



CITY OF KYLE

Community Development Department



February 6, 2018

To: Kyle Mayor & City Council

From: Howard J. Koontz, AICP, Director of Planning and Community Development

Re: Text amendment to §53-994 'Screening'

Staff has been directed to initiate a text amendment to the city's Zoning Ordinance, specifically Chapter 53, Article 5, Section 53-994 'Screening'. The purpose of this amendment is to clarify the rights and responsibilities of the city's property owners as they relate to fences and the use of fences for screening on and around private property.

Up to now, it has been unclear to some what was the maximum allowable height for fences and where they can and cannot be located. This amendment, attached to this memo for your review, makes new provisions for certain definitions, building materials for fencing, location restrictions and absolute fence heights. The amendments proposed by staff are indicated in ~~red strike-thru~~ and underline.

This item has been advertised as a Public Hearing at the Planning & Zoning Commission's regular January meeting, and tonight's Mayor & City Council meeting. At their meeting, the Planning & Zoning Commission engaged in extended discussion about the text of the proposed amendment. At the conclusion of the discussion, they moved to recommend approval of the change, with certain amendments. Those amendments are indicated in ~~blue strike-thru~~ and underline.

At the last regular voting meeting on January 16th, the text of this amendment was approved 6-1, with the condition that the words 'and one-half' be struck from item 3(b).

Sec. 53-994. - Screening.

Definitions. The following terms are defined for their use in this section only.

Common property boundary means all lawfully platted private property and lot lines, that are coincident with platted property lines of directly adjacent privately-owned properties of identical land use.

Fence means a barrier, railing, or other upright structure, typically built from wood, metal, wire, masonry, or some combination of those materials, purposefully erected to enclose an area, occlude a view shed, mark a boundary, control access, and/or prevent intrusion and/or escape.

Fence height means a measurement of the vertical distance of a fence structure, from the bottom where it emerges from the ground, to the top of its highest structure. All mixes of media used in the construction of a fence will be included in the fence height measurement, including artificial earthen berms or other foundation accents.

Front Yard means a space extending forward of the primary structure for the full width of the lot to the front property line.

Side Yard means a space extending from the front yard to the rear yard between the primary structure and the side lot line.

Rear Yard means a space extending across the full width of the lot between the principal building and the rear lot line.

The following requirements shall be in addition to the landscaping and planting requirements in this article:

(1)

Required to be screened. All off-street parking lots serving five or more spaces, loading spaces and docks, outside storage areas, satellite dishes larger than 18 inches in diameter, mechanical equipment, and the rear of structures on reverse frontage lots, must be screened from view from the street or public rights-of-way.

(2)

Approved techniques. Approved screening techniques include privacy fences, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof.

- a. Fences shall not be constructed of trash, rubbish, re-purposed household or commercial sundries, waste and/or hazardous materials, including barbed or concertina wire, or other dangerous components.
- b. Fences surrounding hazardous and sensitive facilities including, but not limited to, electrical substations, wireless telecommunication facilities, public utility facilities and substations, swimming pools, correctional facilities, chemical or equipment storage yards may incorporate barbed and/or concertina wire, only along a portion of their fence eight (8) feet or more above the adjacent grade.
- c. Fencing that surrounds livestock yard(s) is not restricted to its use of barbed or concertina wire.

(3)

Privacy fences.

a.

All fences ~~required~~ enabled by this subsection and along a common property boundary shall be ~~a minimum of six feet in height~~ no more than eight feet in height, unless otherwise restricted by this section.

b.

Fences up to ~~eight~~ ten (10) feet in height, but not less than six feet, shall be allowed for impeding access to hazardous and sensitive facilities including, but not limited to, electrical substations, wireless telecommunication facilities, public utility facilities and substations, swimming pools, correctional facilities, and chemical or equipment storage yards, where the slope of a line drawn perpendicular to the fence line averages 20 percent or more on either side of the fence over a distance no less than 15 feet, or where the fence forms a continuous perimeter around a subdivision. All lots zoned for one- or two-family residential use, or used for one- or two-family residential use, that share a common property boundary inside the parent boundary of a subdivision, may provide screening along those common property boundaries of the side and rear yards with vegetative screening and/or fences of no more than six ~~and one-half~~ feet in height. and the design of said perimeter fence is approved by the planning and zoning commission.

c.

Only fences less than or equal to three feet in height shall be allowed in the front yards s of properties zoned for and/or used for one- and two-family residential uses.

d.

No fence, berm, vegetation, or other structure more than 30 percent solid ~~or~~ and more than three feet high shall be located within 25 feet of the intersection of any rights-of-way.

e.

All fences shall be constructed to maintain structural integrity against natural forces such as wind, rain and temperature variations. All fences must be maintained in good repair at all times.

f.

The finished side of all fences built to comply with these regulations shall face away from the screened object.

(4)

Evergreen vegetative screens. Evergreen plant materials shall be shrubs, at least 30 inches in height and at a minimum spacing of 48 inches at the time of installation. Shrubs may be used in combination with landscape trees to fulfill the requirements of this article.

(5)

Landscape berms. Landscape berms may be used in combination with shrubs and trees to fulfill the screening requirements of this article if the berm is at ~~least~~ most three feet in height, and in any case, has a maximum side slope of four feet of horizontal run for every one foot in vertical rise.

(6)

Native vegetation. Existing vegetation, demonstrating significant visual screening capabilities ~~and as approved by the planning and zoning commission~~ may fulfill the requirements of this article.

(7)

Exemptions. Temporary fencing, not permanently affixed to the ground or any object upon the ground, may be used to secure property or control access to temporary, permitted activities such as construction sites, outdoor sales of merchandise, or special event gatherings. Such fencing is only permissible while there is an active development permit or operator's permit associated with the parcel where the fencing has been erected.