

AN ORDINANCE

Amending, the Comprehensive Development Code of the City of Marietta.

NOW, THEREFORE BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: Division 710.04, Fences and walls, is hereby amended as follows:

710.04 Fences and walls

A. In all cases:

1. Except as otherwise provided, fences or walls shall not be constructed within 2 feet of a public right-of-way.
2. The finished side of a fence shall be to the exterior. For purposes of this section, the finished side of the fence shall be defined as the side of the fence that contains no visible support structures. Further, the following fences shall be considered as allowable exterior finishes:
 - a. Shadowbox fences (example shown below)
 - b. Dual sided fences with decorative elements on both side including, but not limited to, trim, post caps, and x-cross beams (example shown below)
3. Where allowed, chain link fences shall not be subject to regulations regarding the finished side of the fence.



Examples of the finished side of a fence



Examples of the unfinished side of a fence



Shadowbox fence



Dual sided fence with decorative elements

- B. In all zoning districts, decorative or ornamental fences or walls, as required by this ordinance, shall be constructed of durable materials such as wood, brick, stone, or wrought iron, or split rail; but shall not be constructed of exposed concrete block, or used or discarded material in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk or other similar items.
- C. The Director of Development Services is hereby authorized to grant administrative variances to the fence and wall materials, if they are similar in nature to those listed above.
- D. In all zoning districts, except LI, HI, and PID [see 710.04(E)]:
1. Fences or walls within the front yard of any parcel of land on a public/private street shall not exceed 4 feet in height and shall be ornamental or decorative in nature.
 2. Fences or walls within major side yards or within the rear yard of double frontage lots shall not exceed 6 feet in height and shall be ornamental or decorative in nature.
 3. In residentially zoned areas, a subdivision entrance, fence or wall along the right of way, which must be maintained by the owner or an established home owners association, shall not exceed eight (8) feet in height, shall be ornamental or decorative in nature, composed of high grade metal, wood, brick, stone or stucco, have columns (composed of only brick, stone or stucco) spaced no further apart than 40 feet and must be reviewed and approved by City staff prior to construction.
 4. In all other instances, fences and walls shall be no more than 8 feet in height.
- E. Fences or walls located in the front yard of any parcel of land located on arterial or collector streets on property zoned LI, HI, or PID shall have a maximum height of 6 feet and shall be ornamental or decorative in nature. In all other instances, fences and walls shall be no more than 8 feet in height.
- F. When this article requires a fence to be constructed, such fence shall be completed prior to occupancy of the primary use structure. Telecommunications towers are not subject to the requirements set forth in Section 710.04, but must meet all requirements listed in Section 712.07. Retaining walls are not subject to the requirements of Section 710.04. All properties must also be in accordance with Section 716.04.
- G. A fence equipped with or having barbed wire, spikes, or similar device, or electric charge shall not contain said devices within 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 20 inches above the height of the fence.
- H. All swimming pools shall be enclosed by a fence having a height of not less than 4 feet with a self-closing, self-latching gate unless otherwise approved by the Director of Development Services.

Section 2: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable and if any section, paragraph, sentence,

clause, or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

Section 3: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 4: This Ordinance shall be effective upon signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:



Rusty Roth
Director of Development Services

Approved as to Form:



Doug Haynie, City Attorney

Approved by City Council:

DATE: June 14, 2023

APPROVED:


R. Steve Tumlin, Mayor

ATTEST: 

Stephanie Guy, City Clerk