

**ORDINANCE NO. 762**

**AN ORDINANCE AMENDING CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF HILSHIRE VILLAGE, TEXAS, BY AMENDING THE DEFINITION OF “FENCE” AND SECTION 11:11 REGULATING FENCES IN RESIDENTIAL DISTRICTS, OF EXHIBIT “A”, ZONING ORDINANCE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH OCCURRENCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, City Council, acting as the City’s Zoning Commission, provided a preliminary report as required by Section 211.007 of the Texas Local Government Code, on May 15, 2018; and

**WHEREAS**, a public hearing on this preliminary report at which parties in interest and citizens had an opportunity to be heard was held before the City Council, acting as the Zoning Commission, on May 15, 2018; and

**WHEREAS**, City Council, acting as the City’s Zoning Commission, provided a final report on this change in zoning regulations; and

**WHEREAS**, a public hearing on this final report was held by City Council on June 19, 2018; and

**WHEREAS**, before the 15th day before the date of the public hearing on the final report, notice of the time and place of the hearing was published in a newspaper of general circulation in Hilshire Village;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HILSHIRE VILLAGE, TEXAS THAT:**

Section 1. Definition 02:F-02 of Section 02:00, Zoning Ordinance Definitions, of Exhibit “A”, Zoning Ordinance, to Chapter 12, Planning and Zoning, of the City of Hilshire Village Code of Ordinances, is amended to read as follows:

“02:F-02 Fence: The term "fence" as used in this chapter shall mean any constructed barrier in a yard or courtyard.”

Section 2. Section 11:11, Fence, of Exhibit “A”, Zoning Ordinance, to Chapter 12, Planning and Zoning, of the City of Hilshire Village Code of Ordinances, is amended to read as follows:

“11:11 FENCE

11.11.01 Location: A newly-constructed lot front fence in residential districts R-1, R-2, R-3 or R-4, shall terminate into the side of the main building. A lot front fence shall not be constructed in front of the outermost front corner of either side of the main building and shall not be constructed across the front of the main building. If a lot has no main building, then a lot front fence may be constructed on or behind, but not forward of, the front building line or front setback line. The foregoing limitations shall not apply:

1. to hardscape features such as stone walls that do not enclose the front yard and are not taller than eighteen inches (18”) in height,
2. to a fence of visually open material, such as wrought iron, galvanized welded wire, or wood lattice, that is not more than thirty-six inches (36”) in height and is part of an unenclosed and uncovered area, such as but not limited to a front porch or courtyard,
3. if the lot front is on Wirt Road or Westview Drive.

A fence constructed on the side of a property that abuts a Street shall be placed no closer to the Street than the side setback line of the lot. This limitation shall not apply if the side Street is Wirt Road or Westview Drive.

The foregoing limitations shall not apply to a fence erected in connection with a construction permit or as part of a construction jobsite; such fences shall be governed by article 3.608 of the City’s Code of Ordinances.

No fence shall be constructed on a lot which is in conflict with Section 40.03 INTERSECTION LINE OF SIGHT.

11.11.02 Height: A fence shall not be over eight (8) feet in height.

11.11.03 Material: A fence may be constructed of material such as but not limited to ornamental metal, galvanized welded wire, chain link, masonry, or wood. A fence shall not be constructed of barbed or electrified wire, nor shall a permanent fence be constructed of portable sections or plastic or other types of temporary materials, such as but not limited to construction site protective fencing.

11.11.04 Removal of Temporary Fences: Construction site protective fencing shall be removed when the construction permit expires. A fence that is not intended to be permanent shall be removed within three (3) months.”

Section 3. Any person, firm, partnership, association, corporation, company, or organization of any kind who or which intentionally, knowingly, recklessly, or with criminal negligence violates any of the provisions of this Comprehensive Zoning Ordinance shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in an amount not to exceed two thousand dollars (\$2,000). Each day during which such violation shall exist or occur shall constitute a separate offense. The owner or owners of any property or of premises where any violation of this Comprehensive Zoning Ordinance shall occur, and any agent, contractor, builder,

architect, person, or corporation who shall assist in the commission of such offense shall be guilty of a separate offense, and, upon conviction thereof, shall be punished as above provided.

Section 4. This ordinance is intended to be cumulative and shall not repeal any previous ordinance except to the extent that any provision of such ordinance is inconsistent and cannot be reconciled with any provision contained herein.

Section 5. In case any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this ordinance, or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by any court of competent jurisdiction, the same shall not affect, impair, or invalidate this ordinance as a whole or any part or provision thereof other than the part so declared to be invalid or unconstitutional, and the City Council of the City of Hilshire Village, Texas, hereby declares that it would have passed each and every part of the same notwithstanding the omission of any such part so declared to be Invalid or unconstitutional, or whether there be one or more such parts. Furthermore, if any portion or portions hereof be so held to be invalid or unconstitutional, then the corresponding portion of the Zoning Ordinance adopted by the City of Hilshire Village, Texas, shall continue to be effective.

Section 6. This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with Section 52.011 of the Texas Local Government Code.

PASSED, APPROVED, AND ADOPTED this 15<sup>th</sup> day of June, 2018.

\_\_\_\_\_  
Russell Herron, Mayor

ATTEST:

\_\_\_\_\_  
Susan Blevins, City Secretary