

**ORDINANCE 2023-31 (A-23-10)**

**AMENDMENTS TO SECTION 23-703 IN CHAPTER 23 (ZONING) PERTAINING TO THE REGULATION OF INCREASING THE ALLOWABLE FENCE HEIGHT WITHIN SIDE AND REAR YARDS OF TRADITIONAL RESIDENTIAL ZONING DISTRICTS.**

**WHEREAS:** The Mayor and Council of the City of Doraville ("Council") are charged with the protection of the public health, safety, and welfare of the citizens of the City of Doraville; and

**WHEREAS:** The City has standards for the design, height, and material makeup of fences in residential and commercial areas of Doraville; and

**WHEREAS:** Council may from time to time consider amendments to these requirements based on frequent requests or issues from residents; and

**WHEREAS:** Council agreed that the fence height shall be increased from 6-feet to 8-feet within side and rear yards of residential districts, provide clarity on the term "wall," as well as clearly state where barbed wire, razor wire and electric fences are allowed within the city limits; and

**WHEREAS:** A duly noticed public hearing was held;

**NOW THEREFORE,** the Mayor and Council of the City of Doraville, Georgia hereby ordain:

**Section 1:** That Sec. 23-703 shall be amended to read as follows:

**Sec. 23-703. Fences, walls, and hedges, general rule.**

Fences, walls, hedges, and other continuous screenings shall be permitted in all zoning districts subject to the following limitations:

- (a) Except in districts allowing the construction of buildings or structures to the property line, there shall be provided an unobstructed view across the triangle formed by joining points measured twenty (20) feet distant along the property line from the intersection of two (2) streets or fifteen (15) feet along both the street and alley line from the intersection of a street and an alley. Within said triangle there shall be no sight obscuring wall, fence, or foliage higher than thirty (30) inches above grade or in the case of trees, foliage lower than eight (8) feet. Vertical measurement shall be made at the top of the curb on the street or alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way.
- (b) Heights of fences, walls, hedges, and other continuous screenings shall be measured from the adjacent top of the street curb, surface of an alley or the official established grade thereof, whichever is the higher. On inside lot lines the measurement shall be from the average grade of the lot line of the parcel or property having the lower elevation.
- (c) No fence or freestanding wall other than a retaining wall shall be more than eight (8) feet in height in a residential use or district in a side or rear yard. Fences located in required front yards shall not be located in the right-of-way, shall not be sight-obscuring, and shall have a maximum height of four (4) feet.

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- (d) In commercial, mixed use, or industrial zoning uses or districts, fences may not exceed eight (8) feet in height in the side or rear of the property, and may not be located in the front yards.
- (e) The City Council may recommend, or may direct as a condition for granting approval, that fences, walls, or plantings of a height in excess of these regulations be placed as shielding between different uses, between structures and the public rights-of-way, or between like uses upon agreement between the parties affected thereby, provided that no such approval shall have the effect of reducing corner visibility as provided for herein.
- (f) No barbed wire, razor wire, or electric fences shall be erected or maintained in any zoning district within the City except the M-1 and M-2 industrial zoning districts.
- (1) "Barbed wire" or "razor wire" fence shall include any wire fence which is outfitted with, or designed to incorporate wire barbs, prongs, razors, or other sharp or cutting projections along the wire portion of the fence.
- (2) "Electric fence" means a fence through which an electric current can be passed which is intended to produce an electric shock on contact.
- (g) Fence foundations and frames shall be on the interior facing of the fence only.
- (h) Fencing surrounding swimming pools shall be subject to the provisions of the International Swimming Pool and Spa Code, as adopted and amended by the State of Georgia.

**Section 2:** This Amendment shall become effective immediately upon its adoption by the City Council. This Amendment hereby repeals any and all conflicting ordinances and amendments.

September 18, 2023

October 16, 2023

**First Reading**

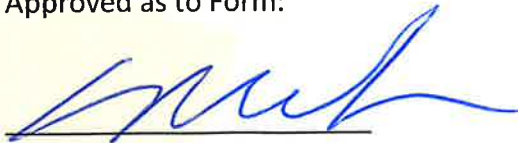
**Second Reading**

So effective this 16<sup>th</sup> day of October, 2023.

Approved by:

Approved as to Form:

  
\_\_\_\_\_  
Joseph Geierman, Mayor

  
\_\_\_\_\_  
Cecil McLendon, City Attorney

Attest:

  
\_\_\_\_\_  
Shanta Bingham, City Clerk

So signed and witnessed this 16<sup>th</sup> day of October, 2023

