

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 74 OF THE CODE OF ORDINANCES OF THE CITY OF PINEY POINT VILLAGE, TEXAS, BY DELETING PARAGRAPH (3) OF SUBSECTION (i) OF SECTION 74-245 IN ITS ENTIRETY AND ADDING A NEW PARAGRAPH (3) OF SUBSECTION (i) OF SECTION 74-245, ESTABLISHING REGULATIONS FOR FENCES, SIDE AND REAR YARD ADJACENT TO A STREET; PROVIDING FOR OTHER MATTERS RELATED TO THE SUBJECT; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION; AND PROVIDING FOR SEVERABILITY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS:

Section 1. That Paragraph (3) of Subsection (i) of Section 74-245 be deleted in its entirety and a new Paragraph (3) of Subsection (i) of Section 74-245 be added to provide as follows:

“Article IV. – DISTRICT REGULATIONS

* * *

Sec. 74-245 – Supplementary district regulations.

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- (i) *Fences and walls in required yards.* No fence or freestanding fence-type wall shall be permitted in any required yard except as specifically authorized below:

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- (3) *Fences, side and rear yard adjacent to a street.* Fences may be constructed within a required side or rear yard adjacent to a street if such fence does not exceed eight feet in height above the natural grade of the lot at the lot line adjacent to such fence, and the fence is either (i) an 80 percent fence, or (ii) an authorized wooden fence with landscaping from a City approved landscaping plan and placed on the side of the fence

adjacent to the street. The property owner is responsible for maintaining the fence and the landscaping in accordance with the City approved landscaping plan, including, but not limited to, removing and replacing any dead landscaping or other landscaping that does not comply with the City approved landscaping plan. The property owner is also responsible ~~for, and~~ removing and replacing the landscaping from the street and associated right-of-way if the City has to perform work in the right-of-way encumbered by such landscaping. The City's Building Official shall be responsible for ensuring compliance with this Section, and shall identify and give notice of any deficiencies or other deviations from a City approved landscaping plan. Failure of the property owner to maintain the fence and landscaping in accordance with the City approved landscaping plan shall result in the suspension of the fence permit. The City's Building Official shall give notice, by regular mail, to the property owner at the address of the property at issue identifying all deficiencies with the landscaping and/or fence. If the property owner fails to address all of the deficiencies with the fence and/or landscaping within thirty (30) days from the date the City mails notice of such deficiencies, the fence permit shall be revoked. If the fence permit is revoked, the property owner shall remove the fence and associated landscaping within ten (10) days of such revocation. If the fence and landscaping are not removed within ten (10) days of revocation of the fence permit, the City may remove the fence and landscaping as identified in the City approved landscaping plan. Any fees incurred by the City shall be the responsibility of the property owner. If the property owner fails to reimburse the City for all expenses incurred during the fence and landscaping removal process within ten (10) days from the date notice of such expenses is mailed to the property owner, the City may assess a lien against the property in the amount of such expenses. Any fence constructed between the main building and an adjacent street shall have the finished exterior side facing the adjacent street, and shall have no posts or rails visible from such adjacent street, irrespective of the distance from the fence and the adjacent lot line or street."

Section 2. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 3. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be

adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Piney Point Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 4. All ordinances and parts of ordinance in conflict herewith are, to the extent of such conflict, hereby repealed.

PASSED, APPROVED, AND ADOPTED on first and final reading this ___th day of _____, 2020.

Mark Kobelan
Mayor

ATTEST:

Karen Farris
City Secretary

Landscaping Plan, as required by Section 74-245(3)

- 1) Landscaping plan prepared by a professional must be submitted to the city for approval.

This must include orientation and specify the type, spacing and the size of the plantings per the pre-approved plantings in Exhibit A. Irrigation is mandatory. Planting in the city right of way is permissible.

- 2) Plantings not included in the pre-approved plantings list must be approved by the City's Urban Forester during the fence permit process. In the event the Urban Forester is unavailable, the Chairperson of the City of Piney Point Beautification Committee can authorize plantings not on Exhibit A.
- 3) Plantings shall not include any of the following varieties, unless otherwise included on the Exhibit A, or the property owner already maintains these specific varieties on the property and additional plantings are in keeping with a desired aesthetic:
 - Plants considered invasive to Houston-Texas Gulf Coast Region (reference Pg. 16 *A Garden Book for Houston and the Texas Gulf Coast*, River Oaks Garden Club, Fifth Edition, 2013)
 - Tropical varieties (i.e. palms, banana plants, bamboo)
 - Plants considered highly toxic to humans and/or animals. See Pgs. 640-643, *A Garden Book for Houston and the Texas Gulf Coast*, River Oaks Garden Club, Fifth Edition, 2013
 - Any vines that propagate by re-seeding
 - Thorny varieties
- 4) Before and after photos must be provided at final permit inspection.
- 5) Regular maintenance is required at the owner's expense. This includes the City right of way if part of the approved landscaping plan.
- 6) Plantings in the City right of way that must be removed due to a City or public work's project must be replaced at the owner's expense per the originally approved landscaping plan within 60 days of the project's completion.

- 7) On or before 3 year after obtaining the permit, privacy plantings must shield a minimum of 80 percent of the wooden fence's surface area from view from the adjacent city road or private street.**
- 8) Residents will be required to acknowledge in writing that they are aware of the ordinance and maintenance requirements, and that they will abide by such requirements.**