

CITY OF MORROW, GEORGIA

PREAMBLE AND FINDINGS

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA; TO AMEND APPENDIX A, ZONING ORDINANCE, ARTICLE VII, EXCEPTIONS, MODIFICATIONS AND ENCROACHMENTS, SECTION 703 FENCES AND HEDGES, GENERAL RULE; TO AMEND TITLE 8, PLANNING AND DEVELOPMENT, CHAPTER 6, SUBDIVISION REGULATIONS, SECTION 8-6-19, CONSTRUCTION AND PLACEMENT OF FENCES IN RESIDENTIALLY ZONED AREAS OF THE CITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the governing authority of the City of Morrow, Georgia (the "City") are the Mayor and Council thereof; and

WHEREAS, the City has determined that to serve the needs of the community certain amendments are needed in the Fence Ordinance; and

WHEREAS, the City has determined that such amendments to the Fence Ordinance will protect the development of both residential and commercial areas;

WHEREAS, these amendments are necessary to further the general health and welfare of the community; and

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF MORROW, GEORGIA:

Section One.

That Section 703 of Article VII of Appendix A of the Code of Ordinances of the City of Morrow, Georgia is hereby amended to read as follows:

"Section 703 Fences, general rule.

As used in this section, "fence" means any structure constructed or installed around a dwelling unit or a principal building to provide a barrier, either physical or visual, for the purpose of protecting property, providing for security and privacy, and properly containing activities on the property.

1. *Fences are permitted in certain zoning districts, subject to the following limitations:*
 - A. *A permit from the Department of Community Development is required to construct or install any proposed fences or repair an existing fence in all zoning districts.*
 - B. *Barbed, chicken or similar-type wire is not allowed in any zoning district, which can be viewed from a public or private right-of-way.*
 - C. *Painted chain link fences are prohibited from being constructed after the effective date of this amendment.*

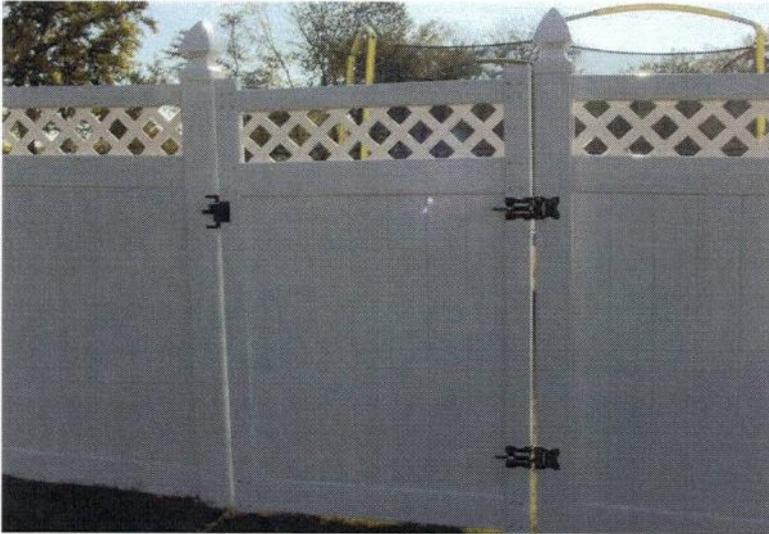
- D. *Fences shall not be installed within or allowed to encroach upon an undisturbed buffer.*
 - E. *Fences shall not be included when counting the total number of allowed accessory structures on a property.*
 - F. *A new fence may not be tied or attached to an existing fence for support, but must be installed with separate fence posts to ensure its ability to stand on its own. Fence posts shall be installed on the interior side of the fence, which is the side closest to the dwelling unit or principal building on the property containing the permitted proposed new fence.*
 - G. *Fences shall be installed within the property lines of the property containing the permitted proposed new fences.*
- 2. *Fences in districts zoned residential (RS-80 and other single-family & multi-family residential)***
- A. *All residential fences installed after the effective date of this amendment shall be constructed from the following materials. See Figure 703 (3).*
 - 1) *Wood materials shall be pressure-treated. Wood finishes may be natural unfinished, water-resistant sealant or stain. Wood planks shall be a minimum of five-eighths of an inch (5/8") thick.*
 - 2) *Vinyl coated chain link (dark brown, green or black)*
 - 3) *Vinyl or PVC Composite*
 - 4) *Aluminum*
 - 5) *Wrought Iron*
 - 6) *Split-rail fencing is only allowed on lots with a minimum of 3 acres*
 - 7) *Combination Masonry- Brick, Stone or Stucco with Wrought Iron*
 - B. *Chain link fences constructed before or after the effective date of this amendment must be properly maintained in good condition and free of damage, rust, or debris. In the event that an existing chain link fence needs repair or replacement, a permit must be obtained before any construction is to begin. The repair of an entire existing chain link fence is prohibited; however, a permit may be granted for the repair of a section of an existing chain link fence, provided such section is not greater than forty-nine percent (49%) percent in length of the total fence area.*
 - C. *All approved fence materials shall be allowed along all sections of a property in which fences are permitted to be constructed.*
 - D. *Fences on side and rear property lines may have a maximum height of eight feet (8').*
 - E. *Fences on corner lots shall be no closer than ten feet (10') from the curb of the bordering roadways to ensure easements and sidewalks are not impeded. Administrative variances may be obtained, subject to approval by the Department of Community Development. See Figure 703 (F).*
 - F. *Fences originating from anywhere between the front corner edges of the foundation of the dwelling unit and the rear property line, and extend perpendicular to the side property lines are permitted, and may have a maximum height of eight feet (8').*
 - G. *Fences shall not be installed beyond the front edge of the foundation of the dwelling unit, such that they approach the front property line abutting the street. See Figure 703 (G).*
 - H. *Vinyl coated chain link fences on corner lots shall be installed with shrubs to provide additional screening along public right-of-ways.*

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- I. Residential corner lots will be allowed front yard fencing with any approved fencing materials provided that the maximum height does not exceed four feet (4').
 - J. Homeowners Association written approval shall be required with submittal of fence permit application, if applicable.
3. **Fences in districts not zoned residential (commercial, manufacturing, and public institutional)**
- A. Fences and gates in districts zoned commercial or public institutional within the City of Morrow, which can be viewed from a public or private right-of-way, shall be constructed of masonry, wrought iron, or aluminum after the effective date of this amendment.
 - B. Fences and gates in districts zoned manufacturing shall be constructed of masonry, wrought iron, aluminum, or vinyl coated chain link after the effective date of this amendment. However, chain link fences shall have a vinyl coating of black, brown or green.
 - C. The design, type, and material used must be included with a landscape plan and shall be submitted to the Department of Community Development for approval prior to the installation or repair of any proposed fences.
 - D. In the event the city council approves any wooden fence in response to a formal Variance request, a water-sealing product or paint shall be applied annually to maintain its original appearance. All weathered and warped boards must be replaced and repaired as they become worn or damaged.
 - E. Fences may have a maximum height of eight feet (8').
 - F. Except for those in districts zoned manufacturing, fences shall not be installed beyond the front edge of the foundation of the principal building, such that they approach the front property line abutting the street."

Figure 703(3). Allowed fence materials

Vinyl/PVC



Wood-grain vinyl



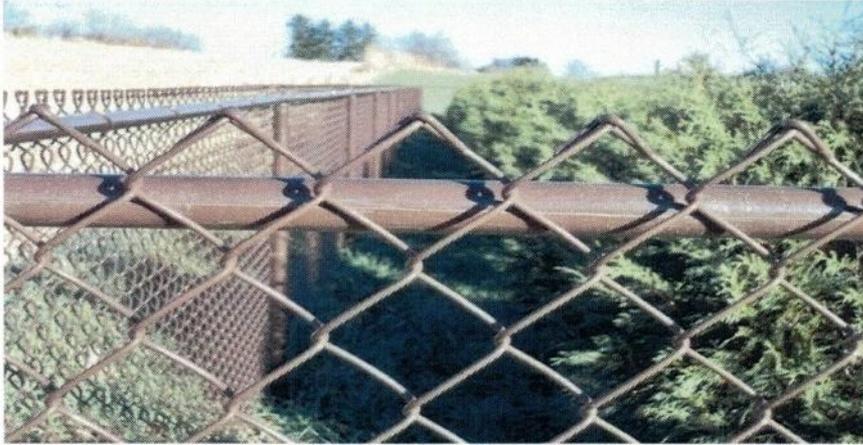
Wood with protective sealant



Wood (painted)



Vinyl coated chain link



Chain link (existing/repair only)



Wrought iron or aluminum



Figure 703 (F). Fence location for Corner Lots

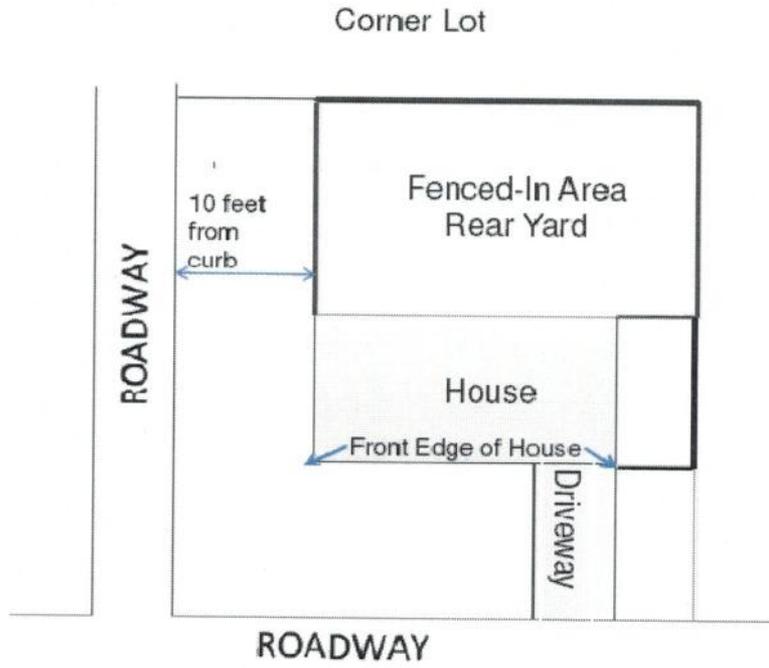
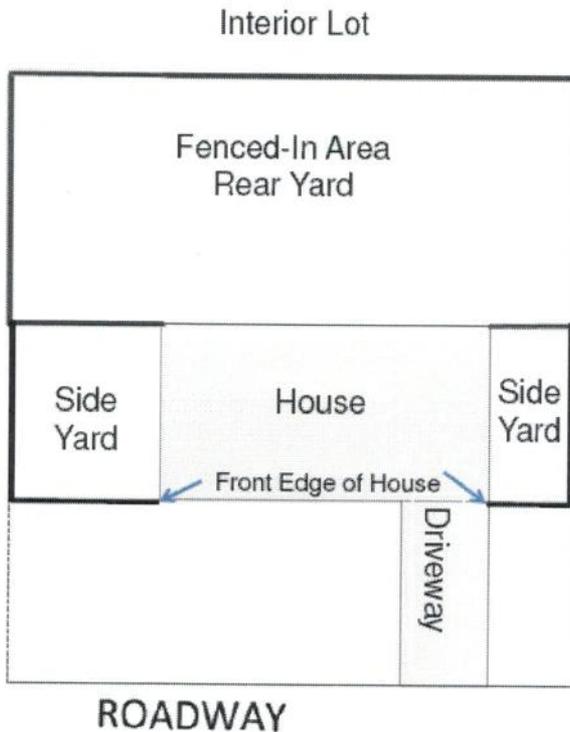


Figure 703 (G). Fence location for Interior Lots



Section Two.

That Section 19 of Chapter 6 of Title 8 of the Code of Ordinances of the City of Morrow, Georgia is hereby amended to read as follows:

"Sec. 8-6-19. Construction and placement of fences in areas of the city zoned residential.

Fences are structures as defined in the City Zoning Ordinance. Refer to Appendix A – ZONING ORDINANCE, ARTICLE VII. EXCEPTIONS, MODIFICATIONS AND ENCROACHMENTS, Section 703 Fences and hedges, general rule."

Section Three.

(a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent

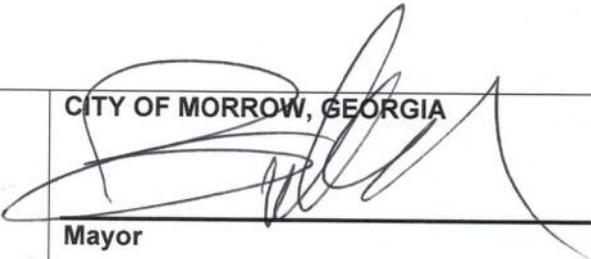
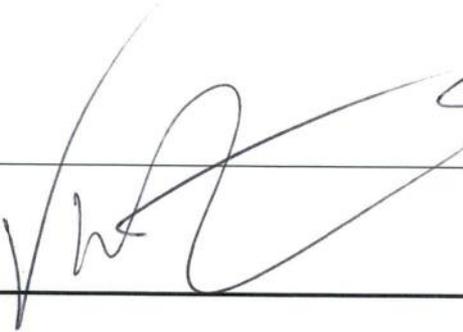
allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section Four. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Five. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this 12 day of August, 2014.

	CITY OF MORROW, GEORGIA 
	Mayor
ATTEST: 	AGREED AS TO FORM:
City Clerk	City Attorney

First reading: July 22, 2014

Second reading and adopted: August 12, 2014

