SANDY SPRINGS
GEORGIA

CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** October 20, 2010

FROM: John McDonough, City Manager

AGENDA ITEM: **TA10-018** - An Ordinance to Amend Section 4.11, Fences and Walls, of the Sandy Springs Zoning Ordinance

MEETING DATE: For Submission onto the November 2, 2010, City Council Work Session Meeting Agenda

BACKGROUND INFORMATION: *(Attach additional pages if necessary)*

See attached:

Memorandum
Ordinance

APPROVAL BY CITY MANAGER: _____ *APPROVED*

_____ *NOT APPROVED*

PLACED ON AGENDA FOR: 11/2/2010

CITY ATTORNEY APPROVAL REQUIRED: (✓) *YES* ( ) *NO*

CITY ATTORNEY APPROVAL: _____

REMARKS:

SANDY SPRINGS
GEORGIA

To: John McDonough, City Manager

From: Blake J. Dettwiler, AICP, Director of Community Development BD

Date: October 26, 2010 for Submission onto the November 2, 2009 City Council Work Session

Subject: Proposed TA10-018, An Ordinance to Amend Section 4.11, Fences and Walls, of the Sandy Springs Zoning Ordinance

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Please find enclosed a proposed text amendment to Section 4.11, Fences and Walls, with corresponding mark-up.

Background:
The Mayor and City Council directed staff to review this section of the Zoning Ordinance after receiving complaints from citizens about some unsightly fences and walls that had been erected around the city. The Council also directed staff to work with a citizen's group to obtain details on the specific concerns that needed to be addressed.

Discussion:
Staff has met with the citizen's group and received consensus on the draft that is being presented at this time. The most significant changes to Section 4.11 are limitations placed on the opacity of fences and walls in relation to their height and the addition of general design guidelines for fences and walls in single family residential zoning districts.

Planning Commission Recommendation:
The Planning Commission heard the amendment at the October 21, 2010 meeting and recommended approval as presented by staff (6-0, Thatcher, Pond, Maziar, Rubenstein, Rupnow, and Tart for; Duncan not voting). Mr. Thatcher requested a ride-a-long with a representative from Public Works to show existing safety issues with existing subdivision entry walls.

Alternatives:
The City Council could choose to not recommend the changes prepared by staff.

cc: Wendell K. Willard, City Attorney

MARK-UP OF SECTION 4.11 PER TA10-018

4.11. FENCES AND WALLS

Fences and walls which conform to the provisions stated herein shall be permitted by the Department. ~~Fences erected for agricultural purposes in the AG-1 district shall be exempt from permit requirements.~~

Hedges may be considered fences if they are planted and constructed in such a manner that they enclose, partially enclose or separate premises. A hedge does not constitute a fence when it used for an ornamental purpose and does not in fact enclose, partially enclose, or separate premises from adjoining premises.

A. ~~A.~~ Visibility Triangle. Fences, walls **hedges,** and **other** vegetative materials used in association therewith must not obstruct the minimum sight distance requirements which are specified in the **Development**~~Subdivision~~ Regulations **Ordinance** administered by the Director~~,~~ **of Public Works and shall not:**

1. **Prohibit proper lines of sight for public safety and law enforcement, or**
2. **Impede the flow of water or the normal pattern of natural wildlife, or**
3. **Impair or block the vision of vehicle drivers so as to constitute a safety hazard.**

B. Gates. See Chapter ~~11 of the Land Development Regulations~~**103, Development Regulations, of the Code of the City of Sandy Springs**.

C. Maintenance of Required Landscape Areas. Landscape areas or strips required pursuant to this section shall be maintained in accordance with the requirements of the Tree Conservation Ordinance.

D. Fence and Wall Materials. Where the Zoning Ordinance or zoning conditions require fences and walls to be solid/opaque, the visual density of the fence shall be such that it can not be seen through. The following standards shall apply to fences and walls.

1. Adjoining Right-of-Way. In all zoning districts except AG-1 **(non-single family residential uses)**, M-1, M-1A, and M-2, wire ~~and~~**,** plastic**, and/or recycled** fencing materials, including chain link fencing with plastic or wooden inserts, shall not be used ~~adjoining~~ **parallel to** a street right-of-way. The architectural treatment of poured concrete, common aggregate block or concrete block walls shall be approved by the Director. This provision shall not preclude the use of chain link fencing as a security fence around storm water facilities.

2. Fences Along All Property Lines. Walls and fences constructed along

all property lines shall be constructed with a finished side toward the neighboring properties~~y~~.

3. Barbed Wire. Barbed wire may be used in the AG-1 district as long as its use is associated with ~~a~~**an** ~~legitimate~~ **allowable** agricultural pursuit. Barbed wire shall not be approved for any single family dwelling lots including such lots which are located in the AG-1 district. ~~Barbed wire may be used for security strands in all but single family dwelling districts at a height of at least six (6) feet above grade.~~ **A fence equipped with or having barbed wire, spikes, or similar device, or electric charge shall not contain said devices within six (6) feet of the ground level. No fence shall have barbed wire, spikes, or similar devices, or an electric charge in a yard fronting a street on property zoned for residential, commercial, central business district, or office use. Barbed wire, spikes, or similar devices, or an electric charge on fences shall not exceed more than twenty (20) inches above the height of the fence.**

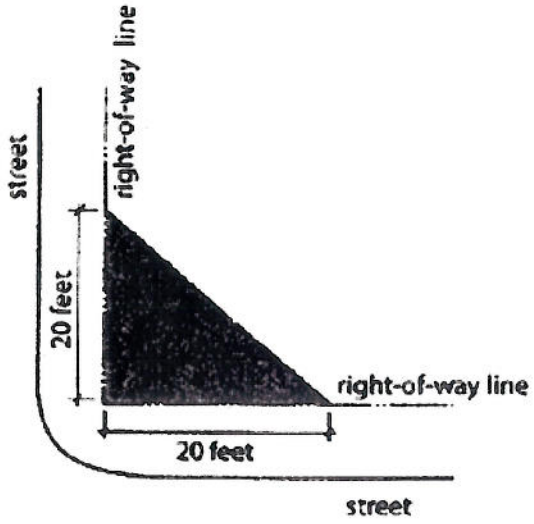
4. Minimum Landscape Requirements. A minimum three (3) foot landscape strip shall be provided between a fence or wall and a public right-of-way.

E. Height. Fences and walls shall not exceed a height of eight (8) feet from grade ~~in residential districts~~ **and shall be ornamental or decorative in nature along public rights-of-way, except that fences or walls in any yard fronting a public/private street shall not exceed four (4) feet in height if designed with solid and/or non-spaced sections**. Column and ornament heights are permitted to exceed the maximum fence/wall height up to three (3) feet.

For fences and walls, the height shall be measured from the subject finished grade to the highest point of the fence.

F. Setback. Fences and walls**, including any footings,** shall be set back a minimum of three (3) feet from a public right-of-way. **No wall, fence, or hedge shall be placed or maintained within the triangular area formed by the intersection of street right-of-way lines and a straight line connecting points on said street lines, each of which is twenty (20) feet distant from the point of intersection, as indicated in Figure 4.11.F below.**

FIGURE 4.11.F. Fence and Wall Setback.



G. Design Guidelines for Fences and Walls.

1. Color

   a. Only black, white, or earth tones are permitted.

   b. Primary and neon colors are prohibited.

2. Material

   a. Fences or walls shall be constructed of wood, brick, stacked stone, stucco, or wrought iron in all zoning districts. Individual bricks and stones may not exceed one (1) square foot.

   b. Fences may be constructed of woven wire or metal fabric (chain link, hog wire or chicken wire), but such materials shall not extend along a right-of-way.

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

3. Design

   a. Fences and walls over three (3) feet in height shall be designed with a column or decorative element every eight (8) feet to provide architectural variations and eliminate large expanses of blank area.

   b. Fences over four (4) feet in height parallel to the right-of-way in single family districts, shall have a spaced picket design. The spacing for said pickets shall be a minimum of two (2) inches.

c. **Fences that run parallel to a right-of-way in single family districts, shall be of a design substantially similar to the samples below:**

FIGURE 4.11.H.1. Fence Designs along Rights-of-Way.

Non-spaced Designs Permitted up to Four (4) Feet in Height

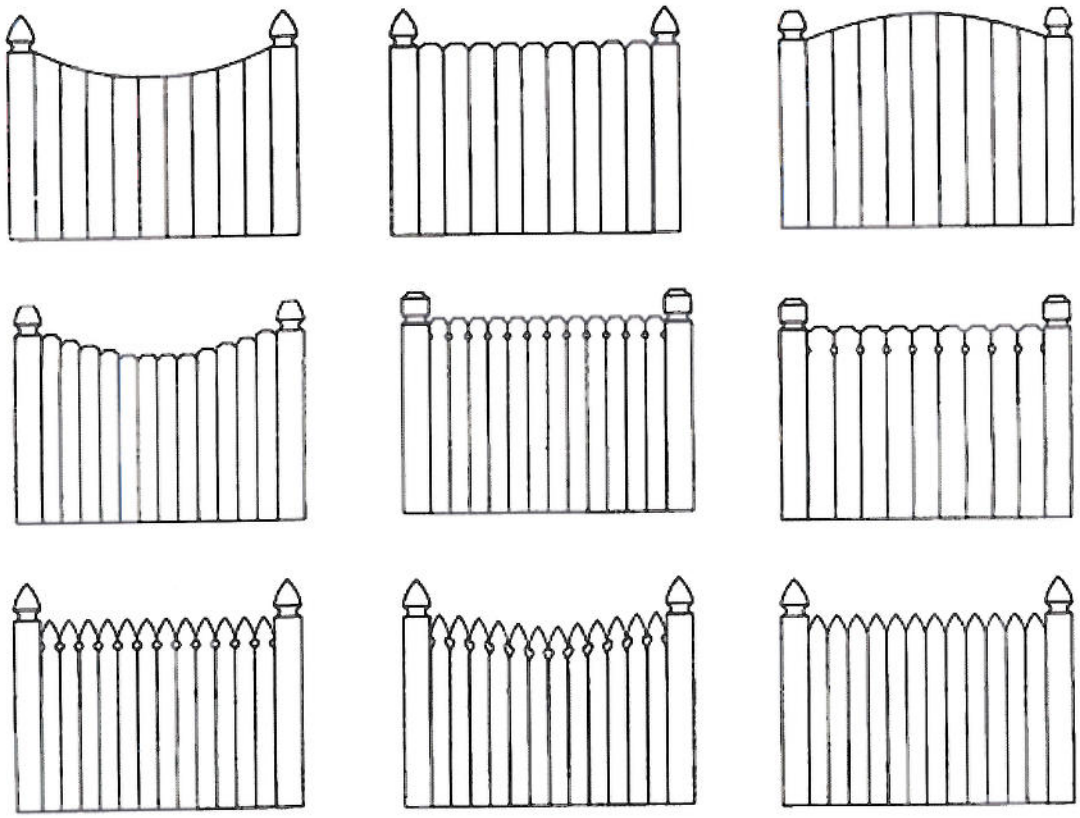
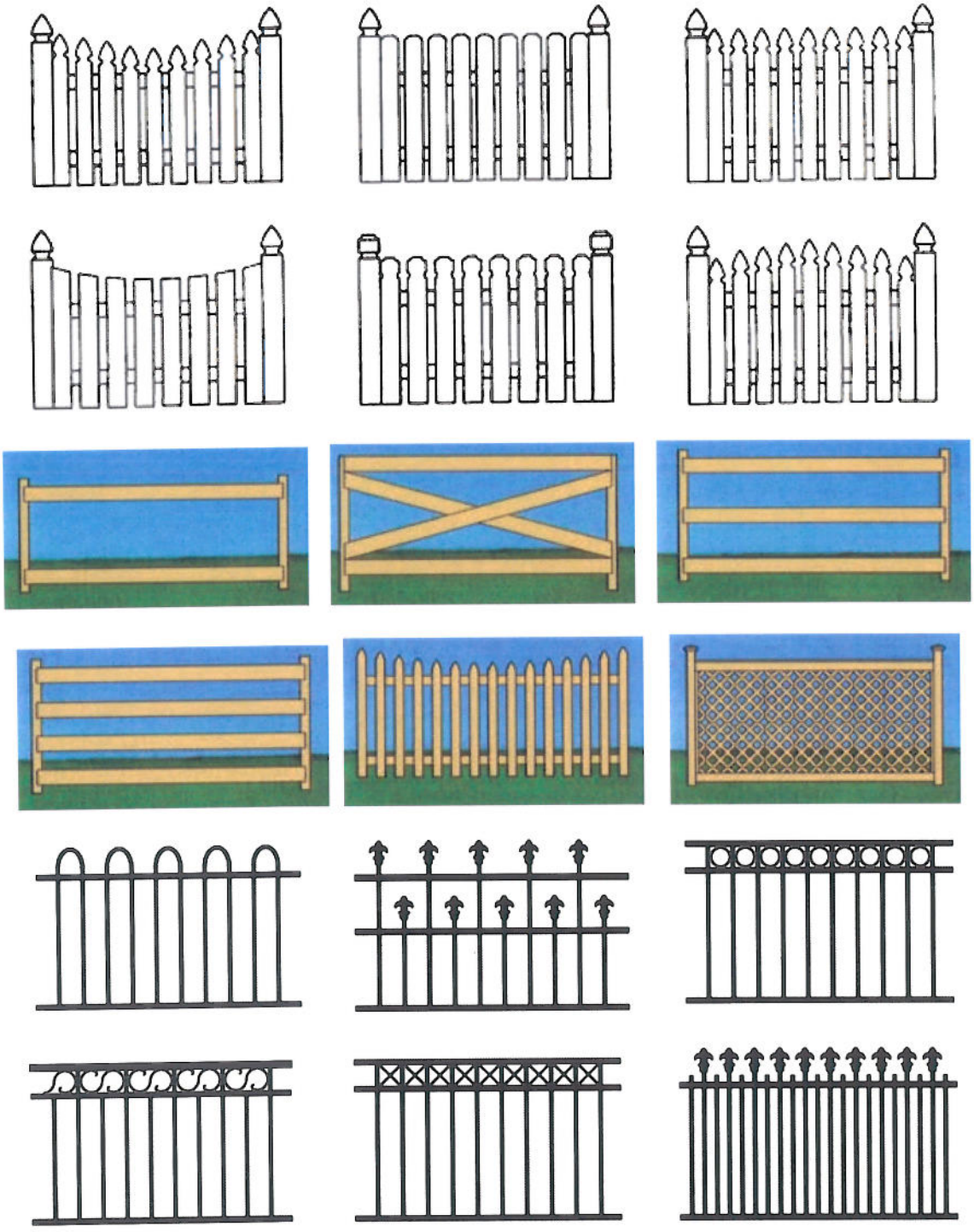


FIGURE 4.11.H.2. Fence Designs along Rights-of-Way.

Spaced Design Required if Over Four (4) Feet