



Tuesday, March 05, 2019  
City Council  
Work Session

Item D-1

Consider a recommendation of amendments to the City of Keller Unified Development Code, adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article 3 – Definitions; Article 8 - Zoning Districts, Development Standards, Tree Preservation to amend fence requirements; authorizing publication; provide for penalties; and establishing an effective date. City of Keller, applicant. (UDC-19-0004)

## Item D-1

### ➤ **Unified Development Code Proposed Text Changes-Article 8, Section. 8.11 (Fencing)**

- ❖ Add additional fencing materials.
- ❖ Limit chain link fencing to dog runs, athletic enclosures and temporary screening fencing for Non-Residential properties.
- ❖ Change variance process to a Special Exception process, which will be reviewed by the Development Review Committee, and allow for an appeal process to the Zoning Board of Adjustment.
- ❖ Require fences in or adjacent to open space areas, drainage ways (including floodplains and floodways) to be constructed of an open iron or tubular steel type material.
- ❖ Clarify fence requirements for properties adjacent to a thoroughfare.

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### ➤ **Unified Development Code Proposed Text Changes-Article 8, Section. 8.11 (Fencing) cont'd.**

- ❖ Clarify the placement of a fence on a property in zoning districts SF-20, SF-25, SF-30, and SF-36 for front and side yards, specific to an open style fence no greater than six feet (6') in height. For corner lots in the same zoning districts a visibility triangle shall be required.
- ❖ Clarify the fence regulations related to use of a drive gate as a part of the fence for a swimming pool.
- ❖ Allow for marketing fence wrap to be used in conjunction with a chain link fence on a temporary basis for Non-Residential developments and for Residential subdivision developments which are adjacent to or visible from a Thoroughfare.

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### ➤ **Unified Development Code Proposed Text Changes-Article 8, Section. 8.09-Signs**

- ❖ Require a Development Sign for all Non-Residential Developments and all Residential Subdivision Developments.

### **Unified Development Code Proposed Text Changes-Article 3, Definitions**

- ❖ Add a definition for Development Sign.
- ❖ Add a definition for Fence Wrap.
- ❖ Add a definition for Drainage Way.

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### Unified Development Code Proposed Text Changes-Article 8, Section. 8.11 (Fencing)

- A. A fence permit shall be required for any new fence construction or replacement of an existing fence. **(Original Language)**
- ❖ A definition for “replacement” was requested by P&Z. The language “even the smallest repair” was added to Art. 8, Sec.8.11.A.
  - ❖ Current staff policy (adapted when replacement fence permit fees were eliminated) requires a fence permit if one or more panels of fencing is being replaced. Repair of hardware, repair or replacement of posts, and repair or isolated replacement of pickets does not require a permit.
  - ❖ After an in-depth discussion (in P&Z Work Session) regarding the added language, and other options to said language, P& Z requested language be inserted that a fence permit would be required for replacement of a complete **“panel, post, or ten percent (10%) or more of the total fence.”**

## Unified Development Code Proposed Text Changes-Article 8, Section. 8.11 (Fencing)

C. Fences shall be constructed of wood, ornamental metal, tubular steel, masonry, live material, **or a combination thereof**. The Community Development Director or his/her agent may consider alternative fencing material for residential-zoned properties on a case-by-case basis. Chain link perimeter fencing is prohibited in all zoning districts. Existing chain link fences in existence **prior to 2002** may be replaced up to sixty percent (60%) with a permit. All replacement chain link fencing shall be vinyl clad in black or green. Temporary chain link fencing may be allowed on a temporary basis for construction purposes or special events **with a permit**.

- ❖ Vinyl was originally proposed as an added material but removed at the request of the P&Z Commission for concern over quality of material. P&Z recommended to add recycled material with a 30-year warranty, i.e. Trex. The closest match staff was able find was a recycled material with a 25-year warranty.

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### Unified Development Code Proposed Text Changes-Article 8, Section. 8.11 (Fencing)

F. No barbed wire, chain link, electrical fencing, **razor wire**, or any other material not specifically permitted by this code shall be allowed. **Slickwire or utility fencing panels** may be used for farm or ranching purposes on land over two (2) acres in area.

- ❖ This would remove the ability to use barbed wire, chain link, electrical fencing or razor wire for farm or ranch purposes but gives the ability to use slickwire or utility fencing panels without requiring framing for farm or ranching purposes on land over two acres in area, regardless if developed or undeveloped. As with all fencing, this type of fencing would be required to be kept in good repair.



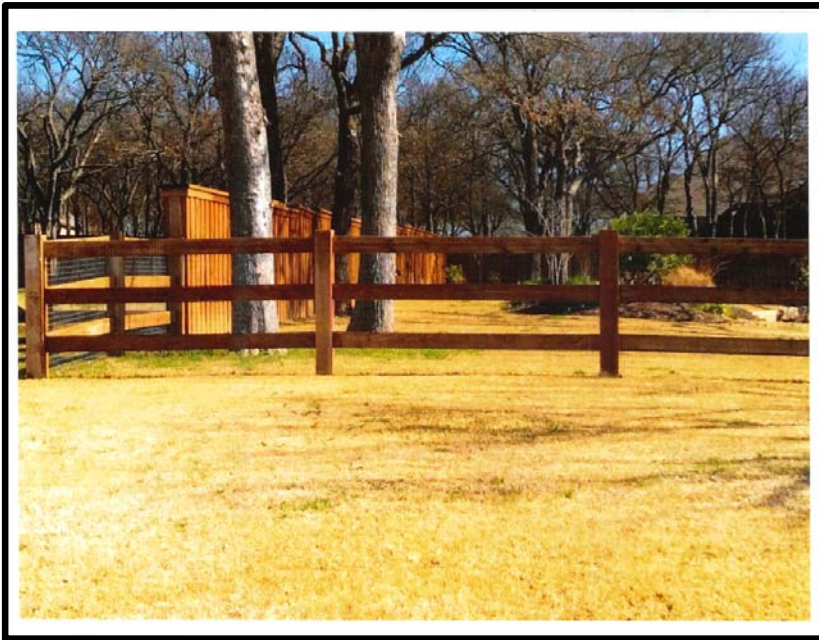
Unified Development Code Proposed Text Changes-Article 8, Section. 8.11 (Fencing)

G. The maximum height requirements, as measured from the grade of the property, shall be as follows:

2. Six feet (6') for front yard (including side yard on a corner lot) or in front of the main structure in SF-20, SF-25, SF-30, SF-36 zoning district if lot size is a half-acre (21,780 sq. ft.) or greater and is constructed of split rail, open wood, ornamental metal, tubular steel, or similar open face material. Fences located in these zoning districts may also use open-style wood fencing with a thin-gauge wire screen attached directly behind the wood.

❖ P&Z Commission suggested six-foot maximum in SF-20 and greater. Staff researched and was unable to find a definitive answer as to why this was changed in the 2002 UDC to five feet (5') from the 2000 Zoning Code of six-foot (6') maximum height. Staff has received feedback over the years from fence contractors that standard iron fencing is six feet (6') height and must be cut back down to five feet (5'). The change six feet (6') fencing accommodates industry standards. A vision clip shall be required on corner lots.

**Example #1** of an open Split Rail Wood Fence, proposed for properties zoned SF-20 or greater with a minimum of a half-acre (21,780 sq. ft.) in size.



**Example #2** of an open Wood and Wire Fence, proposed for properties zoned SF-20 or greater with a minimum of a half-acre (21,780 sq. ft.) in size.

**Example #3** of an open Split Rail Wood Fence, proposed for properties zoned SF-20 or greater with a minimum of a half-acre (21,780 sq. ft.) in size.

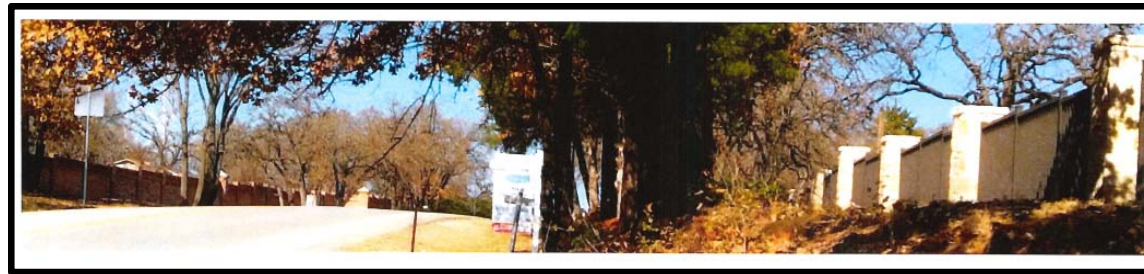


**Example #4** Example of an open Tubular Steel and Wire Fence, proposed for properties zoned SF-20 or greater with a minimum of a half-acre (21,780 sq. ft.) in size.

Unified Development Code Proposed Text Changes-  
Article 8, Section. 8.11 (Fencing)

G. The maximum height requirements, as measured from the grade of the property, shall be as follows:

2. **Six feet (6')** for front yard **(including side yard on a corner lot)** or in front of the main structure in **SF-20, SF-25, SF-30, SF-36** zoning district **if lot size is a half-acre (21,780 sq. ft.) or greater** and is constructed of split rail, open wood, ornamental metal, tubular steel, or similar open face material. **Fences located in these zoning districts may also use open-style wood fencing with a thin-gauge wire screen attached directly behind the wood.**



**Example #9** of an open fence on the property line on a corner lot, proposed for properties zoned SF-20 or greater with a minimum of a half-acre (21,780 sq. ft.) in size.

Unified Development Code Proposed Text  
Changes-Article 8, Section. 8.11 (Fencing)

G. The maximum height requirements, as measured from the grade of the property, shall be as follows:

2. Six feet (6') for front yard (including side yard on a corner lot) or in front of the main structure in SF-20, SF-25, SF-30, SF-36 zoning district if lot size is a half-acre (21,780 sq. ft.) or greater and is constructed of split rail, open wood, ornamental metal, tubular steel, or similar open face material. Fences located in these zoning districts may also use open-style wood fencing with a thin-gauge wire screen attached directly behind the wood.



**Example #10** of an open fence on the property line on a corner lot, proposed for properties zoned SF-20 or greater with a minimum of a half-acre (21,780 sq. ft.) in size.

## Unified Development Code Proposed Text Changes-Article 8, Section. 8.11 (Fencing)

K. All replacement wood fence adjacent to a thoroughfare, as shown on the Thoroughfare Plan, shall be constructed of cedar material with metal posts and cedar top and bottom caps. A bottom cap is also known as a “kickboard” or a “rot board” and must also include trim on the outside face of the fence adjacent to the Thoroughfare. The fence shall be stained with a wood sealant material intended to extend the life of the fence for a minimum of two years. Any new wood fences permitted adjacent to thoroughfares shall comply with this provision.

- ❖ The requirement for “caps” is not new; staff added language for clarification due to multiple requests from fence contractors. This requirement applies only to new wooden fences adjacent to Thoroughfares and would not necessarily be applicable to properties that are directly in or adjacent to a Drainage Way, Drainage Easement or Floodplain/Floodway.

## Unified Development Code Proposed Text Changes-Article 8, Section. 8.11 (Fencing)

L. Corner lots or double frontage lots shall comply with the following requirements:

1. The location of fences for double frontage lots or corner lots adjacent to a street shall be in accordance with the building setback line as shown on the final plat. If a property is not platted the location of fences shall comply with the building setback requirements of the zoning district that the property is located in. The distance may be reduced to eight feet (8') from the property line if the fence is constructed of ornamental metal, tubular steel, or similar material with live screening.

❖ Visibility regulations can be located in Art.8 Sec. 8.08.I.

## Unified Development Code Proposed Text Changes-Article 8, Section. 8.11 (Fencing)

### M. Swimming Pool Fences

Swimming pool fences shall comply with the following requirements:

1. Swimming pools shall have a fence of a minimum of four feet (4') in height with self-closing, self-latching gates. Opening in the fence shall not allow passage of a 4-inch-diameter sphere. When an automatic drive gate is used as a part of the barrier around a swimming pool, the gate must be closed at all times when not in immediate use. The gate shall have an automatic closing system in place in the event that there is a power outage.



## Unified Development Code Proposed Text Changes-Article 8, Section. 8.11 (Fencing)

### N. Temporary Construction Fences

Temporary Construction fences shall comply with the following requirements:

Chain link fencing is allowed with a permit on a temporary basis for non-residential projects and residential projects of two (2) acres or more while under construction, with a permit. Advertisement may be allowed to be printed on Fence Wrap in lieu of a Development Sign and must be listed on the fence permit application.

1. Fence wrap (mesh screening) 80 % or greater blockage is required in conjunction with chain link fencing on the following types of projects:

- a) Non-residential projects;
- b) Residential projects over two (2) acres;
- c) All projects which are adjacent to or visible from a thoroughfare, as shown on the Thoroughfare Plan.

2. Projects not adjacent to or visible from a thoroughfare may opt to use a development sign in lieu of the fence wrap (mesh screening).



**Example of a Fence Wrap on a Non-Residential development currently under construction.**

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### ➤ Unified Development Code Proposed Text Changes-Article 8, Section. 8.09-Signs

❖ Require a Development Sign for all Non-Residential Developments and all Residential Subdivision Developments.

- Residential Construction and Development Signs- A sign **must** be erected on property which is currently under development. A development sign may also be erected on undeveloped property for future use if within six (6) months of future development. Fence wrap (mesh screening) on chain link fence may be used in lieu of a development sign.
- Commercial Construction and Development Signs- A sign **must** be erected on property which is currently under development. A development sign may also be erected on undeveloped property for future use if within six (6) months of future development. Fence wrap (mesh screening) on chain link fence may be used in lieu of a development sign.

❖ Require screening for construction projects immediately adjacent to or in view of a thoroughfare.

City of **KELLER**

**Questions?**

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