

ARTICLE EIGHT Unified Development Code

Adopted: July 7, 2015 City of KELLER

Section 8.11 - Fencing Requirements in **Single-Family (S) and Two-Family (2F) Residential** Zoning Districts

General Requirements for all Properties

A. A fence permit shall be required for 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.~~
- 3.4. 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 is replaced, the fence shall adhere to the standards of the current applicable Code. The percentage of linear feet being replaced cannot exceed more than fifty-nine percent (59%) in a twelve (12) month period from the date of the previous approved fence permit to retain the legal non-conforming status.
- C. 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. Fencing of the same material(s) must be a consistent color.

D. **Dependent on the requirements below, fences may be constructed of ornamental metal, tubular steel, or similar material. Fences may also be constructed of an open-style wood fencing with a thin-gauge wire screen attached directly behind the wood. Vinyl fencing is strictly prohibited. The Community Development Director or his/her agent may consider alternative fencing material for residential-zoned properties on a case-by-case basis.**

E. **Variances to this ordinance may be considered by the Zoning Board of Adjustment.**

Height Requirements

F. Height requirements are as follows, except where specified otherwise in this Code:

1. ~~Eight feet (8')~~ for all interior rear yards and side yards not located in front of the main structure (except for corner lots; please refer to "G" of this Code).
2. ~~Open-style fence height requirements, including side and front yards, are as follows (except for corner lots; please refer to "G" of this Code):~~
 - a. ~~For properties which are located in SF-8.4, SF-8.10, SF-12, and SF-15 zoning districts, fence shall not exceed a height of thirty-six inches (36") when located in front of the main structure.~~
 - b. ~~For properties which are located in SF-20, SF-25, SF-30, and SF-36 zoning districts, fence shall not exceed a height of six feet (6').~~
3. ~~Ten feet (10') in height for athletic enclosures on residential properties which cannot be seen from the street or adjacent properties.~~

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4. 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. The determination will be made by the Director of Community Development or his/her designee.

Requirements for Corner Lots/Double Frontage Lots

G. Corner lots shall comply with the following requirements:

1. The maximum height of fences for corner lots are as follows:

- a) Six feet for side fences and rear fences adjacent to a street.
b) Eight feet for connecting interior fences that are not adjacent to the street.

2. The maximum height of open-style fence for front and side yards on corner lots are as follows:

- a) Open-style fences located in SF-8.4, SF-8.10, SF-12, and SF-15 zoning districts shall be a maximum of thirty-six inches (36") for front yards and side yards in front of the main structure.
b) Open-style fences located in SF-20, SF-25, SF-30, and SF-36 zoning districts shall be a maximum of six feet for front yards and side yards adjacent to a street when the property is one-half acre (21,780 sq. ft.) or greater. If the property is less than one-half acre (21,780 sq. ft.), refer to "G.2.a" of this Code.

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

- a) Fences for the side and rear yards which are adjacent to a street must be inset a minimum of four linear feet from the property line when the property is located in SF-8.4, SF-8.10, SF-12, and SF-15 zoning districts.
b) Open-style fences for front and side yards may be located on the property line when the property is located in SF-20, SF-25, SF-30, and SF-36 zoning and is one-half acre (21,780 sq. ft.) or greater. No solid fencing is allowed in the front yard.
c) Solid fences for side and rear yards located in SF-20, SF-25, SF-30, and SF-36 zoning which are adjacent to a street must be inset a minimum of four linear feet from the property line.
d) 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.

4. When a fence is allowed on the property line (refer to "F" of this Code for height requirements) live screening is allowed inside of the fence. Fence 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.

5. An exception for the location of side fences to be built on property lines for corner lots directly adjacent to a thoroughfare, as shown on the Thoroughfare Plan, may be considered by the Community Development Director and the Public Works Director or their respective designees on a case-by-case basis when the following apply:

- a) The fence is Legal Non-Conforming and the Thoroughfare is not completely developed.
b) The Thoroughfare is not anticipated to be built out in the following five years.

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If approved, the fence shall meet all other applicable criteria for a fence adjacent to a Thoroughfare as set forth in this Code.

6. When a fence abuts a subdivision Landscaping/Screening Wall, the following will apply:

a. A private fence may be constructed beyond the required setback line in order to adjoin the subdivision screening wall. In such cases, the fence shall meet all other applicable requirements as set forth in this Code.

b. 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.

Requirements for Lots Adjacent to Streets, Schools, Alleyways, and other Public Spaces

H. Allowable wood privacy fences adjacent to streets, schools, passive parks, alleyways, or visible from 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.

Requirements for Lots Adjacent to Thoroughfares

I. All new or replacement privacy wooden fences adjacent to a thoroughfare, as shown on the Thoroughfare Plan, shall be constructed of Cedar material with posts set in concrete and Cedar top caps, and bottom caps (also as known as "rot boards" or "kickboards") constructed of treated wood. The entire fence shall be stained with Ready Seal or equivalent wood sealant material. All replacement of Legal Non-Conforming fences more than sixty percent (60%) of total linear feet shall comply with this provision (see Art. 8 Sec. 8.17 Figure 19).

Requirements for Lots in or Adjacent to a Drainage Way or Drainage Easement

J. Fences in or adjacent to a drainage way or drainage easement shall be as follows:

1. All fences in or adjacent to drainage ways or drainage easements (including floodplains and floodways) shall be constructed of an open-style fence and may be constructed of ornamental metal, tubular steel, or similar material. Masonry columns may be considered in conjunction with one of the aforementioned materials and require approval of the Public Works Director or his/her designee when requested in or adjacent to a drainage way or drainage easement. Vinyl fencing is strictly prohibited. Wood fencing shall not be allowed immediately behind the required open fencing.

2. All fences that are adjacent to drainage ways and drainage easements have been historically constructed of wood and do not inhibit the Drainage Easement may be approved by the Public Works Director or his/her designee on a case-by-case basis.

3. Swing gates may be required by the Public Works Director or his/her designee. In such cases, the fence must comply with all other applicable Codes in this ordinance.

Requirements for Lots in or Adjacent to a Open Space or a Common Space

K. All fences in or adjacent to open space and common space areas shall be constructed of ornamental metal, tubular steel, or similar material.

Requirements for Lots in or Adjacent to a Park or Trail

L. All fences in or adjacent to a park or trail shall be as follows:

1. The maximum height allowed is six feet (6') as measured from the grade of the property.

2. Fences in or adjacent to a developed park or trail shall be constructed of ornamental iron, tubular steel, or similar material. Vinyl fencing is strictly prohibited.

3. Fences in or adjacent to a passive park may be constructed of (privacy) wood with smooth side facing out, ornamental metal, or tubular steel. Fence may also be constructed of an open-

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style wood fencing with a thin-gauge wire screen attached directly behind the wood. Vinyl fencing is strictly prohibited.

Requirements for Lots with a Swimming Pool

M. Swimming pool fences shall comply with the following requirements:

1. Swimming pools barriers (fences) shall be no less than 48 inches (1219mm) 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 (914 mm) measured horizontally from the outside of the required barrier.

2. Openings in the fence shall not allow passage of a 4-inch-diameter sphere.

3. 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.

Requirements for Non-Residential Uses in Residential Districts

N. Fences for non-residential uses allowed in residential districts such as schools and churches shall be constructed of ornamental metal, tubular steel, masonry, or a combination thereof. Vinyl fencing is strictly prohibited. Fence may also be constructed of an open-style wood fencing with a thin-gauge wire screen attached directly behind the wood. Vinyl fencing is strictly prohibited.

Requirements for Drive Gates

O. Drive gates are permitted as follows:

1. Properties in SF-8.4, SF-10, SF-12, SF-15 zoning districts in side or back yard.

2. Properties in SF-20, SF-25, SF-30, and SF-36 zoning districts where lot size is a half-acre (21,780 sq. ft.) or greater and fencing is installed in the front yard, side yard, or back yard.

3. All drive gates must adhere to the following criteria:

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

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

c. 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 edge of pavement.

Requirements for Chain Link Fencing

P. Chain link perimeter fencing is generally prohibited in all zoning districts with the following exceptions:

1. Fencing of dog runs and athletic enclosures on residential properties are allowed as follows:

a. Galvanized chain link is allowed when the fence cannot be seen from the street or adjacent properties.

b. If the chain link fence can be seen from adjacent properties at grade level, the fence shall be vinyl clad in black, green or tan.

c. Refer to "F.3" of this Code for height requirements of athletic enclosures.

2. Existing chain link perimeter fencing on residential properties 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.

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3. 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.

4. Temporary Construction fences shall comply with the following requirements:

a. 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 may be allowed on the property but shall not encroach the Right-of-Way nor impede the vision of traffic.

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

1) Non-residential projects;

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

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

5. 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. Advertisement of project name, project elevation, construction company, lending agency, and all other companies related to the project may be allowed on every other panel, but no more than fifty percent (50%) of the fence wrap may be utilized for this purpose. The background of the fence wrap shall be white.

Exceptions and Requirements for Agricultural Use Fences

Q. Fences for Agricultural Use, as defined in Art. 3, Sec. 3.01, located in SF-36 Zoning District and having two acres or greater are as follows:

1. Fences may be constructed of barbed wire, electrical fencing, slick wire, pipe fencing, pipe and cable fencing, composite decking, and utility fencing panels or any combination thereof. Vinyl fencing is strictly prohibited.

2. Fence height requirements are as specified in "F" and "G" of this Code.

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

4. A permit is required when installing a new agricultural fence on the perimeter of the property, or replacing more than fifty percent (50%) of the total linear feet of an existing perimeter fence. Interior agricultural fences that separate pastures and paddocks do not require a permit.

D. Fences shall be constructed of wood, ornamental metal, tubular steel, masonry, composite decking, live material, or a combination thereof. Vinyl fencing is strictly prohibited. The Community Development Director or his/her agent may consider alternative fencing material for residential zoned properties on a case-by-case basis.

E. All replacement privacy wood fences adjacent to a thoroughfare, as shown on the Thoroughfare Plan, shall be constructed of Cedar material with 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 linear feet shall comply with this provision (Section 8.17 Figure 19).

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- ~~F. Fences for non-residential uses allowed in residential districts such as schools and churches shall be constructed of ornamental metal, tubular steel, masonry or a combination thereof. Vinyl fencing is strictly prohibited.~~
- ~~G. Chain link perimeter fencing is prohibited in all zoning districts. Chain link fencing may be considered for interior fencing as follows:~~
- ~~1. Fencing of dog runs and athletic enclosures on residential properties which cannot be seen from the street or adjacent properties. If the chain link fence can be seen from adjacent properties at grade level, the fence shall be vinyl clad in black, green or tan. The maximum height for athletic enclosures may not exceed ten feet (10').~~
 - ~~2. Existing chain link fencing on residential properties 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.~~
 - ~~3. 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.~~
- ~~H. 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.~~
- ~~I. 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 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.~~
 - ~~2. Six feet (6') for front yard and side yard 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 open style wood, ornamental metal, tubular steel, composite decking, 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).~~
 - ~~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.~~
 - ~~3. Eight feet (8') for side or rear yards not adjacent to any street, park, or trail.~~

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~~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 Director of Community Development or his/her designee.~~

~~J. Corner lots shall comply with the following requirements:~~

~~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.~~

~~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.~~

~~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.~~

~~K. All fences in or adjacent to parks, 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, 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. Fences located on unusual topography adjacent to drainage ways may use alternative fencing materials as identified within this section of the Unified Development Code with the approval of the Public Works Director. Vinyl fencing is strictly prohibited. Wood fencing shall not be allowed immediately behind the required open fencing.~~

~~L. 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.~~

~~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. 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.~~

~~N. Temporary Construction Fences~~

~~Temporary Construction fences shall comply with the following requirements:~~

~~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. Advertisement of project name, project elevation, construction company, lending agency, and all other companies related to the project may be allowed on every other panel, but no more than fifty percent (50%) of the fence wrap may be utilized for this purpose. The background of the fence wrap shall be white.~~

~~O. Special exceptions may be considered by a variance request. This request must be made by application to the Zoning Board of Adjustment (ZBA).~~

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Section 8.12 - Fencing Requirements in Multi-Family and Non-Residential Districts.

A. All multi-family properties that have four or less units in each building shall refer to Section 8.11 - Fencing Requirements in Single-Family (SF) and Two-Family (2F) Residential Zoning Districts for fencing requirements.

B. A fence permit shall be required for any new fence construction or replacement of an existing fence.

C. 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.

D. All fencing for multi-family and non-residential districts shall be shown on the site plan for the development and be approved as part of the site plan approval.

E. Fencing shall be constructed of wrought iron, tubular steel, masonry, live screening, or a combination thereof.

F. Wood, barbed wire, or chain link fencing is prohibited unless specifically requested on a site plan and approved by the City Council. When a site plan is not applicable, the Planning and Zoning Commission and City Council Zoning Board of Adjustment may consider variances to this requirement.

G. Fencing shall not exceed eight feet (8') in height unless specifically approved on a site plan by the City Council.

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