

**ORDINANCE 2012-15**

**AN ORDINANCE OF THE CITY OF LA FERIA TO ESTABLISH RULES AND STANDARDS FOR CONSTRUCTION AND MAINTENANCE OF FENCES AND WALLS IN RESIDENTIAL ZONES BY AMENDING CHAPTER 14, EXHIBIT A (ZONING ORDINANCE) OF THE CITY OF LA FERIA CODE OF ORDINANCES TO CREATE A NEW SECTION 4C(9) AND AMEND SECTION 26 TO DEFINE CERTAIN NEW TERMS, AND TO AMEND SECTION 3.05 (SUBSTANDARD BUILDINGS) TO CREATE A NEW SUB-SECTION 3.05.002(d), AND TO ESTABLISH AN EFFECTIVE DATE**

**WHEREAS**, the City of La Feria, a home-rule city, may adopt and enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and

**WHEREAS**, the City of La Feria is empowered by Chapter 211 of the Texas Local Government Code to establish a zoning ordinance;

**WHEREAS**, Ordinance 2008-03, adopted by the City Commission on January 10, 2008, has been codified as Chapter 14, Exhibit A of the City of La Feria Code of Ordinances; and

**WHEREAS**, pursuant to Section 28 of Chapter 14, Exhibit A, zoning regulations may from time to time be amended, supplemented, changed, modified or repealed;

**WHEREAS**, both the Planning and Zoning Commission and the City Commission of the City of La Feria gave proper notice and held public hearings pertaining to the consideration of and possible action on this amendment;

**WHEREAS**, the La Feria City Commission finds that establishing standards governing the construction and maintenance of fences and walls in the City's residential districts represents the best interest of all citizens of La Feria and promotes aesthetics, health, safety, general welfare and convenience of the people.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LA FERIA, TEXAS, THAT:**

- I. Section 4 C (6) of Chapter 14, Exhibit A, City of La Feria Code of Ordinance is hereby amended as follows (current text marked like this ~~current text~~. New text marked like this new text):

(6) Visibility at Intersections Required

On a corner lot, nothing shall be erected, placed, or planted, or allowed to grow in such a manner as to materially to interfere with traffic visibility across the corner. ~~This visibility area shall be a triangle measured twenty feet (20') from the point of right-of-way line at the corner intersection. All objects on the ground in said triangle should not exceed two and one-half feet (2-1/2') in height and vegetation should not droop to less than ten feet (10') from the ground.~~ Clear visibility must be maintained within the triangle created by measuring twenty feet (20') along the two intersecting property lines, from the point where they intersect, and between two and one-half feet (2.5') and ten feet (10') in height from the ground.

[All remaining text in this Ordinance is newly adopted.]

II. Section 4 C of Chapter 14, Exhibit A, City of La Feria Code of Ordinance is hereby amended to establish a new subsection as follows:

(9) Fences and Walls

(a) General Standards.

- i. For purposes of this section, “residential districts” include R-1, R-2, D, R-3, MF and MH.
- ii. Generally, fence posts and horizontal rails shall face into the lot or parcel being fenced rather than towards the right-of-way or neighboring property. One exception to this general rule is when a new fence is to be erected immediately adjacent to an existing fence or wall in which case the support members of the proposed fence may face the existing wall or fence. “Good neighbor fences,” that is, fences where the vertical elements are alternated on either side of the horizontal elements, are encouraged.

(b) Materials.

- i. Fences and walls shall be constructed of durable materials such as weather-resistant, painted, or stained and sealed wood; ornamental wrought iron or powder-coated aluminum; cement fiberboard or vinyl; masonry (brick, stucco-finished concrete, split face concrete masonry units, or stone, but not unfinished concrete block); or combinations of these materials;
- ii. Fences may not be constructed of scrap lumber, plywood, tree branches, tree trunks, sheet metal, plastic or fiberglass sheets, or spikes, nails, or other comparable sharp points. No barbed, razor or concertina wire shall be used on any fence in any residential zoning district.
- iii. Front yard fences must be at least fifty percent (50%) transparent. However, chain link fences (also known as hurricane fences or cyclone fences) are not allowed in front yards of the R-1 District.

(c) Height.

Subject to the compliance with the height limit applicable within the vision clearance triangle on corner lots, the maximum height of fences or walls residential districts shall be as follows.

- i. On lots that are less than one acre in size:
  - a. in front of the minimum front building setback line -- five feet (5’);
  - b. along the rear lot line in a residential district -- six feet (6’);
  - c. along the side lot line, behind the front set-back line – six feet (6’); and,
  - d. along the side lot line, in front of the front set-back line – five feet (5’).
- ii. On lots that are one acre or larger in size, fences and walls on side and rear lot lines shall not exceed seven feet (7’) in height. A fence or wall along the front property line must maintain at least fifty percent 50% transparency.

(d) Subdivision plats.

- i. When creating more than nine lots in a subdivision, a plat note shall specify whether or not fences are permitted in front yards and side yards that face streets.
- ii. In the event of a conflict between the standards and rules contained in this section and one stated on a recorded plat, the stricter provision shall prevail.
- iii. When a residential subdivision plat creates lots with “reverse frontage,” a plan to establish common fencing or a wall on the rear property line must be established as part of the subdivision approval process. Fences on the reverse frontage must be set-back a minimum of three feet (3’) from the ROW and landscaping installed between the property line and ROW. Access to maintain landscaping must be provided. If the rear yards face front an arterial or higher capacity roadway, the fence shall be finished with brick, stone, or painted stucco.

III. Section 26 – Definitions-- of Chapter 14, Exhibit A, City of La Feria Code of Ordinances is hereby amended to establish these new definitions:

Reverse Frontage – lots that are bordered on both the front and back by the right-of-way of a public street.

IV. Section 3.05 of the City of La Feria Code of Ordinances is hereby amended to provide a new subsection as follows:

- (d) Fences shall be maintained in an upright position (not more than 5 degrees from vertical), and in good condition (*e.g.*, free of rust, peeling paint or coatings, missing or broken pickets, wood rot, and graffiti).

This ordinance shall be effective immediately upon adoption.

**PASSED AND APPROVED THIS 6<sup>th</sup> DAY OF NOVEMBER 2012.**

**APPROVED:**



Steve Brewer, Mayor

**ATTEST:**

  
Olga Oberwetter, City Secretary

**APPROVED AS TO FORM:**

  
Richard S. Talbert, City Attorney