

CITY OF ROLLINGWOOD, TEXAS

ORDINANCE NO. 2009-05-07A

AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AMENDING CHAPTER 11, SUBCHAPTER G; ARTICLE IV SECTION 5 "FENCES"; REGARDING FENCE SETBACKS ON CORNER LOTS; PROVIDING FOR FINDINGS OF FACT; AMENDING THE FENCE SETBACK REQUIREMENTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, fence setbacks on corner lots provide a unique problem of both aesthetics and visibility; and

WHEREAS, current regulations regarding fence setbacks on corner lots can be difficult to measure; and

WHEREAS, the City Council wishes to provide the utmost clarity in its ordinances, and provide for the safe development of the City of Rollingwood;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD, TEXAS THAT:

SECTION 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. Chapter 11, Subchapter G, Article IV, Section 5 is hereby amended by deleting Section 5 in its entirety and replacing it with the following:

* * *

Section 5 Fences

(a) No fence may be erected or maintained closer to a front lot line than the intersection of the fence with the extension of the foundation line of the main building or its intersection with the front setback line, whichever is more restrictive. On a corner lot, a fence may be erected and maintained in a side yard adjacent to a street, but may be located no closer than fifteen (15) feet from either:

- (1) the edge of the street curb closest to the lot, if the street has a curb, or
- (2) the edge of the street pavement, if there is no curb.

(b) If a fence along the side or rear of a lot is erected to the property line, adequate access to utility lines and meters shall be provided.

(c) Regardless of the distance limitations found in subsection (a) above, in no event may any individual or entity, other than the City or the City's designee, erect or maintain a fence that is located upon a City right of way or public right-of-way.

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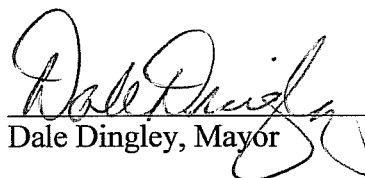
SECTION 3. All provisions of the ordinances of the City of Rollingwood in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and all other provisions of the ordinances of the City of Rollingwood not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

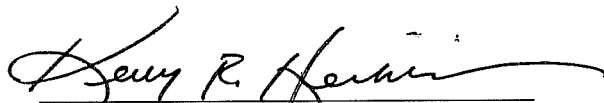
SECTION 5. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED AND ADOPTED by the City Council of the City of Rollingwood, Texas, on the 7th day of May, 2009.

APPROVED:


Dale Dingley, Mayor

ATTEST:


Kelly Heikkila, City Secretary