

**ORDINANCE NO. 2018-4-3-28**

**An Ordinance of the City Council of the City of Elgin, Texas, amending Chapters 40 and 46, Revised Code of Ordinances of the City of Elgin, Texas (2013 Edition); adding fencing definitions; modifying height requirements for ornamental and privacy fences; repealing conflicting ordinances and resolutions; including a severability clause; and establishing an effective date.**

Whereas, the City of Elgin ("City") seeks to provide additional clarity for fencing standards by including new definitions and modifying height restrictions for ornamental and privacy fences; and

Whereas, public notice of such hearing was accomplished in accordance with State Law through newspaper publication; and

Whereas, the Planning and Zoning Commission, at a meeting on March 26, 2018, held the required public hearing and submitted a recommendation of approval to the City Council for the requested rezoning of the Property; and

Whereas, the City Council, at a meeting on April 3, 2018, held an additional public hearing prior to taking action.

**Now, therefore, be it ordained by the City Council of the City of Elgin, Texas, that:**

Section 1. The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

Section 2. That Chapter 46, Section 1, Revised Code of Ordinances of the City of Elgin, Texas (2013 Edition), is hereby amended by adding the following as a defined term:

*Fence* means a barrier intended to prevent escape or intrusion or to mark a boundary. Types of fences include but are not limited to the following:

- (1) *Ornamental Fence* shall mean a fence designed in such a manner, and of such material, that a key feature of the fence is to decorate or enhance the appearance of the front or side yard setback in a residential area. Ornamental fences are usually metal and can be simple or curved into intricate designs. Fences consisting of chain link mesh, welded or woven wire or sheet metal are excluded under this definition.

- (2) *Privacy Fence* shall mean a sight-obscuring fence used to block the area enclosed by the fence from view from neighboring properties or public rights-of-way
- (3) *Chain link* (also referred to as wire netting, wire-mesh fence, chain-wire fence, cyclone fence, hurricane fence, or diamond-mesh fence) means a type of woven fence usually made from galvanized or LLDPE-coated steel wire.
- (4) *Picket* means a fence made of spaced uprights connected by two or more horizontal rails
- (5) *Hedges* are a fence or boundary formed by closely growing bushes, shrubs or other woody, ornamental landscape plants whose natural form is generally maintained at a height and spread of no more than three feet.

Section 3. That Chapter 46, Section 533, Revised Code of Ordinances of the City of Elgin, Texas (2013 Edition), is hereby amended by removing Section 46-533 and substituting the following in its place:

**Sec. 46-533. – Projections into yards.**

Open eaves, cornices, window sills, covered porches, and belt courses may project into any required yard a distance not to exceed three feet. Open uncovered porches or open fire escapes may project into a front or rear yard a distance not to exceed five feet. Fences, walls and hedges in residential districts may be erected in any required yard, or along the edge of any yard, provided that no fence, wall or hedge located in front of the dwelling shall exceed four feet in height, and no other wall or fence shall exceed seven feet in height.

Section 4. That Chapter 46, Section 534, Revised Code of Ordinances of the City of Elgin, Texas (2013 Edition), is hereby amended by removing Section 46-534 and substituting the following in its place:

**Sec. 46-534. – Fence, hedge or enclosure wall.**

(a) A fence, hedge or enclosure wall provided:

- (1) No solid fence or enclosure wall shall exceed a height of six feet and no such six-foot fence or enclosure shall extend beyond the front of a dwelling exclusive of porches. (See Illustration )
- (2) An ornamental fence may not exceed four feet in height but shall have a ratio of solid material to open space not in excess of one-to-four and shall be allowed to extend to the front property line;
- (3) Any fence, hedge or enclosure wall on a corner lot, and situated within 15 feet of the intersections of the two street lines shall not extend all the way to the corner of the property and shall not create any visual obstruction to traffic on a public street or highway. (See illustration of corner lot.)
- (4) A privacy fence shall be at least six feet in height on the sides of the dwelling and no more than seven feet in height at the rear property line.

- Section 5. That Chapter 40, Section 586, Revised Code of Ordinances of the City of Elgin, Texas (2013 Edition), is hereby amended by removing Section 40-586 and substituting the following in its place:

Solid metal fences are expressly prohibited in residential districts. Fences on corner lots shall be as shown on Illustration 1 in Section 46-543.

**Sec. 46-543. – Fencing Illustrations.**

Diagram illustrating the placement of a fence, hedge, or enclosure wall relative to a house and property lines. The diagram shows a house with a porch, surrounded by a 6' fence. A 4' fence is shown in the shaded area, which is the Right of Way/Property Line. The diagram also shows the Right of Way/Property Line and the House. The diagram is labeled with dimensions and labels for various parts of the property and fence.

Labels and dimensions include:

- NO WALL, FENCE, BERM, OR STRUCTURE SHALL BE PLACED IN SHADED AREA WHICH WOULD OBSTRUCT VEHICULAR VIEWS
- 15'
- RIGHT OF WAY/PROPERTY LINE
- 15'
- RIGHT OF WAY/PROPERTY LINE
- PROPERTY LINE
- 6' FENCE
- HOUSE
- FRONT OF HOUSE
- 4' FENCE
- 6' FENCE
- 4' FENCE
- PORCH
- RIGHT OF WAY/PROPERTY LINE
- NO WALL, FENCE, BERM, OR STRUCTURE SHALL BE PLACED IN SHADED AREA WHICH WOULD OBSTRUCT VEHICULAR VIEWS

ILLUSTRATION 1 FENCE, HEDGE, OR ENCLOSURE WALL

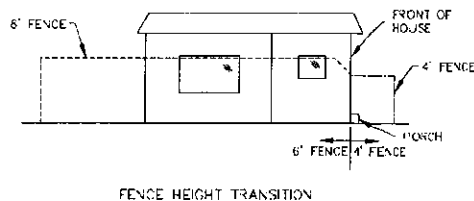
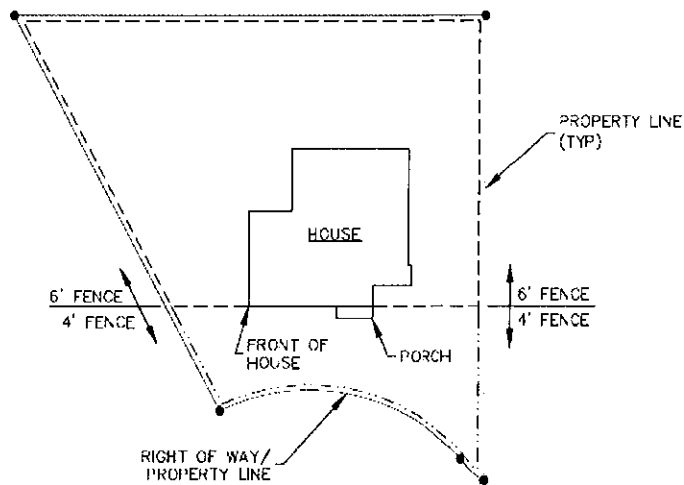


ILLUSTRATION 2



FENCE, HEDGE, OR ENCLOSURE WALL  
CUL-DE-SAC

Section 7. All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed and are no longer of any force and effect.

Section 8. If any provision of this Ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 9. The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This ordinance shall become effective in accordance with the provisions of state law and the City Charter of the City of Elgin.

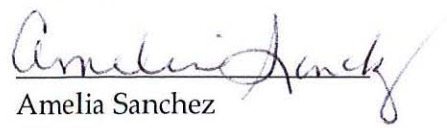
APPROVED and ADOPTED on First Reading on the 3rd day of April, 2018.

THE CITY OF ELGIN:



Chris Cannon  
Mayor

ATTEST:



Amelia Sanchez  
City Secretary

APPROVED AS TO FORM:

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Charlie Crossfield  
City Attorney

# ILLUSTRATION 1

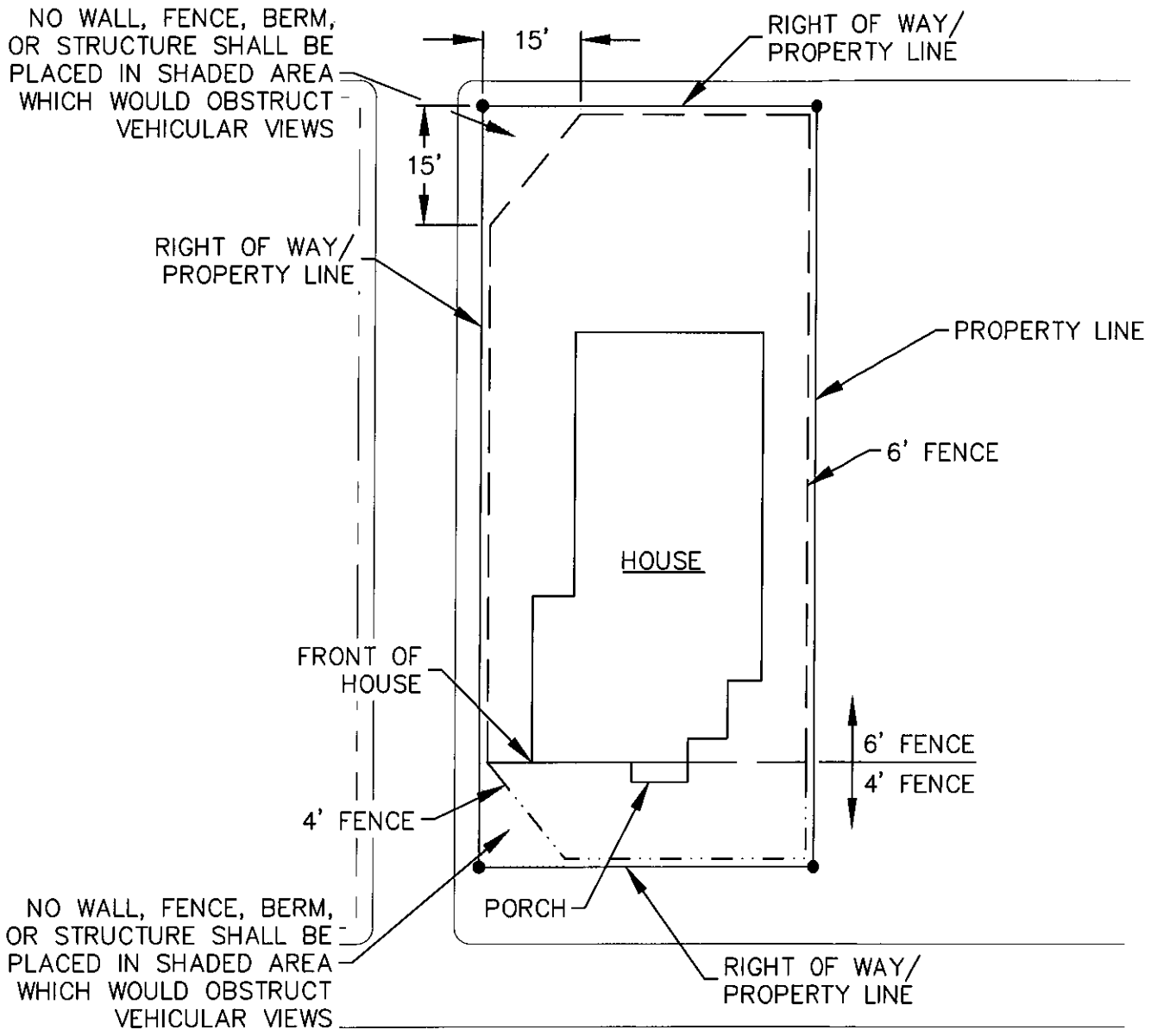
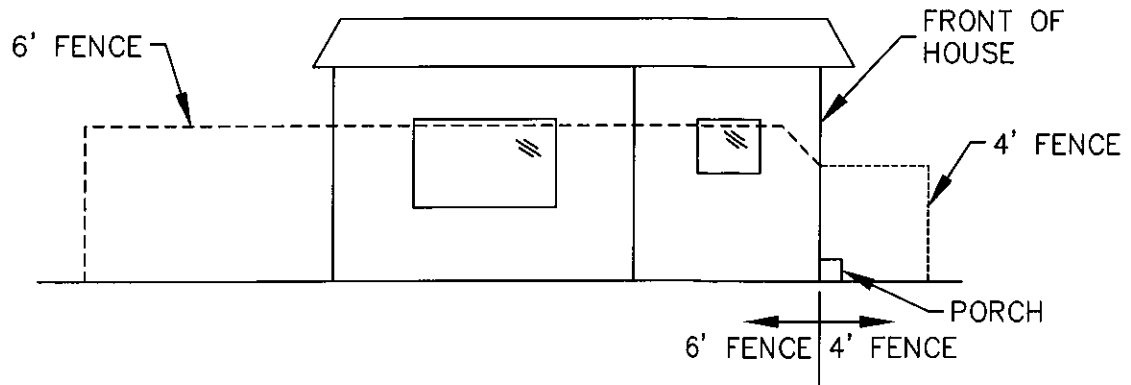
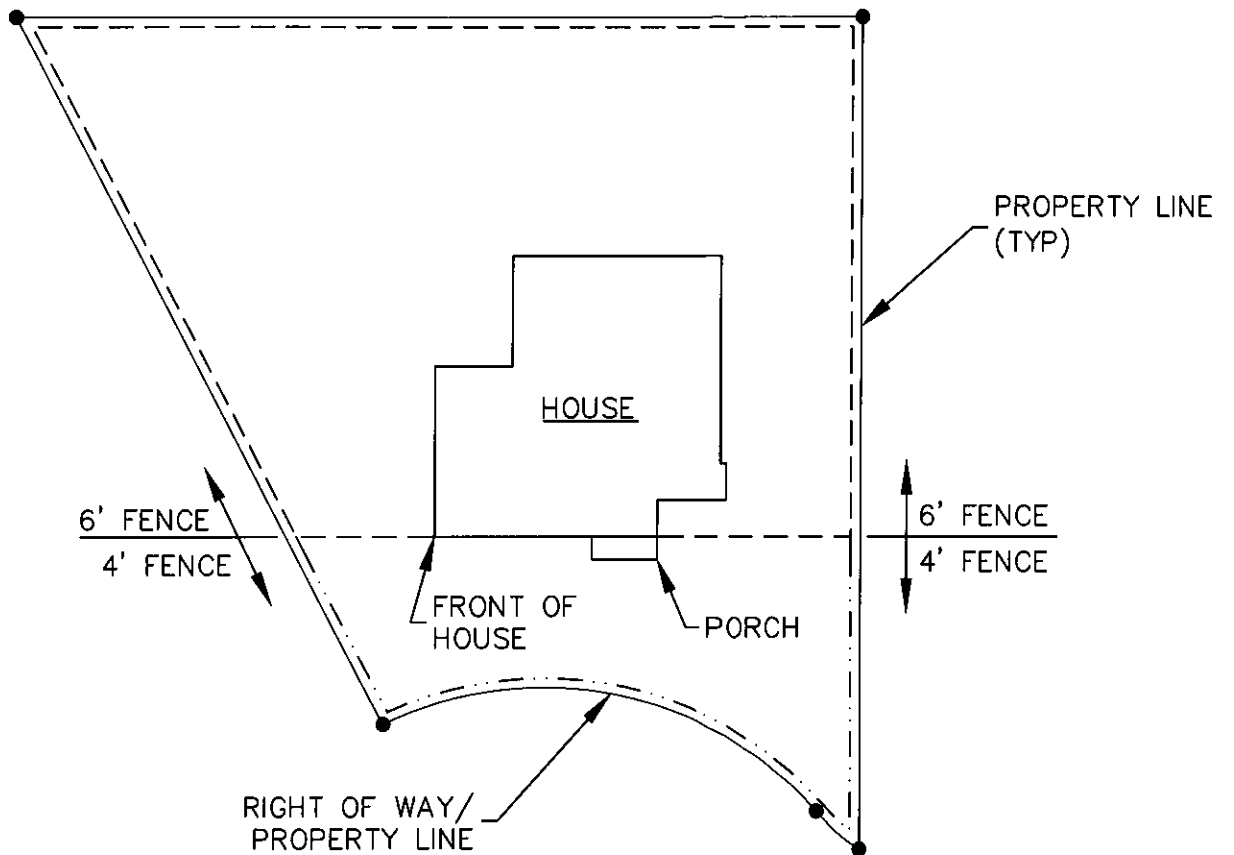


ILLUSTRATION 1 FENCE, HEDGE, OR ENCLOSURE WALL



FENCE HEIGHT TRANSITION

## ILLUSTRATION 2



FENCE, HEDGE, OR ENCLOSURE WALL  
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