



# City of Keller

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## Legislation Text

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**File #:** 19-386, **Version:** 1

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**To:** Mark Hafner, City Manager

**From:** Julie Smith, Community Development Director  
Melinda Hernandez, Code Compliance Coordinator

**Subject:**

**PUBLIC HEARING:** Consider an ordinance approving 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)

**Fence Code Background:**

The current Unified Development Code (UDC) fence regulations were adopted in 2015 as a part of the UDC update. Given the significant increase in the number of variance requests in recent years, staff proposes simplifying the fence ordinance for easier implementation and less frustration for applicants.

Residents and contractor/developers are also requesting fences and signage for developments under construction so that the projects under construction are screened from public view but also raise public interest in the future development-something the current code does not contemplate. The proposed amendments would permit such temporary fencing and signage.

After several work sessions with both the Planning and Zoning Commission (Commission) and the City Council, the Commission held a public hearing (no one offered any comments) and unanimously recommended the City Council approve the amendments with their modifications. (See Exhibit A: Red-Line Version of Proposed Fence Ordinance Amendments.) In general, the Commission recommends the following:

- Define when a fence permit is required:
  - Eight feet span or more is being replaced.
  - For agricultural fencing in SF-36 zoning districts on property of two acres or more, 50% or more of the amount of linear footage of the perimeter of the entire parcel (including for replacement of interior fencing for paddocks, pastures, etc.).
    - Portable corral panels used for temporary holding pens and the like will not require a fencing permit.
- Clarify that legal, non-conforming fences being replaced at 60% of the fence or greater must comply with the current ordinances. (This is the same standard (60%) the UDC uses for legal, non-conforming structures.)

- Gates across drives must be placed at least 25 feet from the street and swing in towards the home and away from the street. If on a thoroughfare the gates must be inset 50 feet from the street.
- Allow composite decking (such as Trex) as an approved fencing material.
- Allow a combination of materials to be used for fencing (i.e., cedar slates with rod iron frame).
- For agricultural fencing (in SF-36 zoning districts with two acres or more), allow slick wire, pipe and cable, and wood with wire mesh as fencing materials in addition to barbed wire and electrical fencing.
- Prohibits all vinyl fencing as an allowed material.
- Allow galvanized chain-link fencing for dog runs and sports courts up to 10-feet in height in SF -20 or greater when not visible from the street. Otherwise, if dog runs or sports courts are proposed for denser residential zoning districts and/or are visible from the street, the chain-link must be vinyl-clad in black, green or tan.
- For agricultural fencing (in SF-36 zoning districts with two acres or more), the fencing may be one type along the road frontage (for instance, split rail fencing) and another type for the sides, rear, and interior fences (such as slick wire).
- Require construction screening. If screening also involves signage (such as the mesh wrap around the fence of the Hampton Inn construction site), an additional development sign will not be required.
- Add definitions for “drainage way,” “development sign,” and “fence wrap (mesh screen).”
- Provide for a simpler variance process by utilizing ZBA (the Zoning Board of Adjustment) for reviews of variance requests.

#### **Public Notice:**

Amendments to the text of the UDC require a public hearing notice to be published in the local newspaper ten (10) days prior to the scheduled Planning and Zoning Commission and fifteen (15) days prior to the scheduled City Council meeting dates. The notice for the Planning and Zoning Commission public hearing was published in the June 13, 2019, edition of the Fort Worth Star-Telegram. The notice for the City Council public hearing was published in the June 30, 2019, edition of the Fort Worth Star-Telegram.

#### **Alternatives:**

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.
- Denial.