

**CITY OF FREEPORT  
PLANNING COMMISSION  
Tuesday, October 25, 2011, 6:00 P.M.  
Freeport Police Department, Municipal Court Room,  
430 North Brazosport Boulevard  
Freeport, Texas**

**AGENDA**

Edward Garcia, Acting Chairman  
Tobey Davenport  
Jesse Aguilar, Jr.

Reuben Cuellar  
Eddie Virgil

NOTICE is hereby given that the Planning Commission of the City of Freeport, Texas will meet in a regular meeting on **Tuesday, October 25, 2011 at 6:00 P.M.** at the Freeport Police Department Municipal Courtroom, 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

1. Open Meeting.
2. Invocation.
3. Approval of the Minutes for September 27, 2011.
4. Discuss/consider Cortez & Garcia re-plat, Block Six (6), Lots Twenty-Three (23) and Twenty-Four (24), South View Gardens, Freeport, Texas, known locally as 806 West 11<sup>th</sup> Street.
5. Discuss/consider amending Section 155.023, L, 1-3 of the Code of Ordinances book to include decorative fences and provide regulations for such fences.
6. Adjourn.

**NOTE: ITEMS NOT NECESSARILY DISCUSSED IN THE ORDER THEY APPEAR ON THE AGENDA. THE PLANNING COMMISSION, AT ITS DISCRETION, MAY TAKE ACTION ON ANY OR ALL OF THE ITEMS LISTED.**

I, Melissa Farmer, Building/Permit Department Secretary, City of Freeport, Texas, hereby certify that this Agenda was posted on the official bulletin board/glass door of City Hall facing the rear parking lot of the building with 24-hour access at 200 West 2<sup>nd</sup> Street, Freeport, Texas on or before Friday, October 21, 2011 at 5:00 P.M.



Melissa Farmer

Building/Permit Department

COUNTY OF BRAZORIA )(

CITY OF FREEPORT )(

BE IT REMEMBERED that the Planning and Traffic Commission of the City of Freeport, Texas met in a regular meeting on, **Tuesday, September 27, 2011 at 6:00 P.M.** at the Police Department Conference Room, 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

**Planning Commission:**

**Edward Garcia – Acting-Chairperson  
Reuben Cuellar  
Tobey Davenport  
Jesse Aguilar  
Eddie Virgil**

**Staff:** Kola Olayiwola  
Yvette Ruiz  
Wallace Shaw  
Jeff Pynes  
Councilwoman Michelle Kent  
Councilwoman Nicole Mireles

**Guest:** Joyce Adkins

**Open Meeting.**

Mr. Edward Garcia called meeting to order at 5:59 P.M.

**Invocation.**

Mr. Wallace Shaw opened the meeting with a prayer.

**Approval of the Minutes for August 23, 2011 and the Joint Public Hearing on September 6, 2011.**

Ms. Eddie Virgil moved to accept the minutes for August 23, 2011 and the minutes for the Joint Public Hearing on September 6, 2011, with corrections needed for the Joint Public Hearing, seconded by Mr. Reuben Cuellar, unanimous vote for approval.

**Discuss/consider amending Section 155.023, (L), (1-3), of the Code of Ordinances book to include decorative fences.**

City Manager, Mr. Jeff Pynes discussed with the Board Members about amending the fence ordinance to allow decorative fencing and the regulations they could enforce.

This Item was not voted on.

**Adjourn.**

Mr. Reuben Cuellar made a motion to adjourn, seconded by Mr. Jesse Aguilar, unanimous vote for approval. The meeting was adjourned at 7:00 P.M.

These minutes read and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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Edward Garcia, Acting Chairperson

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## INTEROFFICE MEMORANDUM

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**TO:** Planning and Zoning Commissioners

**FROM:** Kola Olayiwola, Building Codes Official

**CC:** City Administration

**DATE:** October 20th, 2011

**SUBJECT:** Recommendations for Picket Fence Ordinance

Based on our prior discussion and our research of other cities, below are our recommendations:

- Decorative Fences having openings not less than 50% of the fence area and not exceeding three (3) feet in height are permitted in front yards.
- Picket fences may be constructed from wood, hard plastic type products, iron and sturdy materials approved by the Building Official.
- Picket fence shall have a front sidewalk single picket fence door opening of 3'.
- Prohibiting chain link, wire mesh or corrugated metal fences in the front yard.
- No residential fence shall be closer than 10' to a public street.

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## INTEROFFICE MEMORANDUM

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**TO:** City Manager (Jeff Pynes)  
**FROM:** Kola Olayiwola, Building Codes Official  
**CC:** Planning and Zoning Commissioners  
**DATE:** October 19th, 2011  
**SUBJECT:** Sample Ordinances on Picket/Decorative Fences

Per your request, below is an appendix of what other communities have adopted as model code for regulating Picket and Decorative Fences:

### City of Pittsville, Wisconsin

#### Exact Center of the State

##### Picket Fence.

A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence. A picket fence may not be placed within 4 feet of a sidewalk or other public right-of-way.

##### (d) Residential Height Limitation.

Fences in residential districts or in any other districts for which the principal use is residential may not exceed 6 feet in height.

##### (e) Limitation on Fences.

For all districts, all street yard fences or shrubs shall be decorative only and they must not be more than 3 feet in height and must have a setback of 3 feet from the front lot line. All street yard fences must have at least 50% of their surface in air space...

## Typical Picket Fence



## Design Specifications Picket Fence

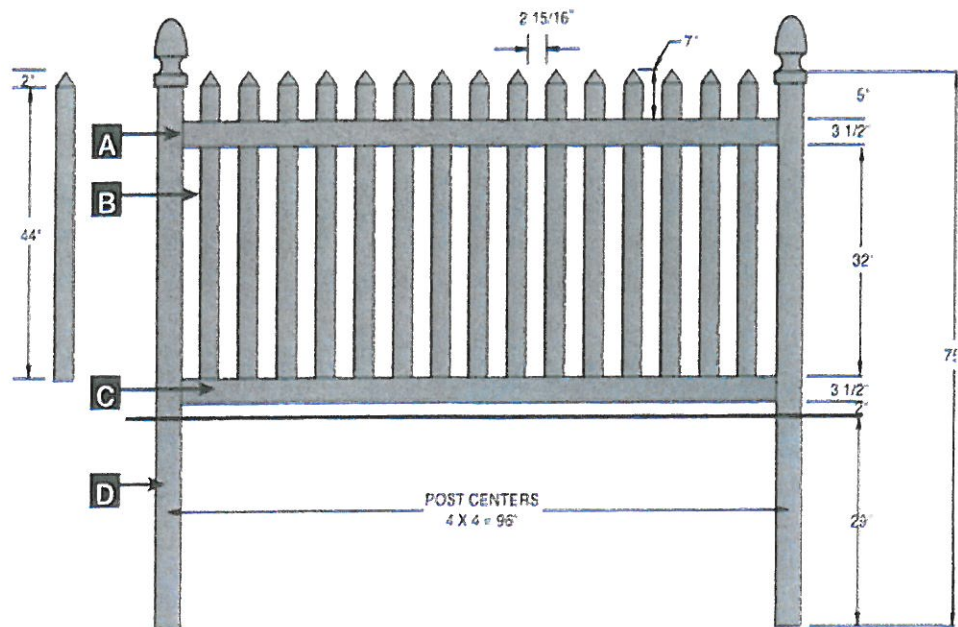
**A TOP RAIL**  
2" X 4" X 95-1/2"

**B PICKETS** (with caps attached)  
15 pieces of 7/8" X 3" X 44"  
Length does not include cap.

**PICKET CAPS**  
15 pieces of 7/8" x 3" x 2" Pointed  
picket caps.

**C BOTTOM RAIL**  
2" x 4" x 95-1/2" Includes steel  
channel.

**D POST**  
4" X 4" X 75"







# PEARLAND *Texas*

## Section 4.2.4.3 Fencing

### (a) Fences in Residential Areas/Districts, Except Multiple-Family.

(1) **Materials Permitted** - Fences may be constructed of wood, decorative metal, chain link or woven wire mesh, and other materials traditionally used in private fence construction. New and innovative materials such as plastics, PVCs, metal panel or metal slat, “honeycomb”, cementitious fiber board (e.g., “WoodCrete”), and other similar materials may be approved for use by the City’s Building Official if the material is proven to be sturdy, durable and relatively maintenance-free.

### (2) **Fences Permitted in Front Yard(s) Adjacent to a Public Street** –

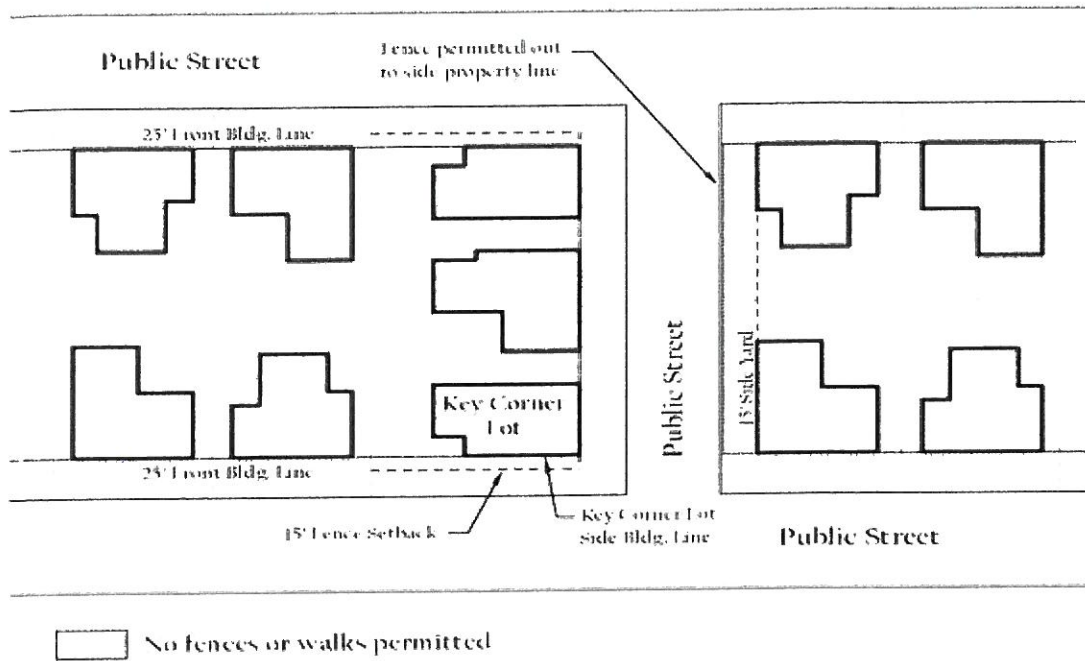
a. Except as provided by Subsection b (*Decorative Fences*) below, no fence or wall shall be permitted within the required front yard of any single-family or duplex residential lot which is adjacent to a public street. No residential fence shall be closer than 15 feet to a public street; however, in cases where the side or rear building line of the yards on continuous corner lots adjoin (i.e., the side yard lot is not a key corner lot), the fence may be constructed out to the property line of the side yard, such that the street side yard may be included as part of the lot’s rear yard area. (See *Figure 4-5*.)

### **Fences in Front Yards**

b. **Decorative Fences** - Decorative fences with openings not less than 50% of the fence area and not exceeding four (4) feet in height are permitted in front yards. Chain link, woven wire mesh metal panel, or similar materials are not considered decorative fencing, and are therefore not allowed in front yards



Figure 4-5.



## City of Port Arthur, TX

### Sec. 18-456

#### Fence standards.

Unless otherwise specifically provided for in this article, fences in residential zoning districts must be constructed and maintained in accordance with the following regulations:

- (1) Any fence or wall located along the side property line and behind the minimum required front yard or in the rear yard shall not exceed a height of eight feet above the adjacent grade.
- (2) Any fence or wall located along the side property line and in front of the minimum required front yard or across the front of the lot shall not exceed four feet in height above the adjacent grade; except that an open fence may be erected to a height of five feet above the adjacent grade, provided that the ratio of open portion of the fence to the solid portion of the fence is not less than six to one.
- (3) No fence located in a residential zoning district may be constructed of sheet metal, metal roofing or other similar materials.



Local Government Center  
University of Wisconsin-Extension  
610 Langdon Street, 229 Lowell Center  
Madison, WI 53703

Phone (608) 262-9961  
Fax (608) 265-8662

## What is a Legal Fence?

*Wire and picket fences* may consist of at least 3 wires with pickets interwoven or fastened to the wires. Pickets must be at least 4 feet long, spaced no more than 6 inches apart, and the wires must be No. 12 or thicker. Posts are spaced no more than 16 feet apart.



Palmer Township, Pennsylvania

## Fence and Wall Zoning Regulations

### (c) Fences.

[1] Any fence located in the required front yard of a use in the LDR, MDR, HDR or HDR-II Districts or of any primarily residential use shall have a minimum ratio of 1:1 of open to structural areas and shall not exceed four feet in height. Such fences shall be of split-rail or picket-fence type of wood construction.

Figure 1: Example of open ratio 1:1

[2] Fences may be located on a lot line.

[3] A fence that is not regulated under Subsection E (7)(c)[1] above or Subsection E(7)(c)[4]

below may have a height of up to six feet and may be solid.

[4] For nonresidential principal uses or within the RA districts, fences may have a maximum height of nine feet.

[5] A fence of up to 10 feet may be allowed in a rear yard in any district for the sole purpose of enclosing a

*Picket Fence*



**THE USE OF THIS PACKAGE IN LIEU OF SUBMITTED DRAWINGS APPLY TO RESIDENTIAL FENCES. FENCES MUST BE CONSTRUCTED IN CONFORMANCE WITH YOUR LOCAL TOWNSHIP'S ZONING ORDINANCES AND THE CURRENT INTERNATIONAL BUILDING CODE, WHICH SUPERCEDES ANY DISCREPANCY LOCATED HERE WITHIN.**