

City of West Lake Hills, TX
Thursday, August 22, 2024

Chapter 22. Building Regulations

ARTICLE 22.03. CONSTRUCTION CODE

Division 5. Minimum Standards for Residential Buildings

§ 22.03.173. Fences.

- (a) In approving permits to construct fences, the city shall be guided by their appropriateness to the character of the neighborhood and the rights of adjacent landowners to views and prevailing breezes.
- (b) Unless required by an applicable international, national, or uniform code adopted by the city, fences in general, and “front-yard” fences in particular, are discouraged or limited by the city with due regard to the rights of privacy and security inherent in the ownership of property. This policy derives from the desire to preserve the rural nature and aesthetic attractiveness of the environs and to facilitate the safe movement of people, wildlife, and vehicles about the city.

(c) Definitions.

Fence. A barrier enclosing or bordering a field, yard, etc., usually made of posts and wire or wood, used to prevent entrance, to confine, or to mark a boundary.

Front-yard fence. A fence that runs generally parallel to property lines abutting any public or private streets and is constructed or serves to prevent or hinder ingress onto or through a property from the direction of the public or private street.

Gate. A door or frame that closes an opening in a wall or fence.

Retaining wall. A wall for holding in place a mass of earth or the like, as at the edge of a terrace or excavation.

Security access box. A small, wall-mounted safe that holds building keys for fire departments, emergency medical services, and sometimes police to retrieve in emergency situations. Local fire companies can hold master keys to all boxes in their response area, so that they can quickly enter a building without having to force entry or find individual keys held in deposit at the station. Also known as a Knox Box[®] Rapid Entry System.

Walls. A masonry structure enclosing space (e.g., field, yard); for purposes of this section, a wall is considered a type of fence.

(d) Requirements.

- (1) General requirements. All fences, especially and particularly those built along streets or on common property lines, shall be well maintained and pleasing to the eye. Fences shall be constructed so that both sides are finished and identical or so that the finished side is the exterior side, that is, the side facing adjacent lots or streets. For fences that have support posts or structures on only one side of the fence, that side shall be the interior side, that is, the side

facing toward the property and structure. Fences shall be muted in color to prevent domination of the landscape or the structures they contain. Fences constructed of materials with a bright or shiny finish must be primed and painted a natural color to comply with this provision.

- (2) Prohibited materials. The use of barbed wire or any other sharp, pointed, or penetrating materials to build new fences is prohibited. Existing fences made of barbed wire, or any sharp, pointed, or penetrating material may not be lengthened or altered except to redesign them in accordance with this regulation.
- (3) Subdivision fence. A subdivision fence/wall or one designed to enclose more than one lot is prohibited unless there is common ownership of the lots or parcels of land sought to be fenced. Fencing of subdivisions or of more than one lot prior to the sale of individual lots is prohibited also.
- (4) Swimming pool barriers. Swimming pool barriers must conform to sections **22.03.167**, **22.03.207** and any applicable international, national, or uniform code adopted by the city.
- (5) Gated driveways. Gated driveways shall be constructed so that entering/exiting vehicles will be completely off the street when stopped to open/close the gate. Driveway gates shall open parallel to, or away from, the street and shall comply with the setback distances provided for in subsection **(6)(B)** below. Electric or electronically controlled driveway gates shall have an emergency power source as an integral component of the system. All gates that are capable of being locked, and that are constructed after the effective date of this section shall be equipped with a security access box approved by the county emergency services district No. 9. All gates that are capable of being locked and that are in existence on or prior to the effective date of this section must be retrofitted to be equipped with a security access box approved by the county emergency services district No. 9 within 6 months of the effective date of this section.
- (6) Front-yard fence requirements.
 - (A) Front-yard fences shall:
 - (i) Be landscaped on the side(s) facing the street(s) with native vegetation from the city's recommended plant list so that a minimum of 80% of the total area of the front-yard fence exposed to the streetscape is effectively screened from view;
 - (ii) Be constructed to allow a minimum of 80% visibility through the front-yard fence prior to the installation of the landscaping required in subsection **(6)(A)** above;
 - (iii) Blend in with their natural surroundings in both color (e.g., brown, black, rust, etc.) and texture and by means of landscaping.
 - (iv) Have columns, posts, supports, or other components that are made of metal (excepting chainlink), brick, rock, stone, or wood in order to complement the principal structure on the property and the natural surroundings.
 - (B) Except as may be required by subsection **(5)** above, the setback distance for a front-yard fence shall be determined as follows:
 - (i) For lots less than 0.75 acre, the minimum front setback distance for front-yard fences shall be 20 feet from the nearest pavement edge of the public or private street, provided that no fence shall be constructed in the right-of-way.
 - (ii) For lots 0.75 acre and larger, the minimum front setback distance for front-yard fences shall be 30 feet from the nearest pavement edge of the public or private street, provided, that no fence shall be constructed in the right-of-way.
 - (iii) Rear and side setbacks set forth in section **22.03.281** do not apply to front-yard fences.
- (7) Side and rear fences. Fences may be located on side and rear property lines that do not face or abut public or private streets. If a fence on a side property line extends toward a public or

private street, the side yard fence shall end at a point along the side property line so as to conform to the setback distances stated in subsection (6)(8) above.

- (8) Walls. Walls are considered a type of fence. Walls used as front-yard fences are treated as accessory structures and shall:
- (A) Have the same front setback requirements as a principal building under the appropriate category in section **22.03.281**;
 - (B) Meet all front-yard fence requirements stated in subsection (6) of this section, except for subsection (6)(A)(ii).
- (9) Height of fences.
- (A) Fences shall not exceed of 6 feet in height per side on or parallel to each property line measured from existing natural ground level.
 - (B) A fence that is electrified shall be no more than 4 feet in height measured from existing natural ground level.
- (10) Fence permit.
- (A) Front-yard fences that comply with the front-yard fence criteria may be approved by the city administrator. The city administrator may approve permits for “side-yard” or “rear-yard” fences, i.e. those that are behind the front-yard fence setback and that are on or parallel to side or rear property lines. The city administrator may also approve the use of temporary fences for limited and specific purposes for time periods of a year or less. All fence applications not approved by the city administrator or fences that require variances require ZAPCO review and city council approval.
 - (B) Applications for a permit to erect a fence, besides a front-yard fence, shall include a site plan, a detailed description and dimensions of the proposed fence. Front-yard fence permit applications shall include:
 - (i) A street-view elevation drawing at one-quarter scale equals one foot, showing the proposed fence and related improvements, the entire street frontage, and any related structures;
 - (ii) A site/landscape plan, at no less than ten scale, showing all structures, existing and proposed vegetation, and the materials and colors of the proposed fence;
 - (iii) A depiction of the growth and size of the vegetation three years from planting;
 - (iv) A scale drawing of a typical elevation of fence from post to post, showing the support structure, picket/slat size and shape, the amount of visible space between each picket/slat, and any other design details or features that will be visible from the exterior or street frontage side of the fence.
 - (C) A permit for a fence and associated screening vegetation shall expire if construction of the fence and the planting of the associated screening vegetation has not commenced within 60 days or a date specified by the city council to accommodate the next favorable growing season, whichever is later.

Notwithstanding the preceding sentence, a permit for a fence and associated screening vegetation expires if the fence is not completed and the screening vegetation is not entirely established according to the approved plans and specifications within 6 months of the approval date of the permit. Before resuming work, a new permit must be obtained in accordance with section **22.03.137(b)**.
- (11) Reconstruction of fence. Should 50% or more of any fence, as determined by the city inspector, be destroyed by any means, reconstruction of such fence shall conform to the provisions of this section.

(12) Vacant lot. Fences are prohibited on a vacant lot.

(Ordinance 2021-005, att. A, adopted 6/23/21)