

Home Owners Coalition Meeting

June 22, 2010

Presented by : Danny Hartz,
Chief Building Official
Matthew Woods,
Director of Environmental Services

Residential Fencing Overview

- There are three basic types of residential fencing
 - Perimeter Screening Walls (subdivision walls) covered under Chapter 98, Section 98-1142, (e), and Chapter 14, Section 14-542
 - Open space, dedicated park, and trail fencing covered under Chapter 98, Section 98-1142, (f)
 - All other residential fencing covered under Chapter 98, 98-1142, (a), (b), (c), and (d)
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Objectives

- To provide information on the following items:
 - Overview of the history of Flower Mound perimeter fencing
 - What is a perimeter fence?
 - What is the new perimeter ordinance intended to address?
 - Requirements for wooden perimeter fencing
 - Other fencing and special lot considerations
 - When is a permit required?
 - Fence maintenance
 - Tips for selecting a contractor
 - Summary
 - Questions
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The History of Flower Mound Perimeter Fencing

- ❑ The 1975 Zoning ordinance only had limited regulations concerning perimeter walls and fences.
 - ❑ In June of 1994, the Land Development Code was adopted requiring walls and fences adjacent to arterial and collector roads for residential subdivisions be constructed of masonry, wrought iron, or tubular steel.
 - ❑ In June 2007, a perimeter fence ordinance was passed in an attempt to address some of the older (non-masonry) perimeter fences that were being replaced. In December 2009, this ordinance was update to our current regulations.
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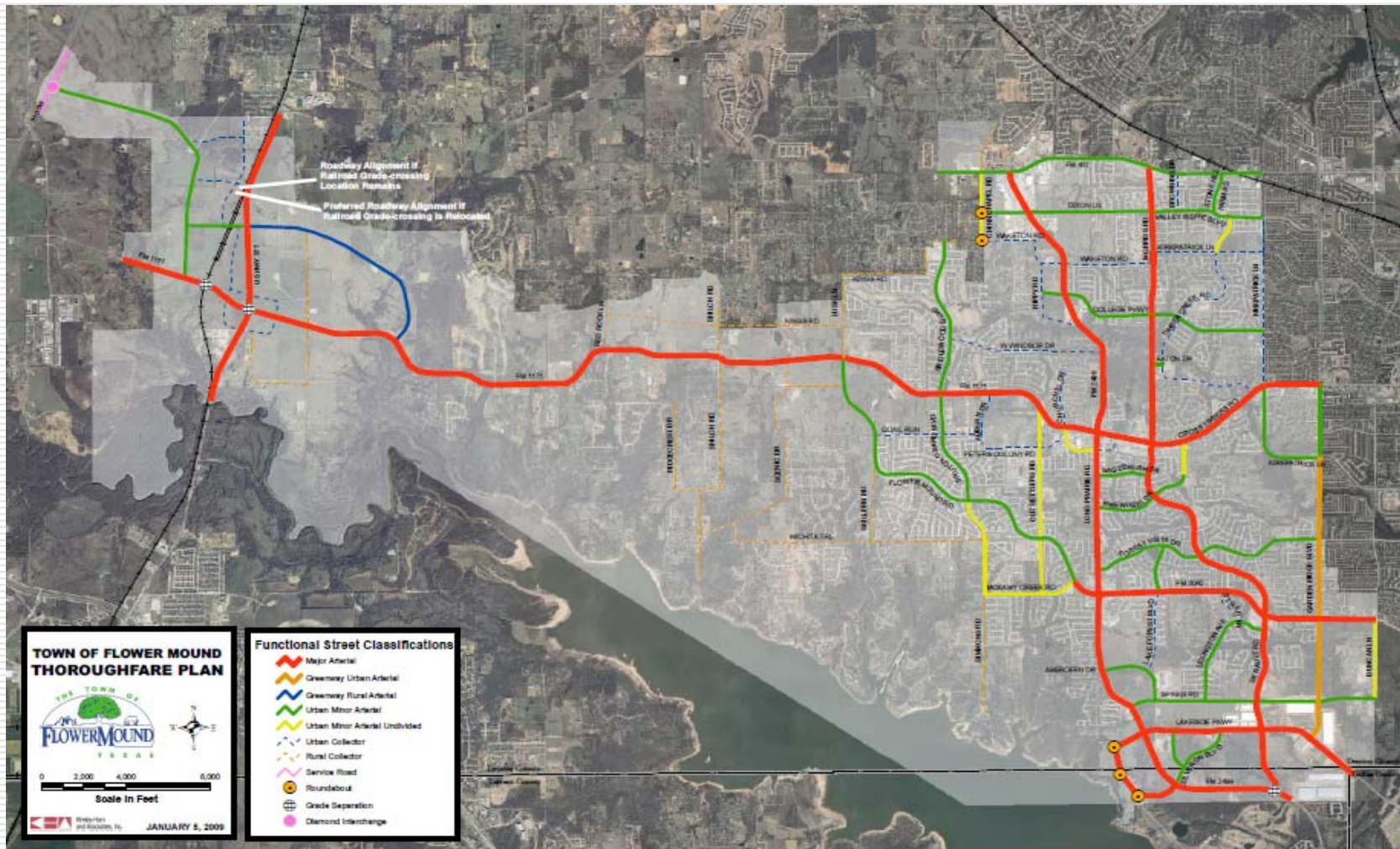
The History of Flower Mound Perimeter Fencing Cont.

- Any residential subdivision that has been constructed since the early 1990's has been required to build a subdivision perimeter fence that consist of masonry, stone, wrought iron, or tubular steel, and are placed in three foot maintenance easements for the HOA.
 - Before the early 1990's, perimeter fencing consisted of mostly wood construction with small masonry entryways. Many of these masonry features and wooden fences are located on private property and are the responsibility of the homeowner to maintain.
 - The new perimeter fence ordinance was created for replacement of these older wooden fences.
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What is a subdivision perimeter fence?

- ❑ A subdivision perimeter fence is any fence or wall that is adjacent and parallel to the rights-of-way of arterial or collector streets.
 - ❑ Arterial and collector streets are listed in the Master Plan and any fence or wall adjacent to one of these roads must be built using masonry, wrought iron, or tubular steel construction.
 - ❑ The only exception to this rule is also located in the Master Plan, which requires fences in the Cross Timbers Conservation area to be split rail fences to keep the rural atmosphere.
 - ❑ Any other residential fence in areas not mentioned above may be constructed of a variety of different types of material and construction methods.
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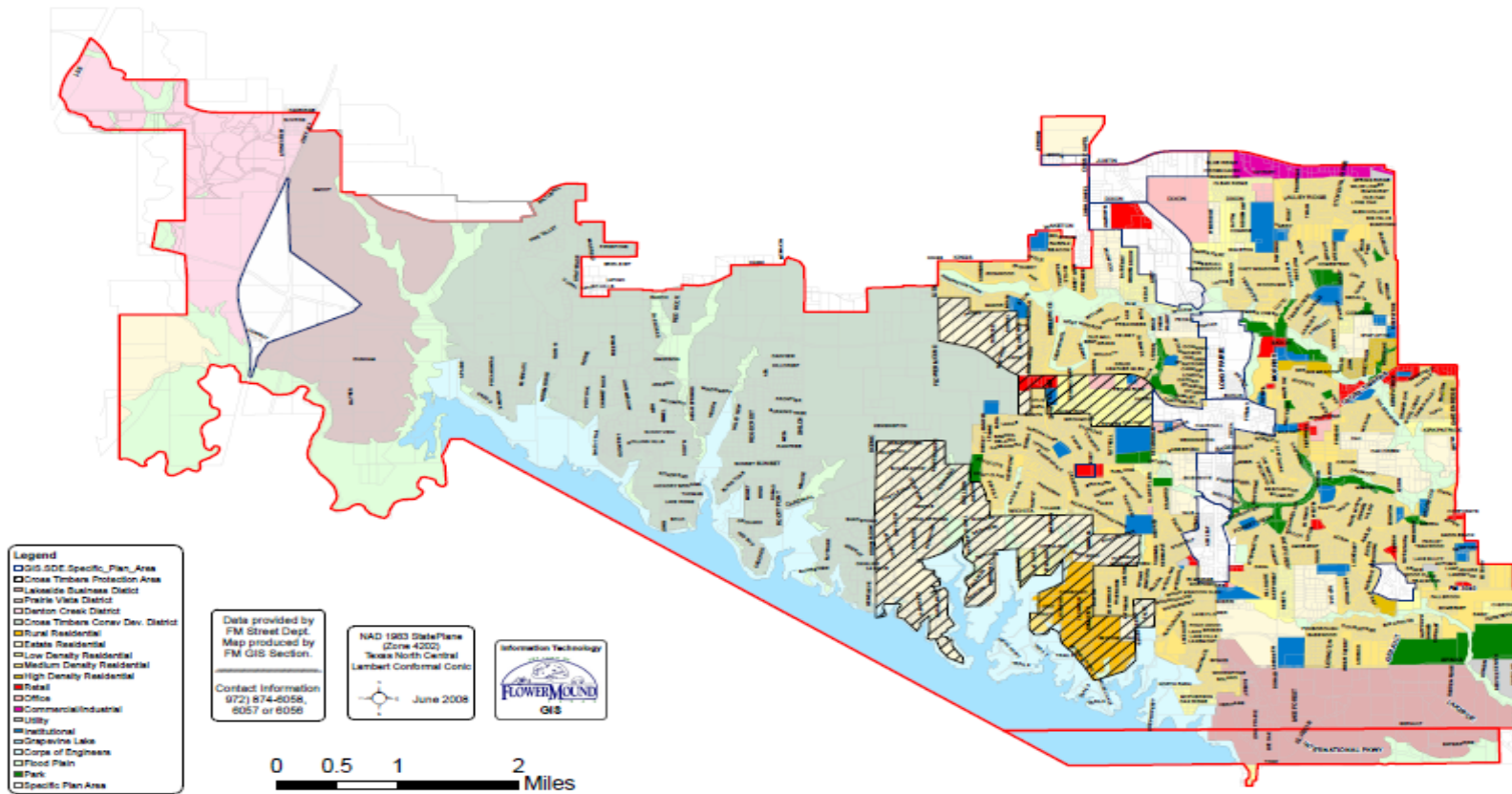
Master Plan Thoroughfare Map



Master Plan Land Use Map



Land Use



What is the new perimeter ordinance 53-09 intended to address?

- ❑ This ordinance is designed to create a uniform replacement of wood fencing
 - ❑ It is also intended to require materials that have a longer life than the typical prefabricated wood fence panels and poles
 - ❑ To provide a color that will be somewhat consistent throughout the town
 - ❑ There are eight requirements contained in this ordinance
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Requirement #1 of Ordinance 53-09

Fences shall be a minimum of six-feet (6') in height and a maximum of eight-feet (8') in height. The height of the fence shall not extend above any masonry column. The style of the fence shall be board on board, with a nominal size one by four (1"x4") trim board at the top of the fence. Fences located within front yard setbacks must be constructed of tubular steel and may not exceed four-feet in height.

Requirement #2 of Ordinance 53-09

All vertical posts shall be two-and-three-eighths-inch ($2\frac{3}{8}$ ") minimum outside diameter, .095 gauge galvanized metal. Vertical posts shall be spaced at no greater than eight-feet on center, set a minimum of eighteen-inches (18") deep into two-foot (2') deep, ten-inch (10") diameter concrete post footings.

Requirement #3 of Ordinance 53-09

For a six-foot (6') tall fence, a minimum of three (3) rails shall be used. For an eight-foot (8') tall fence, a minimum of four (4) rails shall be used. The fence pickets shall be attached to the horizontal rails running from vertical post to post as described in paragraph 4 below. The size of the rails shall be no less than nominal size two-inches by four-inches (2"x4") and shall be bolted to steel posts with noncorrosive metal anchor straps and one-fourth inch ($1/4$ ") noncorrosive bolts or screws.

Requirement #4 of Ordinance 53-09

All nails or fasteners shall be of non-rusting, non-corrosive metal such as hot-dipped galvanized steel. All nails or fasteners shall be of the type (such as screw shank, ring shank, or divergent-point staples) that when properly driven, will not work free due to wind vibration, or shrinkage of members.

Requirement #5 of Ordinance 53-09

All materials shall be securely fastened, vertical pickets to horizontal rails, rails to vertical posts, trim board to top rail, to ensure an ongoing attractive appearance and safe condition, free from rot, rust, vandalism, and other sources of decay.

Requirement #6 of Ordinance 53-09

The bottom of the fence shall be designed to prevent ground to picket contact. A nominal size two-inch by six-inch (2"x6") kick board shall be used to cover the gap between bottom of pickets and ground. This kick board may have ground contact; however, the kickboard may not impede drainage patterns or create a gap of more than two-inches (2") above grade.

Requirements #7 and #8 of Ordinance 53-09

Posts and rails must be placed on the inside of the fence so that they are not facing a street.

The perimeter wood fence shall be constructed with pre-stained western red cedar in medium brown color or composite material in redwood color. Composite material is produced by combining wood fiber and polyethylene plastic, whereby the plastic encapsulates the wood.

Dilapidated Perimeter Wood Fence Regulations

- Staff determines if a fence meets the dilapidated fence criteria.
 - Owner/tenant receives a notice to repair/replace a dilapidated fence.
 - Replace with a fence that meets previous criteria.
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Dilapidated Fence Criteria

- ❑ A dilapidated/deteriorated fence means a fence that is 10 degrees or more out of vertical alignment, has broken pickets, or rotted supports/boards.
 - ❑ Fences shall not be propped up or leaned against something for support.
 - ❑ If the dilapidation exceeds 25% of the fence area, the entire perimeter fence must be replaced.
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Compliance and Enforcement

- ❑ Owner shall apply for and have a fence permit issued within 10 days.
 - ❑ If a swimming pool is located on the property, access to the pool must be restricted immediately with an approved barrier.
 - ❑ Citations may be issued for non-compliance and/or the Town can conduct the work and bill the property owner.
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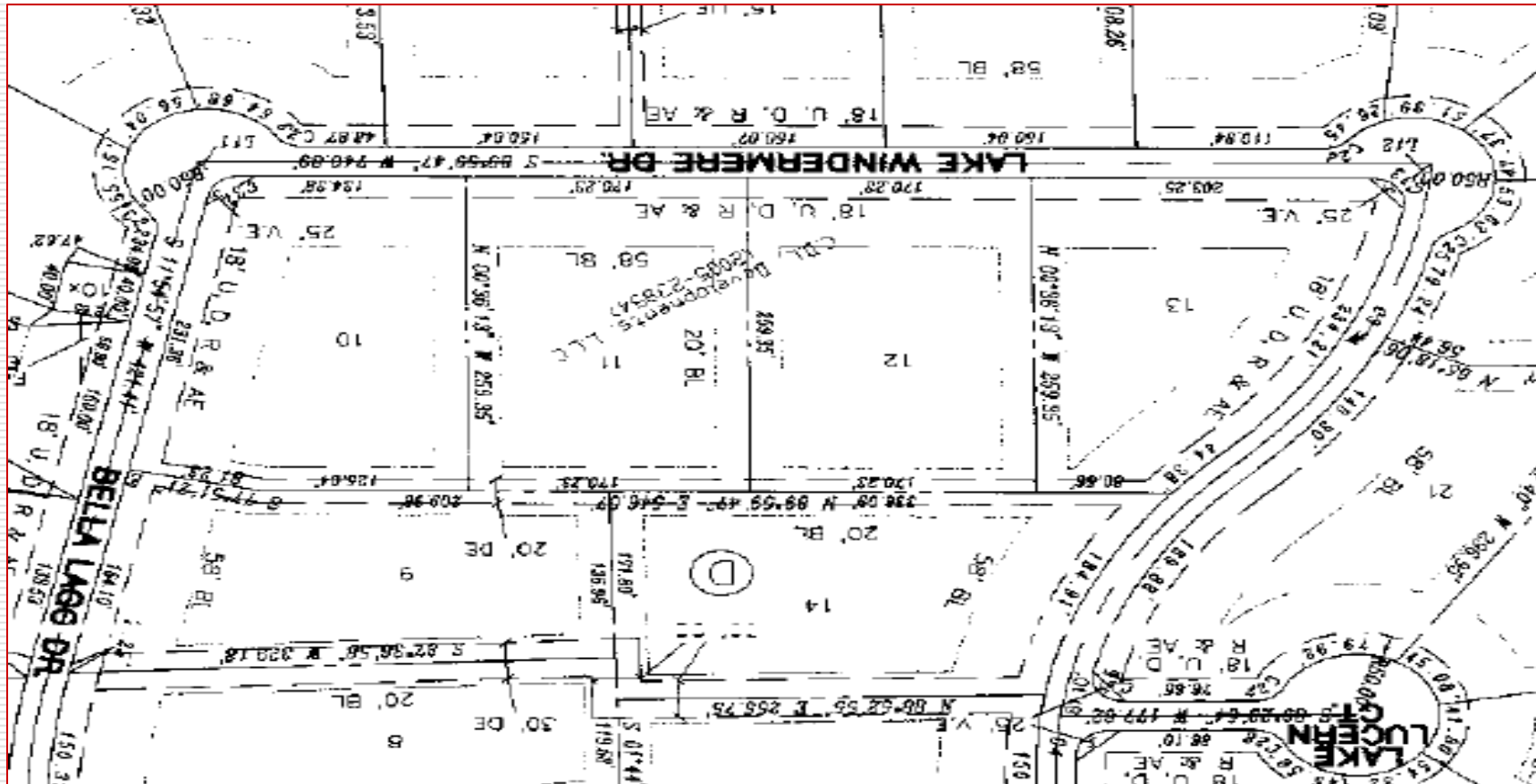
Residential Fencing Other Than Perimeter Fencing

- ❑ Generally, fences that are located behind the front building line may be constructed of any type of fencing material and be no taller than eight feet in height.
 - ❑ Fences located in the required front yard shall be no taller than 4 feet in height.
 - ❑ There are special regulations for certain types of fencing like:
 - Key lots and through lots
 - Pool enclosures
 - Platted open spaces
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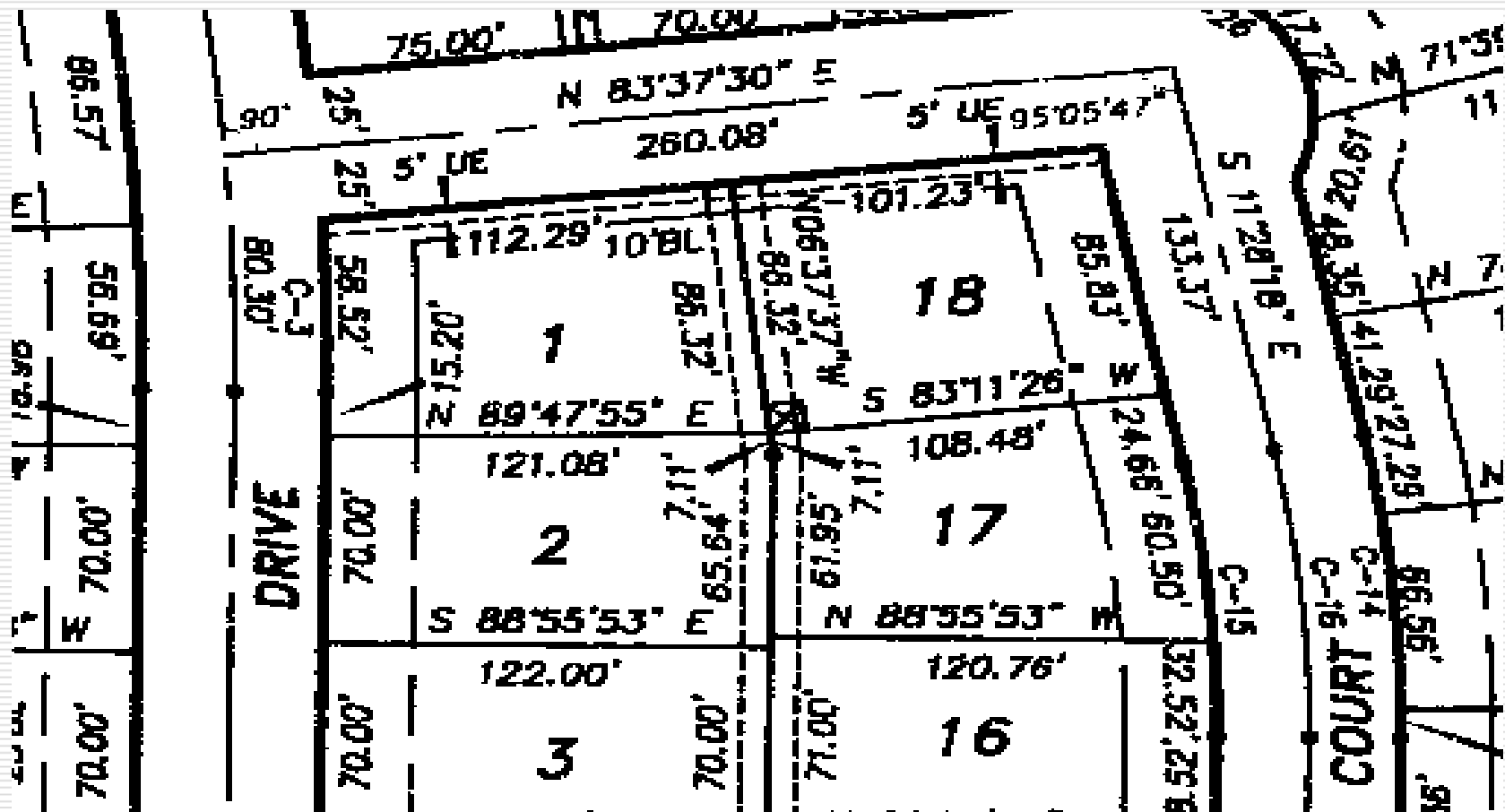
Residential Lot Definition

- ❑ *Lot, key,* means a corner lot abutting two or more noncorner (interior or through) lots.
 - ❑ *Lot, corner,* means a lot adjoining the intersection of two or more streets.
 - ❑ *Lot, interior,* means any lot other than a corner or through lot.
 - ❑ *Lot, through,* means a lot, other than a corner lot. having frontage on two parallel or approximately parallel streets.
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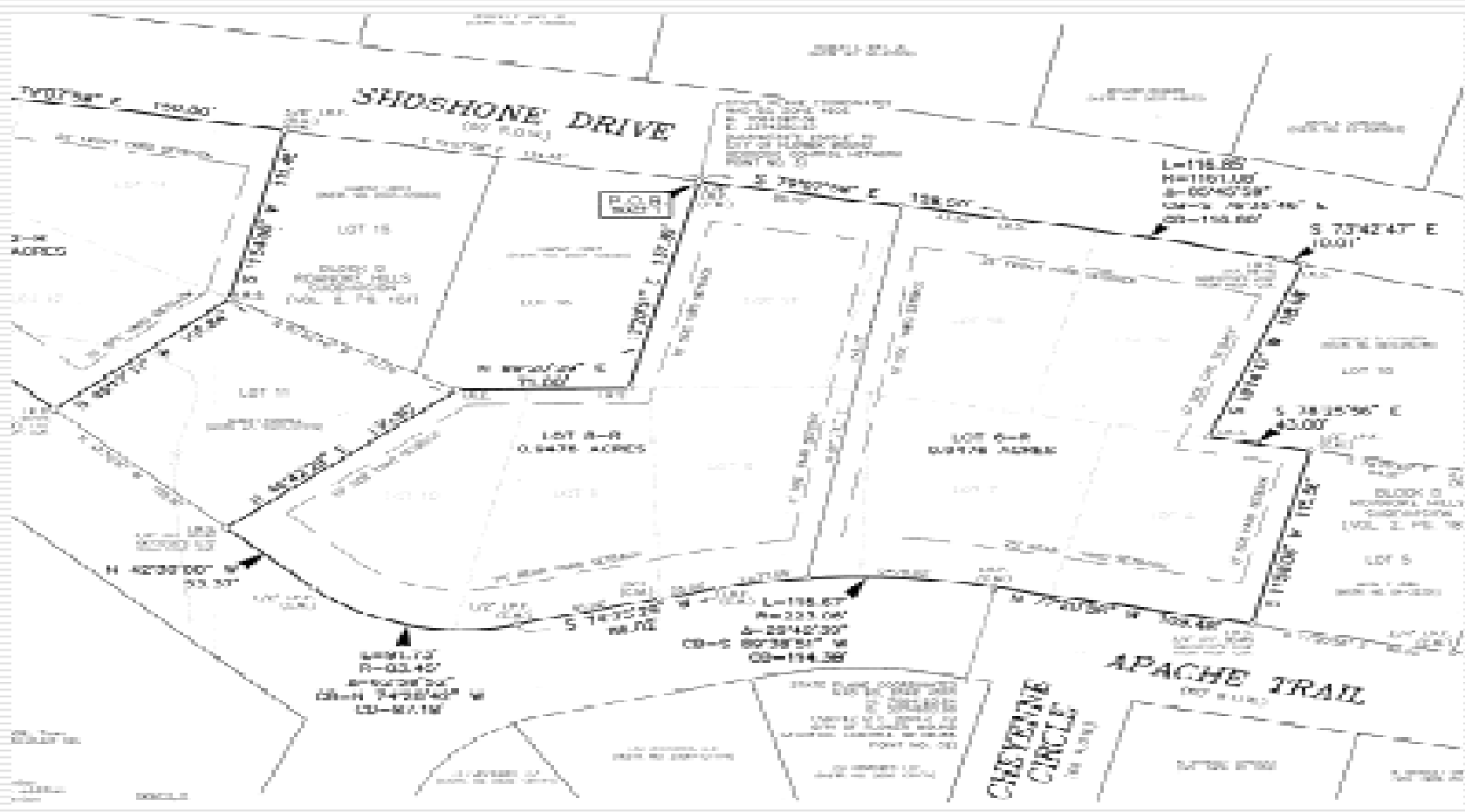
Key Lot



Corner and Interior Lot




Through Lot



When is a Permit Required?


- ❑ All new fencing and all work on existing fences require a permit. Exception: Pickets may be replaced without obtaining a permit if the new pickets are of the same material, size, and height as those being replaced.
 - ❑ Screen Walls require a permit if the structural integrity of the wall is compromised. Note: An engineered design must be submitted with the application.
 - ❑ Fences that are identified by Code Enforcement as needing a permit for repair or replacement.
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When is a Permit Required?

		Permit Fence											
		1001 Cross Timbers Road, Suite 2330 Flower Mound, TX 75028 Office Number (972)874-6355 Fax Number (972)874-6474 Inspection Requests (972)874-6123											
Job Address: 1313 Mockingbird Ln Subdivision: White Falls Project Name: Smith, Jon Description: 6' Wood Fence	Permit ID: F-09-3566 Lot: 1 Block: A Unit:	Issue Date: 08/27/2009 Work Class: New Valuation: \$3,000 Bldg Insp Fees: \$40.00 Total EHS Fees: Total Engineering Fees: Bartonville Water: Water Impact: Sewer Impact: Road Impact: Total Impact Fees: Total Fees: \$40.00	Tenant or Homeowner: Jon Smith 972-539-0000 Contractor: Homeowner Plumbing: . Mechanical: . Electrical: .										
NOTE													
<p>This permit becomes null and void if work or construction authorized is not commenced within 45 days for residential permits, or within 180 days for commercial permits, or if construction or work is suspended or abandoned for a period as specified by Town ordinance.</p> <p>All provisions of laws and ordinances governing this type of work must be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state or local law regulating construction or the performance of construction.</p> <p>Construction working hours are regulated by Town ordinance. Work may only be done from 7:00 am to 7:00 pm Monday through Friday and 9:00 am to 5:00 pm Saturday and Sunday. Work performed outside of these hours is a violation of Town ordinance.</p> <p>Please check your deed restrictions and Home Owner's Association requirements before building, as the Town does not regulate these.</p>		<p>Permit expires 60 days from permit issue date.</p> <table> <tr><td>Height</td><td>6'</td></tr> <tr><td>Material</td><td>Wood</td></tr> <tr><td>Is this a key lot?</td><td>No</td></tr> <tr><td>Is this a perimeter fence?</td><td>No</td></tr> <tr><td>Pool Barrier?</td><td>Yes</td></tr> </table> <p>POOL BARRIER FENCES MUST MEET CODE - SEE POOL PACKET FOR CODE REQUIREMENTS **APPROVED FINAL INSPECTION MUST BE OBTAINED WITHIN 60 DAYS FROM ISSUE DATE** Homeowner access code for IVR is 01919</p>		Height	6'	Material	Wood	Is this a key lot?	No	Is this a perimeter fence?	No	Pool Barrier?	Yes
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Material	Wood												
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Pool Barrier?	Yes												

When is a Permit Required?

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**Inspections Required for Permit
F-09-3566**

IVR Line (972) 874-6123

<u>INSPECTION</u>	<u>IVR INSPECTION CODE</u>
All Finals	24

To schedule your inspection on our automated system, you will need:

1. Your 5-digit contractor access code
2. Your 6-digit permit number
3. The 2-digit inspection code for the inspection you wish to schedule

All inspections will be scheduled for the next business day (if you call before 7:30 a.m., your inspection will be scheduled for that day. Please note that inspections will not be schedule on In-Service Days (2nd Tuesday of each month) as the building inspectors will be unavailable.

This sheet lists the inspections required for your permit. These inspections may not be listed in the order they will be required to be performed (refer to the appropriate builder's information packet for your permit type). Some inspections may be handled by other departments that do not use the IVR system for inspection scheduling. Those inspections performed by department/divisions that do not use the IVR for their inspection scheduling will show their 10-digit phone number under the inspection code column above. Please call them directly to schedule those inspections. If you have a question regarding an inspection, please refer to your builder's packet or call the appropriate division/department directly. Please refer to your builder's packet if you have questions regarding inspections performed by Building Inspections.

Results for any inspection scheduled on the IVR system can be obtained by calling the IVR system after 5:00 p.m. that day (option #2). If you need additional information regarding an inspection that has already been performed, refer to your inspection ticket that was left at the job site. This will have the direct phone number of the inspector that performed the inspection. Please call them during their office hours (8-9 a.m. or 4-5 p.m.)

Inspection cancellations can be made using the IVR system (option #3), if they are called in before 7:30 a.m. the morning of the inspection. Otherwise, inspections can only be cancelled in person at our office before 9:00 a.m. the morning of the inspection.

Fence Maintenance

- ❑ All fences and screen walls need a scheduled maintenance schedule in order to maintain their look and structural integrity
 - ❑ Masonry screening wall sections should be evaluated on a regular basis, such as every six months, to check for movement, cracking, and physical damage (mowers). If caught early enough a small repair may keep the panel from being replaced
 - ❑ It's important to remember that these walls are very expensive to replace and spending funds to maintain them can extend the life of each section for many years
 - ❑ Maintenance can seem expensive until you see the cost for replacement
 - ❑ If you have wall sections that are showing signs of failure the whole wall should be analyzed and a two pronged approach should be developed
 - First should be to begin a maintenance program for those walls that aren't showing any signs of problems
 - Second should be to address the sections that need to be replaced
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Tips for Selecting a Contractor

The Building Inspections Division frequently receives concerns with the performance of contractors. Based on these concerns, Town staff offer the following suggestions:

- ❑ ALWAYS get at least three bids on any project. The only exception to this should be for extremely minor, low-cost projects or emergency repairs made by trusted contractors.
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Selecting a Contractor Cont.

- ❑ NEVER use a contractor who suggests that you not obtain required permits or inspections. More than likely, this contractor intends to do work contrary to established safety or structural standards. Be especially wary of a contractor who suggests that you obtain permits for work that he or she is contracted to perform. If you obtain the permit for a contractor and problems arise because of the work, the official permit record will show that you were responsible for performing the work.
 - ❑ ALWAYS use only registered contractors. Insist on seeing evidence of a current registration. If a contractor says they are registered with the Town you can check their registration on our web site.
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Selecting a Contractor Cont.

- ❑ Once a contractor is selected and before your project begins, insist on seeing evidence that the contractor has obtained a permit. It should be posted on site and will provide a great deal of information.
 - ❑ NEVER pay for a project in advance. If a contractor asks for total payment up front, you should immediately look for another contractor. Small retainer fees or payments for materials already on the job site may be appropriate.
 - ❑ NEVER pay the full contract price until the contractor shows written proof that a final inspection has been obtained.
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Selecting a Contractor Cont.



The Town of Flower Mound
Building Inspections Division
Inspection Line 972-539-8379
Fax Line 972-874-6474

Mailing Address:
2121 Cross Timbers Road
Flower Mound, TX 75028

Physical Address:
1001 Cross Timbers Road, Suite 2330
Flower Mound, TX 75028

This inspection has been performed by Robert Younger.
Any questions regarding this inspection should be made
to Robert Younger, Commercial Building Inspector @ 972-874-6361
between the hours of 8-9 a.m. and 4-5 p.m.

POOL-09-3834
1234 Main St

Inspection: Belly Steel-Pool Placement (1)

Result: Disapproved

Inspected By: Robert Younger

On: September 18, 2009 2:34 pm

Clean out cave-ins -

Clean mud and dirt - out of street

Temp. safety fence down - please keep safety fence up when workers are not present

Pool less than 3' to foundation - provide engineer's letter

Summary

- ❑ If your subdivision has masonry screen walls and you don't have a maintenance program, consider starting one
 - ❑ Check out each contractor carefully before choosing
 - ❑ Make sure that a permit is POSTED before work begins
 - ❑ Don't be the superintendent for your contractor
 - ❑ Be careful when making payments to a contractor and don't pay all monies at the start or finish of a project until you see an approved final inspection tag
 - ❑ If you hear something during the project that doesn't sound right give us a call
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Thank you for listening, I hope
this information is helpful.

Questions
