

Item H-3

PUBLIC HEARING: Consider an ordinance approving amendments to the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article 8 - Zoning Districts, Development Standards, Tree Preservation, related to fence requirements; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, applicant. (UDC-20-0008)

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- The current Unified Development Code (UDC) fence regulations were amended in August 2019 and December 2019 to address numerous concerns.
- After the proposed changes were implemented, contractors and residents still found the text was challenging to navigate because of duplications and lack of organization. Terms and phrases also lacked clarity. During the intervening year, permit reviews revealed some significant challenges including side-yard setbacks related to fences located on corners.
- These proposed amendments attempt to address the issues that have arisen over the last year.

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Amendments address:

- Setbacks for fences
- Fences along thoroughfares
- “Rot/kick boards”
- Swing gates next to drainage areas
- Privacy fences next to passive parks
- Swimming pool barriers
- Drive-gates
- Temporary construction fences
- Agricultural Fences
- MF fences
- Unclear or repetitive language

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Corner Lot Fences - Section 8.11 (C)(1)

- Currently, privacy fences on corner lots must be set back to the building line. Setbacks are also dependent on building material - tubular or wood.
- The proposal is to allow any approved fencing material and set fences 4 feet back from the property line if adjacent to a street. On corner lots, a vision clip will be required to ensure safety.



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3. The location of fences adjacent to a street on corner lots shall be as follows:

a) Open-style fences (including front and side yards when adjacent to a street) *may be located four feet (4') inside of the property line*. No solid fencing is allowed in the front yard.

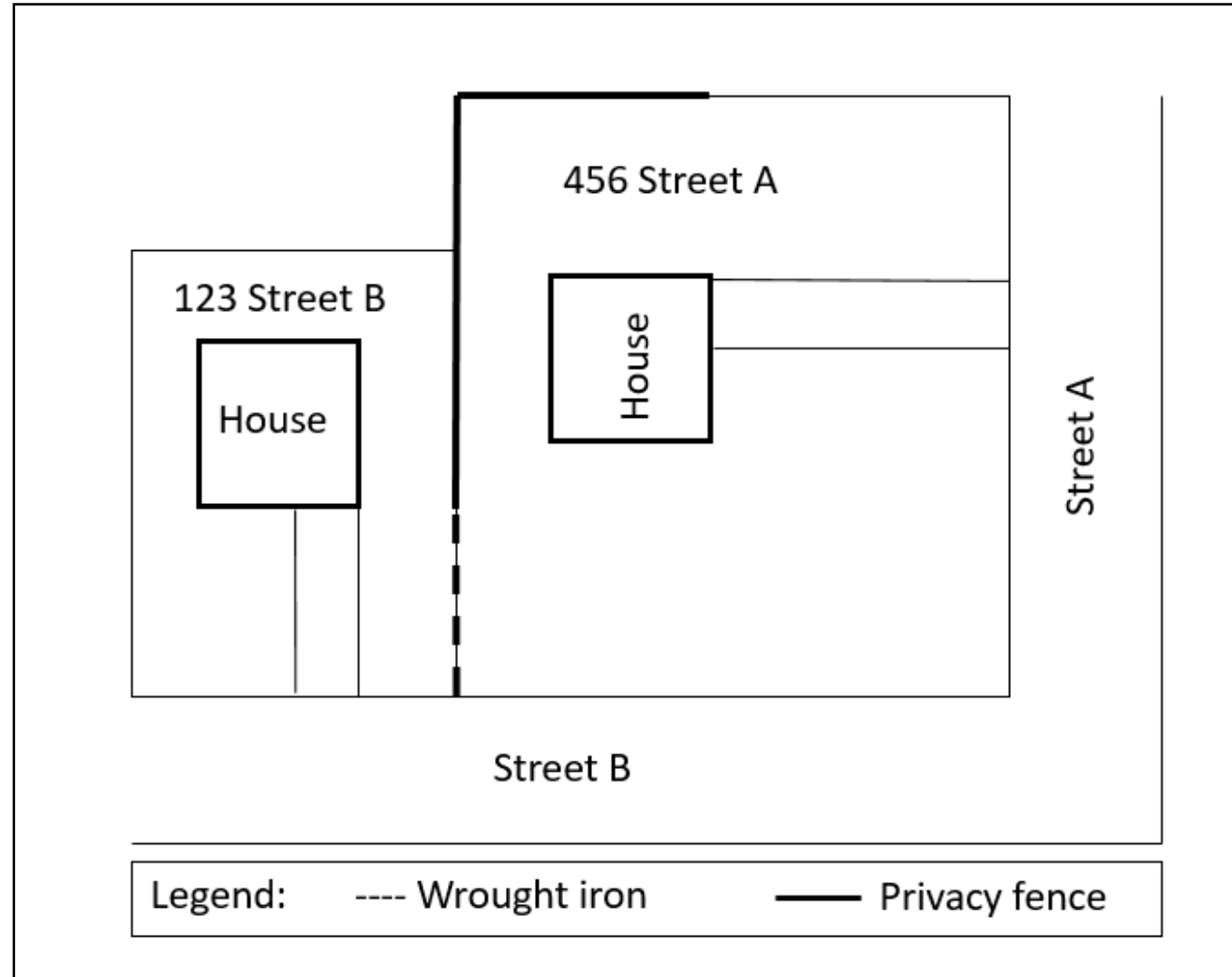
b) If a side or rear fence for a property is located in front of the main structure *of an adjacent property*:

1) The fence may be solid up to the front corner of the main structure of the *adjacent* property and

2) The fence must be open-style from the front of the main structure of the *adjacent* property up to the Four foot (4') setback from the property line.

c) Fences and landscaping are required to have a vision clip in accordance with this Code (see Art. 8 Section 8.08.I.b) so as not to impede the vision of traffic. Live screening is allowed *inside* of the fence.

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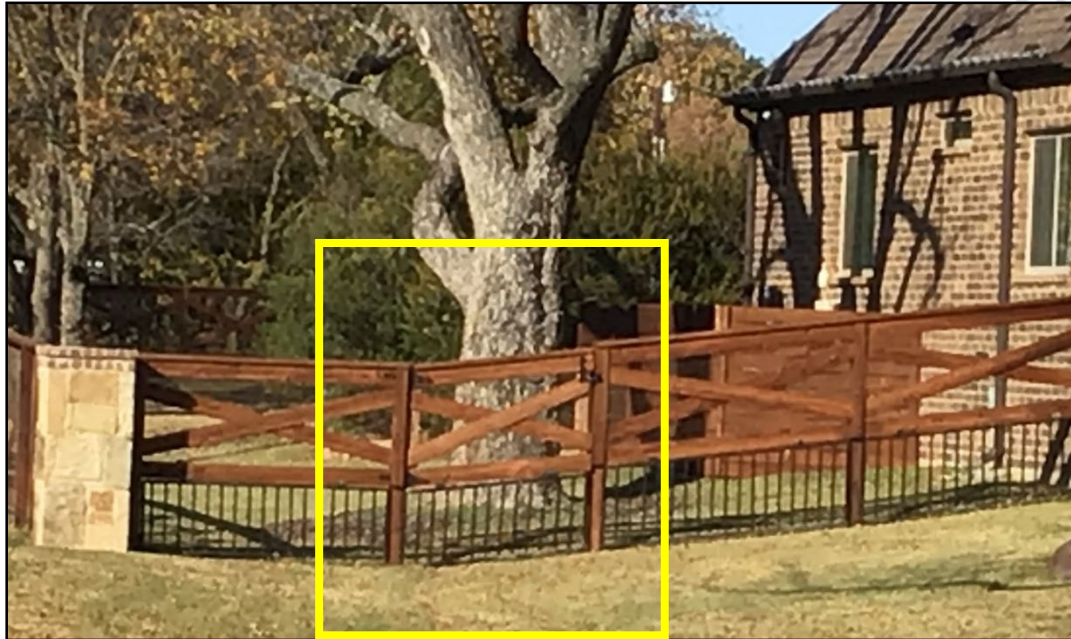
Proposed changes to this code will allow for fences adjacent to thoroughfares to install a “rot board” or a “kick board” at the bottom of the fence, rather than a bottom cap. Sec. 8.11(E)



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Proposed swing gate near drainage ways/easements – Section 8.11 (F)(3):

- Swing gates may be required by the Public Works Director or his/her designee.
- Fences must comply with all other applicable Codes in this ordinance.



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Privacy fences next to passive parks– Section 8.11 (H)(2)

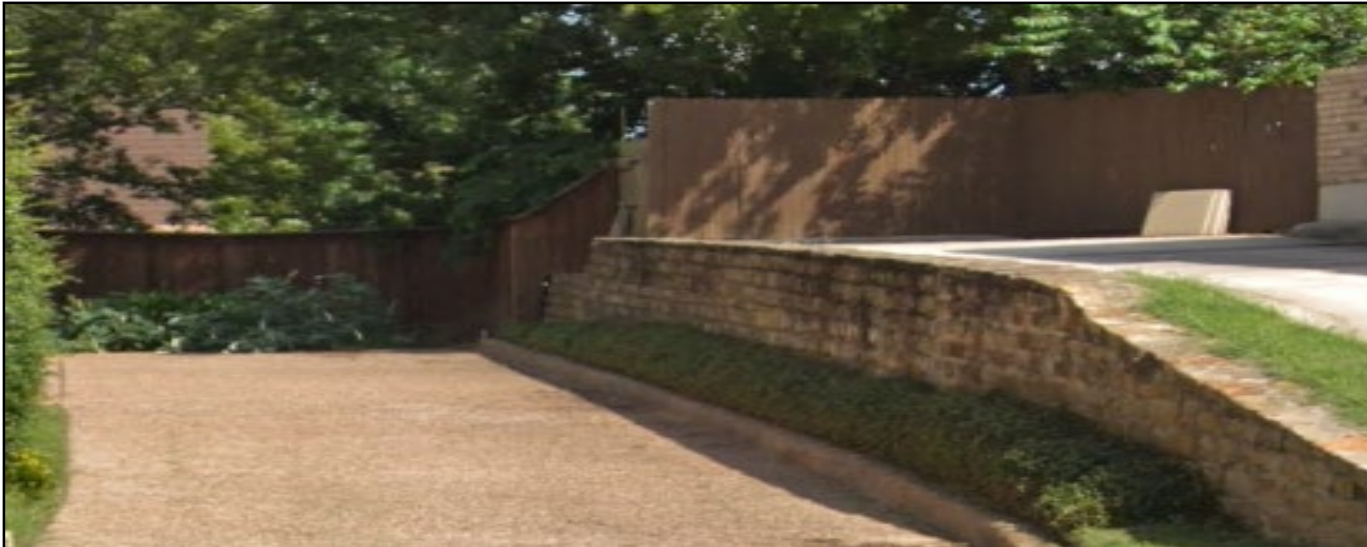
- Finished side must face out
- Fences must comply with all other applicable Codes in this ordinance.



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Swimming pool barriers – Section 8.11 (I)(1):

“Swimming pools barriers (fences) shall be no less than 48 inches above grade where measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet measured horizontally from the outside of the required barrier.”



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Drive Gates – Section 8.11 (K)(1):

- This code change allows for drive gates in the smaller zoning districts (SF-15, SF-12, SF-10, and SF-8.4).
- Inset requirements of 25 feet from streets and 50 feet from thoroughfares will still apply.



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Temporary construction fences – Section 8.11 (L)(4):

- To ensure that such temporary fences will be inset 4 feet from property lines and will not impede the vision of traffic.

“Galvanized chain link fencing is allowed on a temporary basis for non-residential projects and residential projects of five or more lots while under construction, with a permit. *The fence adjacent to a street shall be four feet (4’) inside of the property line and shall not encroach the Right-of-Way nor impede the vision of traffic.*”

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Agricultural use fences – Section 8.11 (M):

- Expand exceptions
- Clarify requirements for agricultural use fences

“Temporary enclosures such as “round pens” and “bullpens” that are used for the purpose of temporary confinement of farm animals and are easily relocated within the property are not required to obtain a permit.”



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“Interior agricultural fences that separate pastures and paddocks do not require a permit.”



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Fencing for Multi-family four units or less – Section 8.12 (A):

- Comply with fencing requirements such as material, height, etc. in Section 8.11 - Fencing Requirements for Single-Family zoning districts.



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Consider adopting the following changes recommended by Commissioners Sagar and Thompson, and staff, after the last hearing:

- Duplicate the language related to fence wrap for both residential and commercial sections of the Code.
- Add “sliding gates” to swinging gates as an option for drive gates to clarify that sliding gates are permitted.
- Remove “apartment” from swimming pool barriers in 8.11 (residential). Add the requirements with “apartment” to 8.12 for Multi-Family.
- Remove “in or” in H (“Requirements for Lots in or Adjacent to a Park”).

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On Dec. 8, 2020, the Planning and Zoning Commission voted unanimously to recommend approval of the item with:

1. 8.11 (F)(1) added, “within or immediately.”
2. 8.11 (F)(2) added, “that.” Also added the last sentence, “If approved, the fence shall meet all other applicable criteria as set forth in this Code.”
3. 8.11 (G) Added “an” and “and/or.”
4. 8.11 (I)(3) removed “apartment” and added “main structure.”
5. 8.11 (K)(3)(a) added :”Sliding gates may also be considered for a drive gate.”
6. 8.12 (E) added, “Vinyl fencing is prohibited.”
7. 8.12 (I)(1-4) added the swimming pool fence language to this commercial section for swimming pool fences.

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On Dec. 8, 2020, the Planning and Zoning Commission recommended approval with modifications. Such modifications have been incorporated into “Exhibit A.”

Also incorporated into “Exhibit A” are the following recommendations:

- Four-foot setback from the property line for fences.
- Add a requirement for open fencing when an otherwise permissible solid fence on one property would be located in front of the main structure of an adjacent property. [Art. 8.11 (C)(3).] (The proposed amendment includes a picture for clarification.)

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- An amendment to the text of the UDC requires a public hearing notice to be published in the local newspaper 15 days prior to the scheduled City Council meeting date. The notice for the City Council public hearing was published in the Dec. 13, 2020, edition of the Fort Worth Star-Telegram.
- As of today, staff has received comments from one resident who is also a fence contractor. These comments and the proposed changes were discussed with the contractor.

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The City Council has the following options when considering an amendment to the text of the UDC:

- Approve as submitted
- Approve with modifications or additional amendments(s)
- Table the agenda item to a specific date with clarification of intent and purpose
- Deny



Questions?

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