

Memorandum



CITY OF DALLAS

DATE January 8, 2016

TO Members of the Quality of Life Committee and Environment Committee:
Sandy Greyson (Chair), Tiffinni A. Young (Vice Chair), Mark Clayton, Philip T. Kingston, B. Adam McGough, and Rickey D. Callahan

SUBJECT **Non-Required Fences Update**

On January 11, 2016 you will be briefed on the existing regulations for non-required fences and provided information on how non-required fences and residential fences are regulated in area cities. This item was previously briefed on August 10, 2015 and October 12, 2015. A copy of the briefing material is attached for your review.

Ryan S. Evans
First Assistant City Manager

c: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Rosa Rios, City Secretary
Craig D. Kinton, City Auditor
Daniel F. Solis, Administrative Judge
Eric D. Campbell, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Theresa O'Donnell, Chief Resilience Officer
Alan E. Sims, Chief of Neighborhood Plus
Forest E. Turner, Chief Wellness Officer
Sana Syed, Managing Director, Public Information Office
Elsa Cantu, Assistant to the City Manager
David Cossum, Director Sustainable Development and Construction
Rick Galceran, P.E., Director, Public Works

Non-required Fences Update

Quality of Life & Environment Committee

January 11, 2016

Presented by the Department of Sustainable Development and Construction



Purpose

- Follow up on the May 26, 2015, August 10, 2015 and October 12 briefings to the committee
 - Provide research on required materials for non-required and residential fences in other cities
 - Illustrate potential issues with materials in single family districts
- Receive direction on any possible code amendments on non-required fence and residential fence material standards

Background

- May 26, 2015 Staff briefed the **Quality of Life & Environment Committee** on proposed code amendments to the provisions regulating outside storage. During the briefing, staff was directed by the committee to provide information on Dallas' existing standards for non-required fencing, research non-required fence standards and materials in other cities
- August 10, 2015, Staff briefed the **Quality of Life & Environment Committee** on proposed code amendments to the provisions regulating outside storage and was also directed to provide information on Dallas' existing standards for non-required fencing, research non-required fence standards and materials for residential fences in other cities
- October 12, 2015, Staff briefed the **Quality of Life & Environment Committee** on existing standards for non-required fencing and the item was deferred to a future date

Background

- December 15, 2015, Staff held a **public meeting on Accessory Dwelling Units and Non-Required Fences**. The purpose of the meeting was to receive initial thoughts and concerns from residents regarding these topics. Invitations to the meeting were e-mailed to: the Strategic Customer Service E-mail list; the Sustainable Development & Construction Department's Early Notifications Lists; the Zoning Ordinance Committee's Notification List; contacts at the Dallas Homeowner's League; contacts at the Dallas Builder's Association; and City Council offices
- Twenty-four (24) people were in attendance
- Generally, there were few comments regarding non-required fences, however, those with an opinion, expressed a concern about corrugated metal as a material

Fences

- Currently the City does not regulate materials for fences that are not required in Ch. 51A
- Chapter 27 establishes certain minimum maintenance standards for some fences
- A fence permit is required for fences exceeding 4 feet in height located in a required front yard
- A fence permit is required for fences exceeding 6 feet in height on the remainder of the lot
- Fences over 9 feet are considered structures and require a building permit

Maintenance Standards

Dallas City Code Ch. 27. - Article III

A property owner shall maintain any fence on a property in compliance with the following standards:

- **Maintain** a fence so that it is not out of vertical alignment:
Fence more than 4 feet tall - more than one foot from the vertical
Fence less than 4 feet tall - more than 6 inches from the vertical
 - This provision does not apply to a masonry wall unless the wall encloses:
 - (i) A multi-tenant property; or
 - (ii) A single-family or duplex property where the wall is not shared with another property;
- **Repair** or replace rotted, fire damaged, or broken wooden slats and support posts;
- **Repair** or replace broken or bent metal posts and torn, cut, bent, or ripped metal fencing materials; and
- **Repair** or replace loose bricks, stones, rocks, mortar, and similar materials on any masonry wall that encloses:
 - (i) A multi-tenant property; or
 - (ii) A single-family or duplex property where the wall is not shared with another property

Issues

- Materials – Should we specify materials for fences that are not required by Ch. 51A?
- How do we enforce?
 - Allow Code Compliance to enforce
 - Require a fence permit for all new fences
- Any regulations adopted would be effective for fences constructed after the date of the amendment

Images – Wood Fences



Images – Wood Fences



Images – Wood Fences



Images – Metal Fences



Images – Metal Fences



Images – Other Materials



Vinyl Fencing



Plastic

Images – Other Materials



Concrete & Wood



Concrete Panels

Fence Standards

Ch. 51A-4.602 - Fence Standards

Single Family Districts

- **Fence Height**
 - In a required front yard setback, fences for single family and duplex uses are limited to 4 feet in height above grade
 - Fences on the remainder of the lot may not exceed 9 feet in height

Ch. 51A-4.602 - Fence Standards

Multifamily Districts

- **Fence Height**

- In a required front yard setback fences in Multifamily districts may be a maximum of 6 feet above grade, if:
 - No lot in the blockface is zoned as a single family or duplex district; and
 - No gates for vehicular traffic may be located less than 20 feet from the back of the street curb; and
 - No fence panel having less than 50% open surface area may be located less than 5 feet from the front lot line
- Otherwise, a fence in a required front yard setback may not exceed 4 feet above grade, except when the required front yard is governed by side or rear yard regulations

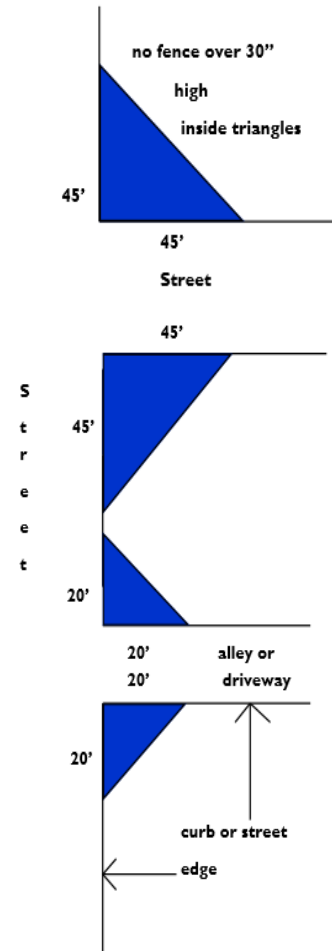
Ch. 51A-4.602 - Fence Standards Commercial & Industrial Districts

- **Fence Height**

- Fences in a required setback may not exceed 9 feet in height
- Fences over 9 feet in height are considered structures. They require a Building Permit and may not be located in a required setback

Ch. 51A-4.602 – General Fence Standards

- **Barbed wire** may not be used for fencing unless it is located 6 feet or more above grade and does not project beyond the property line
- Fences may not be located in **easements**
- Fences may not be placed in a **visibility triangle** at a street, alley or driveway intersections if the fence is higher than 2-1/2 feet



Visibility Triangles

Fence Heights

DISTRICT	WHEN IN REQUIRED FRONT YARD SETBACK	WHEN IN OTHER REQUIRED SETBACKS	FENCE PERMIT	BUILDING PERMIT	BOARD OF ADJUSTMENT APPROVAL
SINGLE FAMILY/DUPLEX RESIDENTIAL DISTRICTS	MAX 4 FEET	MAX 9 FEET	<ul style="list-style-type: none"> • REQUIRED FOR FENCES OVER 4 FEET TALL IN FRONT YARD SETBACK; AND • REQUIRED FOR FENCES OVER 6 FEET TALL 	<p style="text-align: center;">REQUIRED FOR FENCES OVER 9 FEET TALL</p>	<ul style="list-style-type: none"> • BDA APPROVAL REQUIRED FOR FENCES OVER 4 FEET IN A REQUIRED FRONT YARD SETBACK IN SINGLE FAMILY AND DUPLEX RESIDENTIAL DISTRICTS • BDA APPROVAL REQUIRED FOR FENCES OVER 9 FEET IN A REQUIRED SETBACK
MULTI-FAMILY	MAX 6 FEET*	MAX 9 FEET			
COMMERCIAL	MAX 9 FEET	MAX 9 FEET			
INDUSTRIAL	MAX 9 FEET	MAX 9 FEET			

*Allowed if: No lot in the blockface is zoned single-family or duplex; gates for vehicle traffic are set back 20 feet from back of curb; and fence panels within 5 feet of front lot line are not less than 50% open.

Residential Fence Materials in Neighboring Cities			
City	Fence Material Specified	Fence Permit Required	Prohibits Specific Materials
Arlington	✓	SOMETIMES*	✓
Dallas		SOMETIMES*	✓*
Desoto	✓	✓	✓
Fort Worth	✓		✓
Lancaster	✓	SOMETIMES*	✓
Plano		SOMETIMES*	✓
Richardson	✓	SOMETIMES*	✓
* See details in appendix			

Next Steps

- Receive direction from the committee
- If a code amendment is recommended, schedule for Zoning Ordinance Committee

Appendix

Other City's Regulations Related to Fencing in Residential Districts - Details

Fencing in Residential Districts

CITY	HEIGHT	FENCE PERMIT REQUIRED?	APPROVED MATERIALS	PROHIBITED MATERIALS	OTHER REQUIREMENTS
Arlington	<p>Front Yard -</p> <ul style="list-style-type: none"> Max. 4 feet <p>Other Yards –</p> <ul style="list-style-type: none"> Max. 8 feet. As measured from highest adjacent grade within 10 feet of the fence 	<ul style="list-style-type: none"> Yes. When > 50% of the length of a fence along property line is being replaced 	<p>Front Yard –</p> <ul style="list-style-type: none"> Ornamental metal (with min. 75% transparency) Masonry columns with a 30 year life expectancy of (brick stone, reinforced concrete) may be used <p>Other Yards -</p> <ul style="list-style-type: none"> Masonry Ornamental metal Cedar & redwood Composite Fencing Vinyl Fencing (flat white or flat natural tones) Other wooden picket fences (only if constructed with metal posts, metal brackets, and metal caps) 	<p>Front Yard –</p> <ul style="list-style-type: none"> Cedar, redwood, & other wood products Composite or vinyl fencing Chain link Sheet, roll or corrugated metal Cast off, secondhand, or other items not originally intended to be used for constructing or maintain a fence. <p>Other Yards -</p> <ul style="list-style-type: none"> Chain Link (may be allowed if not visible from any public street) Sheet, roll, or corrugated metal Cast off, secondhand, or other items not originally intended to be used for constructing or maintain a fence. 	<ul style="list-style-type: none"> Gates for vehicular access must be setback a min. of 20 feet from the property line <p>Other Yards -</p> <ul style="list-style-type: none"> If fence is located on a lot next to a street, fence shall be oriented with exposed posts and rails away from view of adjacent public street

Fencing in Residential Districts

CITY	HEIGHT	FENCE PERMIT REQUIRED?	APPROVED MATERIALS	PROHIBITED MATERIALS	OTHER REQUIREMENTS
Dallas	<p>Front Yard -</p> <ul style="list-style-type: none"> Max. 4 feet in residential districts (except MF) Max. 6 feet in multifamily districts <p>Other Yards</p> <ul style="list-style-type: none"> Max. 9 feet 	<ul style="list-style-type: none"> A fence permit is required for a fence located in a required front yard setback, when the fence exceeds 4 feet A fence permit is required for fences exceeding 6 feet on the remainder of the lot 	<ul style="list-style-type: none"> None specified 	<ul style="list-style-type: none"> Barbed wire may not be used for fencing unless it is located 6 feet or more above grade and does not project beyond the property line 	<ul style="list-style-type: none"> Fences may not be located in easements Fences may not be placed in a visibility triangle at a street, alley or driveway intersections if the fence is higher than 2.5 feet Fences over 4 feet in residential districts (except multifamily) in the required front yard setback may be allowed if approved by the Board of Adjustment as a Fence Height Special Exception Fences over 9 feet are considered structures and may not be located in a required setback Fences over 9 feet require a building permit Fences over 9 feet may be allowed in a required setback if approved by the Board of Adjustment as a Fence Height Special Exception

Fencing in Residential Districts

CITY	HEIGHT	FENCE PERMIT REQUIRED?	APPROVED MATERIALS	PROHIBITED MATERIALS	OTHER REQUIREMENTS
Desoto	<p>Front Yard -</p> <ul style="list-style-type: none"> • Max. 3 feet • Except, platted lots in Single-Family Estate and Agriculture Districts (min. 150 foot lot width) fences may be constructed to front property line; 8 feet max. with 80% openings <p>Other Yards (located to the rear of the required front yard line) -</p> <ul style="list-style-type: none"> • Max. 8 feet 	<ul style="list-style-type: none"> • Yes. All fences require permits 	<p>Front Yard –</p> <ul style="list-style-type: none"> • Decorative fences (with min. 50% openings) <p>Other Yards -</p> <ul style="list-style-type: none"> • Masonry • Ornamental metal • Cedar & redwood • Composite Fencing • Vinyl Fencing (flat white or flat natural tones) • Other wooden picket fences (only if constructed with metal posts, metal brackets, and metal caps) 	<p>Front Yard –</p> <ul style="list-style-type: none"> • Chain link, woven wire mesh or similar materials are not considered decorative fencing <p>Other Yards -</p> <ul style="list-style-type: none"> • Chain Link • Sheet, roll, or corrugated metal • Cast off, secondhand, or other items not originally intended to be used for constructing or maintain a fence. 	<ul style="list-style-type: none"> • No fence may be erected in any front or side yard which is adjacent to a public street. • No residential fence shall be closer than 20 feet to a public street, except in case where the side or rear building line of the yards on contiguous corner lots adjoin, the fence may be constructed out to the property line of said side yard. • Fences must be maintained at all times • Vehicular access gate must be set back 20 feet

Fencing in Residential Districts

CITY	HEIGHT	FENCE PERMIT REQUIRED?	APPROVED MATERIALS	PROHIBITED MATERIALS	OTHER REQUIREMENTS
Fort Worth	<p>Front Yard -</p> <ul style="list-style-type: none"> • Max. 4 feet <p>Other Yards</p> <ul style="list-style-type: none"> • Max. 6 feet 	<ul style="list-style-type: none"> • No 	<p>Front Yard –</p> <ul style="list-style-type: none"> • Wrought iron, tubular steel, picket or similar type material designed for fencing • No greater than 50% in density 	<p>Front Yard –</p> <ul style="list-style-type: none"> • Chain link 	<ul style="list-style-type: none"> • The Board of Adjustment may grant a special exception to allow a solid fence or wall up to 4 feet in the front yard • Up to a 5 foot open design fence consisting of wrought-iron, tubular steel, picket or a similar type material designed for fencing with 50% openings may be allowed by the Board of Adjustment by special exception

Fencing in Residential Districts

CITY	HEIGHT	FENCE PERMIT REQUIRED?	APPROVED MATERIALS	PROHIBITED MATERIALS	OTHER REQUIREMENTS
Lancaster	<p>Front Yard -</p> <ul style="list-style-type: none"> • Max. 3.5 feet • Posts max. 4 feet <p>Other Yards –</p> <ul style="list-style-type: none"> • Fences <i>between houses</i>, max. 6 feet • Fences <i>along a side street</i> may be up to 6 feet in height at the rear of the building • Fences <i>along a rear alley</i> may be up to 6 feet in height 	<ul style="list-style-type: none"> • Yes. When > 50% of the length of a fence along property line is being replaced 	<p>Front Yard –</p> <ul style="list-style-type: none"> • Painted rot-resistant wood • Metal or flat topped (non-crimped or capped) • Plastic/PVC or similar material with integrated color 	<ul style="list-style-type: none"> • Barbed wire fencing 	<p>Front Yard -</p> <ul style="list-style-type: none"> • Picket fences in front yards shall be a min. 30% open and include corner posts. • Picket fences may be located within 1.5 feet of any property line adjacent to a street <p>Other Yards -</p> <ul style="list-style-type: none"> • Wood fences greater than 4 feet in height shall be constructed using metal posts set in concrete • Fences <i>between houses</i> may be solid, but may not extend closer to the street than 15 feet behind the front outside corner of the home • Fences <i>along a side street</i> may be solid but may not be closer to the street than the rear corner of the home • Fences <i>along a rear alley</i> must be located at least 3 feet back from property line, may be solid (unless facing a trail or open space) and the area between the fence and alley should be irrigated and planted with grass, ground cover, shrubs, or trees. • Finished side of all perimeter fencing visible from a public area or ROW shall face outward

Fencing in Residential Districts

CITY	HEIGHT	FENCE PERMIT REQUIRED?	APPROVED MATERIALS	PROHIBITED MATERIALS	OTHER REQUIREMENTS
Plano	<p>Front Yard -</p> <ul style="list-style-type: none"> Max. 2.5 feet from front building line to the property line Estate Development I and Estate Development II may have a max. 3.5 foot fence <p>Other Yards –</p> <ul style="list-style-type: none"> Max. 8 feet along alley Max. 8 feet along rear yard 	<ul style="list-style-type: none"> Yes. Required for the installation, alteration, addition or changes to a fence. A permit is not required for alterations, additions or changes if repairs do not exceed 25% of the area of the fence over a 12 month period. 	<ul style="list-style-type: none"> None specified 	<ul style="list-style-type: none"> Wire fencing 	<p>Front Yard -</p> <ul style="list-style-type: none"> Fences in front yards shall be a min. 50% open <p>Other -</p> <ul style="list-style-type: none"> Electric fences are prohibited Fence arms are prohibited in residential districts

Fencing in Residential Districts

CITY	HEIGHT	FENCE PERMIT REQUIRED?	APPROVED MATERIALS	PROHIBITED MATERIALS	OTHER REQUIREMENTS
Richardson	<p>Front Yard -</p> <ul style="list-style-type: none"> Max. 3 feet <p>Other Yards –</p> <ul style="list-style-type: none"> Fences <i>along a side yard</i> may be up to 8 feet in height (front the rear property line up to a point in line with the front wall of the building or up to the building line, whichever is greatest) Fences <i>along a rear property line</i> may be up to 8 feet in height 	<ul style="list-style-type: none"> Yes. Required when constructing a fence over 2.5 feet tall 	<ul style="list-style-type: none"> Wood Concrete Masonry Chain link Wrought iron Metal tubing Vinyl Fiberglass composite 	<ul style="list-style-type: none"> Barbed wire Razor ribbon Sheet metal Corrugated steel Fiberglass panel Plywood 	<p>Front Yard -</p> <ul style="list-style-type: none"> No fence shall be permitted between the front property line and the front wall of the building unless a part of the landscaping or a decorative screen <p>Other Yards -</p> <ul style="list-style-type: none"> Corner lot exceptions. On corner lots where the rear the rear lot line is adjacent to a side lot line of an adjoining lot, fences may be constructed at a height not exceeding eight feet along the side property and rear property lines except that no fence exceeding 4 feet in height, with 50% through vision shall be constructed within an area measured 15 feet along the rear property line and 25 feet measured along the side property line adjacent to the street