

Fence Permit Application

City of Decatur, Planning & Development Department
402 Lee Street
Decatur, AL 35601
(256) 341-4720 / planning@decatur-al.gov



This is not a permit. Application must be submitted and approved prior to constructing fence.

Location of Subject Property: _____

Name of Applicant(s): _____ Phone: _____

Address: _____ Email: _____

Name of Owner(s): _____ Phone: _____

Address: _____ Email: _____

The applicant will be the point of contact for all communication with city staff

Complete this section if you are the contractor or will be hiring a contractor to install your fence

Name of Contractor: _____ Phone: _____

Address: _____ Email: _____

Decatur Business License #: _____ Alabama General Contractor License #: _____

Current Zoning: _____ Current Use of Property: _____

Review the Decatur Zoning Ordinance for Fence Regulations

Residential Fences (general guidelines, check zoning ordinance for complete)

- In rear and side yards, may not exceed 6 feet
- Forward of the front building line, may not exceed 4 feet and may not be opaque (i.e. not solid)

Nonresidential Fences (general guidelines, check zoning ordinance for complete)

- May not exceed 8 feet

A site plan must be attached to this application which shows property lines, existing structures, easements, proposed fence location, and dimensions.

Height of Proposed Fence: _____ ft.

Describe the type or materials of the fence (e.g. wood, chain link, etc.): _____

All items must be marked as included or understood:

_____ Site Plan

_____ I understand that I am responsible for being aware of and complying with any private covenants, conditions, or restrictions that apply to my property

_____ Certificate of Appropriateness, if located in Historic District

_____ Fee

I have read the above statements and warrant in good faith that I understand and will comply, and that the information submitted is true and correct.

Applicant Signature: _____ **Date:** ____ / ____ / ____

-Office Use Only-

Confirm Zoning: Yes No

Historic District: Yes No

Flood Hazard Area: Yes No

Easements: Yes No

Planning Approval _____

Date: _____

Date Received: _____

SECTION 25-5.5. FENCE AND WALL STANDARDS

Sec. 25-5.5.1. Purpose and Intent

The purpose and intent of this Section is to regulate the location, height, and appearance of fences and walls to:

- (a) Maintain visual harmony within neighborhoods and throughout the City;
- (b) Protect adjacent lands from the indiscriminate placement and unsightliness of fences and walls;
- (c) Ensure the safety, security, and privacy of land; and
- (d) Ensure that fences and walls are subject to timely maintenance, as needed.

Sec. 25-5.5.2. Applicability

(a) General

Unless exempted by subsection (b) below, any construction or replacement of fences or walls shall comply with the standards in this section.

(b) Exemption

- (1) The following fences and walls are exempt from the standards of this section:
 - (i) Fences and walls required for support of a principal or accessory structure;
 - (ii) Temporary fences and barricades around construction sites;
 - (iii) Fences for tree protection (temporary and permanent);
 - (iv) Landscaping berms installed without fences;
 - (v) Noise attenuation walls installed by a public entity along a public roadway;
 - (vi) Fences and walls necessary for soil erosion and control;
 - (vii) Fences at parks and schools, where such uses are operated by public entities;
 - (viii) Specialized fences used for protecting livestock or for other similar agricultural functions if part of a use in the Agricultural/Rural use classification; and
 - (ix) Fences and walls exempt from permitting by the Building Code.
- (2) Retaining walls are exempt from all standards in this section.

(c) Timing of Review

Review for compliance with the standards of this section shall occur during review of applications for a planned development district (see Sec. 25-2.4.3), special exception permit (see Sec. 25-2.4.4), or a site plan (major or minor) (see Sec. 25-2.4.5), as appropriate.

Sec. 25-5.5.3. General Location Standards

- (a) Fences and walls shall be located outside of the public right-of-way.
- (b) Fences and walls are allowed on the property line between two or more lots of land held in private ownership.
- (c) Fences and walls may be located within any minimum setback.
- (d) Fences located within utility easements shall receive written authorization from the easement holder or the City, as applicable. The City shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access utility easements or facilities.
- (e) Fences and walls shall not be located where they would block or divert a natural drainage flow onto or off of any land. Nothing in this section shall be construed to prevent the installation of temporary fencing to protect existing trees, limit sedimentation, or control erosion.
- (f) Fences and walls shall not be located where they would prevent immediate view of, or access to, fire hydrants or other fire-fighting water supply devices, in accordance with the City's adopted Fire Code (see Chapter 11 of the City Code);
- (g) Fences and walls shall not be located in a visibility triangle; and
- (h) Fences and Walls shall not block required access to a building from a window or door.

Sec. 25-5.5.4. Height

(a) General

- (1) A fence or wall located in a minimum setback shall comply with the height standards in Table 25-5.5.4: Maximum Fence or Wall Height.

TABLE 25-5.5.4: MAXIMUM FENCE OR WALL HEIGHT

YARD WHERE LOCATED	INDUSTRIAL DISTRICTS (FEET)	ALL OTHER DISTRICTS (FEET)
Front Yard	6	4
Side yard adjacent to a street	8	6
Rear or side yard not adjacent to a street	8	6

(b) Exceptions

- (1) Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility shall be exempt from the height standards in this section.

Fences of up to ten feet in height are allowed in front, side, and rear yards at major utilities, wireless telecommunications facility, government building, and other public safety uses. Heights may be increased further through an approved security exemption plan (see Sec. 25-5.5.9, Security Exemption Plan).

- (2) Fences and walls up to eight feet in height are allowed for community gardens.
- (3) Fences and walls up to eight feet in height are allowed to screen service and loading areas, if the fence or wall complies with the setback requirements for the associated building.
- (4) Supporting columns or posts may be taller than the maximum allowed height for the fence or wall, if they do not extend more than 18 inches above the top of the fence or wall.

Sec. 25-5.5.5. Materials

(a) General Materials

Unless otherwise specified in subsection (b) below, fences and walls shall be constructed of any one or more of the following materials:

- (1) Masonry, concrete, or stone;
- (2) Painted wood, pressure treated wood, or rot-resistant wood such as cedar, cypress, or teak;
- (3) Metal (ornamental iron, wrought iron, welded steel and/or electro-statically plated black aluminum);
- (4) Vinyl;
- (5) Composite materials designed to appear as wood, metal, or masonry;
- (6) Walls clad with substrate material intended to support living vegetation;
- (7) Chain link

(b) Prohibited Materials

The following fence types or materials are prohibited:

- (1) Barbed and/or razor wire, unless approved as part of a security exemption plan in accordance with Sec. 25-5.5.9, Security Exemption Plan, on land with an agricultural use, or on land used for installation and operation of high-voltage equipment at substations for electrical generation, transmission, and distribution in connection with providing public utility service in the City by a regulated public utility;
- (2) Fences constructed of chicken wire, corrugated metal, fabric materials, fiberboard, garage door panels, plywood, rolled plastic, sheet metal, debris, junk, or waste materials, unless such materials are recycled and reprocessed for marketing to the general public as building materials designed to resemble new building materials (e.g., picket fencing made from recycled plastic and fiber);
- (3) Above ground fences that carry electrical current, except as used for the purposes of enclosing livestock or domestic animals in the AG and RS-E Districts (this shall not prohibit below-ground electrical fences intended for the keeping of pets).

Sec. 25-5.5.6. Appearance

(a) Finished Side to Outside

Wherever a fence or wall is installed, if one side of the fence or wall appears more “finished” than the other (e.g., one side of a fence has visible support framing and the other does not, or one side of a wall has a textured surface and the other does not), then the more “finished” side of the fence shall face the exterior of the lot rather than the interior of the lot. See Figure 25-5.5.6: Fence with Finished Side Out.

Figure 25-5.5.6: Fence with Finished Side Out



Sec. 25-5.5.7. Construction

Fences and walls shall comply with all applicable Building Code requirements.

Sec. 25-5.5.8. Gates

All unattended gates and gates opening onto a public sidewalk area shall be self-closing, self-latching, and locked when not in use.