in accordance with article V, division 7) allowing a wing wall to project a side setback to a point not closer than five feet from the side lot line.

(4) Guardrails must be installed atop all wing walls exceeding 30 inches in height above grade. Guardrails may not be opaque and must be a minimum of 36 inches and a maximum of 48 inches in height.

(5) Wing walls may not exceed 12 inches above grade at the higher side elevation.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-15.50), 10-14-2013; Ord. No. 2018-03-05, § I, 3-26-2018)

- **Sec. 27-271. - Measurement of wing wall and retaining wall height.**

(a) The height of wing walls is measured from the bottom of the footing or foundation at the base of the wall to the topmost point on the wall.

(b) For zoning purposes the height of retaining walls is measured from the natural adjacent grade on the lowest side of the wall to the top of the wall.

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(Ord. No. 2013-10-15, § 1(Exh. A § 27-15.60), 10-14-2013; Ord. No. 2017-04-07, § 4, 4-11-2017)

- **Sec. 27-272. - Fence and wall materials.**

The following standards shall apply to fences and walls.

(1)*Adjoining right-of-way.* In all single-family detached dwelling developments, wire fencing materials, including chain-link fencing with plastic, vinyl, or wooden inserts shall not be used adjoining a street right-of-way. The architectural treatment of poured concrete, common aggregate block or concrete block walls requires review and approval by the community development director. This provision shall not preclude the use of chain link fencing as a security fence around stormwater facilities ([see] Figure 15-2).

Figure 15-2: Examples of Permissible Fence Types



(2) *Fences along all property lines.* Walls and fences constructed along all property lines shall be constructed with a finished side toward the neighboring property.

a. Wall and fences shall be constructed of wood, brick, block, vinyl, PVC, stone, metal, stucco, split rail, or wrought iron.

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b.

Prohibited materials:

1. Barbed wire, razor wire, or electrically charged fencing shall not be approved for any single-family dwelling lots. Barbed wire may be used for security strands in all but single-family dwelling districts at a height of at least six feet above grade.

2. The use of plywood/sheet goods, canvas, cloth, vinyl sheeting, EFIS, or other nondurable materials is prohibited.

3. Chainlink fencing with plastic, vinyl, wooden, or other inserts is prohibited.

4. No wall or fence shall be constructed of exposed concrete block, tires, junk, or other discarded materials.

(c) Materials not permitted in subsection (a) nor explicitly prohibited in subsection (b) may be utilized upon review and approval by the community development director.

(d) Chainlink fencing, where permitted, shall be vinyl coated, black or green.

(e) Painted or stained wood shall be maintained.

(f) Metal fencing shall be painted or vinyl coated.

(g) Fence supports shall face inwards.

(h) Posts shall be anchored in concrete.

(i) Fences may step down a slope, however supports shall be vertical and plumb.

(Ord. No. 2018-03-05, § I, 3-26-2018)

- **Sec. 27-273. - Setback.**

(a) Fences and walls shall be set back a minimum of three feet from a public right-of-way unless otherwise approved by the community development director.

(b) Fences in front yards exceeding four feet in height must be setback from the leading edge of the primary structure by a minimum of three feet.

(Ord. No. 2018-03-05, § I, 3-26-2018)

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SO ORDAINED, this ____ day of _____, 2021.

Approved:

Lynn Deutsch, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

City Attorney

- **DIVISION 4. - FENCES AND WALLS**
- **Sec. 27-266. - Applicability.**

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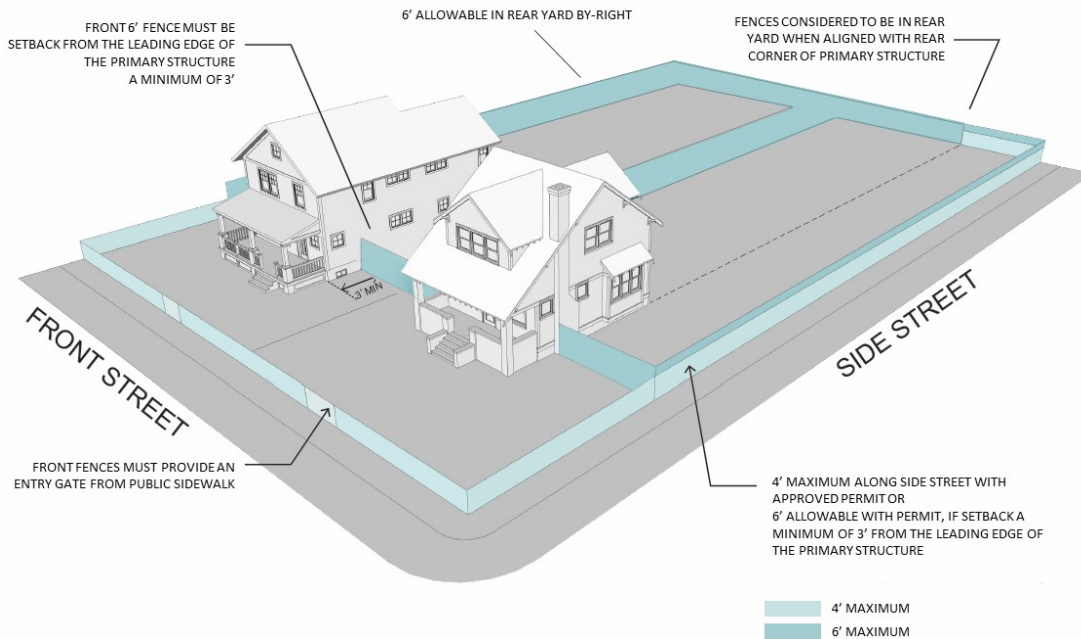
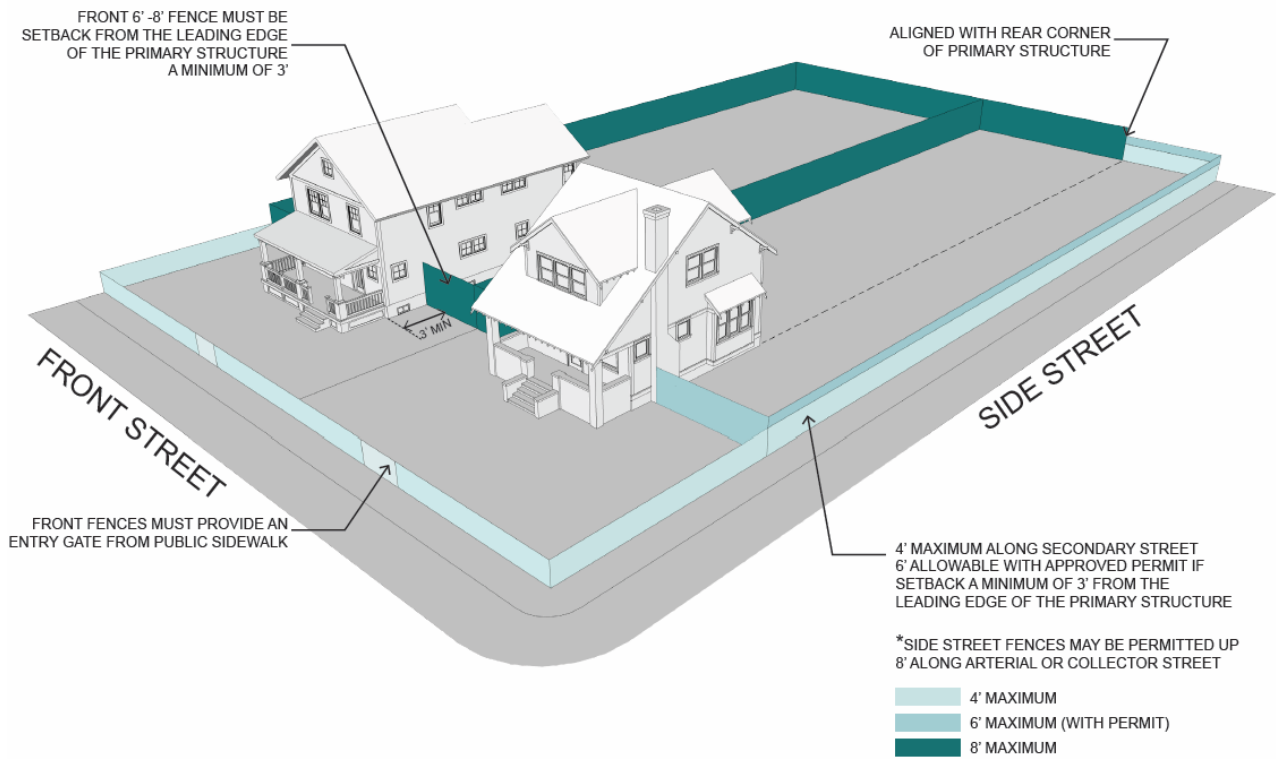
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- d) The height of fences ~~and walls~~ shall be measured from the natural adjacent grade on the lowest side of the fence to the top of the fence.

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The regulations of this section apply to retaining walls in single-dwelling residential zoning districts.

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(3) On lots occupied by a detached house, retaining walls must be set back from all property lines a distance equal to the required building setback. The community development director is authorized to approve an administrative permit (in accordance with article V, division 7) allowing a retaining wall to encroach the setback.

(4) A decision to allow an authorized administrative permit or special exception must be based on a determination that exceptional topographical restrictions exist on the lot in context with the adjoining property that were not created by the applicant or owner, and a determination that no practical alternative retaining wall design is feasible. The applicant must submit a site plan or a topographical map certified by an engineer or landscape architect with any exception application for retaining walls.

(5) Retaining walls may not exceed 12 inches above grade at the higher side elevation.

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Figure 15-2: Examples of Permissible Fence Types



(2) *Fences along all property lines.* Walls and fences constructed along all property lines shall be constructed with a finished side toward the neighboring property.

a. Wall and fences shall be constructed of wood, brick, block, vinyl, PVC, stone, metal, stucco, split rail, or wrought iron.

b.

Prohibited materials:

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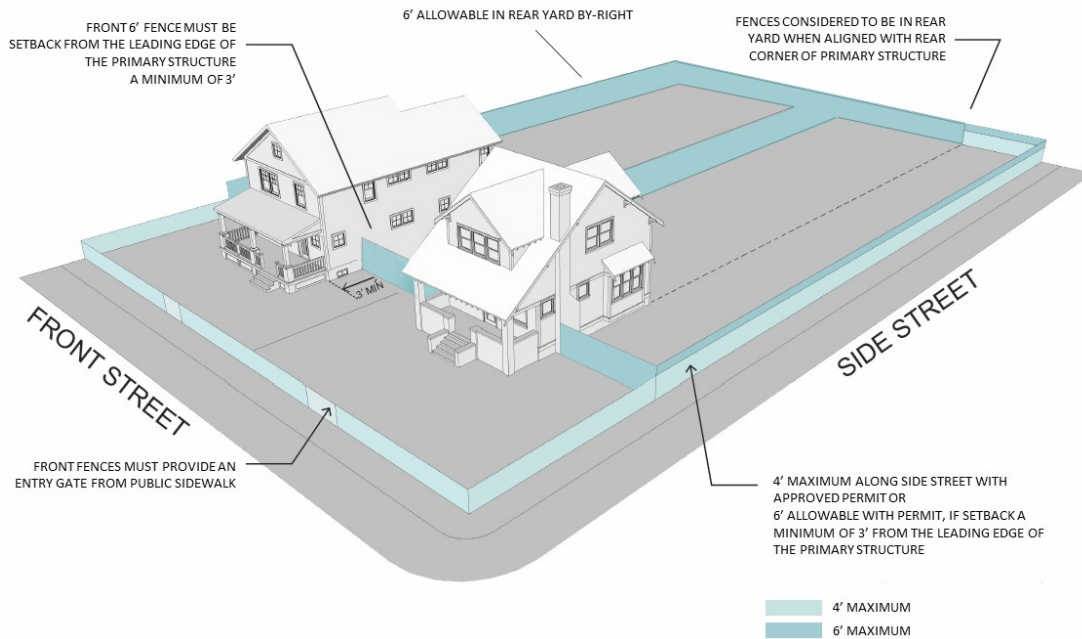
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Prohibited materials:

1. Barbed wire, razor wire, or electrically charged fencing shall not be approved for any single-family dwelling lots. Barbed wire may be used for security strands in all but single-family dwelling districts at a height of at least six feet above grade.

2. The use of plywood/sheet goods, canvas, cloth, vinyl sheeting, EFIS, or other nondurable materials is prohibited.

3. Chainlink fencing with plastic, vinyl, wooden, or other inserts is prohibited.

4. No wall or fence shall be constructed of exposed concrete block, tires, junk, or other discarded materials.

(c) Materials not permitted in subsection (a) nor explicitly prohibited in subsection (b) may be utilized upon review and approval by the community development director.

(d) Chainlink fencing, where permitted, shall be vinyl coated, black or green.

(e) Painted or stained wood shall be maintained.

(f) Metal fencing shall be painted or vinyl coated.

(g) Fence supports shall face inwards.

(h) Posts shall be anchored in concrete.

(i) Fences may step down a slope, however supports shall be vertical and plumb.

(Ord. No. 2018-03-05, § I, 3-26-2018)

- **Sec. 27-273. - Setback.**

(a) Fences and walls shall be set back a minimum of three feet from a public right-of-way unless otherwise approved by the community development director.

(b) Fences in front yards exceeding four feet in height must be setback from the leading edge of the primary structure by a minimum of three feet.

(Ord. No. 2018-03-05, § I, 3-26-2018)

- **DIVISION 4. - FENCES AND WALLS**
- **Sec. 27-266. - Applicability.**

The fence and wall regulations of this division govern the design and location of all fences and walls, including retaining walls and wing walls.

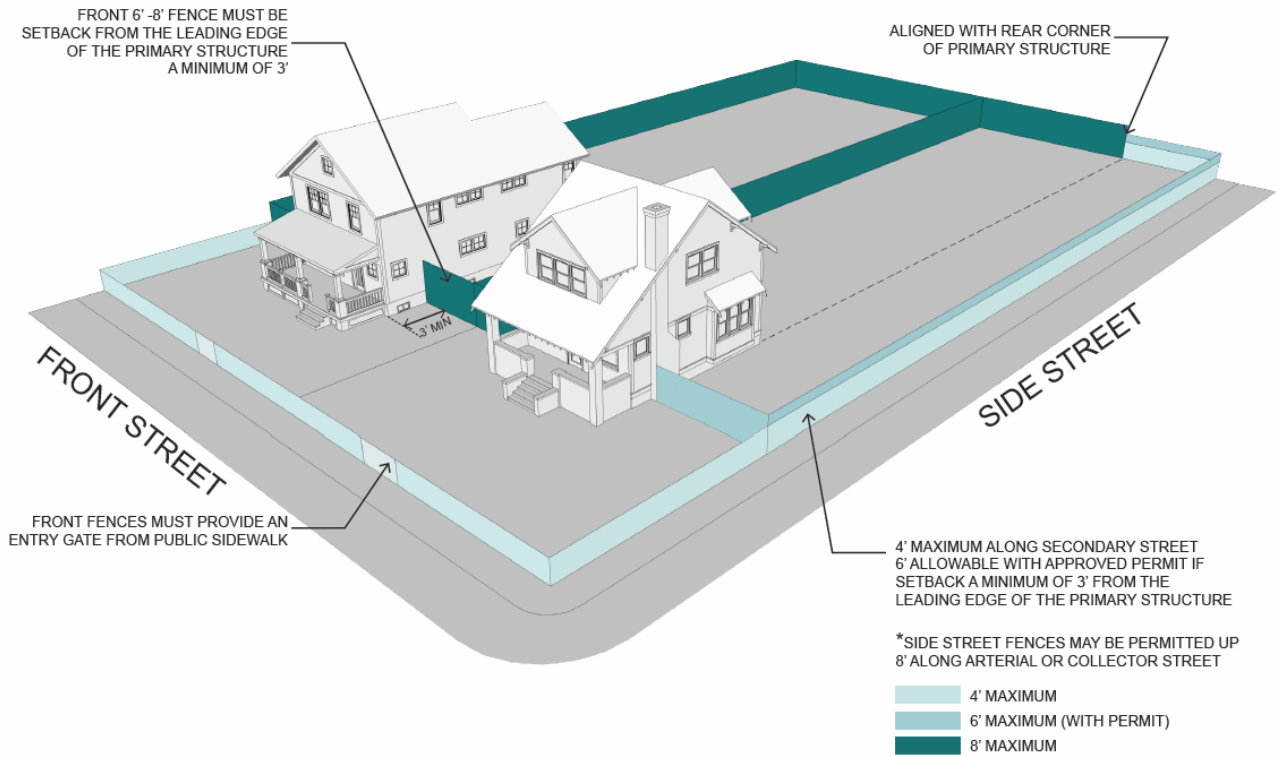
- (1) *Building permit required.* Walls, fences, and retaining walls constructed in a front yard or a side yard fronting a street must be permitted by the community development department prior to installation. To receive a permit, the applicant must submit a completed application to the community development department. For walls and fences, upon receipt of a completed, compliant application, the community development department shall issue the applicant a permit within one business day of receipt of the completed application at no cost to the property owner. For retaining walls, the applicable fee shall be that which is listed in the community development department fee schedule as adopted by the city council. Permits shall only be issued for walls, fences, and retaining walls that conform to the provisions of this section.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-15.10), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. 2018-03-05, § 1, 3-26-2018)

- **Sec. 27-267. - Maximum height.**

In residential zoning districts fences and walls located in street yards may not exceed four feet in height. Fences on residential lots adjacent to a collector or arterial street may not exceed eight feet in height within said street yard. Fences on residential lots fronting on a collector or arterial street may not exceed four feet within the front yard. The community development director is authorized to approve an administrative permit (in accordance with article V, division 7) allowing fences in the side yard fronting a street on residential corner lots at a height of up to six feet. Fences shall not obstruct visibility as prescribed in [section 27-289](#) of this article. All other fences and walls are limited to a maximum height of eight feet unless otherwise expressly stated in this zoning ordinance ([see] Figure 15-1). The height of fences shall be measured from the natural adjacent grade on the lowest side of the fence to the top of the fence.

Figure 15-1: Maximum Fence and Wall Heights



(Ord. No. 2013-10-15, § 1(Exh. A § 27-15.20), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. 2018-03-05, § 1, 3-26-2018)

• **Sec. 27-268. - Required fences and walls.**

When fences or walls are required to be installed, the wall or fence must be in place before issuance of a certificate of occupancy for the principal use or structure.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-15.30), 10-14-2013)

• **Sec. 27-269. - Retaining walls in single-dwelling residential districts.**

The regulations of this section apply to retaining walls in single-dwelling residential zoning districts.

- 1) Newly constructed retaining walls are subject to the following maximum height limits:

Required Approval	Maximum Height (feet)
As of right (except when building permit required per section 27-266(1))	Up to 4
Administrative permit (article V, division 7)	More than 4, up to 8
Special exception (article V, division 6)	More than 8, up to 12

(2) Existing retaining walls may be repaired and replaced if the repair or replacement does not result in an increase in the height of the wall.

(3) On lots occupied by a detached house, retaining walls must be set back from all property lines a distance equal to the required building setback. The community development director is authorized to approve an administrative permit (in accordance with article V, division 7) allowing a retaining wall to encroach the setback.

(4) A decision to allow an authorized administrative permit or special exception must be based on a determination that exceptional topographical restrictions exist on the lot in context with the adjoining property that were not created by the applicant or owner, and a determination that no practical alternative retaining wall design is feasible. The applicant must submit a site plan or a topographical map certified by an engineer or landscape architect with any exception application for retaining walls.

(5) Retaining walls may not exceed 12 inches above grade at the higher side elevation.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-15.40), 10-14-2013; Ord. No. 2018-03-05, § I, 3-26-2018)

- **Sec. 27-270. - Wing walls in single-dwelling residential districts.**

The regulations of this section apply to wing walls in single-dwelling residential zoning districts.

(1) Newly constructed wing walls that are part of the foundation of the principal structure are permitted when exceptional topographical restrictions exist on the subject lot in context with the adjoining properties that were not created by the owner or applicant.

(2) Wing walls may not exceed ten feet in height, or the height of the foundation wall to which it is attached, whichever results in a lower wing wall height. Wing walls may not be used to allow a house to exceed the detached house infill regulations of [section 27-147](#).

(3) When affixed to a detached house, a wing wall may project into a street setback or rear setback for a distance not to exceed ten feet. The community development director is authorized to approve an administrative permit (in accordance with article V, division 7) allowing a wing wall to project a side setback to a point not closer than five feet from the side lot line.

(4) Guardrails must be installed atop all wing walls exceeding 30 inches in height above grade. Guardrails may not be opaque and must be a minimum of 36 inches and a maximum of 48 inches in height.

(5) Wing walls may not exceed 12 inches above grade at the higher side elevation.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-15.50), 10-14-2013; Ord. No. 2018-03-05, § I, 3-26-2018)

- **Sec. 27-271. - Measurement of wing wall and retaining wall height.**

(a) The height of wing walls is measured from the bottom of the footing or foundation at the base of the wall to the topmost point on the wall.

(b) For zoning purposes the height of retaining walls is measured from the natural adjacent grade on the lowest side of the wall to the top of the wall.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-15.60), 10-14-2013; Ord. No. 2017-04-07, § 4, 4-11-2017)

- **Sec. 27-272. - Fence and wall materials.**

The following standards shall apply to fences and walls.

- (1) *Adjoining right-of-way.* In all single-family detached dwelling developments, wire fencing materials, including chain-link fencing with plastic, vinyl, or wooden inserts shall not be used adjoining a street right-of-way. The architectural treatment of poured concrete, common aggregate block or concrete block walls requires review and approval by the community development director. This provision shall not preclude the use of chain link fencing as a security fence around stormwater facilities ([see] Figure 15-2).

Figure 15-2: Examples of Permissible Fence Types



(2) *Fences along all property lines.* Walls and fences constructed along all property lines shall be constructed with a finished side toward the neighboring property.

a. Wall and fences shall be constructed of wood, brick, block, vinyl, PVC, stone, metal, stucco, split rail, or wrought iron.

b.

Prohibited materials:

1. Barbed wire, razor wire, or electrically charged fencing shall not be approved for any single-family dwelling lots. Barbed wire may be used for security strands in all but single-family dwelling districts at a height of at least six feet above grade.

2. The use of plywood/sheet goods, canvas, cloth, vinyl sheeting, EFIS, or other nondurable materials is prohibited.

3. Chainlink fencing with plastic, vinyl, wooden, or other inserts is prohibited.

4. No wall or fence shall be constructed of exposed concrete block, tires, junk, or other discarded materials.

(c) Materials not permitted in subsection (a) nor explicitly prohibited in subsection (b) may be utilized upon review and approval by the community development director.

(d) Chainlink fencing, where permitted, shall be vinyl coated, black or green.

(e) Painted or stained wood shall be maintained.

(f) Metal fencing shall be painted or vinyl coated.

(g) Fence supports shall face inwards.

(h) Posts shall be anchored in concrete.

(i) Fences may step down a slope, however supports shall be vertical and plumb.

(Ord. No. 2018-03-05, § I, 3-26-2018)

- **Sec. 27-273. - Setback.**

(a) Fences and walls shall be set back a minimum of three feet from a public right-of-way unless otherwise approved by the community development director.

(b) Fences in front yards exceeding four feet in height must be setback from the leading edge of the primary structure by a minimum of three feet.

(Ord. No. 2018-03-05, § I, 3-26-2018)