



DEVELOPMENT SERVICES

To: Mayor and Town Council

From: Chuck Ewings, Assistant Town Manager

Through: Mario Canizares, Town Manager

Re: Ordinance Amending Fence Requirements of the Building Code

Town Council Meeting – October 10, 2023

Strategic Visioning Priority: 4. Provide Excellent Municipal Services

Agenda Item:

Consider and act upon an ordinance amending Article 3.19 – Fence Regulations of the Town of Prosper Code of Ordinances prohibiting screening of open fencing in certain locations.

Description of Agenda Item:

The regulations prohibiting screening of open fencing with materials, other than live screening, are currently addressed in the Town's Subdivision Ordinance and the Building Regulations. This amendment seeks to address maintenance of open fencing in one part of the code of ordinances. This amendment prohibits material from being placed on or near ornamental fencing adjacent thoroughfare/collector streets, parks, and trails. It does not prohibit use of vegetation or live material to provide screening of yards with ornamental fencing.

Staff has received multiple appeals to allow materials that do not maintain at least 50 percent through vision. Due to the increase in these appeals, we recommend the requirement be stated in one section of the code of ordinances and specifically state what is prohibited.

Town Council will have an opportunity to discuss during its work session prior to the regular meeting.

Budget Impact:

There is no budgetary impact affiliated with this item.

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. Proposed Ordinance

Town Staff Recommendation:

Town Staff recommends approval an ordinance amending Article 3.19 – Fence Regulations of the Town of Prosper Code of Ordinances prohibiting screening of open fencing in certain locations.

Proposed Motion:

I move to approve/deny the ordinance amending Article 3.19 – Fence Regulations of the Town of Prosper Code of Ordinances prohibiting screening of open fencing in certain locations.