

CITY OF ROLLINGWOOD, TEXAS

ORDINANCE NO. 2012-10-17 (A)

AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, PROVIDING FOR AMENDMENTS TO THE CITY'S CODE OF ORDINANCES TO ALLOW CERTAIN FRONT YARD FENCES ON RESIDENTIAL PROPERTY; TERMINATING EXISTING MORATORIA PROHIBITING OR RESTRICTING SUCH FENCES; PROVIDING FOR A PENALTY FOR A VIOLATION; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds that there is confusion as to the interpretation of the City's current regulations applicable to the construction or installation of fences in the front yards of lots and properties in the City zoned and used for residential purposes;

WHEREAS, the City Council has referred the regulation of such fences to the City's Planning and Zoning Commission for recommendations for clarification, for whether and when a building permit ought to be required for such fencing, and for whether and when to regulate the location of and materials used for such fencing;

WHEREAS, the Planning and Zoning Commission has provided recommendations to the City Council for the regulation of fences to be located in the front yards of properties zoned and used for residential purposes;

WHEREAS, the City Council finds that such fencing may impact visibility for motorists, access for emergency services responders, and the safety of children residing in residential areas; and

WHEREAS, the City Council finds that fencing located in front yards can have a substantial effect on the aesthetics and the open and welcoming look of the City's residential neighborhoods; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD, TEXAS:

SECTION 1. Section 14.02.051 of the City's Code of Ordinances ("Code") is amended to add the following terms and definitions therefor to be organized in alphabetical order with the other definitions provided in such section:

Fence. A fixed-in-place physical barrier, including a wall, that wholly or partially encloses, screens, separates, or establishes a border for a portion of real property (e.g. yard or field) and is commonly used to control access, to confine, or to mark a boundary. Unless otherwise specifically provided, the definition of "Fence" shall not include temporary barriers including, but not limited to, silt fencing or other erosion controls, or temporary construction barriers.

Front-yard fence. Front-yard fence: That portion of a fence that extends beyond the front foundation line of the primary residential structure located on the property toward the front building setback line (or for unplatted property, toward the street from which the front building setback line would be measured). In the case of undeveloped property, a front-yard fence is: (i) the portion of a fence located closer to a street fronting the property than the front setback line of a platted lot; or (ii) for an unplatted property, the portion of a fence located closer to a street than the front setback line that would be required by this Code if the property were being platted pursuant to the regulations of this Code at the time of installation of such fence.

Gate. A movable door or obstruction that closes an opening in a wall, fence, or other barrier.

Wall. A masonry structure enclosing real property (e.g. a yard or field).

SECTION 2. Code Section 14.02.125 is amended to provide as follows:

Sec. 14.02.125 Fences

- (a) Except as otherwise provided in this Section, no front-yard fence may be erected or maintained.
- (b) A front-yard fence complying with the criteria provided in this subsection (b) is allowed on property in a Residential Zoning District. The following criteria shall apply to such a fence:
 - (i) The height shall not exceed three (3) feet measured perpendicular from the adjacent finish grade;
 - (ii) Piers or posts may exceed the maximum height and fencing adjacent to the pier or post by four (4) inches;
 - (iii) On sloped lots, to accommodate variations in elevation of the ground beneath a fence segment between two piers or posts, a fence may exceed the maximum height by up to six (6) inches, provided that the average height of such fence segment does not exceed the maximum height;
 - (iv) The fence shall be constructed of such materials and/or in a manner to allow for an average of 80% visibility through the fence;
 - (v) All fence components shall be a minimum of fifteen (15) feet from the any curb, or edge of the street pavement where there is no curb;
 - (vi) The fence shall have columns, posts, or supports that are metal, brick, rock, stone, or wood;
 - (vii) If only one side of the fence is stained wood or other finished material, the finished side shall face away from the interior of the property; if support components are provided on only one side of the fence, such support components shall be on the side facing the interior of the property;
 - (viii) If a fence crosses a driveway or means of vehicular access to the property, the fence and any gate shall be located so that entering vehicles will be completely off the street when stopped for the gate to open, and such gate shall open parallel to or away from the street;
 - (ix) No chain link, barbed wire, or electrified fences shall be installed or maintained;

(x) No fence, including decorative or ornamental fence tops, shall be designed to include or be constructed of barbed wire, broken glass or any exposed sharp or pointed materials that may penetrate or impale persons or animals.

(c) On a corner lot, a fence may be erected and maintained in a side yard adjacent to a street, but may be located no closer than fifteen (15) feet from: (i) the edge of the street curb closest to the property, if the street has a curb; or (ii) the edge of the street pavement, if there is no curb.

(d) If a fence along the side or rear of a lot or property is erected to the property line, adequate access to utility lines and meters shall be provided.

(e) In no event may a fence be erected or maintained in or upon a city right-of-way or public right-of-way, except when installed by the city or its agents for municipal purposes.

(f) All fences shall be maintained in good condition.

SECTION 3. A caption that summarizes the purpose of this Ordinance and the penalty for violating this Ordinance shall be published as provided by Tex. Loc. Gov't Code § 52.011.

SECTION 4. This Ordinance shall be effective immediately upon adoption, and all prior moratoria prohibiting or restricting front yard fences on residential property are hereby terminated.

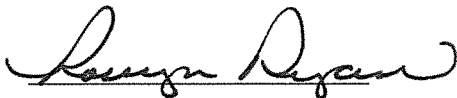
SECTION 5. If any provision of this Ordinance is found by a court of competent jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed as though it never formed a part of this Ordinance, and all other provisions hereof shall remain in full force and effect.

PASSED AND APPROVED BY THE CITY COUNCIL OF ROLLINGWOOD, TEXAS, on the 17th day of October, 2012.



Barry Bone, Mayor

ATTEST:



Robyn Ryan, City Secretary