

ORDINANCE NO. 2020 6 9

AN ORDINANCE OF THE CITY OF ANNETTA SOUTH PROVIDING FOR THE MINIMUM FENCE CONSTRUCTION STANDARDS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Annetta South is a Type A general law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, currently, the City of Annetta South does not regulated the construction of fences; and

WHEREAS, the City of Annetta South deems it necessary and appropriate to provide standards for and implement regulations governing the construction and maintenance of fences constructed in the City; and

WHEREAS, the City Council of Annetta South has determined it is in the best interests of the public's health, safety, and general welfare that this ordinance be passed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNETTA SOUTH, TEXAS, THAT;

**SECTION 1.
APPLICATION FOR PERMIT TO CONSTRUCT**

- A) Applicability.** This section shall be applicable to all new fence construction or where fifty (50) linear feet or more of an existing fence over thirty (30) inches in height requires replacement.
- B) It shall be unlawful for any person to construct or have constructed a fence without first obtaining a permit from the City. This requirement applies to:**
 - 1) All new construction where the fence is over thirty (30) inches in height; or
 - 2) All or existing fence construction where fifty (50) linear feet or more of an existing fence over thirty (30) inches in height requires replacement.
- C) Where fence replacements are of the same fence material, pattern, color, appearance, height, and location as the existing fence:**

- 1) A permit shall not be required to replace less than fifty (50) linear feet of any given fence segment.
 - 2) Multiple fence segments may be replaced without a permit as long as the aggregate distance of fencing being replaced is less than fifty (50) linear feet within any two-year period.
- C. To obtain a permit, the City Development Application shall be completed and submitted, along with the required permit application fee, providing all of the following:
- 1) All required information listed on the application.
 - 2) A scalable site plan of the entire property showing the location of the fence relative to the closest property line(s) and any existing improvements (structures). In Agricultural District (A), (minimum lot size of five acres) a survey plat of the lot property line locating and showing any fence proposed to be located on or within three (3) lineal feet of that lot property line shall also be provided.
 - 3) All minimum construction standard information proposed to be incorporated in the proposed fence construction.
- D. All permit applications shall be reviewed by an authorized agent of the City of Annetta South at the requestor's expense prior to submission to the City Council.
- E. The permit application fee shall be as provided from time to time by resolution or by ordinance of the City of Annetta South City Council.

**SECTION 2.
MINIMUM FENCE CONSTRUCTION STANDARDS**

- A. No fence or fence appurtenance location shall divert, change, impede, or block the existing flow of stormwater runoff in a manner that results in a change in the stormwater flow onto property that is not owned by the permit holder.
- B. No fence or fence appurtenance location shall divert, change, impede, or block the existing or natural flow of stormwater runoff within an easement or a drainage facility.
- C. Sight Visibility – No fence or fence appurtenance shall cause visibility obstructions and/or blind corners at road intersections. At an intersection, a triangular visibility area, as described below, shall be created. Fencing within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between thirty (30) inches

above ground level and eight (8) feet above ground level. The Triangular Visibility Area shall be:

- 1) The areas of property located at a corner formed by the intersection of two or more public rights-of-way (or formed by a private driveway onto a public right-of-way) shall have a triangular visibility area with:
 - a) two sides of each triangle being a minimum of twenty-five (25) feet in length along the right-of-way lines (or along the driveway curb line and the public right-of-way line) from the point of intersection
 - b) the third side being a line connecting the ends of the other two sides.

D. Single Family -1 District (SF-1); Minimum Lot Size of Two Acres

- 1) Fence Height shall not exceed eight (8) feet
- 2) Fence Location
Any fence shall be set back from the lot property line as follows:
 - a) Front yard: Fifteen (15) linear feet
 - b) Side Yard abutting adjacent lot: no requirement
 - c) Side Yard abutting public road: Fifteen (15) linear feet
 - d) Rear Yard: no requirement
 - e) Vehicle Access Gates: Gates designed for vehicular access shall be set back from the lot property line a minimum of twenty (20) feet
- 3) Fence Materials
 - a) Any fence shall be constructed of masonry, wrought iron, cedar wood, treated pine, chain link, woven wire mesh or vinyl materials that produce a similar appearance.
 - b) Fence posts shall be minimum sixteen (16) gauge metal, and include metal caps, and shall be placed in concrete footings.
 - c) Barbed wire or electrical fencing shall be prohibited, except as used for farm or ranching purposes.

E. Agricultural District (A); Minimum Lot Size of Five Acres

- 1) Fence Height: no requirement
- 2) Fence Location
Any fence shall be set back from the lot property line as follows:
 - a) Front yard: no requirement
 - b) Side Yard abutting adjacent lot: no requirement
 - c) Side Yard abutting public road: no requirement
 - d) Rear Yard: no requirement

- e) **Vehicle Access Gates:** Gates designed for vehicular access shall be set back from the lot property line a minimum of twenty (20) feet.
- 3) **Fence Location:** Any fence that is to be located on or within three (3) lineal feet of the lot property line shall be located and shown on a survey plat of that lot and shall be submitted with the City Development Application for a permit.
- 4) **Fence Materials:**
Any fence shall be constructed of:
 - a) Masonry, wrought iron, cedar wood, treated pine, or vinyl materials that produce a similar appearance.
 - Fence posts shall be minimum sixteen (16) gauge metal, and include metal caps, and shall be placed in concrete footings.
 - b) Chain link fencing, including woven wire mesh and similar materials
 - c) Barbed wire or electrical fencing

**SECTION 3.
VARIANCE REQUESTS**

- A. All requests for variance shall be submitted in writing detailing the section and sentence to be varied, the exact change requested and supporting argument, detailing the hardship necessitating the variance.
- B. A Variance may be granted upon a showing of special circumstances or conditions affecting the land such that the strict application of the provisions of this ordinance create an unnecessary hardship and the requested variance is the minimum relief necessary to relieve the hardship.
- C. All variance requests shall be reviewed by an authorized agent of the City of Annetta South at the requestor's expense prior to submission to the City Council.

**SECTION 4.
NON-CONFORMING RIGHTS**

- A. Non-Conforming Fence means a lawful fence existing at the time of the passage of this Ordinance that does not conform with this Ordinance.
- B. If a Non-Conforming Fence is taken down for more than thirty (30) days, any future fence shall be constructed in conformity with the provisions of this Ordinance.
- C. A Non-Conforming Fence shall not be reconstructed in case of total destruction of the building by fire, wind or other cause. In the case of partial destruction, not exceeding fifty (50) percent of the length of the entire fence, the City shall issue a permit for reconstruction. If partial destruction is greater than fifty (50) percent, the Council may grant a permit for reconstruction after public hearing and due regard for the property rights of the persons

affected when considered in light of the public welfare and the character of the area surrounding the Non-Conforming Fence and of the conservation and preservation of property.

**SECTION 5.
ORDINANCE CUMULATIVE**

This ordinance shall be cumulative of all provisions of ordinances of the City of Annetta South, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 6.
PENALTY**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance may be subjected to such civil penalties as authorized by law.

**SECTION 7.
SAVINGS**

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of the Subdivision Ordinance, as amended, or any other ordinances affecting fence regulations which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 8.
SEVERABILITY**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

**SECTION 9.
PUBLICATION**

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PUBLICATION**

The City Secretary of the City of Annetta South is hereby directed to publish in the official newspaper of the City the caption, penalty clause, and effective date clause of this ordinance as required by law.

**SECTION 10.
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS NINTH DAY OF JUNE, 2020.



MAYOR PROTEM BILL GORDON

ATTEST:



ELLEN WOODWARD, CITY SECRETARY

EFFECTIVE DATE: June 9, 2020