

## ARTICLE THREE

### Unified Development Code

Adopted: July 7, 2015



building materials, colors, building forms, architectural detailing, landscaping, lighting, outdoor furnishings and other amenities.

~~94.~~ **Compatibility, Land use** - Compatibility as used in defining land uses that are complimentary with regard to the impact generated on the physical environment (i.e. noise, light, traffic, parking, odors, etc.).

~~94-95.~~ **Composite Decking** - “Wood-plastic polymer products (such as Trex) typically used for fencing and decking. These products are made out of a mix of recycled wood fibers and recycled plastic.”

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~~95-96.~~ **Concrete Block** - A concrete masonry unit (CMU) - also called concrete brick, concrete block, cement block, besser block, breeze block and cinder block - is a large rectangular brick used in construction.

~~96-97.~~ **Concrete Masonry Units (CMUs)** - Concrete masonry units used for masonry construction shall meet the latest version of the following applicable specifications: ASTM C90, Standard Specification for Hollow Load Bearing Concrete Masonry Units; ASTM C145, Standard Specification for Solid Non-load Bearing Masonry Units; ASTM C129, Standard Specification for Hollow and Solid Non-load Bearing Units. Concrete masonry units shall have an indented, hammered, split face, or other similar approved architectural finish as approved by the City Council. Lightweight concrete block or cinder block construction is not acceptable as an exterior finish.

~~97-98.~~ **Concrete Panel Construction** - Concrete finish or pre-cast (tilt wall) construction shall be painted, fluted, exposed aggregate, or other approved architectural concrete finish. Smooth or untextured concrete finishes are not acceptable.

~~98-99.~~ **Construction Yard (Temporary)** - A storage yard or assembly yard for building materials and equipment directly related to a specific construction project and subject to removal at completion of construction.

~~99-100.~~ **Contractor's Shop** - A building, part of a building, for storage of materials, equipment, tools, products, and vehicles that are used on a regular basis for various types of contract work including accessory office.

~~100-101.~~ **Contractor's Yard** - An outside area for storage of materials, equipment, tools, products, and vehicles that are used on a regular basis for various types of contract work including accessory office.

~~101-102.~~ **Convenience store with gas pumps** - Any building, land area or other premises, or portion thereof, used or intended to be used for the retail sales of goods in combination with the sales of automobile fuels, lubricants, and automotive accessories.

~~102-103.~~ **Copy shop or printing shop** - See [Printing or Copy Shop](#).

~~103-104.~~ **Cornices** - A projecting shelf along the top of a wall, along the exterior trim at the meeting of a roof and wall, or at the uppermost division of an entablature.

~~104-105.~~ **Council** - Same as [City Council](#).

~~105-106.~~ **Country Club (Private)** - A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.

~~106-107.~~ **County** - Tarrant County, Texas, together with all its governing and operating bodies. References to the "County" shall mean Tarrant County unless expressly stated otherwise.

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~~121.122.~~ **Drainage Way** - A natural or man-made drainage pathway located on or adjacent to property. The drainage way may or may not be deemed "floodplain" or "floodway" by the Federal Emergency Management Agency (FEMA). A drainage way may be located on any property in the City of Keller, regardless whether said property has been secured within the confines of a legal Plat.

Commented [MH1]: Proposed New Definition

~~122.123.~~ **Drilling** - The process of construction of a mining installation of cylindrical shaped reservoir, such as a hole, blasthole, or mineshaft, by crushing the rock at the mine face. As a rule, drilling is carried on within the earth's crust (less frequently, within artificial materials such as concrete, asphalt, and others) that allow the extraction of minerals from those reservoirs. In a number of cases drilling involves the shoring-up of hole walls (mainly for deep holes) by means of tubular casings, with the injection of cement suspension into the annular gap between the casings and the hole walls. The field of application of drilling is varied: it includes searching and prospecting for minerals; the study of rock characteristics; the extraction of liquid, gaseous, and solid (by leaching and melting) minerals through working holes; the conducting of blasting operations; the excavation of solid minerals; the artificial securing of rock (by freezing, bituminizing, cementing, and other methods); the draining of flooded mineral deposits and swampy areas; the exposure of deposits; the laying of underground communications equipment; and the construction of pile foundations.

~~123.124.~~ **Drip Line** - A vertical line run through the outermost portion of the canopy of a tree and extending to the ground (see [Section 8.20 - Exhibit D](#)).

~~124.125.~~ **Driveway** - An area usually paved with asphalt or concrete to allow access of automobiles to a property from a road or Public Right-of-Way.

~~125.126.~~ **Driveway Approach** - The portion of the driveway that falls within the public right-of-way.

~~126.127.~~ **Driving school** - A facility for the instruction of driving light load vehicles. Facilities may include offices, classrooms, and storage of vehicles.

~~127.128.~~ **Dry Cleaning Plant** - An industrial facility, including commercial laundry, where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

~~128.129.~~ **Dry Cleaning, Retail** - A retail center customers drop-off and pick-up laundry to be dry cleaned, where chemical cleaning is not performed on-site but is shipped out for the cleaning process..

~~129.130.~~ **Dwelling** - Any building or portion thereof, which is designed or used as living quarters.

## E

~~130.131.~~ **Earth tone colors** - Warm, muted colors inspired by the colors of the earth, soil, and certain minerals and containing some brown. Earth tones have flat finishes to increase the natural appearance of the colors.

~~131.132.~~ **Easement** - The word "easement" shall mean a designated area, conveyed by plat or separate instrument, for restricted use on private or public property upon which the grantee shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths that may endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements.

~~132.133.~~ **Eave** - The portion of the roof that projects past the outer wall.

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**253-254. Lot of Record** - A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Tarrant County or a lot subdivided by metes and bounds description prior to its date of annexation.

**254-255. Lot Width** - The horizontal distance between side lot lines measured along a line that is parallel to the front lot line, and measured from the point on the building line that is closest to the front lot line (see [Section 8.18 - Figure 1](#)). For irregular-shaped lots, the distance at front and rear setbacks can be averaged.

**255-256. Luminaries** - An artificial light.

## M

**256-257. Main Building** - The building or buildings on a lot that is occupied by the primary use.

**257-258. Maintenance Bond** - A bond that basically functions as an insurance policy on a construction project to make sure a contractor will either correct any defects that arise or that the owner is compensated for those defects.

**258-259. Mansard Roof** - (Also called a French roof or curb roof) is a four-sided gambrel-style hip roof characterized by two slopes on each of its sides with the lower slope, punctured by dormer windows, at a steeper angle than the upper.

**259-260. Masonry, Masonry Façade** - Exterior masonry application to include natural and manufactured stone material, fibrous cement products, stucco, brick material, granite, or marble.

**260-261. Master Plan or Comprehensive Plan** - The term "Master Plan" shall mean the comprehensive plan of the City and adjoining areas adopted by the City Council and the Planning and Zoning Commission, including all its revision. This plan consists of graphic and textual policies which govern the future development of the City and indicates the general location and specific geographic areas recommended for various land uses, transportation routes, public and private buildings, streets, parks, water, sewer, and other public and private developments and improvements.

**261-262. Maximum Loaded Trailer Weight** - The actual weight of a trailer plus the manufacturer's maximum allowable weight of cargo and equipment that may be carried by the trailer.

**262-263. Mausoleum** - Property used for the interring of the dead and where bodies are interred above ground in staked vaults.

### **263-264. Medical Facilities**

- a. **Convalescent, Rest or Nursing Home** - A health facility used for or customarily occupied by persons recovering from illness or suffering from infirmities of age, and furnished meals or continuing nursing care for compensation.
- b. **Dental, Medical, or Chiropractic Clinic** - A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.
- c. **Dental Office or Doctors Office** - Same as dental or medical clinic.

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exterior grade acrylic, latex, polyvinyl alcohol, semi-gloss or flat paint or similar exterior wall covering.

**409-410. Side Entry Garage** - garages upon which the entry point from the street is on the side of the house and garage door is perpendicular to the front of the house. On corner lots, the garage door may be parallel to the street and have a side entry. See Section 8.17 for illustration.

**410-411. Side Yard** - See [Yard](#), [Side](#).

#### **411-412. Signs**

- a. **Billboard** - A non-premise sign over two-hundred (200) square feet in area. *(Amended by Ord. No. 1799 on July 5, 2016)*
- b. **Development** - A sign constructed on an ongoing or future development that advertises the future development, the funding company, the construction company, the utility company(s), the developer, the property owner, and/or any other advertisement typical to ongoing or future construction.
- c. **Effective Area** - The area enclosed by drawing a rectangle of horizontal and vertical lines which fully contain all extremities of the sign drawn to scale, exclusive of its supports. The measurement is to be calculated from viewpoint, which gives the largest rectangle of that kind, including both sides as the viewpoint is rotated horizontally around the site. The effective area for attached signs shall mean the sum of the areas of the minimum imaginary rectangles enclosing each word attached to any particular facade or side Section 8.17, Figure 19.
- d. **Entry-way or Portal** - A sign installed by the city and generally used to inform travelers they have arrived in Keller or to a specific area within Keller.
- e. **Fence Wrap (Mesh Screen)** - An opaque type fence that includes graphics, typically printed on a flex mesh or flex vinyl material, that is be used to block a construction site from view of the public while advertising the future use of the property.
- f. **Flags** - Cloth or fabric devices moved by the wind that are mounted to a pole and display messages, emblems, or insignia. *(Amended by Ord. No. 1799 on July 5, 2016)*
- g. **Flashing or Moving Sign** - A permanent sign (other than banners or flags) which is animated, changes messages, revolves, swings, or is otherwise designed to move by mechanical means or by the force of wind.
- h. **Landmark** - An object or feature of a landscape or town that is easily seen and recognized from a distance, especially one that enables someone to establish their location.
- i. **Luminance** - The brightness of a sign or a portion thereof expressed in terms of footcandles. For the purposes of this chapter, luminance shall be determined by the use of an exposure meter calibrated to standards established by the National Bureau of Standards.
- j. **Murals** - A painting or other work of art executed directly on a wall.

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Section 8.09 (D.5) Table 1 - Temporary Sign Regulations

| Type   | Max. Size (in square feet) | Number permitted                        | Duration                                     | Zoning              | Additional Standards  |
|--|----------------------------|---|--|---------------------|---|
| Banners  | 24 sf                      | 1 per building or lease space elevation | 7 days                                       | All                 | Allowed four times per calendar year. Banners must be attached to buildings.  |
| Grand Opening                                  | 50 sf                      | No limit                                | 30 days                                      | All                 | Must use within 180 days of Certificate of Occupancy. Banners, pennants, flags, small balloons and yard signs may all be used.  |
| Weekend Real Estate Directional Signs          | 4 sf                       | 1 per intersection, 8 total per listing | 5:00 pm Friday to 10:00 pm Sunday            | All                 | Signs must be on private property and not in the ROW. No permit required.   |
| Real Estate Directional Signs                  | 4 sf                       | 1 per intersection, 8 total per listing | 8:00 am to 7:00 pm Monday-Friday             | All                 | Signs must be on private property and not in the ROW. No permit required.   |
| Yard Signs (for sale, garage sale, etc.)       | 8 sf                       | 1 per lot                               | None specified                               | All Residential     | No permit is required.  |
| Neighborhood Event Signs                       | 24 sf                      | 1 per neighborhood entrance             | 7 days                                       | All Residential     | The sign may not be illuminated.<br>1 may be located outside of gated subdivisions<br>Signs must be removed 24 hours after event. This permit may only be issued twice per calendar year per subdivision.   |
| Residential Construction and Development Signs | 32 sf and 8' tall          | 2                                       | Until 80% of homes sold or apartments rented | All Residential     | <del>A sign(s) must be erected on property which is currently under development. A development sign(s) 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. Signs may be located off-site if permission is granted from the property owner.</del><br>Allowed only in conjunction with a grand opening sign permit.                 |
| Searchlights                                   | Not Applicable             | 1                                       | 72 hours                                     | All Non-Residential | Allowed only in conjunction with a grand opening sign permit.   |
| Inflatable Signs                               | 50 sf                      | 1                                       | 72 hours                                     | All Non-Residential | Allowed only in conjunction with a grand opening sign permit.   |
| Commercial Construction and Development Signs  | 32 sf and 8' tall          | 1                                       | Until Certificate of Occupancy is issued     | All Non-Residential | <del>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. Sign may only be erected on undeveloped property or on property which is currently under development.</del><br>Allowed only in conjunction with a grand opening sign permit. |

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### Section 8.11 - Fencing Requirements in Residential Zoning Districts

- A. A fence permit shall be required for ~~any new fence construction or replacement of an existing fence, the following:~~

~~1. All new fence construction.~~

~~2. The replacement of an existing fence of more than eight (8) linear feet being replaced in the same location other than Agricultural Fencing.~~

~~3. The replacement of greater than fifty percent (50%) of the total linear feet of perimeter Agricultural-type fencing located in SF-36 Zoning District on lots two (2) acres or greater.~~

~~4. The relocation of any portion of fencing regardless whether the same panels are being used.~~

~~A permit is not required for replacement of posts or hardware if there is no replacement of panels.~~

- B. ~~When sixty percent (60%) or greater of the total linear feet of a Legal Non-Conforming fence, the fence shall adhere to the standards of the current applicable Code.~~

- ~~C.B.~~ All fences shall be kept in good repair and shall not create urban blight. Dilapidated fences shall be repaired or replaced in accordance with provisions of this Code. ~~Wood Fences may be painted or stained with natural wood colors. Iron fences may be painted. No bright unnatural colors are allowed, on any fencing. Entire fence must be a consistent color. Fencing of the same material(s) must be a consistent color.~~

- ~~C.D.~~ Fences shall be constructed of wood, ornamental metal, tubular steel, masonry, ~~composite decking, or live material, or a combination thereof. Vinyl fencing is strictly prohibited. Steel posts set in concrete are required for all wood privacy fences. The Planning Manager- Community Development Director or his/her agent may consider alternative fencing material for residential-zoned properties on a case-by-case basis. Chain-link fencing is prohibited in all zoning districts unless approved by the City Council as a special exception. Existing chain link fences may be replaced with a permit. All new or replacement chain link fencing shall be vinyl clad in black or green. Chain link fencing may be allowed on a temporary basis for construction purposes or special events.~~

- ~~D.E.~~ All replacement ~~privacy~~ wood fences adjacent to a thoroughfare, as shown on the Thoroughfare Plan, shall be constructed of Cedar material with metal posts ~~set in concrete~~ and Cedar top and bottom caps. The fence shall be stained with Ready Seal or an equivalent wood sealant material. ~~All new wood fences and replacement of Legal Non-Conforming fences more than sixty percent (60%) of total permitted adjacent to thoroughfares linear feet shall comply with this provision (Section 8.17 Figure 19).~~

- ~~F.D.~~ Fences for non-residential uses allowed in residential districts such as schools and churches shall be ornamental metal, tubular steel, masonry or a combination thereof. ~~Vinyl fencing is strictly prohibited. No wood or chain link fencing shall be allowed unless specifically approved on a site plan by the City Council.~~

- ~~G.E.~~ Chain link fencing shall not be allowed for perimeter fencing and shall not be visible from the street ~~is prohibited in all zoning districts. Vinyl-clad chain link fencing may be allowed- considered for fencing of dog runs, tennis courts, etc the following:~~

~~-1. Fencing of dog runs and athletic enclosures; the fence shall be vinyl clad in black, green or tan and must not be seen from the street. The maximum height for athletic enclosures may not exceed ten feet (10').~~

~~2. Galvanized chain link fencing is permitted for interior fencing on parcels located in SF-20 or greater provided that it is not visible from the street.~~

~~3. Existing chain link fencing if no more than sixty percent (60%) of the fence is being replaced and no other replacement of fencing has been done in the previous twenty-four (24) months.~~

Commented [MH1]: P&Z and City Council requested clarification as to when a permit is needed.

Commented [MH2]: Clarification that small repairs that have no panels does not require a permit.

Commented [MH3]: Clarifies iron fences may be painted without dictating they have to be a natural wood color. Addresses a concern of multi-colored fencing when replacing only a portion of fence.

Commented [MH4]: Our fence contractors have stated there are many variables when determining depth of concrete, therefore no language was inserted regarding depth standards.

Commented [MH5]: This expounds on materials allowed based on past variance requests. Steel posts for privacy fences was added at the request of City Council.

Commented [MH6]: Clarification that the sixty-percent clause is intended for Legal Non-Conforming fences.

Commented [MH7]: This ordinance was relocated for flow. "privacy" was clarified because steel posts would not apply for an open wood fence, i.e. a split rail fence. "with metal posts" was deleted because it is addressed in the above ordinance (C). Clarification was made to reflect the spirit of the ordinances regarding replacement of fences on thoroughfares.

Commented [MH8]: Chain link fencing is addressed in the section below.

Commented [MH9]: Clarifies location and purposes of allowable chain link fencing.

Commented [MH10]: Commissioner Page suggests "Galvanized chain link fencing is permitted for interior fencing on parcels SF-20 or greater provided it is not visible from the street."

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~~4. Galvanized chain link fencing may be allowed with a permit on a temporary basis for construction purposes or special events and must be removed before the request of the final inspection of the building and/or site at the end of the special event, respectively.~~

~~HF. No barbed wire, chain link, or electrical fencing shall be allowed except as used for farm or ranching purposes on undeveloped land over two (2) acres in area. Barbed wire, electrical fencing, slick wire, pipe fencing, pipe and cable fencing, composite decking, and utility fencing panels or any combination thereof may be used for farm or ranching purposes on land located in SF-36 Zoning District on lots two (2) acres or greater. Vinyl fencing is strictly prohibited. New barbed wire and electrical fencing is not permitted. Replacement of existing barbed wire or electrical fencing may be considered if no more than sixty percent (60%) of the fence is being replaced and no other replacement of fencing has been done in the previous twenty-four (24) months.~~

**Commented [MH11]:** P&Z recommended keeping the barbed wire and electrical fencing and adding pipe fencing to the code.

**Commented [MH12]:** Clarification of materials and replacement schedule for Ag fencing for two (2) or more acres.

~~IG. The maximum height requirements, as measured from the grade of the property, shall be as follows for lots other than corner lots:~~

~~1. Thirty-six inches (36") for front yard and side yard or in front of the main structure in SF-8.4, SF-10, SF-12, and SF-15 zoning districts and is constructed of split rail, open wood, ornamental metal, tubular steel, composite decking, or similar open-faced material. Vinyl fencing is strictly prohibited.~~

**Commented [MH13]:** Clarification of fencing materials and height, and in which zoning districts this applies.

~~2. Five-Six feet (56') for front yard and side yard or in front of the main structure in SF-20, SF-25, SF-30, and SF-36 zoning districts if lot size is an half-acre (21,780 sq. ft.) or greater and is constructed of split rail, open-style wood, ornamental metal, tubular steel, composite decking, or similar open-faced material, or any combination thereof. Vinyl fencing is strictly prohibited. Fences located in these zoning districts may also use open-style wood fencing with a thin-gauge wire screen attached directly behind the wood. Corner lots are required to have a visibility triangle in accordance with this Code (see Section 8.08.I.b).~~

**Commented [MH14]:** P&Z requested that vinyl be prohibited.

**Commented [MH15]:** Clarification of fencing materials and height, and in which zoning districts this applies. The height was raised (back to) six feet (6') (no reasoning could be found for lowering the height to 5') in certain zoning districts with half-acre or more if fence is open and requires a visibility clip on corner lots.

~~a) Drive gates at the street are permitted for properties in SF-20, SF-25, SF-30, and SF-36 zoning districts where lot size is an half-acre (21,780 sq. ft.) or greater and fencing is installed in the front and/or side yards. Such gates must adhere to the following criteria:~~

~~1. Swinging drive gates must swing in towards the property and not out towards the street and~~

~~2. All drive gates directly adjacent to a street must be inset for a minimum distance of twenty-five feet (25') from the edge of the curb or pavement and~~

~~3. All drive gates directly adjacent to a thoroughfare as shown on the Thoroughfare Plan must be inset for a minimum of fifty feet (50') from the edge of the curb or pavement.~~

**Commented [MH16]:** Requires drive gates to allow for off-street parking while waiting to open for safety purposes.

~~3. Eight feet (8') for side or rear yards not adjacent to any street, park, or trail.~~

~~4. Six feet (6') for side or rear yards adjacent to any street, park, or trail.~~

~~5. Special exceptions for fence heights over these maximums may be made for properties of exceptional topography or necessary finished floor elevations to aid in screening when standard fence heights are inadequate. This determination will be made by the DRC. Decisions of the DRC may be appealed to the City Council for a final decision. Director of Community Development or his/her designed.~~

**Commented [MH17]:** Moves request for taller fences due to topography to the discretion of the CD Dir. or his/her designee.

~~JH. The height of a fence adjacent or perpendicular to a screening wall shall not exceed the height of the subdivision's screening wall or any other fence constructed by the developer at the time of initial development. Corner lots shall comply with the following requirements:~~

**Commented [MH18]:** Clarification of corner lots.

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1. The location of fences for 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 for corner lots may be reduced to eight feet (8') from the property line if the fence is constructed of ornamental metal, tubular steel, or similar material. Vinyl fencing is strictly prohibited. Live screening is allowed outside of the fence and must have a vision clip so as not to impede the vision of traffic.

**Commented [MH19]:** Adds a requirement for a vision clip for live screening outside of an ornamental fence that is beyond the building line on a corner lot.

2. If a corner lot is adjacent to a subdivision's screening wall, a private fence may be placed beyond the required setback line in order to align with the subdivision screening wall. In such cases, the fence shall meet all other requirements of this Code.

**Commented [MH20]:** Clarification and relocation of a current code.

3. The height of a fence adjacent or perpendicular to a screening wall shall not exceed the height of the subdivision's screening wall or any other fence constructed by the developer at the time of initial development.

**Commented [MH21]:** Clarification and relocation of a current code.

**IK.** All fences in or adjacent to parks, or open space and common space areas, drainage easements and drainage ways (including floodplains and floodways) shall be constructed of an open style fence and may be constructed of masonry, ornamental metal, tubular steel, or similar material. Masonry columns may be considered in conjunction with one of the aforementioned materials; such columns require the approval of the Public Works Director or his/her designee when requested in or adjacent to a drainage easement or drainage way. Vinyl fencing is strictly prohibited. Wood fencing shall not be allowed immediately behind the required open fencing. The DRG may approve cedar wood fencing adjacent to private trail connections or private open spaces within a development.

**3L.** Allowable wood fences adjacent to streets, schools, parks, alleyways, or other public spaces shall have the finished side facing the public space. All fence posts and structural components shall be placed on the interior of the lot.

**Commented [MH22]:** Clarification of the spirit of the ordinance (alleyway was intended in the term "public space").

**K.** All replacement wood fences 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. The fence shall be stained with Ready Seal or an equivalent wood sealant material. Any new wood fences permitted adjacent to thoroughfares shall comply with this provision (see Section 8.17 – Figure 19).

**Commented [MH23]:** Relocated for flow.

**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.

**Commented [MH24]:** Relocated for flow.

2. If a corner lot is adjacent to a subdivision's screening wall, a fence may be placed outside the required setback line. In such cases, the fence shall meet the above requirements.

3. In subdivisions where a fence has been legally permitted to be five feet (5') from the property line, the immediate adjacent lot may also construct the same type fencing to be flush with the existing fence.

### **MM.** 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. Openings in the fence shall not allow passage of a 4-inch-diameter sphere.
2. A dwelling, accessory building, or apartment building may be used as part of a fence enclosure, provided that all entrances into the swimming pool area or court are equipped with gates as described herein, or doors with latches or locks.

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3. The fence may be constructed of wood, ornamental metal, tubular steel, or other approved material. ~~Chain link fencing shall not be allowed unless it is completely contained within the lot and is not visible from any street or adjacent property.~~

**Commented [MH25]:** The last sentence was deleted because it is addressed above (C).

### N. Temporary Construction Fences

Temporary Construction fences shall comply with the following requirements:

**Commented [MH26]:** New regulations to promote safer construction sites.

1. Galvanized chain link fencing is allowed on a temporary basis with a permit for non-residential projects and residential projects of five or more lots while under construction, with a permit.

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

a) Non-residential projects;

b) Residential subdivision projects of five (5) or more lots;

c) All projects which are adjacent to or visible from a thoroughfare.

3. 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. Proposed advertising graphics shall be included as part of the permitting process for the fence wrap and chain link fence. If mesh screening is utilized for advertisement, a development sign is not required.

**Commented [MH27]:** Allows clear advertisement of the project on required fence wrap in lieu of a development sign.

O. Special exceptions may be considered by a variance request. The Planning and Zoning Commission (P&Z) will make a recommendation to City Council to approve or deny the request. The City Council will render the final decision.

**Commented [MH28]:** Provides an avenue to request a variance to the ordinances. Will eventually be moved to ZBA.