

(Title: An ordinance amending Appendix C “Zoning,” Section 8, “Supplementary district regulations,” Subsection A, “Visibility at intersections in residential districts”, Subsection B, “Fences and walls and hedges” and amending Section 20, “Definitions”, Subsection I I., “Fence”).)

ORDINANCE NO. 2017-23

AN ORDINANCE AMENDING APPENDIX C – “ZONING,” SECTION 8, “SUPPLEMENTARY DISTRICT REGULATIONS,” SUBSECTION A. “VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICTS” AND SUBSECTION B, “FENCES AND WALLS AND HEDGES” AND SECTION 20, “DEFINITIONS”, SUBSECTION I I, “FENCE”; PROVIDING A PENALTY FOR VIOLATION IN AN AMOUNT NOT TO EXCEED \$2000, OR AS OTHERWISE PROVIDED BY LAW; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, the City Council of the City of Friendswood is continually reviewing the provisions of the City Code of Ordinances, specifically including Appendix C of the Friendswood City Code, (“Zoning Ordinance”) relating to land use and other circumstances and

WHEREAS, the City Council wishes to update and revise the requirements for fences by adding an option for property owners to construct fences in their front yards if they have a minimum of one hundred fifty (150) feet of lot width in addition to the two (2) acre minimum requirement in the existing ordinance, and to amend the definition of fence and clarify the ordinance regarding hedges, as reflected herein, to facilitate the orderly growth of the City of Friendswood; and

WHEREAS, the Planning and Zoning Commission of the City of Friendswood has conducted a public hearing, received input from staff and has issued its final report recommending the amendments referenced hereafter; and

WHEREAS, the Planning and Zoning Commission and the City Council have conducted a joint public hearing in the time and manner required by law; and

WHEREAS, City Council has determined that all public notices have been posted and published, all required hearings on this matter have been held, and that this Ordinance complies with the applicable provisions of the City Charter, City Code and all other applicable laws;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, STATE OF TEXAS:

Section 1. FINDINGS OF FACT.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. AMENDMENT TO THE FRIENDSWOOD CITY CODE, APPENDIX C, “ZONING”, SECTION 8, “SUPPLEMENTARY DISTRICT REGULATIONS,” SUBSECTION A. “VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICTS” AND SUBSECTION B, “FENCES AND WALLS AND HEDGES” ADOPTING THE REVISED AND UPDATED SUBSECTIONS.

The City of Friendswood Code of Ordinances, Appendix C “Zoning”, Section 8, “Supplementary district regulations,” Subsection A. “Visibility at intersections in residential districts” and Subsection B. “Fences and walls and hedges” are hereby amended to read as follows:

Appendix C

Zoning Ordinance

Section 8. - Supplementary district regulations.

A. *Visibility at intersections in residential districts.* On a corner lot in any residential district, hedges and vegetation shall not be planted or allowed to grow in such a manner to materially impede vision between a height of 2½ feet and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines on such corner lots and a line joining points along said street lines 25 feet from the point of the intersection.

B. *Fences; and walls ~~and hedges~~.* Except as provided below, fences; and walls ~~and hedges~~ are permitted in or along the edge of any required yard. However, no fence; or wall ~~or hedge~~ shall be constructed on any exterior side yard so as to constitute a hazardous visual obstruction to traffic in any direction, and same must conform to subsection A., of this section. Additionally, fences; and walls ~~and hedges~~ may only be constructed in front yards on lots adjacent to FM 528, FM 2351, and FM 518 north of FM 2351 and south of FM 528 or on lots greater than two acres, provided that no hazardous visual obstruction is created. On residential lots, decorative, transparent fences may be constructed in front yards on lots greater than two acres or that have a minimum lot width of 150 feet at the street. Chain link and barbed wire fences are prohibited in the front yards in residential districts. Additionally, all fences must be installed with the finished side facing outward. Exception - any size lot may construct a fence when all adjoining lots facing the same right-of-way or private street have existing compliant fences in the front yard.

Section 3. AMENDMENT TO THE FRIENDSWOOD CITY CODE, APPENDIX C, “ZONING”, SECTION 20, “DEFINITIONS”, SUBSECTION I I, “FENCE” ADOPTING A REVISED AND UPDATED SUBSECTION.

The City of Friendswood Code of Ordinances, Appendix C “Zoning”, Section 20, “Definitions,” Subsection I I, “Fence” is hereby amended to read as follows:

Section 20. Definitions

I I. Fence. ~~A structural device forming a physical barrier which obstructs passage of humans or animals.~~ Any structure enclosing, demarcating or surrounding an area of ground to mark a boundary, control access, or prevent escape, in part or in whole.

Section 4. INCORPORATION INTO THE CODE, PENALTY CLAUSE.

This Ordinance is hereby incorporated and made a part of the Friendswood City Code of Ordinances. Violation of this Ordinance is subject to the penalty provisions contained in such Code under Section 1-14 “General penalty for violations of Code; continuing violations”, and as otherwise provided by law. Any person who shall willfully, intentionally, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense. An owner may take advantage of the changes to the buffering requirements without the need to provide a revised site plan, by requesting an appropriate permit, if the requested change is limited solely to the buffering requirements made on the basis of this Ordinance.

Section 5. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed.

Section 6. SEVERABILITY.

In the event any 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 a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Friendswood, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 7. NOTICE.

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading this 7th day of August, 2017.

PASSED, APPROVED, AND ADOPTED on second and final reading this 11th day of September, 2017.

Kevin M. Holland
Mayor

ATTEST:

Melinda Welsh, TRMC
City Secretary