

ORDINANCE NO. 10-099

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, TEXAS, AMENDING CHAPTER 28 ZONING REGULATIONS, SECTION 5-2, SUPPLEMENTARY REGULATIONS, CONCERNING THE REGULATION OF FENCES AND SCREENING WALLS; AND AMENDING APPENDIX A; PROVIDING FOR A REPEALING CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER OCTOBER 22, 2010.

WHEREAS, because the City only regulates the heights of fences, many fences in the City are dilapidated, constructed over easements and alleys, made of materials not typically used for fencing, vary in height, and block critical visibility easements at intersections; and

WHEREAS, on September 14, 2010, the City Council considered recommendations from the August 17, 2010, Planning and Zoning Commission meeting; and

WHEREAS, the City Council requested additional regulations or clauses regarding amending Supplementary Regulations concerning the Regulation of Fences and Screening Walls; and

WHEREAS, proposed changes are as follows:

5-2.3 Fence and Screening Wall Regulations

~~(A) Height of Fence or Wall — In any residential district, or along any common boundary between any residential and nonresidential district, where a wall, fence or screening separation is erected, the following standards for height shall be observed.~~

- ~~(1) Any fence or wall erected on the property line and located to the rear of the minimum required front yard line shall not exceed eight (8) feet in height above the adjacent grade.~~
- ~~(2) Any fence or wall erected on the property line and located between the front property line and the minimum required front yard line shall not exceed four (4) feet in height above the adjacent grade.~~

(A) Definitions

- 1: Animal husbandry: The act or practice of cultivating crops and breeding and raising livestock; agriculture.
- 2: Expanded multi-family or nonresidential use: An existing multi-family or non-residential use shall be considered expanded when building square footage or parking area is increased by more than fifty percent (50%).
- 3: Fence: An enclosed barrier erected or maintained on or within property lines for the purpose of enclosing, partitioning, screening, restricting access to or decorating the enclosed lot, parcel, building or structure, or divides any yard.
- 4: Front yard setback area: An area extending the entire width of the lot, fronting on any street, between the front building line and the front lot line.

- 5: Game court: a structure having a playing surface, paved or unpaved, with or without enclosing fences, designed to be used for playing or practicing tennis, badminton, volley ball, paddle tennis handball, baseball, batting, handball, racquet ball, squash, basketball, or similar games.
- 6: Loading area: Any entrance/exit into or out of a building that is used for the loading or unloading of materials by trucks or other vehicles.
- 7: Loading space: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.
- 8: Lot, corner: A lot located at the intersection of and abutting two or more streets. The rear yard of a corner lot abuts the rear yard of another corner lot.
- 9: Lot, double frontage: A lot having frontage on two nonintersecting roads, as distinguished from a corner lot. Also known as a “through lot.”
- 10: Lot, interior: A lot having frontage on one road. The side and rear yard of an interior lot abuts other lots.
- 11: Lot, reverse corner: A corner lot where the rear lot line is adjacent to a side lot line of an adjoining lot or across an alley from such side lot line.
- 12: New multi-family or nonresidential use: A new multi-family or nonresidential use shall mean the conversion of a vacant lot or a lot formerly used for agricultural or residential uses to a multi-family or nonresidential use.
- 13: Non-conforming fence: Any fence in existence on the effective date of this Section.
- 14: Parapet wall: A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.
- 15: Penthouse screen: A wall or other enclosure atop a building designed to conceal roof-mounted mechanical equipment or storage areas too tall to be hidden behind a parapet wall.
- 16: Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, gates, parapet walls, penthouse screens, features of a building, or densely planted vegetation
- 17: Screening wall: A brick or other masonry wall constructed in accordance with the standards and criteria set forth in the City’s Standard Construction Details.
- 18: Single-family zoning or use: Includes vacant or agricultural land with SF-E, SF-1, SF-2, SF-3, SF-4, PH or SF-A zoning; developed property containing single-family detached, single-family attached, or patio home uses; and vacant or agricultural land that is zoned Agricultural (A) and that is designated in the Future Land Use Plan for Medium or Low Density Residential use.
- 19: Yard, front: The yard extending the entire width of the lot, fronting on any street, between the nearest part of the principal building, including covered porches, but excluding roof overhang, and the front lot line.
- 20: Yard, rear: The yard extending the entire width of the lot between the nearest part of the principal building and the rear lot line.
- 21: Yard, side: An open, unoccupied space or spaces on one or more sides of a principal structure extending from the structure to the side property line.

(B) Fence Requirements

(1) Applicability

All new, altered, modified, or reconstructed fencing shall comply with this section. Legal and non-conforming fences may be maintained without a permit; however any alterations, modifications, or improvements in excess of fifty percent (50%) of its replacement cost shall require conformance with this section.

(2) Permits

Each application for a permit shall be accompanied by the appropriate fee as determined in the fee schedule in Appendix A of the Code of Ordinances, as amended. The permit application shall include the following:

- (a) Site plan showing building locations and area to be fenced;
- (b) Height of fence and materials to be used (including color);
- (c) Intersections of streets, roads, highways, alleys, and driveways;
- (d) Corner visibility triangles, when required, shall be shown;
- (e) Zoning of subject and surrounding properties; and
- (f) Any other information deemed necessary by the building official.

(3) Duty and responsibilities of permit applicants:

- (a) Permit applicants are responsible for the determination and location of easements, property lines, rights-of-way, and utilities prior to application for a permit and construction of fences.
- (b) Permit applicants shall be responsible for researching and complying with all private deed restrictions or private subdivision requirements.

(4) Fence Standards

(a) Approved Materials

Approved side and rear yard fence materials include wood, PVC (if specifically listed and manufactured as fencing materials), wrought iron, galvanized or vinyl coated chain link, stone, and masonry. Approved front yard fence materials include wood pickets, PVC pickets (if specifically listed and manufactured as fencing materials), vinyl coated chain link (green or black), and wrought iron. Galvanized chain link may be used in front yards for industrial security fencing.

(b) Prohibited Materials

Prohibited fencing materials include rope, string, wire products including, but not limited to chicken wire, hog wire, wire fabric, barbed wire (except as specifically allowed herein), razor ribbon wire and similar welded or woven wire fabrics, chain, netting, cut or broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, fiberglass panels or plastic panels in any fence or any other materials that are not manufactured specifically as fencing materials. The building official may require the applicant to provide the manufacturer's standards to establish the intended use of a proposed fencing material.

- (c) Barbed wire fencing shall only be permitted for industrial security fences and in conjunction with animal husbandry on lots greater than two (2) acres. Fence arms

- or posts with barbed wire shall not exceed three (3) strands. Fence arms shall not protrude over any property line.
- (d) Electrical fencing shall only be permitted in conjunction with animal husbandry on lots greater than two (2) acres. Electrical fence chargers must be UL approved and clearly marked with signage at a minimum of fifty foot (50') intervals.
- (e) Wood fences shall be constructed using two and three-eighths inch (2 3/8") diameter galvanized steel vertical posts. Posts shall be spaced a maximum of eight feet (8') on center, set in minimum eighteen inch (18") deep concrete footings. Stone or masonry columns are permissible substitutes for galvanized posts.
- (f) Height
- (1) Residential fences shall not exceed eight feet (8') in height above the adjacent grade. Front yard fences shall not exceed four feet (4') in height, except in a designated rear yard on a double frontage lot.
- (2) Nonresidential fences shall not exceed ten feet (10') in height. Fences within the front yard setback shall not exceed four feet (4') in height, except in a designated rear yard on a double frontage lot.
- (3) Game court fences shall not exceed twelve feet (12') in height in or adjacent to a residentially zoned district or sixteen feet (16') in height in a non-residentially zoned district. Game court fences are not allowed in the front yard.
- (4) All fences shall observe the height limitations within visibility triangles as specified in Section 5-2.2, Corner Visibility.
- (g) Private swimming pool fences shall be constructed to the minimum standards set forth in Article 10.04 Swimming Pools and the International Residential Code, as amended.
- (h) Notwithstanding other provisions of this section, the owner or operator of any school, church or park may erect upon school, church or park property a fence to protect any schoolyard, ball field or playground without a permit. Said fencing must be placed so as to not interfere with corner visibility triangles or other site distances.
- (i) Temporary fencing, including fencing used for the protection of excavation and construction sites, the protection of plants and trees during construction, and fencing used during special events shall be allowed without a permit for a maximum of sixty (60) days. Said fencing must be placed so as to not interfere with corner visibility triangles or other site distances.
- (j) Standards for fences erected in a Neighborhood Conservation District or in the Central Area Zoning District may be varied by the Planning and Zoning Commission and Main Street Advisory Board respectively, in order to maintain consistency in design.
- (k) All fences shall provide at least one (1) gate in its perimeter for access. When abutting an alley or easement, one (1) gate shall be installed to provide access to said alley or easement.
- (l) Fences shall not restrict access to fire hydrants or utility metering devices.

(m) The finished side of a fence must face any public right-of-way or other public area.

(n) Sufficient ground clearance shall be provided to prevent premature rot and to allow for proper storm water drainage.

(C) Screening Requirements~~Wall or Visual Barrier~~

~~A certificate of occupancy shall not be issued for any new or expanded multi-family or non-residential use on a lot abutting property developed or zoned for single-family use until there has been provided along the common property line with such residential zoning or use, a screening wall.~~

~~(a) For the purposes of this subsection (B), a new multi-family or nonresidential use shall mean the conversion of a vacant lot or a lot formerly used for agricultural or residential uses to a multi-family or nonresidential use, and shall not be interpreted to include a change of use on property already developed or used for multi-family or nonresidential purposes.~~

~~(b) For the purpose of this subsection (B), single-family zoning or use shall include:~~

~~(1) Vacant or agricultural land with SF-E, SF-1, SF-2, SF-3, SF-4, PH or SF-A zoning;~~

~~(2) Developed property containing single-family detached, single-family attached, or patio home uses; and~~

~~(3) Vacant or agricultural land that is zoned Agricultural (A) and that is designated in the Future Land Use Plan for Medium or Low Density Residential use.~~

~~(2) A certificate of occupancy shall not be issued for any new non-residential use until there has been constructed around the perimeter of refuse and loading areas, a screening wall which shall function as a visual barrier from adjacent property.~~

(1) Applicability

Screening devices shall be required at the time of a building permit, prior to the issuance of a Certificate of Occupancy, where new or expanded multi-family or non-residential uses:

(a) Adjoin single-family residential zoning or uses

(b) Contain refuse areas or recyclable containers

(c) Contain mechanical or utility equipment at ground level or rooftop equipment

(d) Contain loading areas or spaces

(e) Are specifically required to provide screening pursuant to Section 5-2, Supplementary Regulations.

~~(3) Any screening wall required under the provisions of this Ordinance shall be constructed of masonry in accordance with the standards and criteria as set forth in the City's Standard Design Manual. All required screening walls shall have a minimum height of six feet (6').~~

(2) Screening Standards

(a) Approved Materials

Materials approved for screening walls are brick, stone, cementitious stucco, split-face concrete masonry units (CMU's), and pre-cast or cast-in-place concrete with a similar appearance as brick, stone, or split-face CMU's.

(b) Prohibited Materials

Use of wood, chain-link, chicken-wire, hog-wire fencing, and any other material similar in appearance and quality is expressly prohibited. Any materials not listed, designed and constructed for fencing materials are also prohibited.

(c) Height

Unless otherwise specified herein, all required screening shall be no less than six feet (6') in height.

(d) Screening between land uses

Screening shall be provided along the common property line between new or expanded nonresidential or multi-family and single-family zones or uses. The screen shall take one of the following forms:

- (1) A screening wall combined with low shrubs planted on the exterior of the wall.
- (2) A decorative wrought iron fence with masonry columns augmented with evergreen trees and shrubs to provide a sufficient screen.
- (3) A ten foot (10') wide bufferyard containing one of the following vegetative combinations:
 - a. Three inch (3") caliper pine trees (Afghan, Austrian, or Japanese Black or a combination thereof) placed in triangular spacing, in two rows, every fifteen feet (15').
 - b. One (1) row of three inch (3") caliper Leyland Cypress trees every fifteen feet (15') and one (1) row of three inch (3") caliper shade trees every fifteen feet (15') in triangular spacing.
 - c. Three inch (3") caliper Hollies, Wax Myrtles, or Laurels placed in triangular spacing, in two rows, every eight feet (8').

(e) Refuse areas or recyclable containers

- (1) Refuse areas or recyclable containers shall be screened with a screening wall the greater of eight feet (8') in height or two feet (2') taller than the container being screened. The screening wall shall be architecturally compatible with the principle building(s) on site.
- (2) Compaction units shall provide a floor drain which ties into the sanitary sewer system.
- (3) Gates shall be constructed of metal, wood composite, or PVC composite. Wooden gates are not permitted as they do not sufficiently withstand daily use and abuse.
- (4) Where practical, shrubs and other plants shall be placed outside the enclosure to visually soften the appearance.

(f) Mechanical and utility equipment

- (1) Mechanical or utility equipment located on the ground shall be screened with a wooden fence or a continuous row of evergreen shrubs. Screen should be at least as tall as the equipment to be screened.
- (2) Mechanical or utility equipment located on the roof of buildings shall be screened from ground view with a parapet wall or penthouse screen. Screen should be at least as tall as the equipment to be screened.
- (g) Loading areas and spaces
 - (1) Loading areas and spaces shall be screened from view from rights-of way and other public areas and single-family zoning or uses with a screening wall with low shrubs or a continuous row of evergreen shrubs and trees which provide an uninterrupted six foot (6') tall screen.
 - (h) Other creative alternatives to the aforementioned requirements will be considered by the Community Development Director if the proposed screening alternative provides for a screening standard equal to or greater than that required.
- ~~(4) An alternative form of screening, in lieu of the masonry wall, may be approved by Community Development Director. Alternatives that may be considered include:~~
 - ~~(a) A living/landscaped screen in conjunction with decorative metal (e.g., wrought iron) fence sections with masonry columns;~~
 - ~~(b) A combination of berms and living/landscaped screening;~~
 - ~~(c) A combination of berms, decorative masonry walls and living/landscaped screening, either with or without a decorative metal or "WoodCrete" type of fence with masonry columns; or~~
 - ~~(d) Some other creative screening alternative may be approved if it meets the spirit and intent of this Section, if it is demonstrated to be long-lasting and generally maintenance free, and if the Community Development Director finds it to be in the public interest to approve the alternative screening device.~~
 - ~~(e) Use of chain link, chicken wire, hog wire fencing, and any other material similar in appearance and quality is expressly prohibited. The use of wood is prohibited.~~
 - (i) Screening walls or any other type of screening device shall not be constructed within any portion of a utility or drainage easement unless specifically authorized by the City and by any applicable utility provider(s).

(D) Termination of certain nonconforming fences and screening devices. The following nonconforming fences and screening devices shall be removed or modified to comply with the provisions of this section within ninety (90) days of notification to eliminate every nonconformity:

- (1) Non-traditional fencing materials. Any fence or screening utilizing, in whole or in part, any materials not listed, designed and constructed for fencing materials.
- (2) Public health, safety, and welfare. Every nonconforming fence or screening that poses a threat to the health, safety, or welfare of any person or to the general public.

WHEREAS, the City Council believes the amendments to Chapter 28 Zoning Regulations, Section 5-2, Supplementary Regulations and Appendix A is consistent with the best interest of the citizens of Greenville;

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

SECTION 1: The City Council hereby approved the following amendments to Chapter 28 Zoning Regulations, Section 5-2, Supplementary Regulations and Appendix A, concerning the regulation of fences and screening walls:

5-2.3 Fence and Screening Regulations

(A) Definitions

- 1: Animal husbandry: The act or practice of cultivating crops and breeding and raising livestock; agriculture.
- 2: Expanded multi-family or nonresidential use: An existing multi-family or non-residential use shall be considered expanded when building square footage or parking area is increased by more than fifty percent (50%).
- 3: Fence: An enclosed barrier erected or maintained on or within property lines for the purpose of enclosing, partitioning, screening, restricting access to or decorating the enclosed lot, parcel, building or structure, or divides any yard.
- 4: Front yard setback area: An area extending the entire width of the lot, fronting on any street, between the front building line and the front lot line.
- 5: Game court: a structure having a playing surface, paved or unpaved, with or without enclosing fences, designed to be used for playing or practicing tennis, badminton, volley ball, paddle tennis handball, baseball, batting, handball, racquet ball, squash, basketball, or similar games.
- 6: Loading area: Any entrance/exit into or out of a building that is used for the loading or unloading of materials by trucks or other vehicles.
- 7: Loading space: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.
- 8: Lot, corner: A lot located at the intersection of and abutting two or more streets. The rear yard of a corner lot abuts the rear yard of another corner lot.
- 9: Lot, double frontage: A lot having frontage on two nonintersecting roads, as distinguished from a corner lot. Also known as a “through lot.”
- 10: Lot, interior: A lot having frontage on one road. The side and rear yard of an interior lot abuts other lots.
- 11: Lot, reverse corner: A corner lot where the rear lot line is adjacent to a side lot line of an adjoining lot or across an alley from such side lot line.
- 12: New multi-family or nonresidential use: A new multi-family or nonresidential use shall mean the conversion of a vacant lot or a lot formerly used for agricultural or residential uses to a multi-family or nonresidential use.
- 13: Non-conforming fence: Any fence in existence on the effective date of this Section.
- 14: Parapet wall: A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.

- 15: Penthouse screen: A wall or other enclosure atop a building designed to conceal roof-mounted mechanical equipment or storage areas too tall to be hidden behind a parapet wall.
- 16: Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, gates, parapet walls, penthouse screens, features of a building, or densely planted vegetation
- 17: Screening wall: A brick or other masonry wall constructed in accordance with the standards and criteria set forth in the City's Standard Construction Details.
- 18: Single-family zoning or use: Includes vacant or agricultural land with SF-E, SF-1, SF-2, SF-3, SF-4, PH or SF-A zoning; developed property containing single-family detached, single-family attached, or patio home uses; and vacant or agricultural land that is zoned Agricultural (A) and that is designated in the Future Land Use Plan for Medium or Low Density Residential use.
- 19: Yard, front: The yard extending the entire width of the lot, fronting on any street, between the nearest part of the principal building, including covered porches, but excluding roof overhang, and the front lot line.
- 20: Yard, rear: The yard extending the entire width of the lot between the nearest part of the principal building and the rear lot line.
- 21: Yard, side: An open, unoccupied space or spaces on one or more sides of a principal structure extending from the structure to the side property line.

(B) Fence Requirements

(1) Applicability

All new, altered, modified, or reconstructed fencing shall comply with this section. Legal and non-conforming fences may be maintained without a permit; however any alterations, modifications, or improvements in excess of fifty percent (50%) of its replacement cost shall require conformance with this section.

(2) Permits

Each application for a permit shall be accompanied by the appropriate fee as determined in the fee schedule in Appendix A of the Code of Ordinances, as amended. The permit application shall include the following:

- (a) Site plan showing building locations and area to be fenced;
- (b) Height of fence and materials to be used (including color);
- (c) Intersections of streets, roads, highways, alleys, and driveways;
- (d) Corner visibility triangles, when required, shall be shown;
- (e) Zoning of subject and surrounding properties; and
- (f) Any other information deemed necessary by the building official.

(3) Duty and responsibilities of permit applicants:

- (a) Permit applicants are responsible for the determination and location of easements, property lines, rights-of-way, and utilities prior to application for a permit and construction of fences.
- (b) Permit applicants shall be responsible for researching and complying with all private deed restrictions or private subdivision requirements.

(4) Fence Standards

- (a) Approved Materials

Approved side and rear yard fence materials include wood, PVC (if specifically listed and manufactured as fencing materials), wrought iron, galvanized or vinyl coated chain link, stone, and masonry. Approved front yard fence materials include wood pickets, PVC pickets (if specifically listed and manufactured as fencing materials), vinyl coated chain link (green or black), and wrought iron. Galvanized chain link may be used in front yards for industrial security fencing.

(b) Prohibited Materials

Prohibited fencing materials include rope, string, wire products including, but not limited to chicken wire, hog wire, wire fabric, barbed wire (except as specifically allowed herein), razor ribbon wire and similar welded or woven wire fabrics, chain, netting, cut or broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, fiberglass panels or plastic panels in any fence or any other materials that are not manufactured specifically as fencing materials. The building official may require the applicant to provide the manufacturer's standards to establish the intended use of a proposed fencing material.

(c) Barbed wire fencing shall only be permitted for industrial security fences and in conjunction with animal husbandry on lots greater than two (2) acres. Fence arms or posts with barbed wire shall not exceed three (3) strands. Fence arms shall not protrude over any property line.

(d) Electrical fencing shall only be permitted in conjunction with animal husbandry on lots greater than two (2) acres. Electrical fence chargers must be UL approved and clearly marked with signage at a minimum of fifty foot (50') intervals.

(e) Wood fences shall be constructed using two and three-eighths inch (2 3/8") diameter galvanized steel vertical posts. Posts shall be spaced a maximum of eight feet (8') on center, set in minimum eighteen inch (18") deep concrete footings. Stone or masonry columns are permissible substitutes for galvanized posts.

(f) Height

(1) Residential fences shall not exceed eight feet (8') in height above the adjacent grade. Front yard fences shall not exceed four feet (4') in height, except in a designated rear yard on a double frontage lot.

(2) Nonresidential fences shall not exceed ten feet (10') in height. Fences within the front yard setback shall not exceed four feet (4') in height, except in a designated rear yard on a double frontage lot.

(3) Game court fences shall not exceed twelve feet (12') in height in or adjacent to a residentially zoned district or sixteen feet (16') in height in a non-residentially zoned district. Game court fences are not allowed in the front yard.

(4) All fences shall observe the height limitations within visibility triangles as specified in Section 5-2.2, Corner Visibility.

(g) Private swimming pool fences shall be constructed to the minimum standards set forth in Article 10.04 Swimming Pools and the International Residential Code, as amended.

- (h) Notwithstanding other provisions of this section, the owner or operator of any school, church or park may erect upon school, church or park property a fence to protect any schoolyard, ball field or playground without a permit. Said fencing must be placed so as to not interfere with corner visibility triangles or other site distances.
- (i) Temporary fencing, including fencing used for the protection of excavation and construction sites, the protection of plants and trees during construction, and fencing used during special events shall be allowed without a permit for a maximum of sixty (60) days. Said fencing must be placed so as to not interfere with corner visibility triangles or other site distances.
- (j) Standards for fences erected in a Neighborhood Conservation District or in the Central Area Zoning District may be varied by the Planning and Zoning Commission and Main Street Advisory Board respectively, in order to maintain consistency in design.
- (k) All fences shall provide at least one (1) gate in its perimeter for access. When abutting an alley or easement, one (1) gate shall be installed to provide access to said alley or easement.
- (l) Fences shall not restrict access to fire hydrants or utility metering devices.
- (m) The finished side of a fence must face any public right-of-way or other public area.
- (n) Sufficient ground clearance shall be provided to prevent premature rot and to allow for proper storm water drainage.

(C) Screening Requirements

(1) Applicability

Screening devices shall be required at the time of a building permit, prior to the issuance of a Certificate of Occupancy, where new or expanded multi-family or non-residential uses:

- (a) Adjoin single-family residential zoning or uses
- (b) Contain refuse areas or recyclable containers
- (c) Contain mechanical or utility equipment at ground level or rooftop equipment
- (d) Contain loading areas or spaces
- (e) Are specifically required to provide screening pursuant to Section 5-2, Supplementary Regulations.

(2) Screening Standards

(a) Approved Materials

Materials approved for screening walls are brick, stone, cementitious stucco, split-face concrete masonry units (CMU's), and pre-cast or cast-in-place concrete with a similar appearance as brick, stone, or split-face CMU's.

(b) Prohibited Materials

Use of wood, chain-link, chicken-wire, hog-wire fencing, and any other material similar in appearance and quality is expressly prohibited. Any materials not listed, designed and constructed for fencing materials are also prohibited.

- (c) Height
 - Unless otherwise specified herein, all required screening shall be no less than six feet (6') in height.
- (d) Screening between land uses
 - Screening shall be provided along the common property line between new or expanded nonresidential or multi-family and single-family zones or uses. The screen shall take one of the following forms:
 - (1) A screening wall combined with low shrubs planted on the exterior of the wall.
 - (2) A decorative wrought iron fence with masonry columns augmented with evergreen trees and shrubs to provide a sufficient screen.
 - (3) A ten foot (10') wide bufferyard containing one of the following vegetative combinations:
 - a. Three inch (3") caliper pine trees (Afghan, Austrian, or Japanese Black or a combination thereof) placed in triangular spacing, in two rows, every fifteen feet (15').
 - b. One (1) row of three inch (3") caliper Leyland Cypress trees every fifteen feet (15') and one (1) row of three inch (3") caliper shade trees every fifteen feet (15') in triangular spacing.
 - c. Three inch (3") caliper Hollies, Wax Myrtles, or Laurels placed in triangular spacing, in two rows, every eight feet (8').
- (e) Refuse areas or recyclable containers
 - (1) Refuse areas or recyclable containers shall be screened with a screening wall the greater of eight feet (8') in height or two feet (2') taller than the container being screened. The screening wall shall be architecturally compatible with the principle building(s) on site.
 - (2) Compaction units shall provide a floor drain which ties into the sanitary sewer system.
 - (3) Gates shall be constructed of metal, wood composite, or PVC composite. Wooden gates are not permitted as they do not sufficiently withstand daily use and abuse.
 - (4) Where practical, shrubs and other plants shall be placed outside the enclosure to visually soften the appearance.
- (f) Mechanical and utility equipment
 - (1) Mechanical or utility equipment located on the ground shall be screened with a wooden fence or a continuous row of evergreen shrubs. Screen should be at least as tall as the equipment to be screened.
 - (2) Mechanical or utility equipment located on the roof of buildings shall be screened from ground view with a parapet wall or penthouse screen. Screen should be at least as tall as the equipment to be screened.
- (g) Loading areas and spaces
 - (1) Loading areas and spaces shall be screened from view from rights-of-way and other public areas and single-family zoning or uses with a screening wall with low shrubs or a continuous row of evergreen

shrubs and trees which provide an uninterrupted six foot (6') tall screen.

(h) Other creative alternatives to the aforementioned requirements will be considered by the Community Development Director if the proposed screening alternative provides for a screening standard equal to or greater than that required.

(i) Screening walls or any other type of screening device shall not be constructed within any portion of a utility or drainage easement unless specifically authorized by the City and by any applicable utility provider(s).

(D) *Termination of certain nonconforming fences and screening devices.* The following nonconforming fences and screening devices shall be removed or modified to comply with the provisions of this section within ninety (90) days of notification to eliminate every nonconformity:

(1) *Non-traditional fencing materials.* Any fence or screening utilizing, in whole or in part, any materials not listed, designed and constructed for fencing materials.

(2) *Public health, safety, and welfare.* Every nonconforming fence or screening that poses a threat to the health, safety, or welfare of any person or to the general public.

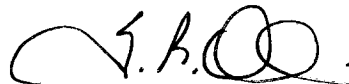
SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of conflict only.

SECTION 3. A person who violates this Ordinance is guilty of a separate offense for each day or part of day the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$2,000.00.

SECTION 4. If any section, provision, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Greenville, Texas hereby declares it would have enacted such remaining portions, despite such invalidity.

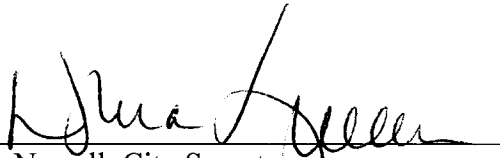
SECTION 5. This Ordinance shall be in full force and effect from and after October 22, 2010.

PASSED AND APPROVED, this the 12th day of October, 2010.



Thomas B. Oliver, Mayor

ATTEST:



Debra Newell, City Secretary

APPROVED AS TO FORM:



Brent A. Money, City Attorney