

## CITY OF FOREST HILL

### ORDINANCE NO. 2010-05-009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOREST HILL, TEXAS, AMENDING SECTION 10.602, FENCES, OF CHAPTER X, SPECIAL DEVELOPMENT CONTROLS, OF THE FOREST HILL COMPREHENSIVE ZONING ORDINANCE; ESTABLISHING PERMIT REQUIREMENTS; ESTABLISHING RESTRICTIONS ON FENCES ON PUBLIC PROPERTY; ESTABLISHING LOCATION AND HEIGHT RESTRICTIONS; ESTABLISHING APPROVED FENCING MATERIALS; ESTABLISHING SWIMMING POOL FENCE REQUIREMENTS; ESTABLISHING SECURITY FENCE REQUIREMENTS; ESTABLISHING REQUIREMENTS FOR FENCE MAINTENANCE; ESTABLISHING FENCE RESTRICTIONS; ESTABLISHING SHEET METAL AND SALVAGE YARD FENCING REQUIREMENTS; ESTABLISHING REQUIREMENTS FOR DILAPIDATED FENCE REQUIREMENTS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, fence requirements are located in the Section 10.602, Chapter X of the City's Zoning Ordinance No. 820; and

WHEREAS, the City Council has received the recommendation of the Planning and Zoning Commission concerning the matters herein dealt with, which recommendations were made after the holding of a public hearing before said Commission on such matters; and

WHEREAS, notice has been published of the time and place of a public hearing held before the City Council concerning the changes herein made; which public hearing has been duly held; and

WHEREAS, the City Council of the City of Forest Hill, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Forest Hill, Texas ("Forest Hill") to adopt this ordinance regulating the requirements for fences within the City of Forest Hill; and

WHEREAS, the City Council of the City of Forest Hill, Texas has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens of the City that the Comprehensive Zoning Ordinance provisions relative to fencing requirements, be established as hereinafter stated.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FOREST HILL, TEXAS THAT:

SECTION 1: LEGISLATIVE FINDINGS: All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of the Zoning Ordinance as if copied in their entirety.

SECTION 2: Section 10.602, Chapter X, "Special Development Controls" of the City of Forest Hill Comprehensive Zoning Ordinances is hereby amended to hereinafter read as follows:

10.602 Fence Requirements and Prohibitions.

- a. Permit: A fence permit shall be required to erect or replace a fence over two and one half feet in height, but not to repair an existing one. The following shall be submitted for a fence permit to be issued:
  1. Building Permit Application
  2. Two (2) site plans showing the location of the fence and any and all easements on the property
  3. Description of materials to be used
  
- b. Public Property: A fence or any part of a fence shall not be constructed upon or allowed to protrude over a property line or lot line. All fences must be maintained so as not to overhang or interfere with public property.
  
- c. Location & Height Restrictions: No fence shall be constructed at a height exceeding the following:
  1. Rear Yard: No fence shall be constructed at a height exceeding eight (8) feet along the rear yard or alley line.
  2. Front Yard: No fence shall be constructed at a height exceeding four (4) feet along the front building line to the parkway or parallel with the street line.
    - a) All stockade or picket fences which do not maintain fifty (50%) percent visibility are prohibited in the front yard.
    - b) No fence shall be permitted to be closer than ten (10) feet from the curb or the front property line, whichever is more restrictive.
  3. No fence shall be located within any easement except by prior written approval of those agencies having interest in such easement
  4. Side Yard: No fence shall be constructed at a height exceeding eight (8) feet on any side yard line up to the building line of the property.
  5. Decorative Ornamental Iron Fencing may be constructed up to six (6) feet in height only on lots exceeding one acre in area between the front building line and the front property line. No fence shall be constructed which does not have at least seventy-five (75%) percent visibility or which interferes with traffic line of sight.

- d. Approved Fencing Materials: Fences shall be constructed of wooden fence panels, vinyl, masonry, wrought iron, decorative metal, and chain link. Any other type of material will require approval from the Building Official when submitting the permit application. All fences constructed within the City shall only be constructed with metal vertical posts that are cemented into the ground.
- e. Swimming Pool Fence Regulations:
1. Fence must be a minimum of four (4) feet in height.
  2. Gates must have a self-closing, self-latching device located in the upper quarter of all gates.
  3. Fence shall not have an opening greater than four (4) inches in any direction.
  4. A separate fence permit must be obtained from the swimming pool permit.
- f. Security Fences: For all properties that are zoned for commercial use or on public property which requires protection from vandalism may construct a fence with barbed wire arms extending outward. No such barbed wire arm shall extend outward over the property line. Fence arms with barbed wire shall not be allowed on fences that are less than six (6) feet in height.
- g. Fence Maintenance: All fences shall comply and be maintained in accordance with all the requirements of this ordinance at all times.
1. Fences shall not be more than twenty (20%) percent out of vertical alignment.
  2. Damaged, removed, or missing portions of a fence shall be replaced or repaired with comparable materials to the remaining portion.
  3. The owner of any fence, existing or new, shall be responsible for the removal of any and all graffiti.
  4. Any and all vegetation shall be kept clear of fences and shall not be allowed to grow into a fence.
- h. Fence Restrictions:
1. Obstructions prohibited. No fence, screen, free standing wall or other visual barrier shall be so located or placed that it obstructs the vision of a motor vehicle driver approaching any street, alley, or drive intersection. All fences constructed at street intersections shall maintain a twenty-five (25) feet visual barrier from the property corner along the street line.
  2. Barbed Wire Fences prohibited. Fences shall not be constructed of barbed wire and walls shall not be topped with broken glass or surfaced with any like material.
  3. Electrical Fences prohibited. No fence shall be electronically charged in any form or fashion.

- i. Sheet Metal and Salvage Yard Fencing:
  - 1. All sheet metal fence applications shall require plans designed by a registered architect or engineer and the wind load shall be determined by said architect or engineer.
  - 2. No sheet metal fences shall be constructed on properties within residential zoning areas.
  - 3. All fences for salvage yards must be constructed to allow no visibility from public and private properties.
  
- j. Dilapidated Fences: Should a fence be deemed dilapidated or substandard by the Code Enforcement Officer, then the following shall occur:
  - 1. A notice shall be served to the property owner informing of the fence violation.
  - 2. Should the violations not be corrected by the owner within a thirty (30) day time period, the City may remove the fence at its own expense and the cost shall be charged against the land and become a personal obligation of the owner.

SECTION 3: Any person, firm or corporation violating any of the provisions of this Ordinance as read together with the Comprehensive Zoning Ordinance and accompanying map thereto shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed two thousand dollars (\$2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.

SECTION 4: The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

AND IT IS SO ORDERED.

PASSED AND ADOPTED by the City Council of the City of Forest Hill, Texas on the 17<sup>th</sup> day of August, 2010.

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James Gosey, Mayor

ATTEST:

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Grace Edwards, Interim City Secretary

Approved as to form:

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Warren Spencer, City Attorney