

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Comprehensive Land Development Resolution (CLDR) Amendment to Section 68-201
Definitions - Fence

DATE: October 7, 2022

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION:

☐ **STATUS REPORT**

ANNUAL- N/A

☐ **OTHER**

CAPITAL- N/A

COMMISSION ACTION REQUESTED ON: October 17, 2022 (First Reading)

November 21, 2022 (Second Reading)

PURPOSE: This is a Comprehensive Land Development Ordinance (CLDO) amendment further defining what materials may be used as a fence/fencing.

BACKGROUND / HISTORY:

1. The Planning and Development Department issued a warning to a property owner to remove a junk vehicle or shield it from public view. The property owner installed a fabric type fence.
 2. When the case eventually reached Magistrate Court, the Judge directed us to better define what constitutes a fence. In other words, define what materials a fence may be constructed of.
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FACTS AND ISSUES:

- a. Staff added wood, masonry, stone, wire, iron, or other materials approved by the department to the definition.
 - b. The Planning Commission wanted the finished board face to face outward from the property. We discussed it so the finished face is to the outside where we require the fencing as part of a screening requirement or buffers. I did not want my department to be involved in neighbor disputes where we must tell a neighbor to switch the fence face.
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OPTIONS:

1. Approval of the proposed amendment;
 2. Denial of proposed amendment;
 3. Commission defined alternative.
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RECOMMENDED SAMPLE MOTION: Motion to approve the Comprehensive Land Development Ordinance amendment to Section 68-201 Definitions as recommended by the Planning Commission.

DEPARTMENT:

Prepared by: Mike Beecham

Director _____

**ADMINISTRATIVE
COMMENTS:** _____

County Manager

DATE: _____

Fence: A structural barrier for enclosure, screening or demarcation, composed of wood, masonry, stone, wire, iron, or other materials approved by the department but not including hedges, shrubs, trees, or other natural growth, presenting a solid face or having openings amongst or between its constituents' members; also a wall separate from or extending from a building. When fencing is required for the purposes of screening a use from view, the finished side of the fence shall face to the outside of the property.