

22.10 Fences And Screening Devices

No fence or screening device may be built, erected, installed, or otherwise constructed except in accordance with this chapter. For the purposes of this chapter, “wood” or “wooden” shall not include railroad ties or latticework. The following are the approved types of fencing and screening devices:

Type A-shall consist of rock, brick, stucco, pre-cast concrete or concrete block not more than six (6) feet in height measured above grade, as shown in Illustration A. This fence is not allowed in the front-yard setback area or in the rear-yard setback area of a lot or parcel bordering a golf course.

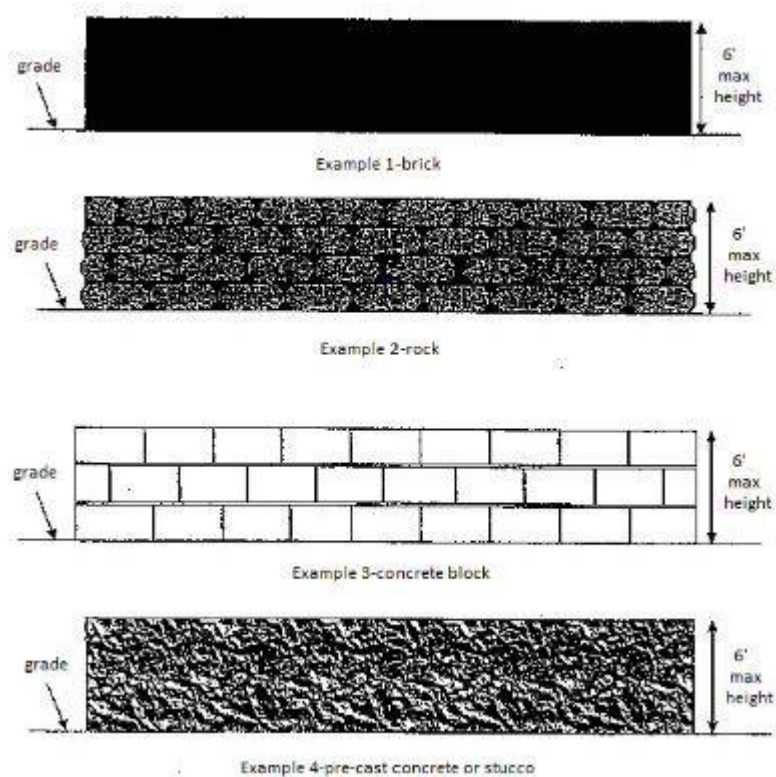


Illustration A

Type B-shall consist of a hedgerow, shrubbery or other plant material of a variety which will grow to not more than six (6) feet in height and is maintained at six (6) feet or less, as shown in Illustration B. This fence is not allowed in the front-yard setback area or in the rear-yard setback area of a lot or parcel bordering a golf course

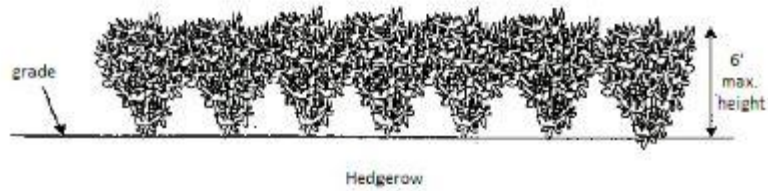


Illustration B

Type C-shall consist of a rock, brick, stucco, pre-cast concrete or concrete block wall not more than six (6) feet in height above grade and incorporates trees or shrubs, as shown in Illustration C. Such trees shall be a minimum of two (2) inches trunk diameter at forty (40) inches above grade and shrubs shall be a minimum of two (2) feet tall when planted. This fence is not allowed in the front-yard setback area or in the rear-yard setback area of a lot or parcel bordering a golf course.

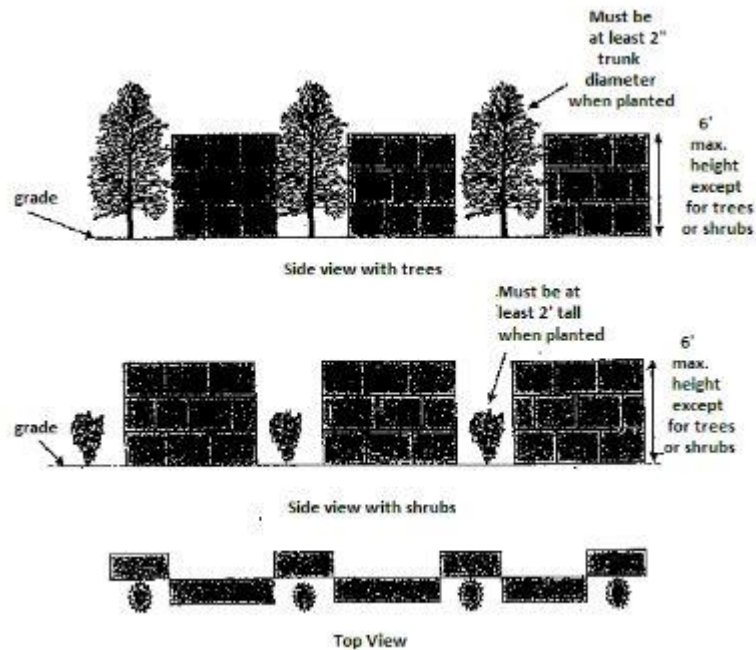


Illustration C

Type D-shall consist of landscaped earthen berms not more than six (6) feet above grade, as shown in Illustration D. Side slopes of the berm shall have a minimum of two (2) feet of horizontal distance for each one foot of height. Berms shall contain necessary drainage provisions. Landscaping shall consist of grass or ground cover. This fence is not allowed in the front-yard setback area or in the rear-yard setback area of a lot or parcel bordering a golf course.

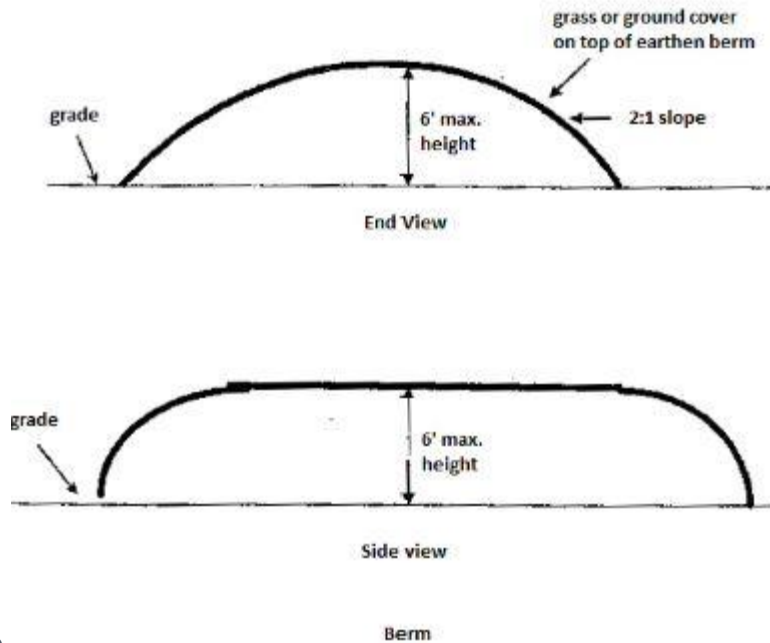


Illustration D

Type E-shall consist of a wooden stockade fence with either wooden or rock posts and not more than six (6) feet in height above grade, as shown in Illustration E. All braces and supports shall be constructed on the interior of the fence. The top of the pickets may be of any shape. This fence is not allowed in the front-yard setback area or in the rear-yard setback area of a lot or parcel bordering a golf course.

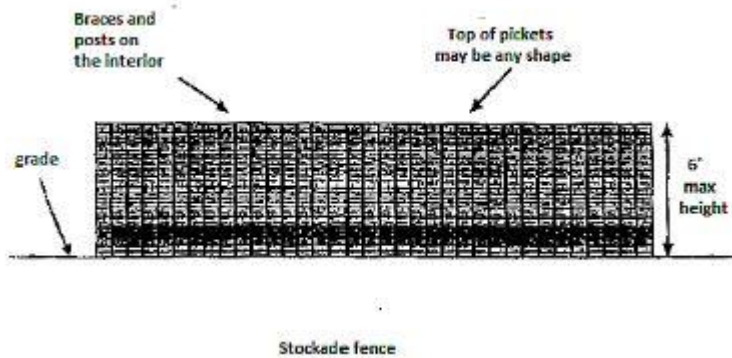


Illustration E

Type F-shall consist of a chainlink fence not more than six (6) feet in height above grade, as shown in Illustration F. All posts and railings shall be round or square metal and the fence must have a top railing with the chainlink attached to the railings and 14 gauge or heavier wire along the bottom of the wire to support the chainlink. Caps on the posts may be of any shape. All braces and supports shall be constructed on the interior. This fence is not allowed in the front-yard setback area or in the rear-yard setback area of a lot or parcel bordering a golf course.

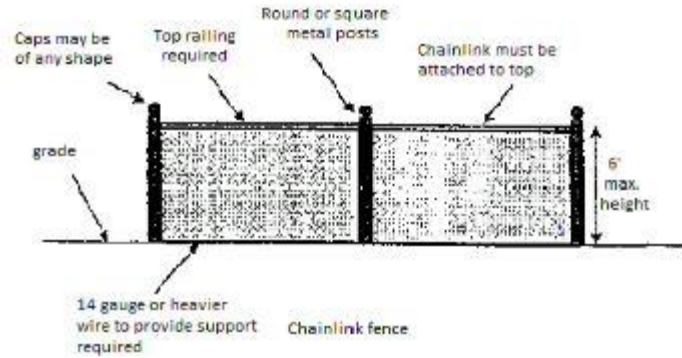


Illustration F

Type G shall consist of a wrought iron style fence not more than six (6) feet in height above grade and shall have openings between pickets which are equal to or greater than the width of the pickets, as shown in Illustration G. The top of the pickets may include spires or other decorations. All braces and supports shall be constructed on the interior.

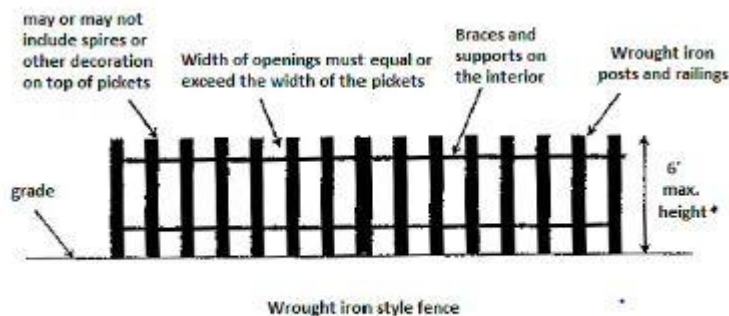


Illustration G

* 6' maximum in front yard

Type H shall consist of an electric wire fence consisting of t-posts or wooden posts, an energizable Underwriter's Laboratory approved wire and electrical insulators, as shown in Illustration H. The fence may not exceed six (6) feet in height above grade. An electric fence may be used to protect landscaping from deer and other animals.

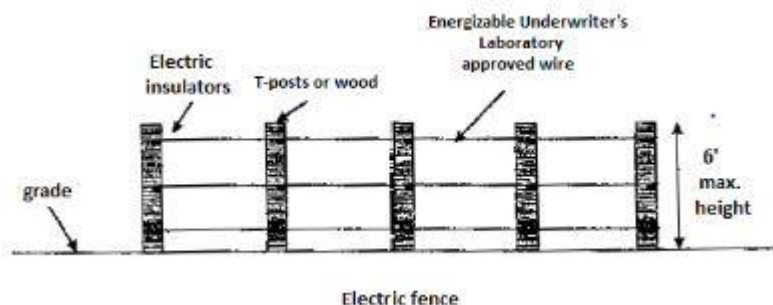


Illustration H

Type I shall consist of a wooden rail fence with either wooden or rock posts and horizontal rails between posts and not more than six (6) feet in height above grade and shall have openings between rails which are equal to or greater than the width of the rails, as shown in Illustration I. All braces and supports shall be constructed on the interior.

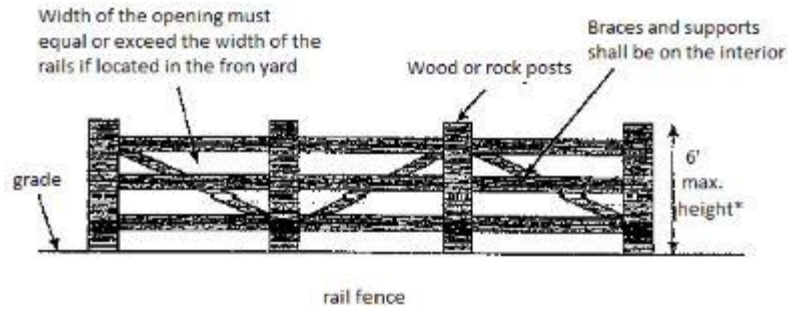


Illustration I

* 4' maximum height in front yard

Type J-shall consist of wrought iron style, wood or rock posts; wrought iron style or wood railings; and 14 gauge or heavier welded wire fencing with or without landscaping attached and not more than six (6) feet in height above grade, as shown in Illustration J. This fence is not allowed in the front-yard setback area or in the rear-yard setback area of a lot or parcel bordering a golf course.

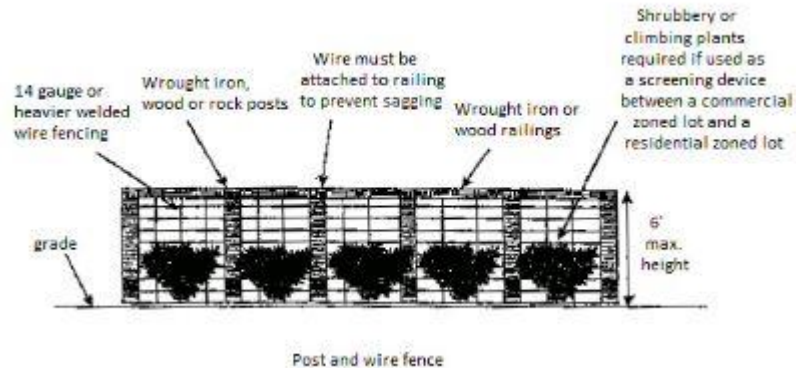


Illustration J

Type K-shall consist of a wooden picket fence with either wooden or rock posts not more than six (6) feet in height above grade and it shall have openings between pickets which are equal to or greater than the width of the pickets, as shown in Illustration K. All braces and supports shall be constructed on the interior of the fence. The top of the pickets may be of any shape.

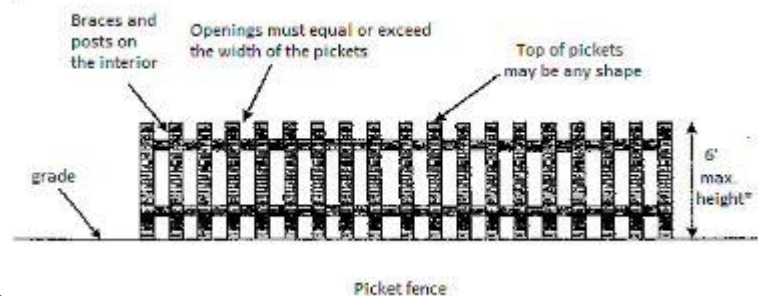


Illustration K

Type L-shall consist of round wooden posts no closer than 10 feet from each other, except where openings are provided where posts may be closer together, and which shall be no taller than four feet above the ground and a single wire cable strung through the round wooded posts as shown in Illustration L. The diameter of the cable and the diameter, color, shape and height of the posts shall be the same along a

fence line. This fence is allowed only (1) on the perimeter of or within the boundaries of a public or private park, (2) along driveways and streets leading into a public or private park and, (3) along driveways leading into and along the perimeter of parking lots. This type of fence is not permitted in an R-1 or R-2 zoning district.

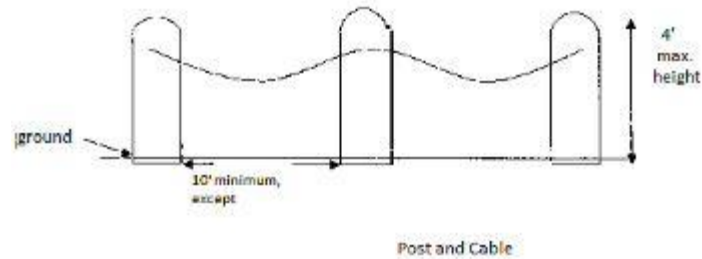


Illustration L

(Ordinance 12-12-06-01, ex. 2, adopted 12/6/12)

22.12 Fencing On Property

1. Lots or Parcels shall be allowed to have a fence once a principal use or building has been established on the lot either as existing or through appropriate permitting.
2. Lots or Parcels that do not have a principal use or building but share:
 1. at least one half of a lot line with an adjacent/abutting lot; and
 2. are under the same ownership as the adjacent/abutting lot that has an established principal use or building; may be allowed to have a fence on such lot with the principal use or building, subject to approval through the Development Services Office or approved by the City Manager or his/her designated representative along with compliance with building setbacks and other requirements that may be established during the fence permit process.
3. Lots or Parcels that do not have a principal use or building and are allowed to have a fence on such lot or parcel pursuant to the provisions herein, shall be required to remove such fence within ninety (90) days after such lot or parcel is sold.

(Ordinance 17-07-20-01 adopted 7/20/17)

22.13 Fences Or Screening Devices Between A Commercial And Residential Zoning District, Along A Golf Course Or In The Front Yard

Fences or screening devices that are located between a commercial and a residential zoning district in accordance with Section 5.85 of the Zoning Ordinance, within the rear-yard setback area of a lot that borders a golf course or located in the front-yard setback area may be installed only in accordance with the following chart:

Type	Description	May be used as a screening device between commercial/and residential	May be used in the rear-yard setback area of a lot that borders a golf course (6' max. height)	May be used in the front-yard setback and the side-yard setback of a corner lot on the street side if no more than 4' in height
A	Solid brick, rock or concrete	X		
B	Hedgerow or shrubbery			
C	Hedgerow or shrubbery	X		
D	Berm	X		
E	Stockade fence	X		
F	Stockade fence			
G	Wrought iron style		X	X (up to 6' tall)
H	Electric fence		X	
I	Rail fence		X	X
J	Post and wire fence	X (with shrubbery)		
K	Picket fence		X	X
L	Post and Cable			
Hybrid	Hybrid. See Section 22.15	X. G and H type fence with solid portion not over 4 feet in height and total height not over 6'.		X. G and H type fence with solid portion not over 4 feet in height and total height not over 6'.

22.15 Hybrid Type Fences Or Screening Devices Allowed

Hybrid type is a fence which combines fences and screening devices described in Section 22.10. A hybrid type fence is allowed provided:

1. the combined height of the fence or screening device is no more than the height allowed in Section 22.10; and
2. if electric wire is used it must be attached to a wooden, rock or wrought iron post and not to a t-post.

Examples are: a wooden picket fence may have a 14 gauge or heavier welded wire fencing attached to it so long as the wire is attached to a railing that prevents the wire from sagging; a wrought iron style fence may be placed on top of a solid rock fence in the rear or side yard so long as the combined height does not exceed six (6) feet; an Underwriter's Laboratory approved electric wire and electrical insulators may be attached to a wooden rail fence so long as t-posts are not used.

22.20 Exemptions

The following are exempt from the requirements of this Section.

1. schools and school-owned property including but not limited to: buildings, walls, land, structures and facilities, except swimming pools;
2. municipal property including but not limited to: buildings, walls, land, structures and facilities, except swimming pools;
3. tennis courts, basketball courts, baseball fields, soccer fields or other nonswimming related athletic facilities of a homeowner's association or private country club;
4. electronic control gates;
5. wire structures to prevent deer or other animals from eating trees, hedges or shrubbery and is located within two (2) feet of the trees, hedges or other shrubbery;
6. temporary construction fencing erected after a building permit is issued for a building and valid for the duration of the building permit;
7. temporary silt or erosion control fences maintained during construction;
8. shrubs, bushes or other living material planted within three (3) feet of a building;
9. shrubs, bushes or other living material planted so as not to create a barrier longer than six (6) feet.

(Ordinance 12-12-06-01, ex. 2, adopted 12/6/12)

22.25 Prohibitions

The following actions are prohibited in the City of Lago Vista:

1. building, erecting, installing, or otherwise constructing a fence without a permit;
2. building a fence in a manner that is not allowed by this chapter;
3. constructing a barbed wire fence;
4. building a fence or screening device in the City's rights-of-way; unless approved by license agreement approved by the city council;
5. building, erecting, installing or otherwise constructing a fence or screening device in the area of a corner lot between the sidelines of the intersecting streets and a straight line joining points on such sideline ten (10) feet distance from their point of intersection, which materially obstructs safe visibility for vehicular traffic;
6. building, erecting, installing or otherwise constructing a fence or screening device along winding streets which fence materially obstructs visibility for vehicular traffic;
7. Reserved;
8. using t-posts for any type fence other than an electric fence; or

9. failing to keep a fence or screening device repaired and maintained in a neat, attractive and safe condition.

(Ordinance 17-07-20-01 adopted 7/20/17)

22.30 Loss Of Nonconforming Status

A nonconforming fence or screening device loses its nonconforming status and becomes an illegal fence or screening device if:

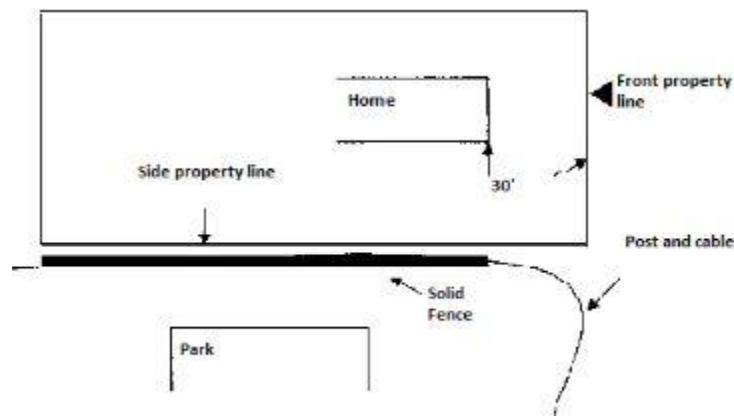
1. the fence or screening device is damaged or deteriorated to such an extent that fifty (50) percent or more of the fence or screening device must be rebuilt or repaired;
2. the fence or screening device is moved to any extent unless the moving was due to installation, maintenance or repair of public streets or utilities; or
3. the fence or screening device has been altered in any way except for normal wear and tear, routine painting or repair, or routine pruning of hedges.

22.50 Setback And Height Requirements

A fence or screening device on the side yard of a corner lot shall be set back from the street right-of-way not less than fifteen (15) feet. Type G, I or K fences may be installed in the front-yard setback area or forward of the front wall of the structure, whichever is further from the property line, or in the side yard of a corner lot in any zoning district provided it shall be no more than six (6) feet in height. Fences or screening devices in the side yard and rear yards shall meet the maximum height requirements of Section 22.10.

22.55 Fences In Parks That Adjoin A Residential District

Except for post and cable fences, fences erected in a park that borders a residential zoning district may not be installed along the property line of an adjacent front yard at a point that is closer to such property line than is the setback line on the adjoining residential property. For example, if a setback line is, or home is built thirty (30) feet from the front property line and the lot borders a park, then a fence in a park may not be built along the side property line closer than 30 feet from the residential property's front property line.



22.60 Maintenance Required

All fences and screening devices must be maintained in a neat, attractive and safe condition. The City shall have the authority to order the painting, repair, or removal of a fence or screening device that constitutes a

hazard to public health, safety, or welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

22.65 Permit Required

No fence or screening device other than an electric fence may be built, erected, installed, or constructed unless a permit has first been obtained from the City building official. The permit application must attach a sketch of the proposed fence or screening device to include dimensions and description of materials with enough clarity to determine that the proposed structure will meet the requirements of this chapter. The fee for the permit shall be established in the City's general fee ordinance. A fence is considered an accessory use in accordance with section 6.10 of this chapter.

22.70 Enforcement

If the City finds that any fence or screening device within the City is erected or maintained in violation of this chapter, the City shall give written notice via the postal service, facsimile or e-mail of the violation to the owner. The notice shall state the nature of the violation and direct the recipient(s) to alter or remove the fence or screening device, or correct the violation, within ten (10) days of the receipt of the notice. Failure to comply with the provisions of this chapter within ten (10) days after the receipt of the notice shall result in a citation being issued to the owner. If the owner is found guilty of violating this chapter, in addition to paying any assessed fence and/or court costs he/she shall have the fence or screening device removed or the violation corrected within thirty (30) days after being found guilty of such offense. Failure to remove the fence or screening device or correct the violation within thirty (30) days may result in the City removing the fence or screening device at the expense of the owner; such expenses including administrative expense, penalties and reasonable attorney's fees.