



# CITY OF ROCKWALL

## PLANNING AND ZONING COMMISSION MEMORANDUM

### PLANNING AND ZONING DEPARTMENT

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**TO:** Planning and Zoning Commission  
**FROM:** Ryan Miller, *Director of Planning and Zoning*  
**DATE:** February 25, 2020  
**SUBJECT:** Z2020-007; *Amendment to the Fence Standards for Existing and Infill Single-Family and Duplex Properties Contained in Article 08, Landscape and Fence Standards, of the UDC*

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On January 21, 2020, the City Council held a work session to discuss the fence standards. At this work session the City Council directed staff to make the following changes to Section 08.03(B), *Fence Standards for Existing and Infill Single-Family and Duplex Properties*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC):

- (1) Remove the language requiring fences be constructed with a decorative top rail and/or cap.
- (2) Remove the language requiring fences be stained and sealed on both sides of the fence.
- (3) Change the standards to allow the framing to be placed on the public side when adjacent to an alleyway.
- (4) Remove the language requiring fences be free of burs and splinters.
- (5) Remove the language requiring fences be constructed with ½-inch or greater fencing material.

Based on this direction staff is proposing to change this section of the ordinance to read:

~~Removed Language~~

Addition Language

All solid fencing shall be constructed utilizing standard cedar fencing materials (*spruce fencing is prohibited*) that are a minimum of ½-inch or greater in thickness. Fences shall be constructed a minimum of six (6) feet in height and a maximum of eight (8) feet in height. Posts, fasteners, and bolts shall be formed from hot dipped galvanized or stainless steel. All cedar pickets shall be placed on the public side and all posts and/or framing shall be placed on the private side when adjacent to a public street (*excluding alleyway*), open space, public park, and/or neighboring properties. ~~(i.e. facing streets, alleys, open space, parks, and/or neighboring properties).~~ All posts and/or framing shall be placed on the private side (i.e. facing towards the home) of the fence. ~~All wood fences shall be smooth finished, free of burs and splinters, and be stained and sealed on both sides of the fence.~~ Painting a fence with oil or latex based paint shall be prohibited. ~~All solid fences shall incorporate a decorative top rail and/or cap detailing the design of the fence.~~

In accordance, with Section 02.04(B) of Article 11, *Development Applications and Review Procedures*, of the UDC staff is bringing the proposed amendment forward to the Planning and Zoning Commission for a recommendation to the City Council. Attached to this case memo is a draft ordinance outlining the proposed changes. The schedule for this text amendment is as follows:

Planning and Zoning Commission Work Session: February 25, 2020

Planning and Zoning Commission Public Hearing: March 10, 2020

City Council Public Hearing/1<sup>st</sup> Reading: March 16, 2020

City Council 2<sup>nd</sup> Reading: April 6, 2020

Staff will send out a 15-day notice to the Rockwall Herald Banner in accordance with all applicable state laws and Section 02.03(A)(3) of Article 11, *Development Applications and Review Procedures*, of the UDC. Should the Planning and Zoning Commission have any questions staff will be available at the meeting on February 25, 2020.



incorporate a decorative top rail and/or cap detailing the design of the fence.

- (2) **Transparent Fencing.** All transparent fencing shall be wrought iron that is a minimum of four (4) feet in height and a maximum of eight (8) feet in height. Transparent fencing is required adjacent to all perimeter roadways (i.e. along the perimeter of the subdivision), abutting open spaces, greenbelts and parks.
- (3) **Corner Lots.** Corner lot fences (i.e. adjacent to a street, open space, or parks) shall provide masonry columns at 45-foot off center spacing that begins at the rear of the property line. A solid cedar board-on-board panel fence that is a minimum of six (6) feet in height and a maximum of eight (8) feet in height shall be allowed between the masonry columns along the side and/or rear lot adjacent to an interior street. The fence shall be setback from the side property line adjacent to a street a minimum of five (5) feet. The property owner shall be required to maintain both sides of the fence.
- (4) **Perimeter Subdivision Fencing.** Perimeter subdivision fencing shall be constructed of six (6) foot tall tubular steel or wrought-iron type fencing with masonry columns, landscaping, and entry features. All common areas and perimeter subdivision fencing shall be maintained by a Homeowner’s Association (HOA) as specified in the City’s subdivision regulations.
- (5) **Exceptions.** The Planning and Zoning Commission may consider alternative materials that are permitted by [Subsection 08.02\(B\)](#) (e.g. vinyl or split rail fencing) or alternative screening for perimeter fencing (e.g. earthen berms with landscaping) on a case-by-case basis at the time of preliminary plat and/or site plan for all new residential subdivisions. These exceptions will *not* be subject to the approval criteria and voting requirements stipulated by [Section 09.01, Exceptions to the General Standards, of Article 11, Development Applications and Review Procedures](#).

(B) **Fence Standards for Existing and Infill Single-Family and Duplex Properties.** All fences being proposed in established residential areas (i.e. established single-family or duplex subdivision or areas) -- that are not regulated by a Planned Development District ordinance -- shall be architecturally compatible with the design, materials, and colors of the existing fences in the area; however, the following minimum standards shall apply to all fences requiring a fence permit in these areas:

- (1) **Solid Fencing.** All solid fencing shall be constructed utilizing standard cedar fencing materials (*spruce fencing is prohibited*) that are a minimum of ½-inch or greater in thickness. Fences shall be constructed a minimum of six (6) feet in height and a maximum of eight (8) feet in height. Posts, fasteners, and bolts shall be formed from hot dipped galvanized or stainless steel. All cedar pickets shall be placed on the *public side* and all posts and/or framing shall be placed on the *private side* when adjacent to a public street (*excluding alleyway*), open space, public park, and/or neighboring properties (*i.e. facing streets, alleys, open space, parks, and/or neighboring properties*). All posts and/or framing shall be placed on the *private side* (*i.e. facing towards the home*) of the fence. All wood fences shall be smooth finished, free of burs and splinters, and be stained and sealed on both sides of the fence. Painting a fence with

FIGURE 18: THROUGH LOTS

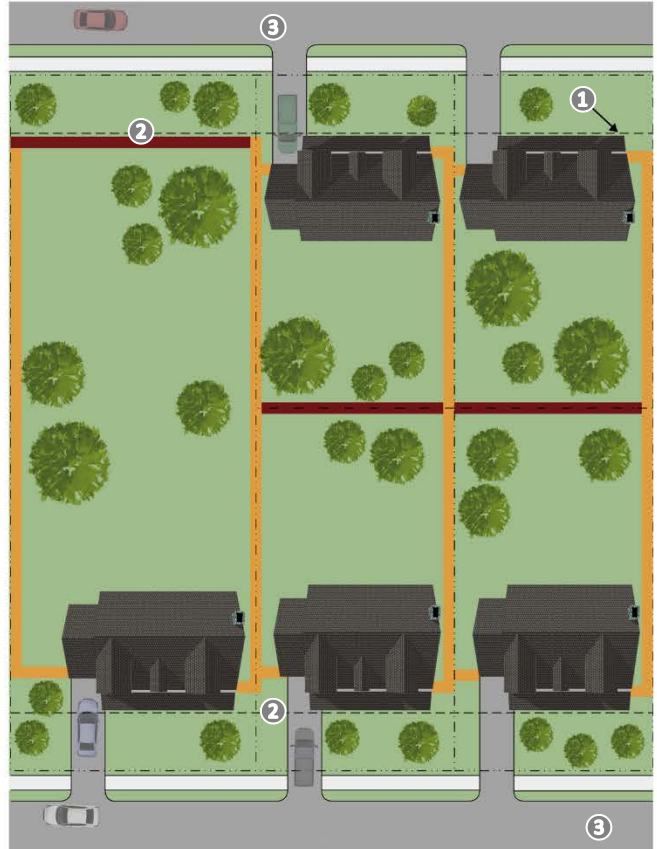
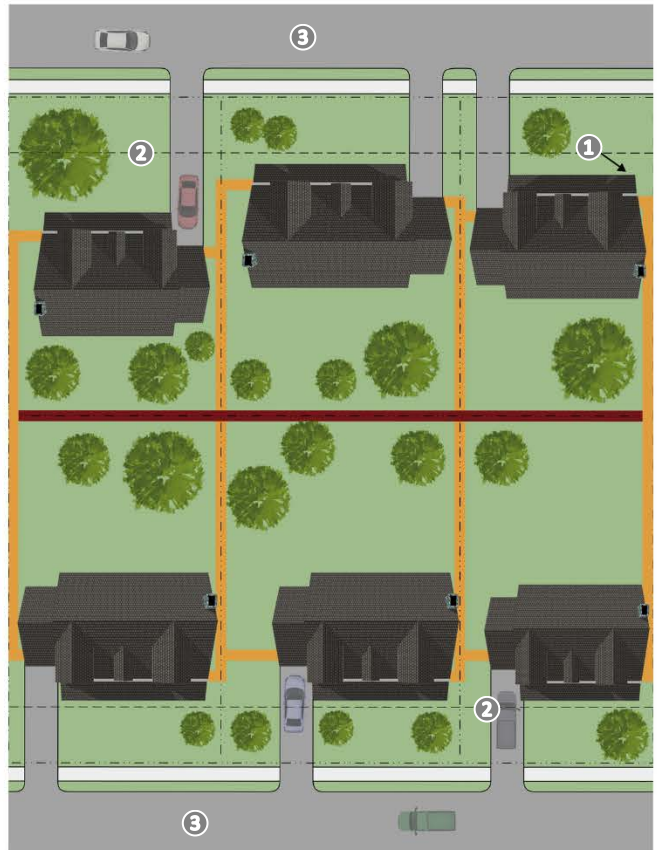


FIGURE 19: FENCES WITH COMMON REAR YARDS



1: PORCH; 2: 20-FOOT BUILD LINE; 3: STREET; REAR YARD FENCE; SIDE YARD FENCE



oil or latex based paint shall be prohibited. All solid fences shall incorporate a decorative top rail and/or cap detailing the design of the fence.

(2) Transparent Fencing.

(a) Wrought Iron Fences. All new transparent fencing shall be wrought iron that is a minimum of four (4) feet in height and a maximum of eight (8) feet in height.

(b) Chain-Link Fences.

(I) New Chain-Link Fences. New chain-link fences shall be prohibited.

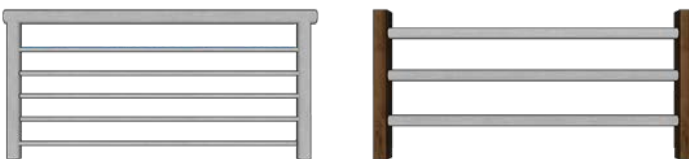
(II) Replacement of an Existing Chain-Link Fence. Existing chain-link fences may be replaced with a new vinyl coated, chain-link fence that is a minimum of four (4) feet in height and a maximum of six (6) feet in height. Replacement chain-link fences may only be placed in the location of the existing chain-link fence.

(III) Chain-Link Fences in Conjunction with an Accessory Use. Chain-link fences that are integral to the design of an accessory use (e.g. dog run, batting cage, etcetera) maybe be permitted; however, the fence shall be placed a minimum of ten (10) feet from the property lines unless completely screened from adjacent properties, open spaces, right-of-way, and parkland by a structure, fence or solid landscape screen.

(3) Special Exceptions. The Planning and Zoning Commission may consider alternative materials that are permitted by [Subsection 8.02\(B\)](#) (e.g. vinyl or split rail fencing) and/or alternative fence standards on a case-by-case basis. These exceptions will *not* be subject to the approval criteria and voting requirements stipulated by [Section 09.01, Exceptions to the General Standards, of Article 11, Development Applications and Review Procedures](#).

(C) Fence Standards for Agricultural and Single-Family Estate Properties. Fences in the Agricultural (AG), Single-Family Estate 1.5 (SFE-1.5), Single-Family Estate 2.0 (SFE-2.0), and Single-Family Estate 4.0 (SFE-4.0) Districts shall meet all the requirements stipulated for [Subsections 08.03\(A\) & 08.03\(B\)](#); however, a metal split-rail or pipe fencing shall be permitted in these districts. Metal split-rail or pipe fencing shall be a minimum of four (4) feet and a maximum of eight (8) feet in height.

FIGURE 14: EXAMPLES OF SPLIT-RAIL AND/OR PIPE FENCING



(D) Fence Placement.

(1) Fences in the Rear and Side Yard. Fences may be placed in the rear and side yards; however, the following conditions shall apply:

(a) Side Yard Fences. Side yard fences shall not extend beyond the front façade of a single-family structure. In cases where a structure has a front porch or other encroachment, the fence shall not extend beyond where the front porch or encroachment meets the front façade of the single-family structure (as depicted in Figure 18).

(b) Abutting an Alleyway. Fences abutting an alleyway are permitted to be constructed on the side or rear property lines (as depicted in Figure 14).

(c) Through Lots. Fences proposed for *Through Lots* (i.e. lots that have street frontage adjacent to the front and rear yard property lines) may construct a fence on the rear yard property line if all lots within the block have the same lot configuration (i.e. if all lots are *Through Lots* fronting in the same direction) (as depicted in Figure 15). If a *Through Lots'* rear property line is adjacent to a house, the rear yard fence for the *Through Lot* shall not extend past the front yard building line (as depicted in Figure 17).

(d) Corner Lots. Corner lots shall be permitted to construct a fence along the side yard property line adjacent to a street (as depicted in Figure 14); however, in cases where a house is facing in the same direction as the side yard of a corner lot, the side yard fence adjacent to the street shall not extend beyond the front yard building setback (as depicted in Figure 16).

(2) Fences in the Front Yard. No fence shall be constructed in the front yard of a residential property without being granted an exception from the Planning and Zoning Commission unless specifically permitted by Subsection 08.03(D)(3). For the purposes of this provision the front yard is defined as the area between the front façade of the primary structure and the front property line (as depicted in Figure 14). The Planning and Zoning Commission may authorize the issuance of an exception for the construction of a front yard fence subject to the following provisions:

(a) Wood Fences. Wood fences that are 50% transparent (e.g. as depicted in Figure 14) shall not exceed 42-inches in height.

(b) Wrought Iron or Decorative Metal Fences. Wrought iron or decorative metal fences that are 50% transparent (e.g. as depicted in Figure 14) shall not exceed 48-inches in height.

(c) Opaque Fences. Opaque fences are prohibited in the front yard of residential properties.

In considering a front yard fence, the Planning and Zoning Commission may require applicants to provide additional information, plans, drawings, and/or other information concerning the proposed front yard fence. In addition, the Planning and Zoning Commission may establish additional conditions of construction for any fence.

CITY OF ROCKWALL

ORDINANCE NO. 20-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING SECTION 08.03(B), *FENCE STANDARDS FOR EXISTING AND INFILL SINGLE-FAMILY AND DUPLEX PROPERTIES*, OF ARTICLE 08, *LANDSCAPE AND FENCE STANDARDS*, AS DEPCITED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, an amendment to the City of Rockwall's Unified Development Code [*Ordinance No. 20-02*] has been initiated by the City Council of the City of Rockwall to amend Section 08.03(b), *Fence Standards for Existing and Infill Single-Family and Duplex Properties*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code [*Ordinance No. 20-02*]; and,

**WHEREAS**, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the city's corporate boundaries, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [*Ordinance No. 20-02*] should be amended as follows:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:**

**SECTION 1.** That Section 08.03(b), *Fence Standards for Existing and Infill Single-Family and Duplex Properties*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'A'* of this ordinance;

**SECTION 2.** That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars (\$2,000.00)* for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

**SECTION 3.** That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code [*Ordinance No. 04-38*], and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

**SECTION 4.** That this ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 6<sup>TH</sup> DAY OF APRIL, 2019.**



\_\_\_\_\_  
Jim Pruitt, Mayor

**ATTEST:**

\_\_\_\_\_  
Kristy Cole, City Secretary

**APPROVED AS TO FORM:**

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Frank J. Garza, City Attorney

1<sup>st</sup> Reading: March 16, 2020

2<sup>nd</sup> Reading: April 6, 2020

**Exhibit 'A'**

Section 08.03(B), Fence Standards for Existing and Infill Single-Family and Duplex Properties, of  
Article 08, Landscape and Fence Standards, of the  
Unified Development Code (UDC)

Additions: **Highlighted**

Deletions: **Highlighted, Strikeout**

All solid fencing shall be constructed utilizing standard cedar fencing materials (*spruce fencing is prohibited*) that are a minimum of ½-inch or greater in thickness. Fences shall be constructed a minimum of six (6) feet in height and a maximum of eight (8) feet in height. Posts, fasteners, and bolts shall be formed from hot dipped galvanized or stainless steel. All cedar pickets shall be placed on the public side and all posts and/or framing shall be placed on the private side when adjacent to a public street (*excluding alleyway*), open space, public park, and/or neighboring properties. ~~(i.e. facing streets, alleys, open space, parks, and/or neighboring properties).~~ All posts and/or framing shall be placed on the private side (i.e. facing towards the home) of the fence. All wood fences shall be smooth finished, free of burs and splinters, and be stained and sealed on both sides of the fence. **Painting a fence with oil or latex based paint shall be prohibited. All solid fences shall incorporate a decorative top rail and/or cap detailing the design of the fence.**