



Development Services
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**TOWN OF PROSPER
ADOPTS AMENDED FENCE ORDINANCE**

On September 8, 2015 and September 22, 2015, the Prosper Town Council amended Article 3.19 of the Town's Code of Ordinances regarding Fence Regulations (entire Article attached). The amendments become effective on October 7, 2015.

SUMMARY OF AMENDMENTS

Wooden Fences Adjacent to or Visible from the Street

Wooden fences on lots or tracts that are adjacent to a street and visible from the street shall be constructed as board-on-board with a top rail.

Open Fencing Requirements

Fences adjacent to public or private open space, public or private parks, or hike and bike trails shall be ornamental metal, tubular steel or split rail with a minimum 50% through vision. Wooden fences legally installed on or before October 7, 2015, may be replaced with a wooden fence in compliance with the wooden fence standards as they exist or as may be amended.

Fences or Low Walls located in the Required Front Yard of a Residential District:

Fences or low walls located in the required front yard of any residential district or any residential lot shall be subject to the following approval process and meet the following standards:

- (1) The fence or low wall shall require approval of the Town Council. An application for Town Council consideration of a fence or wall in the required front yard shall be submitted on a form supplied by the Department of Development Services.
- (2) Fences shall have a minimum of fifty percent (50%) through vision and shall not exceed eight feet (8') in height.
- (3) Low, solid walls may be approved by the Town Council subject to the following criteria:
 - a. Shall not exceed three feet (3') in height;
 - b. Shall be constructed of clay fired brick, natural stone or manufactured stone;
 - c. Shall not be constructed of concrete block, split faced concrete block or stucco; and
 - d. Shall not be painted.

Chain-link Fences

Chain-link fences are not permitted in the required front yard of any residential zoning district or any residential lot.

Alternate Materials

The Town Council may approve alternate materials for fences and low walls. An application for Town Council consideration of an alternate fence or low wall material shall be submitted on a form supplied by the Department of Development Services.

Article Amended in its Entirety by the Town Council on September 22, 2015
Effective Date: October 7, 2015

“ARTICLE 3.19 FENCE REGULATIONS

Sec. 3.19.001 Fence Requirements

Fences in all zoning districts shall meet the following requirements:

(a) A fence permit must be obtained from the Building Inspection Division prior to installation. It shall be unlawful for any person to install or cause to be installed, or to permit any person to install a fence, or to make any alterations, additions or changes to a fence, without first having procured a permit to do so from the Building Official. Notwithstanding the foregoing, a permit shall not be required for alterations, additions or changes if repairs do not exceed sixteen (16) linear feet of the area of the fence over a twelve (12) month period.

(b) No fence shall be constructed within any drainage easement in the corporate limits of the Town unless the Town Engineer shall have first determined and advised the Building Official, in writing, that he believes such fence shall, in all probability, not interfere with or impair the natural flow of water across the drainage easement.

(c) Fences around tennis courts may exceed eight feet (8') in height, but shall not exceed fifteen feet (15').

(d) Fence arms shall not be constructed.

(e) Chain-link fences in residential districts shall have the finished edge of the material on the top of the fence. Chain-link fences shall be vinyl-coated, unless used in conjunction with athletic fields on property owned by an Independent School District or the Town of Prosper. Chain-link fences are not permitted in the required front yard of any residential zoning district or any residential lot.

(f) *Fences or Low Walls located in the Required Front Yard of a Residential District:* Fences or low walls located in the required front yard of any residential district or any residential lot shall be subject to the following approval process and meet the following standards:

- (1) The fence or low wall shall require approval of the Town Council. An application for Town Council consideration of a fence or wall in the required front yard shall be submitted on a form supplied by the Department of Development Services.
- (2) Fences shall have a minimum of fifty percent (50%) through vision and shall not exceed eight feet (8') in height.
- (3) Low, solid walls may be approved by the Town Council subject to the following criteria:
 - a. Shall not exceed three feet (3') in height;
 - b. Shall be constructed of clay fired brick, natural stone or manufactured stone;
 - c. Shall not be constructed of concrete block, split faced concrete block or stucco; and
 - d. Shall not be painted.

(g) *Gate required.* Every fenced enclosure constructed pursuant to the provisions of this article shall have at least one (1) gate in its perimeter a minimum of three feet (3') in width.

(h) *Wooden Fence Standards.* All wooden fences shall meet the following standards:

- (1) All vertical posts shall be galvanized steel, a minimum of sixteen (16) gauge thickness and spaced at a maximum of eight feet (8') on center, set in a concrete footing. Picket fences, split rail fences, ranch style or agricultural fences, or other types of open decorative fences approved by the Building Official or his/her designee shall be permitted to use wooden posts.
- (2) All pickets shall be a minimum 1/2 inch (1/2") thickness.
- (3) Wood material shall be an insect-resistant wood such as cedar or pressure treated yellow pine. Spruce is not a permitted wood material.
- (4) The fence shall have its back side (the side with exposed posts or rails) oriented away from view from the adjacent street or right-of-way.
- (5) All materials shall be securely fastened, vertical boards to horizontal stringers, stringers to vertical posts, top rail, to ensure an ongoing attractive appearance and safe condition, free from rot, rust, vandalism, and other sources of decay.
- (6) The bottom of the fence shall be designed to prevent ground-to-wood contact. This can be achieved through the use of a concrete strip poured between the fence supports or by raising the pickets to provide a minimum of three inches (3") between the bottom of the pickets and the ground. A two inch by six inch (2" x 6") kick board may be used to cover the gap between bottom of pickets and ground. This kick board may have ground contact.
- (7) Wooden fences on lots or tracts that are adjacent to a street and visible from the street shall be constructed as board-on-board with a top rail.

(i) *Protective treatment.* All wood material shall be stained, pressure-treated, painted, or adequately sealed to prevent decay. All exterior surfaces of fences shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(j) *Open fencing requirements.* Fences adjacent to public or private open space, public or private parks, or hike and bike trails shall be ornamental metal, tubular steel or split rail with a minimum 50% through vision. Wooden fences legally installed on or before October 7, 2015, may be replaced with a wooden fence in compliance with the wooden fence standards as they exist or as may be amended.

(k) Fences may not contain and/or be:

- (1) Continuous electrical current, although single-strand wire designed to conduct electricity through an approved low-voltage regulator shall be allowed along the fence's interior base line;
- (2) Constructed to contain barbed wire;
- (3) Plywood;
- (4) Fiberglass or fiberglass panels;
- (5) Corrugated steel or sheet iron; and/or
- (6) Razor wire.

(l) Fences on parcels being used for agricultural purposes may contain barbed wire or other agricultural fences approved by the Building Official or his/her designee.

(m) *Alternate Materials.* The Town Council may approve alternate materials for fences and low walls. An application for Town Council consideration of an alternate fence or low wall material shall be submitted on a form supplied by the Department of Development Services.