

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2023-12**

**AN ORDINANCE AMENDING CHAPTER 60 OF THE CODE OF  
ORDINANCES, CITY OF KERRVILLE, TEXAS, SUCH CHAPTER  
COMMONLY KNOWN AS THE CITY'S ZONING CODE;  
AMENDING SAID CODE TO REVISE REGULATIONS  
REGARDING THE PERMITTED LOCATION OF ACCESSORY  
BUILDINGS AND STRUCTURES WITHIN THE FRONT  
SETBACK, AS APPLICABLE TO FENCES; AND PROVIDING  
OTHER MATTERS RELATING TO THE SUBJECT**

**WHEREAS**, on August 27, 2019, City Council adopted Ordinance No. 2019-17, which adopted the City's Zoning Code, which included a Land Use Table and Zoning Map, collectively referred to herein as the "Zoning Code"; and

**WHEREAS**, Ordinance No. 2019-17 was adopted in accordance with and pursuant to the City's Comprehensive Plan; and

**WHEREAS**, pursuant to requests from landowners concerning the installation of fences in front yards and clarifying the Zoning Code as necessary, City staff, the Planning and Zoning Commission, and City Council recommend the adoption of several amendments to the Zoning Code; and

**WHEREAS**, pursuant Section 60-73 of the Zoning Code, and in accordance with Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing held before the City Council on August 8, 2023, which considered a report of the City's Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in a number of amendments to the Zoning Code as provided herein; and

**WHEREAS**, on August 8, 2023, City Council held a public hearing on the zoning amendments pursuant to the published notice and has considered the application, comments, reports, and recommendations of the Planning and Zoning Commission and staff, public testimony, and other relevant support materials;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:**

**SECTION ONE.** Sec. 60-17 of the Zoning Code is amended with deletions indicated by red, strikeout (~~deleted~~) and additions indicated by blue, underline (addition) as follows:

“Sec. 60-17. - Terms defined.

⋮

Screening fence means a fence or wall that may be part of the structure or a standalone feature that screens from view the interior of a property so that visibility through the fence or wall shall be prevented from the exterior side of the fence or wall.”

**SECTION TWO.** Sections 60-50, -51, and -52 of the Zoning Code are amended with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (addition) as follows:

A. “Sec. 60-50. – Residential zoning districts.

⋮

(a)(7)~~Location of a~~Accessory buildings or structures prohibited in beyond setback.

a. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited. Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.”

B. “Sec. 60-50. – Residential zoning districts.

⋮

(b)(7)~~Location of a~~Accessory buildings or structures prohibited in beyond setback.

a. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited. Fencing materials must

consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.”

C. “Sec. 60-50. – Residential zoning districts.

:

(c)(7) *Location of a Accessory buildings or structures prohibited in beyond setback.*

a. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited. Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.”

D. “Sec. 60-50. – Residential zoning districts.

:

(d)(9) *Location of a Accessory buildings or structures prohibited in beyond setback.*

a. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited. Fencing materials must consist of see-through materials and may include wrought

iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.”

E. “Sec. 60-50. – Residential zoning districts.

:

(e)(7) ~~Location of a~~ Accessory buildings or structures prohibited in ~~beyond~~ setback.

a. No structure in excess of 30 inches in height may exist ~~within a front setback except that fences are allowed up to a maximum height of six feet between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited. Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.”~~

F. “Sec. 60-50. – Residential zoning districts.

:

(f)(9) ~~Location of a~~ Accessory buildings or structures prohibited in ~~beyond~~ setback.

a. No structure in excess of 30 inches in height may exist ~~within a front setback except that fences are allowed up to a maximum height of six feet between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited. Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may~~

include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.”

**G. “Sec. 60-50. – Residential zoning districts.**

⋮

(g)(7) ~~Location of a~~ Accessory buildings or structures prohibited in beyond setback.

a. No structure in excess of 30 inches in height may exist ~~within a front setback except that fences are allowed up to a maximum height of six feet between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain-link fencing, which is prohibited. Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.”~~

**H. “Sec. 60-51. – Nonresidential zoning districts.**

⋮

(a)(4) ~~Location of s~~ Structures prohibited in beyond setback. No structure in excess of 30 inches in height may exist ~~within a front setback except that fences are allowed up to a maximum height of six feet between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain-link fencing, which is prohibited. Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches.~~

Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.”

I. “Sec. 60-51. – Nonresidential zoning districts.

⋮

(b)(4) ~~Location of structures prohibited in beyond~~ setback. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited. Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.”

J. “Sec. 60-51. – Nonresidential zoning districts.

⋮

(c)(4) ~~Location of structures prohibited in beyond~~ setback. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited. Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the

property line, create a visibility obstruction or, otherwise interfere with pedestrian or vehicular circulation.”

K. “Sec. 60-52. – Special districts.

:

(a)(6) ~~Location of structures prohibited in beyond~~ setback. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited. Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.”

L. “Sec. 60-52. – Special districts.

:

(b)(5) ~~Location of structures prohibited in beyond~~ setback. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited. Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.”

M. "Sec. 60-52. – Special districts.

:

(d)(4) ~~Location of a~~Accessory buildings or structures prohibited in beyond setback.

a. No structure in excess of 30 inches in height may exist ~~within a front setback except that fences are allowed up to a maximum height of six feet between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited. Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width.~~ No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation."

N. "Sec. 60-52. – Special districts.

:

(e)(4) ~~Location of s~~Structures prohibited in beyond setback. No structure in excess of 30 inches in height may exist ~~within a front setback except that fences are allowed up to a maximum height of six feet between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited. Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width.~~ No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation."

**SECTION THREE.** The provisions of this Ordinance are cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are expressly repealed to the extent of any such inconsistency or conflict.

**SECTION FOUR.** The terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance is declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

**SECTION FIVE.** Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City's Charter, the City Secretary is authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

**SECTION SIX.** This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07 of the City Charter.

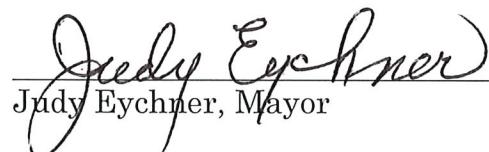
PASSED AND APPROVED ON FIRST READING, this the 08 day of August, A.D., 2023.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the 22 of August, A.D., 2023.

ATTEST:



Shelley McElhannon, City Secretary



Judy Eychner, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney