CITY OF SANDY OAKS, TEXAS

ORDINANCE NO. 2026-264

AN ORDINANCE OF THE CITY OF SANDY OAKS, TEXAS PROVIDING FOR THE REGULATION OF FENCES WITHIN THE CITY AND PROVIDING FOR PERMITTING; AMENDING ORDINANCE NO. 2024-245 TO ESTABLISH A PERMIT FEE; PROVIDING FOR ENFORCEMENT AND A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Sandy Oaks, Texas is a Type A general law municipality incorporated and governed by Chapter 22 of the Local Government Code; and

WHEREAS, pursuant to the Texas Local Government Code, the City Council has the general authority to adopt and publish an ordinance or police regulation that is for the good government, peace or order of the municipality and is necessary or proper for the carrying out a power granted by law to the municipality; and

WHEREAS, the City Council desires to enact regulations upon fencing of properties and finds that the regulations set forth below are in the best interest of the health, safety and general welfare of the City of Sandy Oaks;

WHEREAS, the City Council desires to amend Ordinance 2024-245 to provide for a permit fee;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS, THAT:

SECTION 1. LEGISLATIVE FINDINGS. The City Council of the City of Sandy Oaks finds that the above foregoing recitals are true and correct and are hereby incorporated for all purposes as official findings of the City Council of the City of Sandy Oaks.

SECTION 2. PURPOSE AND ENACTMENT. To encourage the most appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of fencing to be used within the City. This ordinance shall apply to all fences constructed after the date in which the ordinance became effective and to any fence in which over fifty (50) percent of the fence has been damaged, destroyed or otherwise requires replacement, including non-conforming fences erected prior to the effective date of the ordinance.

SECTION 3. DEFINITIONS

"Agricultural Area" means a property located in the land use classification R-A1 Residential/Agricultural zone or designation in accordance with the City Master Plan.

"Back Yard" see "Rear Yard"

"Building Inspector" means a City of Sandy Oaks code enforcement official, building inspector, building official, or designee of the City to serve in the role any of the preceding persons.

"City" shall mean the City of Sandy Oaks, Texas, a Type A General Law municipality incorporated and operating in Bexar County under the laws of the State of Texas

"Electric Fence" means a fence designed and constructed to continuously conduct electrical current.

"Fence" means any man-made barrier or structure of any material, the purpose of which is to provide protection from intrusion (both physical and visual), to mark a boundary, enclose, screen, restrict access, decorate or provide right-of-way edge treatment for any lot, building, structure, swimming pool, spa, or development. A gate is considered a part of the fence.

"Fence Height" shall be measured from grade. Fences situated on a retaining wall shall be measured from the top of the highest ground elevation adjacent to the retaining wall.

"Front Building Line" means a line parallel to the front-most portion of a structure containing the main front entrance and generally running parallel to the street right-of-way line which the structure faces, not a building setback line.

"Front Building Setback Line" means a line parallel to the street right-of-way line, which the building or structure faces and takes primary access from.

"Front Yard" means an open, unoccupied space on a lot facing a street extending across the front of the lot between the side lot boundary lines and from the main building to the front property or street line.

"Key Lot" means a corner lot that is so designed that the lots located directly behind it face the side street of the corner lot and are not separated by an alley.

"Lot" means an undivided tract or parcel of property which is designated as a distinct and separate tract.

"Non-residential Area" means property that is not zoned or designated residential or agricultural and is primarily commercial, retail or industrial in nature.

"Parallel Fence" means a fence that runs in the same general direction of and is located within six feet of an existing fence

"Person" means an individual or individuals, a corporation, association, limited liability company, or other entity or organization.

"Property Line" means the line along the ground surface and its vertical extension that separates the real property owned, leased or occupied by one person from that owned, leased or occupied by another person.

"Rear Yard/Back Yard" means an open, unoccupied space on a lot, except for accessory building/structure as legally permitted, extending between the two side lot lines and from the rear of the main building to the rear lot line. The rear lot line shall be opposite end of the lot from the front yard.

"Residential Area" means a property designated primarily for residential usage.

"Screening Wall" means a wall that is erected to conceal or break a view and that supports no vertical weight other than its own weight, often used to hide unsightly features, mechanical or utility equipment.

"Side Yard" means an open unoccupied space on a single lot, except for accessary building/structure legally permitted on one or both sides of a main building, on the same lot with the building, extending from the main building to a side lot line and from the front building line to the rear of the main building. The side yard may include a driveway.

"Sight Triangle" means the portion of a lot within a triangular area formed by connecting the point of intersection of the edge of a driveway or alley and an adjacent street edge line and points on the driveway or alley edge and the street edge line a specified distance from the intersection. See Addenda A&B.

"Subdivision/Development" means a platted subdivision or development. For the purposes of this ordinance, a subdivision or development consisting of a single lot shall be regulated as a lot and not as a subdivision or development.

SECTION 4. FENCES IN RESIDENTIAL AREAS DESIGNATED R1 AND R2 ON ADOPTED MASTER PLAN.

(A) No fence, guy wire, brace, light standard, sign, vee-arm barbed wire base and arm, or any structure attached to a fence shall protrude over a property line. Exception, a screening wall not exceeding 16 inches in height and 12 inches in width may extend from the property line to the street side of a culvert.

(B) No fence is permitted within the sight triangle that will obstruct vision between a height of three (3) feet and ten (10) feet nor shall any fence obstruct or cause sight restrictions at or near any street, roadway, driveway or alley in the city to promote safety for vehicles and pedestrians.

(C) Permitted and Prohibited Fence Material. The City regulates the types of materials that may be used in the construction of a fence on single family or mixed residential use lots. Allowed materials include pressure treated or naturally rot resistant wood, chain link fence, stone, rock, concrete block, masonry brick, brick, decorative wrought-iron, and other materials with similar durability. Barbed wire and razor wire are prohibited for use in fences. Other types of materials that cannot be used for fencing are cast-off, secondhand or items not intended to be used for constructing a fence as well as sheet, roll or corrugated metal.

(D) Fences in the front yard and side or rear yards abutting a street may have a maximum height of four feet for solid or picket style wood, stone, rock, concrete block, masonry brick, brick, and six feet for chain link, decorative wrought-iron, and other materials with similar durability and shall have at least 75% open area per linear foot.

(E) On any property line that is shared with another residential property, the fence shall be located either on the property line or not less than six (6) feet from the property line

(F) Fences on or behind the front building line, except side and rear yards abutting a street, may have a maximum height of eight (8) feet.

(G) Fences shall be constructed of and repaired with new material of good quality including pressure treated or natural, decay-resistant wood, stained or unstained, for privacy fences, powder coated, painted, galvanized or vinyl coated for metal fences, pressure treated or natural, decay-resistant wood, stained or unstained, for rail fences.

(I) Privacy fences shall be constructed with pressure treated wood, metal or galvanized steel posts set in concrete at a minimum depth of 18 inches and a distance of no more than eight (8) feet apart. Privacy fences shall be required to be constructed so that the fence posts face the interior side of the fence and, apart from the top cap, are not visible from the public way.

(J) Front gates for fences shall be no taller than seven (7) feet.

(K) Masonry or stone columns shall match the main residential structure.

SECTION 5. FENCES IN AGRICULTURAL AREAS DESIGNATED R-A1 ON ADOPTED MASTER PLAN.

(A) No privacy fences shall be permitted in Agricultural Areas except on or behind the front building line of a residence. Privacy fences in Agricultural Areas shall meet the same standards as privacy fences in residential areas.

(B) Fences constructed of barbed wire of any type or dimension shall only be permitted for the fencing of livestock. Field fencing and pipe fencing are permitted for any Agricultural Area.

(C) Split rail fences are permitted in Agricultural Areas and may be constructed with wood posts.

(D) Fences may have a maximum height of six (6) feet and shall have at least 75% open area per linear foot.

(E) Electric fences are permitted except adjacent to a residential lot where electric fences shall be prohibited.

(F) The use of razor wire shall be prohibited. Other types of materials that cannot be used for fencing are cast-off, secondhand or items not intended to be used for constructing a fence as well as sheet, roll or corrugated metal.

(G) Fences in front of the front building line of the residence or structure on the subject lot shall have at least 75% open area per linear foot.

(H) No fence is permitted within the sight triangle that will obstruct vision between a height of three (3) feet and ten (10) feet nor shall any fence obstruct or cause sight restrictions at or near any street, roadway, driveway or alley in the city to promote safety for vehicles and pedestrians.

SECTION 6. FENCES FOR NON-RESIDENTIAL AREAS DESIGNATED C1, C2, OR D ON ADOPTED MASTER PLAN.

When required by the City Master Plan, fences and screening walls shall comply with the following requirements:

(A) Fences in Non-Residential Areas shall be masonry or ornamental wrought iron and shall have least 75% open area per linear foot in front of the front building line of the structure. Screening wall allowed materials include pressure treated or naturally rot resistant wood, stone, rock, concrete block, masonry brick, brick, and other materials with similar durability with a maximum height of eight (8) feet. Barbed wire and razor wire are prohibited for use in screen walls. Other types of materials that cannot be used for screen walls are cast-off, secondhand or items not intended to be used for constructing a fence as well as sheet, roll or corrugated metal. All other fencing shall be considered in conjunction with the site plan.

(B) No fence is permitted within the sight triangle that will obstruct vision between a height of three (3) feet and ten (10) feet nor shall any fence obstruct or cause sight restrictions at or near any street, roadway, driveway or alley in the city to promote safety for vehicles and pedestrians.

SECTION 7. PERIMETER FENCES FOR DEVELOPMENT/SUBDIVISIONS.

(A) Perimeter fences for development/subdivisions should provide an open atmosphere.

(B) *Fence design.*

(1) No more than 10% of the total length shall be masonry columns.

(2) The height of the masonry columns shall not exceed ten feet.

(3) The remainder of the fence shall be of ornamental or wrought iron type with a maximum height of eight (8) feet, with a maximum of 12 inches and a minimum of four (4) inches between the vertical bars.

(4) Posts are to be no more than eight (8) feet apart.

(C) No fence is permitted within the sight triangle that will obstruct vision between a height of three (3) feet and ten (10) feet nor shall any fence obstruct or cause sight restrictions at or near any street, roadway, driveway or alley in the city to promote safety for vehicles and pedestrians.

(D) No fence shall be constructed that will obscure existing view corridors from any street, roadway, or alleyway in the city.

SECTION 8. MISCELLANEOUS.

These provisions shall apply to all fences.

(A) Fences shall be maintained in good repair by the owner. *GOOD REPAIR* shall mean that:

(1) The fence shall not be out of vertical alignment more than one (1) foot from the vertical height measured at the top of the fence for fences greater than four (4) feet in height; except, however, for fencing four (4) feet or less in height, the fence shall not be out of vertical alignment more than six (6) inches from the vertical height measured at the top of the fence; and

(2) Any and all broken, loose, damaged, insect damaged, or missing parts (i.e., slats, posts, wood rails, bricks, panels) shall be replaced or repaired.

(B) Unless otherwise allowed within this ordinance, fences constructed of wire fencing including chicken wire, barbed wire or razor wire shall not be permitted.

(C) Electric fences are prohibited except in Agricultural Areas as provided in Section 5(E).

(D) All structural elements of a fence shall remain in sound condition as determined by the city's Building Inspector or City designee.

(E) When a fence is to be located on a key lot, the regulations regarding height, location and materials applicable to the front yard or front building line shall apply regardless of where the fence is situated.

(F) Key lot fences shall have at least 75% open area per linear foot and may be located up to five (5) feet from the property line of the side of the house. A fence that has at least 75% open area per linear foot may be located in the front yard building line of a key lot.

(G) All fences that include an access entry gate must meet all requirements of the approved International Fire Code.

(H) Fences may not be constructed in the 100-year floodplain, except as approved by the City Engineer.

(I) No fence is permitted within the sight triangle that will obstruct vision between a height of three (3) feet and ten (10) feet nor shall any fence obstruct or cause sight restrictions at or near any street, roadway, driveway or alley in the city to promote safety for vehicles and pedestrians.

(J) Fences enclosing a permitted sports court may be constructed of chain link materials but must be vinyl coated.

(K) If a fence has stone or masonry columns, the column height may exceed the permitted height of the fence by up to six (6) inches except as provided in Section 7. All stone or masonry columns four (4) feet or greater in height shall have a footing approved by the city's Building Inspector or City designee.

(L) Parallel fences are prohibited.

(M) No person shall construct a fence upon or into public right-of-way or property that the city or the general public has dominion and control over, owns or has an easement over, under, around or through.

(N) It is unlawful to erect, maintain, or permit any fence on any corner lot in such a manner as to create a traffic hazard or restrict visibility. Failure of the owner, agent, or occupant to remove such obstruction within the specified time limit required on the receipt of notice by the city to do so is in violation of this ordinance.

(O) A fence must not impede access to public utilities or metering devices.

(P) A fence must not adversely affect drainage or create debris build-up.

(M) Should regulations in this ordinance conflict with each other, the most restrictive regulation shall apply.

SECTION 9. PERMIT REQUIRED. A permit is required for construction of a new fence, alteration or repair of an existing fence if the repair exceeds 25% of the total fence area. Any person making application for a fence permit shall complete a permit application, provided by the City Secretary's officer or his designee, and pay the fence permit fee designated on the City's Master Fee Schedule. The City Council shall establish procedures, forms, and standards with regard to the content, format, and information required for the permit application. A fence permit is valid for 90 days from issuance of the permit unless extended by the City Secretary's office for a time not to exceed 90 days.

SECTION 10. VARIANCES.

(A) The City Council may allow a variance to the provisions of this ordinance after a public hearing if it determines that the enforcement of a provision in a particular instance:

(1) Is not in the best interests of the public;

(2) Constitutes waste or inefficient use of land or other resources;

(3) Creates an undue hardship on the applicant for a permit; or

(4) Does not serve its intended purpose, is not effective or necessary.

(B) Before the tenth day prior to the public hearing on the variance, the city shall send notice via regular mail to all property owners, as indicated by the most recent tax appraisal roll, within 200 feet of the property on which the variance is requested.

SECTION 11. EXCEPTIONS.

(A) Fences existing and in place at the time of the enactment of this ordinance shall be excused from permit provisions. Any such fence or any fence in the area annexed by the city after the effective date hereof shall be subject to this ordinance in the event of reconstruction modification, enlargement, extension, alteration or any construction thereto other than normal maintenance.

(B) City of Sandy Oaks municipal, Bexar County, and San Antonio Water System properties shall be exempted from the requirements of this ordinance.

SECTION 12. NONCONFORMING FENCES.

(A) An existing fence that was lawfully permitted and constructed, and does not conform to the provisions of this ordinance on the date of adoption, may be maintained in accordance with the maintenance provisions contained herein.

(B) If the repair area of an existing fence that does not conform to the provisions of this ordinance, does not exceed 50% of the total area aggregated on a rolling 12-month basis, the fence may be repaired with new material of like design and color.

(C) If the repair area of an existing fence that does not conform to the provisions of this ordinance, exceeds 50% of the total area aggregated on a rolling 12-month basis, the fence must be removed or replaced and the new fence must conform to the provisions of this ordinance.

(D) Prior to a change in ownership of a property, nonconforming fences must be removed or replaced, and the new fence must conform to the provisions of this ordinance.

SECTION 13. STREET AND DRIVEWAY INTERSECTION SIGHT TRIANGLE.

(A) Intent and purpose.

(1) The following section pertains to the clear line of sight at intersections of streets and driveways. The criteria are based on American Association of State Highway and Transportation Officials (AASHTO). This section has been adopted to provide for safe turning movements by providing clear visibility zones at intersections clear of obstructions such as trees, walls, signs, buildings, etc. This policy is not intended for determining traffic controls at intersections. The need for traffic controls is to be assessed by the rules and regulations contained in the Manual on Uniform Traffic Control Devices and in compliance with Texas Statutes.

(2) The application of intersection sight distance and stopping sight distance shall extend to all proposed and existing public street intersections and all proposed and existing intersections of private streets and drives with public streets, including multi-family and commercial entrances. This also includes local to local intersections such as those within proposed subdivisions. The City

requires that both intersection and stopping sight distances shall be shown with their geometries on all final construction drawings and be analyzed during the traffic impact study process.

(B) Visual obstructions. Visual obstructions shall be defined as any object within intersection sight triangles between the heights of no more than three feet measured relative to the elevation of the nearest pavement crown. This is based on a driver eye height of three feet and an object height of three feet (AASHTO). Overhanging branches or other elevated obstructions may not be any lower than ten feet measured relative to the elevation of the nearest pavement crown.

(C) See attached Addendum A & B.

SECTION 14. OFFENSE. It shall be unlawful for any person to violate any regulation described in this ordinance.

SECTION 15. ENFORCEMENT AND PENALTIES.

(A) If the City finds that any fence within the city is erected or maintained in violation of this ordinance, the city shall give written notice via postal service, personal delivery, or email of the violation to the owner. The notice shall state the nature of the violation and direct the recipient to alter or remove the fence or correct the violation within a specified period. Failure to comply with the provision of this ordinance after the time specified by the city shall result in a citation being issued to the owner, agent or occupant.

(B) Civil and Criminal Penalties. The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this ordinance is hereby declared to be a nuisance.

(C) Criminal Prosecution. Any person violating any provision of his ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars ($500.00). Each day that a provision of this ordinance is violated shall constitute a separate offense. An offense under this ordinance is a misdemeanor.

(D) Civil Remedies.

(1) Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law, including, but not limited to:

a. Injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and

b. A civil penalty up to one hundred dollars ($100.00) a day when it is shown that the defendant was actually notified of the provisions of the ordinance and after receiving notice committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance; and other available relief including but not limited to removing the fence at the owner's expense to include administrative expense, penalties, and reasonable attorney's fees.

SECTION 16. REPEAL OF CONFLICTING ORDINANCES. All City ordinances or parts of ordinances inconsistent or in conflict herewith, to the extent of such inconsistency or conflict, are hereby repealed**.**

SECTION 17. SEVERABILITY. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase clause sentence paragraph or section.

SECTION 18. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its publication as required by section 52.011 of the Local Government Code.

SECTION 19. PUBLICATION. The City Clerk is hereby authorized and directed to publish the caption of this Ordinance together with the penalty provision contained therein in the manner and for the length of time prescribed by law.

PASSED, APPROVED AND ADOPTED THIS 10th day of September 2026.

CITY OF SANDY OAKS, TEXAS

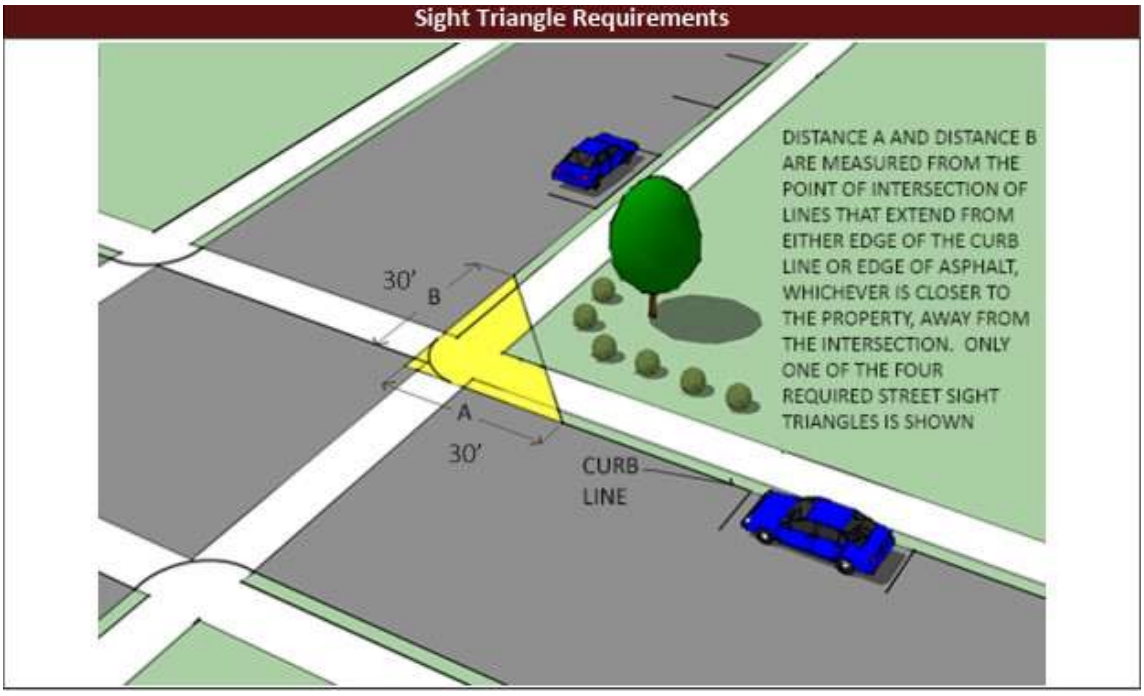
_____
Michael Martinez, Jr., Mayor

ATTEST:

_____
Delma Doyal, City Clerk

Addendum A

STREET INTERSECTION SIGHT TRIANGLE.



Sight Triangle Requirements

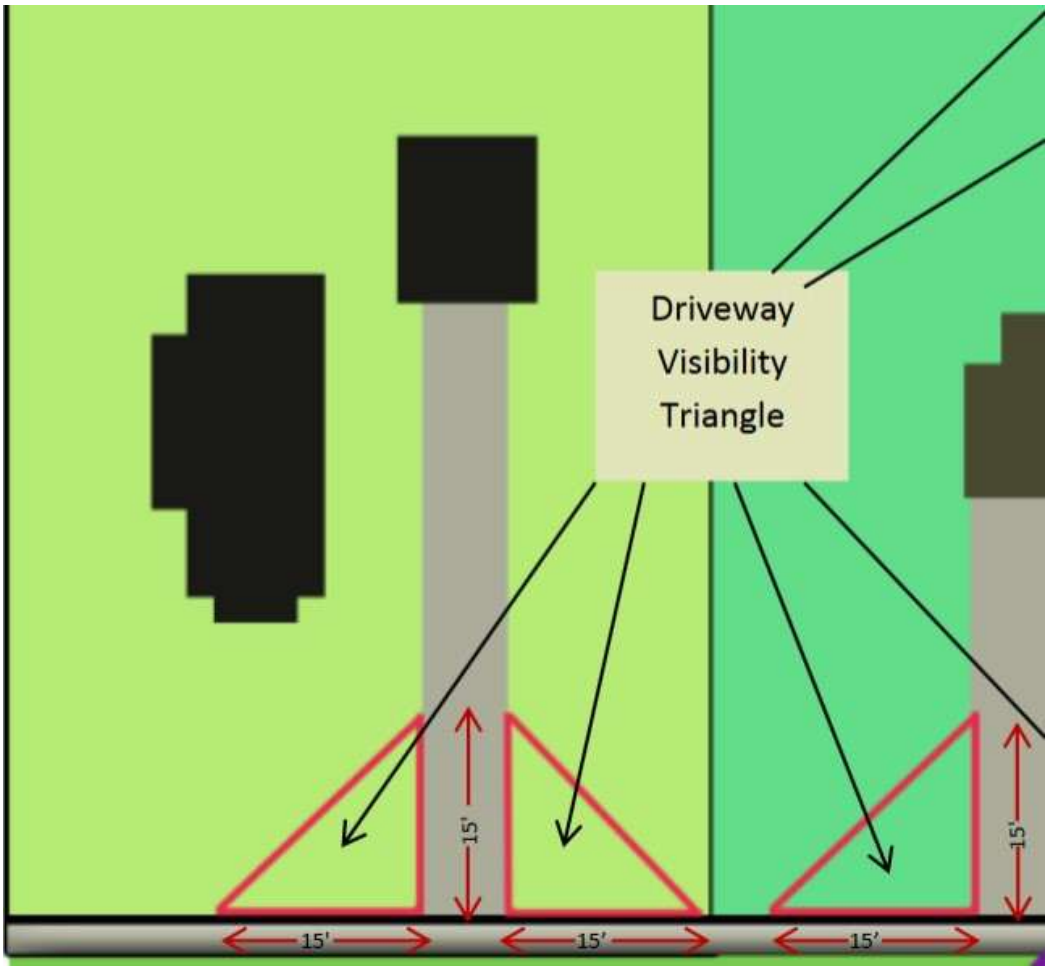
A. **Required Sight Distance Triangle.** Within the triangular area formed by the right-of-way lines of intersecting streets (at non-signalized intersections only) and a line connecting points 30 feet on either side of such intersecting right-of-way~~,~~ there shall be clear space and no obstruction to vision.

B. **Sight Distance Triangle to be Kept Free of Obstructions.** No person shall place or maintain any structures, fences, landscaping, or other objects within any sight distance triangle that obstructs or obscures site distance visibility by more than 25 percent of the area between the ground and eight feet, except for the following:

   1. Landscaping, structures, or fences that protrude no more than 36 inches above the adjacent roadway surface may be permitted within the sight distance triangle.
   2. Trees may be planted and maintained within the sight distance triangle if all branches are trimmed to maintain a clear vision for a vertical height of ten feet above the roadway surface and the location of the trees planted, based on the tree species expected mature height and size, does not obstruct sight visibility by more than 25 percent of the site distance triangle area.

Addendum B

DRIVEWAY INTERSECTION SIGHT TRIANGLE.



Sight Triangle Requirements

No fence, wall, hedge, landscaping, or other material or structure that will obstruct vision between a height of three (3) feet and ten (10) feet shall be erected, placed or maintained within a triangular area formed by the intersection of a driveway line and a street property line and a line connecting them at a point 15 feet from their point of intersection.