



## ADMINISTRATION

**To: Mayor and Town Council**

**From: Chuck Ewings, Assistant Town Manager**

**Through: Mario Canizares, Town Manager**

**Re: Appeal to Permit Screening of Open Fencing**

**Town Council Meeting – November 12, 2024**

**Strategic Visioning Priority: 4. Provide Excellent Municipal Services**

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**Agenda Item:**

Consider an appeal to the requirements of the Town of Prosper Fence Regulations permitting alternate fence materials at 980 English Ivy.

**Description of Agenda Item:**

Section 3.19.001.11(G) prohibits property owners from placing screening (or alternate) material on fencing that is required to maintain a minimum of fifty percent through vision at certain locations. The property owner at 980 English Ivy placed mesh screening over existing wrought iron fencing that is required to remain open under Town fence regulations.

The property owner was originally notified in February, 2023, of the requirement and submitted an appeal to the Town Manager. After a thorough review, the appeal was ultimately denied and the property owner notified on December 4, 2023, that she may appeal to Town Council.

Town staff took time to review HOA plans to ensure the subdivision was in compliance with any approved landscape plans. There is no specific landscaping plan for the subdivision that could be referenced but the Town did have the HOA remove and replace dead plant material. Not all of the plants have survived and code compliance is notifying the HOA to replace them. The HOA is not required to place plant material that will serve as screening.

The property owner is seeking relief from these requirements and appealing to Town Council as permitted under Section 3.19.001.13 if denied by the Town Manager. The Town has been consistent with the requirement that open fencing maintain a minimum of fifty percent through vision. Property owners are permitted and encouraged to utilize live screening on open fencing.

In addition to the fence requirements in the Town Building Regulations, the Subdivision Ordinance also prohibits placement of any solid fencing on or near ornamental fencing in section 10.03.148:

“(d) Masonry walls, wood fences, solid metal fences, or any other type of solid fencing shall not be constructed parallel to the required ornamental metal fence within the landscape buffer or on an adjacent lot, within a distance of 25 feet from the ornamental metal fence”

**Budget Impact:**

No budget impact.

**Legal Obligations and Review:**

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the attached documents as to form and legality.

**Attached Documents:**

1. Written appeal from the property owner

**Town Staff Recommendation:**

Town Staff recommends denial of the request.

**Proposed Motion:**

I move to approve/deny the request to permit alternate fencing materials at 980 English Ivy Dr.