

ORDINANCE NO. 2023-7-10 (9C)

AN ORDINANCE AMENDING CHAPTER 10 SUBDIVISION REGULATIONS, BY AMENDING SECTION 10.02.001 DEFINITIONS, AMENDING SECTION 10.02.112 OTHER REQUIREMENTS; AMENDING CHAPTER 14 ZONING, BY AMENDING SECTION 14.02.004 DEFINITIONS, AMENDING SECTION 14.02.122 LANDSCAPING AND SCREENING REQUIREMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council ("Council") is the governing body for the City of Rockdale, Texas, and therefore, it must bear the initial responsibility for the integrity of governance; and

WHEREAS, the City desires to improve and provide more alternatives for safety and privacy; and

WHEREAS, the City desires to update its fencing standard for residential and commercial; and

WHEREAS, the public health, safety and welfare will be served by updating certain codes heretofore adopted by the City;

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Amendment of Section 10.02.001 DEFINITIONS. Section 10.02.001 Definitions is hereby amended as follows:

**Sec 10.02.001 Definitions**

Fence. A fence is a structure that encloses an area, typically outdoors, and is usually made of wood, metal,

or wire, that serves as a barrier, an enclosure, or a boundary between two areas of land or to prevent escape or intrusion.

Section 3. Amendment of Section 10.02.112 OTHER REQUIREMENTS. Section 10.02.112 Other Requirements is hereby amended as follows:

#### **Sec 10.02.112 Other requirements**

(a) Sight barrier fence. Commercial and industrial areas shall be separated from adjoining properties containing noncommercial or industrial uses by the erection of a sight barrier fence minimum of six feet (6') and maximum of fourteen feet (14') in height constructed of materials to be determined by the city. This shall not apply between the property and a street. Sight barriers authorized in the city zoning ordinance may be utilized to comply with this requirement. The city council reserves the right to reduce the sight barrier requirements depending on the type of proposed development and the adjoining uses. As vacant land may be developed as residential, sight barriers shall be required as a buffer.

Section 4. Amendment of Section 14.02.004 DEFINITIONS. Section 14.02.004 Definitions is hereby amended as follows:

#### **Sec 14.02.004 Definitions**

Fence. A fence is a structure that encloses an area, typically outdoors, and is usually made of wood, metal, or wire, that serves as a barrier, an enclosure, or a boundary between two areas of land or to prevent escape or intrusion.

Section 5. Amendment of Section 14.02.122 LANDSCAPING AND SCREENING REQUIREMENTS. Section 14.02.122 Landscaping and Screening Requirements is hereby amended as follows:

#### **Sec 14.02.122 Landscaping and screening requirements**

##### Privacy fences.

(A) All fences required by this section and along a common property boundary shall be no greater than ten feet (10') in height for residential and no greater than fourteen feet (14') in height for non-residential. Any fence greater than eight feet (8') in height is required to have an engineer stamp.

(B) Fences up to fourteen feet (14') in height for non-residential and ten feet (10') in height for residential, but not less than six (6) feet, shall be allowed for impeding access to hazardous facilities including, but not limited to, electrical substations, swimming pools and chemical or equipment storage yards, where the slope of a line drawn perpendicular to the fence line averages twenty percent (20%) or more on either side of the fence over a distance

no less than fifteen (15) feet, or where the fence forms a continuous perimeter around a subdivision and the design of said perimeter fence is approved by the commission.

(C) Fences less than or equal to three (3) feet in height shall be allowed in front yards.

(D) No fence or other structure more than thirty percent (30%) solid or more than three (3) feet high shall be located within twenty-five (25) feet of the intersection of any rights-of-way.

(E) All fences shall be constructed to maintain structural integrity against natural forces such as wind, rain and temperature variations.

(F) The finished side of all fences built to comply with these regulations shall face away from the screened object.

Section 6. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances, and sections of the City Code of Ordinances, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provision of this ordinance shall govern.

Section 7. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, unlawful, unenforceable, or unconstitutional, the same shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 8. Savings Clause. All rights and remedies of the City of Rockdale are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning and all other codes affected hereby including permit issuance, or vendor registration within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 9. Effective Date. This ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the City Charter and the Texas Local Government Code.


Section 10. Open Meeting Act. It is officially found and determine that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code.


PASSED AND APPROVED on first reading on this the 12<sup>th</sup> day of June 2023.

PASSED AND APPROVED on second reading on this the 10<sup>th</sup> day of July 2023.

ATTEST

THE CITY OF ROCKDALE

  
\_\_\_\_\_  
Shanna Johnson  
City Secretary

  
\_\_\_\_\_  
Brett M. Boren, Mayor