

**ORDINANCE NO. 728**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS AMENDING ARTICLE V, ZONING REGULATIONS, SECTION 505, RESIDENTIAL DISTRICTS A AND C, SUBSECTION B, LIMITATIONS, PARAGRAPH 10, FENCES, OF THE HEDWIG VILLAGE PLANNING AND ZONING CODE RELATING TO FENCE HEIGHT AND MATERIALS WITHIN THE RESIDENTIAL DISTRICTS A AND C OF THE CITY.**

**WHEREAS**, pursuant to Section 705 of the Hedwig Village Planning and Zoning Code, the City Council of the City of Hedwig Village, Texas and the Planning and Zoning Commission of the City of Hedwig Village, Texas have held a joint public hearing to consider a possible amendment to the Hedwig Village Planning and Zoning Code; and

**WHEREAS**, pursuant to Section 710 of the Hedwig Village Planning and Zoning Code, the Planning and Zoning Commission of the City of Hedwig Village, Texas submitted its written recommendation to the City Council of the City of Hedwig Village, Texas concerning a proposed amendment to Article V, Zoning Regulations, Section 505, Residential Districts A and C, Subsection B, Limitations, Paragraph 10, Fences, of the Hedwig Village Planning and Zoning Code; and

**WHEREAS**, pursuant to Sections 711 and 712 of the Hedwig Village Planning and Zoning Code, the City Council of the City of Hedwig Village, Texas, has considered the recommendation of the Planning and Zoning Commission, concerning the proposed amendment to the City's Planning and Zoning Code relating to fence height and materials within the Residential Districts A and C of the City; and

**WHEREAS**, the City Council of the City of Hedwig Village, Texas, has concluded that an amendment should be made to Article V, Zoning Regulations, Section 505, Residential Districts A and C, Subsection B, Limitations, Paragraph 10, Fences, of the City's Planning and Zoning Code and that the proposed amendment is in compliance with the comprehensive plan of the City.

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

**Section 1.** The Recitals set forth above are found to be true and correct and are adopted as the findings of fact of the City.

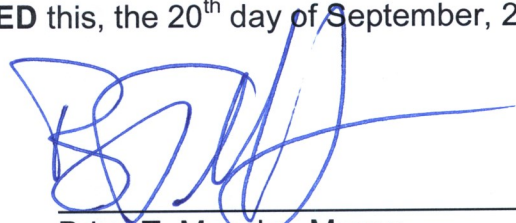
**Section 2.** Article V, Zoning Regulations, Section 505, Residential Districts A and C, Subsection B, Limitations, Paragraph 10, Fences, of the Planning and Zoning Code of the City of Hedwig Village, Texas is amended to read as set out in Appendix A, attached hereto. All other portions of the Planning and Zoning Code not specifically amended hereby remain in full force and effect.

**Section 3.** All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

**Section 4.** If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

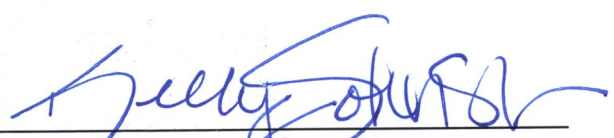
**Section 5.** The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

**PASSED, APPROVED and ADOPTED** this, the 20<sup>th</sup> day of September, 2018.



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Brian T. Muecke, Mayor  
City of Hedwig Village, Texas

ATTEST:



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Kelly Johnson, City Secretary  
City of Hedwig Village, Texas

## Appendix A

### Appendix A – PLANNING AND ZONING CODE

#### Article V. – ZONING REGULATIONS

##### 505. - Residential districts A and C.

B. *Limitations.* The following limitations and restrictions shall apply to all of the above permitted uses:

10. *Fences.*

(a) Unless Otherwise allowed by this subsection B.10, no fence shall be more than 6½ feet in height measured from the elevation grade at the fence line; nor shall the fence extend five (5) feet back from the property build line. into the front yard. [However, a maximum height of eight feet shall be allowed for the following:

(a) ~~Fences located on or adjacent to a boundary between residential district A or C and business district B;~~

(b) ~~Fences located on or adjacent to a corporate boundary line of the City of Hedwig Village;~~

(c) ~~Fences located on a property line which adjoins property used for a church or school; and~~

(d) ~~Fences located on a rear property line of a lot, which rear property line adjoins Echo Lane, Piney Point Road, or Gaylord Drive.]~~

(b) Fencing materials:

(1) Finished masonry (not exposed CMU), stained or natural wood, wrought iron painted black fencing materials or combination thereof shall be used for fences, walls, or gates. Chain link fencing is not permitted. Synthetic materials may be used as approved by the Building Official.

(2) Vine-covered walls shall be allowed.

(3) No barbed or razor wire shall be used or maintained as part of any fence, wall, gate or hedge. No sharp point, including glass, shall project from the top of the fence or wall.

(4) No salvaged materials, scrap wood, or recycled materials shall be used for fencing or walls. Fencing and walls shall be constructed with all new materials.

(5) Existing legal nonconforming fences or walls shall be maintained or repaired.

(6) All swinging gates shall be prohibited from encroaching into the public right-of-way.

(7) No vinyl or plastic slats may be used as a screening material for residential fence.

(c) For the purposes of this subsection B.10., contiguous lots held under common ownership shall be considered as one lot for the purpose of establishing required yards. No fence shall be erected on a vacant lot unless such vacant lot is contiguous to a lot or lots containing the residence of the owner of the vacant lot or lots.

(d) This subsection B.10 does not apply to construction related fencing.

(Addition shown by underline, deletion shown by strike-out)