

**CITY OF HIGHLAND HAVEN, TEXAS**

**ORDINANCE # 37 (Revision #6)**

**August 3, 2021**

**AN ORDINANCE OF THE CITY OF HIGHLAND HAVEN, TEXAS ESTABLISHING HEIGHT LIMITS AND OTHER RESTRICTIONS AND REQUIREMENTS RELATED TO WALLS, HEDGES, AND FENCES, (HEREINAFTER REFERRED TO COLLECTIVELY AND INDIVIDUALLY AS SCREENING STRUCTURES) THAT MAY OBSTRUCT THE VIEW FROM OR RESTRICT THE CIRCULATION OF AIR ON OR AROUND THE GROUNDS OF AN ABUTTING LOT OR LOTS OR ANY BUILDINGS LOCATED THEREON, TO IMPROVE SAFETY OF TRAFFIC WITHIN THE CITY, TO ENHANCE THE BEAUTY OF THE CITY AND PROVIDING AN EFFECTIVE DATE.**

Revision #1 –Established a front set back limit on fences and/or screening

Revision #2 – Established a minimum tree height to assure adequate vision for vehicle drivers.

Revision #3 – Permitted a maximum fence height of eight (8) feet for fences bordering on Camp Champion.

Revision #4 – Required grass and tree trimming maintenance in the right-of –way by the property owner.

Revision #5 – Will provide for a decorative fence inside the front lot twenty-foot setback.

Revision #6 – Establishes construction material type.

**Whereas,** the Board of Aldermen has determined that excessively high screening structures may cause an unnecessary hardship when such structures obstruct the view from or restrict the circulation of air on or around the grounds of an abutting lot or lots or any buildings located thereon, and

**Whereas,** the Board of Aldermen has also determined that excessively high screening structures may cause a hazard to the safety of the public by obstructing or restricting the view of intersecting traffic, pedestrian or vehicular, to or from streets, roads and driveways, and

**Whereas,** the Board of Aldermen has also determined that low hanging tree branches over the public streets can cause damage and hazards to pedestrians and vehicles using the roadways, and

**Whereas,** the Board of Aldermen has also determined that excessively high screening structures or other landscaping may infringe on an abutting lot or lots, and

Whereas, the Board of Aldermen has also determined that decorative or ornamental fence can be constructed as split rail, picket or wrought iron or material that looks like wrought iron rigid vinyl, or aluminum not more than 3 feet high, including the post. Decorative fences may

not be made of wire, mesh, or chain link or any type of privacy fence material. Screening devices may be constructed from PVC rigid vinyl or privacy fence material.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN, TEXAS THAT:

**Section 1. AUTHORIZATION** - All elected officials of the City of Highland Haven, Texas or their designee(s) are hereby authorized and directed to implement the provisions of this Ordinance.

**Section 2. RESPONSIBILITIES** - The property owner is responsible for complying with the provisions of this ordinance to include landscaping, hedges, and trees within the boundaries of his/her property as well as the land within the public street right-of-way adjacent to boundaries of his/her property.

**Section 3. DEFINITIONS** – See Ordinance #074.

**Section 4. RESTRICTIONS AND REQUIREMENTS**

- A. Residential perimeter fences shall be a privacy fence, decorative fence, or constructed of wood, wrought iron or wrought iron like material, brick or chain link and shall be no higher than six (6) feet.
- B. Walls shall be constructed of brick or rock and shall be no higher than six (6) feet. This requirement does not apply to seawalls or retaining walls.
- C. Shrubs, bushes, and other vegetation planted for the purpose of screening, or in such a manner as to create a hedge, shall be maintained at a maximum height of six (6) feet.
- D. No screening structures shall be constructed or allowed to grow higher than six (6) feet.
- E. Shrubs, bushes or any other vegetation shall not be allowed to grow or take root in such a manner as to encroach upon the property of owners of an abutting lot or lots or upon any public street, road or right-of-way, or to obstruct or restrict the view of intersecting traffic, pedestrian or vehicular, from or to any street, road or driveway.
- F. Fences, walls, hedges and/or any other screening structures shall not be constructed or allowed to grow outside of a twenty (20) foot set back from the intersection of the streets abutting any corner lot.
  - a. Any fence, walls, hedges or any other screening structure shall not be constructed or allowed to grow outside of the 20 foot front setback except as provided in Section 4.F.B below.
  - b. A decorative fence may be constructed up to the front lot line provided there is at least ten feet of right-of-way between the fence and the street pavement. The fence must be no closer than 10 feet from the street pavement. If the right-of-way is less than ten feet, the fence must be moved back from the front lot line accordingly to achieve a ten-foot space from the fence to the street pavement. The fence, including fence posts, shall be no higher than three (3) feet. Decorative fences built for the purpose of screening devices, including but not limited to pool equipment, propane tanks, air conditioners, and trash cans, may be constructed from PVC rigid vinyl or privacy fence material and shall be no higher than 6 feet.

- c. Landscaping borders must follow the same setbacks as a decorative fence. Landscaping borders shall be no higher than 12 inches and shall be constructed out of rock, brick, or cement and shall not impede normal water drainage. Landscaping borders constructed of concrete blocks shall be painted or covered with neutral-colored stucco on both sides that is consistent with the colors of the structure on subject property.
- d. Any fence constructed for the purpose of growing vegetables or flowers may be constructed from chain link or galvanized welded fencing with T-posts, chain link posts, or wooden posts set into the ground. Garden fences may be no more than 6 ft. tall and will not serve as a perimeter fence.
- e. All fences, walls, decorative fences, landscaping borders, or garden fences must be installed as per manufacturer's specifications and maintained in good condition at all times. Repairs of current fences over 50% must follow the specifications allowed in this ordinance.
- f. Prohibited fence materials in SFR (unless otherwise stated in this ordinance) include, but are not limited to:
  - 1. Plywood, oriented strand board (OSB) or similar material.
  - 2. Bamboo mat or similar material.
  - 3. Corrugated sheet metal or fiberglass.
  - 4. Plastic or fabric tarp material.
  - 5. Patio shade cloth or similar flexible fabric or material.
  - 6. Any flexible wire (including but not limited to barbed wire and/ razor ribbon.
  - 7. T-posts (T-posts may only be used for garden fences.
  - 8. Livestock panels (except trimmed by treated wood or cedar on 4 sides no smaller than a standard 2x4).
- G. Fencing within those areas of the City of Highland Haven, Texas that are zoned mixed, use, agricultural, or as a PDD may be in excess of six (6) feet if such height is reasonably necessary to protect the public from safety hazards within such fencing or to contain permitted animals, provided however that such fencing does not obstruct or restrict the view of intersecting traffic, pedestrian or vehicular, from or to any street, road or driveway.
- H. Fencing requirements for municipal wells and the Highland Haven Water System are specified by the Texas Commission for Environmental Quality – TCEQ.
- I. Trees that overhang city streets shall be kept trimmed to a minimum height of fifteen (15) feet to permit safe passage for tall vehicles such as fire trucks, school busses, garbage trucks, moving vans and motor homes.
- J. Trees and shrubs near street intersections shall be kept trimmed sufficiently to provide motorists with an adequate view of crossing traffic.
- K. Fences bordering on Camp Champion may be constructed to a maximum of eight (8) feet high.
- L. Privacy fences, walls or chain link fences shall not extend beyond the front of a Single Family Residence toward the street. Chain link fences may extend to the back lot line on lots connected to two streets.
- M. Electric fences shall not be permitted except in Zoning District C – Agricultural.

**Section 5. APPLICATION** - The provisions of this Ordinance shall apply to all persons and property within the city limits of the City of Highland Haven, Texas.

**Section 6. PENALTY** – See Ordinance #043.

**Section 7. SEVERABILITY** - If any article, section, subsection, subdivision, paragraph, sentence, clause, phrase or provision hereof shall be adjudged invalid, unenforceable, or illegal, such invalidity, unenforceability or illegality shall not affect any other article, section, subsection, subdivision, paragraph, sentence, clause, phrase or provision of this Ordinance, it being the express intent of the Board of Aldermen of the City of Highland Haven, Texas that this ordinance would have been enacted in the absence of the article, section, subsection, subdivision, paragraph, sentence, clause, phrase or provision having been found invalid, unenforceable, or illegal.

**Section 8. EFFECTIVE DATE** - This ordinance shall take effect immediately from and after its publication and passage in accordance with the provisions of the Texas Local Government Code.

**Section 9. OPEN MEETING** - It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that the public notice of the time, place and purpose of said meeting was given as required by the Open Meeting Act, Chapter 551, Texas Local Government Code.

**PASSED AND APPROVED** on the 3<sup>rd</sup> day of August 2021, during a scheduled meeting by the Board of Aldermen of The City of Highland Haven, Texas.

*Olan Kelley*

Olan Kelley, Mayor

ATTEST:

(Seal)

*Jeffery Lederer*

Jeffery Lederer, City Secretary