



CITY OF SHAVANO PARK
900 Saddletree Court
Shavano Park, TX 78231

CITY POLICY NO. 19

SUBJECT: NW Military Urban Corridor Fencing Permit Policy

October 12, 2020

1. References.

- a. Tex. Loc. Gov't Code §51.001—General Powers of Municipalities
- b. City of Shavano Park, Texas – Code of Ordinances / Chapter 6 – Buildings and Building Regulations / Article V – Fences
- c. City of Shavano Park, Texas – Code of Ordinances / Chapter 6 – Buildings and Building Regulations / Article VI – Urban Corridors for Fence Standards
- d. City of Shavano Park, Texas – Code of Ordinances / Chapter 36 – Zoning / Section 36-36(f) - Fences
- d. Minutes of September 21, 2020 City Council meeting

2. Purpose. The purpose of this policy is to provide standards for fence permitting and City Council consideration of fencing past the front edge of the residence and/or fencing facing NW Military Highway within the NW Military Highway Urban Corridor for Fence Standards.

3. Staff Point-of-Contact. The staff point of contact for this policy is the Permit Clerk at 210.493.3478 or permitclerk@shavanopark.org.

4. Background.

a. Urban Corridors for Fence Standards. Within the City's jurisdiction, there is a roadway corridor that has been and/or will continue to be very significant to the City. This corridor is an amenity and assets of great value to the City, its residents and its economy. The City Council aims to preserve, enhance and perpetuate the value of this roadway corridor both for the City and property owners at large as well as those who reside along the corridors and who have expressed concerns as how best enjoy their property against certain concerns unique to the corridors, such as highway noise and privacy. On September 21, 2020 the City Council authorized the establishment of an urban corridor and designated residentially zoned lots adjacent to NW Military Highway as the NW Military Urban Corridor for Fence Standards. This designation allows for residential fence standards that will best serve to reduce or eliminate these unique concerns to preserve the charm of the City and for the peace, quiet, and safety of those residing along the corridors.

b. Fences along the Urban Corridor must meet the regulations of the base zoning district described in City of Shavano Park Ordinances Section 6-124 and Section 36-36(f).

c. Within or along the NW Military Urban Corridor, “Open” or “Solid” front and side fencing past the front edge of the residence is allowed. The front and side fencing past the front edge of the residence is only allowed if the fence faces the road of NW Military Highway

d. *Fence* means a freestanding structure of permitted materials, metal, masonry, or wood, or any combination thereof, resting on or partially buried in the ground and rising at least 3 feet above

ground level, and used for confinement, screening, landscaping, or partition purposes, but which does not pose a threat to public safety or health. Freestanding structures under 3 feet are not considered a fence under this definition. A Fence is categorized as either an Open Fence or Solid Fence:

- *Open Fence* - A fence constructed in such a way that no more than 20% of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.
- *Solid Fence*: A fence constructed in such a way so that more than 20% of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

6. Policy.

a. Standards.

(1) All Fences in the Urban Corridor must meet the regulations of the base zoning district described in Section 6-124 and Section 36-36(f).

(2) In addition to allowed fences in the base zoning district, Open or Solid front and side fencing past the front edge of the residence is allowed. The front and side fencing past the front edge of the residence is only allowed if the fence faces the road of NW Military Highway.

(3) In order to maintain compatibility with the distinctive architectural and aesthetic characteristics of the Urban Corridors of the City the following fence regulations, in addition to Section 6-124, apply to front fencing past the front edge of the residence:

(a) All front fences shall be constructed of masonry, concrete, metal, and/or rot resistant wood materials architecturally and aesthetically consistent with the surrounding area as determined by the Building Official during the permit and plan review process. No fence material shall be thinner than ½” inch thickness.

(b) Fences shall have colors that are aesthetically consistent with the surrounding area as determined by the Building Official during the permit and plan review process.

(c) All front fences shall be the same distance from NW Military Highway (FM 1535) right-of-way as existing neighboring fences. If no neighboring fences exist, front fences shall be offset from the right-of-way by no more than ten feet. These regulations would not apply if such construction would create unsafe conditions or impede the natural drainage of water as determined by the Building Official during the permit and plan review process.

(d) No fence shall be higher than six feet above grade.

(4) All fences facing the roadway shall be kept structurally sound, well maintained and kept in appearance as originally installed. The Building Official may declare deteriorated or structurally unsound fences to be a public safety hazard to nearby pedestrian and vehicular traffic in the public right-of-way.

(5) For any residential property where such property presently has a solid masonry fence (i.e. a wall) along or parallel to a roadway corridor described in Section 6-132, such property owner may not construct a gate or other opening to their side or rear yard. Any property with an existing gate as of (October 1, 2020) on property lines described above is considered a non-conforming use and may continue to exist.

b. Consideration Process.

(1) All replacement or installation of residential fencing past the front edge of the residence and/or all fencing facing NW Military Highway within the Urban Corridor require a permit, which will be reviewed by staff and submitted for consideration by City Council.

(2) Applicants will use the standard permitting application available from the City website or the City Permit Office. Permitting requirements include:

(a) Completed Permit

(b) Property survey or plat with proposed location of the fence marked and labeled. Survey or plat must show existing property lines, setback lines, utility easements, roads and flood plain location.

(c) A complete description / plans / illustrations / pictures of the proposed fence to include building materials, colors, any specifications. On written waiver by the City Building Official, fencing that is commonplace (e.g. cedar) may not need illustrations as determined by the Building Official.

(d) If proposed, landscaping plans that may complement or enhance the fencing.

(3) City staff will provide applicants requesting approval of a fence within the Urban Corridor with this policy outlining the requirements and process.

(4) Upon receipt of a complete permit application, the City Building Official will review the application for compliance to the Ordinance and this Policy and will make an approval / disapproval recommendation.

(5) Upon recommendation from the City Building Official, the City Manager will review the application and make a staff approval / disapproval recommendation to City Council. The City Manager will then schedule an action by City Council for consideration at the next City Council meeting and will prepare all supporting material for the agenda item in advance.

(6) The property owners are encouraged to be present during the City Council deliberation and may speak and present on behalf of their permit request.

(7) After the case is presented and discussion is completed, the Mayor will request a motion. Motions for approval should always be made in the positive. If a motion and a second cannot be made in the positive, the permit request should not be voted on and it will be considered denied. While there is no requirement a vote be taken, it just requires a minimum number of positive votes to approve if voted on.

(8) As a condition of approval, the City Council may stipulate conditions and restrictions upon the establishment, location, construction, and maintenance of the fence as deemed necessary to ensure the fence remains architecturally and aesthetically consistent with the surrounding area.