

ORDINANCE NO. 2025-848

AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS AMENDING THE CEDAR HILL CODE OF ORDINANCES ARTICLE XIV, SECTION 4-302 BY THE CHANGES OF REGULATION FOR THE PERMITTING AND CONSTRUCTION OF FENCES IN RESIDENTIAL AREAS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PENALTIES; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE CEDAR HILL CODE OF ORDINANCES; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of Cedar Hill, Texas is a home rule city within the State of Texas; and

WHEREAS, the City of Cedar Hill, Texas desires to provide for the safety, health, and public welfare of the citizens of the City of Cedar Hill, Texas, by the inspection and regulation of the construction of fences; and

WHEREAS, in order to maintain such standards, appropriate inspection, plan review and enforcement is required; and

WHEREAS, the City Council of the City of Cedar Hill, Texas, does find and determine that it is in the best interest of the health, safety, and general welfare of the citizens of the City of Cedar Hill, Texas to regulate the permitting and construction of fences.

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

SECTION 1. REPEAL OF CHAPTER 4, ARTICLE XIV, SECTION 4-302

Chapter 4, Article XIV, Section 4-302 is hereby repealed.

SECTION 2. ADOPTION OF NEW CHAPTER 4, ARTICLE XIV, SECTION 4-302

The City Council of the City of Cedar Hill, Texas hereby adopts the following provisions as Chapter 4, Article XIV, Section 4-302 of the Code of Ordinances of the City of Cedar Hill, Texas:

Fences in Residential Areas:

1. Any person wishing to construct a new fence or replace any portion of an existing fence shall make a written application for a permit on forms provided by the City. The permit application shall be accompanied by a site plan showing the location of the fence on the property, the type of materials used, and height(s) of the fence.
2. The permit fee for a fence shall be listed in the current permit fee ordinance adopted by the City of Cedar Hill.
3. No fence shall be permitted on any undeveloped parcel platted or un-platted.

Exception: Fences shall be permitted for farm or ranching purposes on undeveloped land over three (3) acres in size with proof of agriculture exemption from current county tax records.

4. Any fence or wall located behind the front façade of the main structure shall not exceed eight feet (8') in height. Where the side property line on continuous corner lots adjoin the neighboring side property line, the fence may be constructed out to the property line of said side yard unless other restrictions prohibit the location. (See exhibit A). Where the side or rear property line on continuous corner lots adjoin the neighboring front property line, the fence may be constructed out to the front façade of the main structure of the neighboring property. (See exhibit B).

5. No fence or wall shall be permitted in front of any single family or townhouse structure. Except as provided by #6 below,

Exception: Platted lots within the Rural Residential or Single-Family Estate district or lots greater than 1 acre in area where the fence is permitted to be constructed to the front property line shall not exceed eight feet (8') in height and shall be decorative in nature. The lower four feet (4') may be solid material decorative in nature with the remaining portion (four feet (4') maximum) having openings not less than fifty percent (50%) of the fence area. Chain link, woven wire mesh, vinyl mesh, metal panel or similar materials are not considered decorative in nature.

6. Decorative fences not exceeding four feet (4') in height shall be permitted in front yards. Chain link, woven wire mesh, vinyl mesh, metal panel or similar materials are not considered decorative fencing.

7. No barbed wire or electrical fencing shall be allowed except as used for farm or ranching purposes on undeveloped land over three (3) acres in size with proof of agriculture exemption from current county tax records.

8. Gates designed for vehicular access shall be set back from the property line or right-of-way line a minimum of twenty feet (20'). Gates designed to swing inward and away from the property line or right-of-way line shall fully operate within the property into which the gate gives access, and they shall not encroach (i.e., project or slide over) any neighboring property line or street/alley right-of-way line. If gates are to be of the sliding type, they shall fully operate (i.e., slide) within the property into which the gate gives access, and they shall not encroach (i.e., project or slide over) any neighboring property line or street/alley right-of-way line.

Exception: A gate accessed from an alley may be placed at the property line but shall fully operate within the property into which the gate gives access and shall not encroach (i.e., project or slide over) any neighboring property line or street/alley right-of-way line.

9. Fences required for swimming pools and spas shall comply with the currently adopted International Swimming Pool and Spa Code.

10. See Section 5.4.10 of the City of Cedar Hill Zoning Code for sight visibility requirements.

11. Special purpose fencing, such as fencing around tennis courts, shall require a permit and not to exceed ten feet (10') in height.

12. Appeals and Exception to the fence regulations.

Appeals and exceptions to these regulations shall be heard by five (5) or more members of the Building Appeals and Advisory Board. The building official shall be ex officio member and shall act as staff to the Board. The Board shall have the authority to adopt reasonable rules and regulations for the enforcement of the fence regulations. The Board may consider appeals from a decision of the Building Official on a fence permit and may grant exceptions on the basis that the application of such regulations and/or standards will, by reason of exceptional circumstances or surroundings, constitute a practical difficulty or unnecessary hardship.

1. Required Information

The applicant shall first file a written application for exception on a form furnished by the Building Inspections Department. Every such application shall contain the following information:

- a. Name, address, and telephone number of the applicant.
- b. Name, address, and telephone number of the owner of the property on which fence will be located.
- c. A site plan showing the fences location on the property.
- d. Pay the application fee of \$150.00.

2. Quorum

All cases brought before the Board, under this ordinance, must be heard by no less than five members. A majority vote of the members is required to grant a variance of this ordinance or to overrule any decision or interpretation made under this ordinance by the Building Official.

3. Board Decisions

The decisions of the Board shall be final.

SECTION 3. SAVINGS CLAUSE

In the event that any other Ordinance of the City of Cedar Hill, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

SECTION 4. ENFORCEMENT OF PENALTY

Any person, firm partnership, association or corporation who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof in the Municipal Court of the City of Cedar Hill, Texas such violation shall be liable for a **fine in an amount not**

to exceed Five Hundred Dollars (\$500), and each and every instance of the violation of this Ordinance constitute a separate offence and shall be punishable by separate fines for each offence.

SECTION 5. SEVERANCE CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. INCORPORATION INTO THE CODE OF ORDINANCES

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Cedar Hill, Texas, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

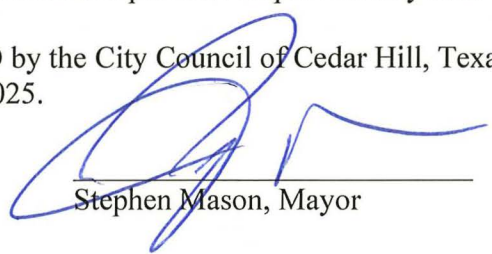
SECTION 7. EFFECTIVE DATE

Because of the nature of interest and safeguard sought to be protected by this Ordinance and in the interest of health, safety and welfare of the citizens of the City of Cedar Hill, Texas, this Ordinance shall take effect immediately after passage, approval and publication, as required by law.

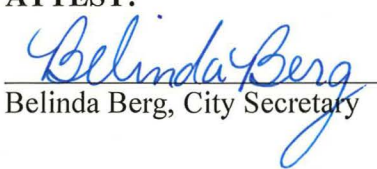
SECTION 8. PUBLICATION

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.

PASSED, ADOPTED AND APPROVED by the City Council of Cedar Hill, Texas on this 22 day of April, 2025.


Stephen Mason, Mayor

ATTEST:


Belinda Berg, City Secretary

APPROVED AS TO FORM:


Ron G. MacFarlane, Jr., City Attorney

Exhibit A

Street B

Street A

Street C

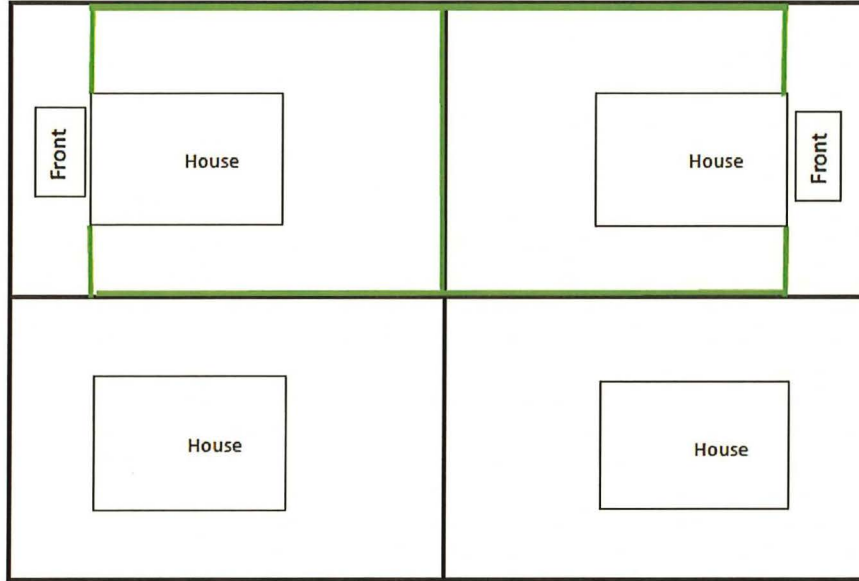


Exhibit B

Street B

