

9-9-16

ORDINANCE NO. 30198

An ordinance amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Section 51A-4.602; providing certain materials are prohibited; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Subsection (a), "Fence Standards," of Section 51A-4.602, "Fence, Screening and Visual Obstruction Regulations," of Division 51A-4.600, "Regulations of Special Applicability," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(a) Fence standards. Unless otherwise specifically provided for in this chapter, fences must be constructed and maintained in accordance with the following regulations.

(1) In this subsection:

(A) FENCE PANEL means the portion of a fence located between the posts or columns.

(B) RETAINING WALL means a wall designed to hold in place earthen or similar materials and to prevent the material from sliding away or eroding.

(2) A person shall not erect or maintain a fence in a required yard more than nine feet above grade. In all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard, except when the required front yard is governed by the side or rear yard regulations pursuant to Section 51A-4.401.

(3) In single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line. This paragraph does not apply to retaining walls.

(4[2]) In multifamily districts, a fence located in the required front yard may be built to a maximum height of six feet above grade if all conditions in the following subparagraphs are met:

(A) No lot in the blockface may be zoned as a single family or duplex district.

(B) No gates for vehicular traffic may be located less than 20 feet from the back of the street curb.

(C) No fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line. [~~For purposes of this subsection, fence panels are the portions of the fence located between the posts or columns.~~]

(5[3]) If a fence panel setback is required under Paragraph (4[2])(C), the entire setback area, except for driveways and sidewalks, must be located within 100 feet of a verifiable water supply and landscaped with living evergreen shrubs or vines recommended for local use by the park and recreation director. Initial plantings must be calculated to cover a minimum of 30 percent of the fence panel(s) within three years after planting. Shrubs or vines must be planted 24 inches on center over the entire length of the setback area unless a landscape architect recommends otherwise.

(6[4]) Unless all of the conditions in Paragraphs (4[2]) and (5[3]) are met, a fence in a multifamily district may not exceed four feet above grade when located in the required front yard, except when the required front yard is governed by the side or rear yard regulations pursuant to Section 51A-4.401.

(7[5]) Fence heights shall be measured from:

(A) In single family and duplex districts:

(i) the top of the fence to the level of the ground on the inside and outside of any fence within the required front yard. The fence height shall be the greater of these two measurements. If the fence is constructed on fill material that alters grade, as determined by the building official, the height of the artificially altered grade shall be included in the height of the fence. For purposes of this provision, artificially altered grade means the placement of fill material on property that exceeds a slope of one foot of height for three feet of distance; and

(ii) the top of the fence to the level of the ground on the inside of the fence in the required side or rear yard.

(B) In all other zoning districts, fence heights shall be measured from the top of the fence to the level of the ground on the inside of the fence.

~~[(6) The board may grant a special exception to the fence standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property.]~~

(8[7]) A fence may not be located within an easement without the prior written approval by the agencies having interest in the easement.

(9[8]) Except as provided in this subsection, the following fence materials are prohibited: [A person shall not use barbed wire for fencing unless:]

(A) Sheet metal;

(B) Corrugated metal;

(C) Fiberglass panels;

(D) Plywood;

(E) Plastic materials other than preformed fence pickets and fence panels with a minimum thickness of seven-eighths of an inch;

(F) Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District; and

(G) Barbed wire and razor ribbon (concertina wire) in nonresidential districts unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade;  
and

(B) ~~the barbed wire]~~ and does not project beyond the property line.

(10[9]) All fences must provide firefighting access to the side and rear yard.

(11) The board may grant a special exception to the fence standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property.”

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

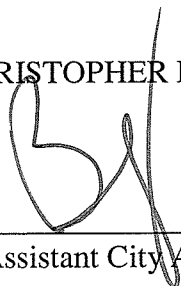
SECTION 4. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

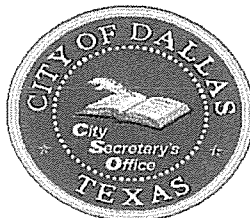
SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By  \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_ SEP 14 2016



**PROOF OF PUBLICATION – LEGAL ADVERTISING**

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL SEP 14 2016

ORDINANCE NUMBER 30198

DATE PUBLISHED SEP 17 2016

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Rose G. Sims".