



TO: Development Services Customers

SUBJECT: **INFORMATION BULLETIN 223**
Residential and Commercial Fences

DATE: May 18, 2016 / March 28, 2022 / December 20, 2022
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CREATED BY: Plan Review Division.

Purpose:

As a customer service initiative, the Development Services Department (DSD) has created this information bulletin to describe the process and the minimum requirements for obtaining residential or commercial fence permits. This bulletin defines, clarifies, and sets specific requirements and guidelines for both DSD customers and DSD employees. Certain items are required to be submitted to DSD for review and later construction items are responsibility of the property owner. This IB has been updated to reflect the application process on-line through BuildSA and to encompass the exceptions in the Unified Development Code Section 35-514.

Fence installations and modifications typically impact a variety of city divisions including Building Plan Review, Code, Traffic, Fire, Tree Protection, Historic, and Zoning. Therefore, it is highly recommended that customers consult with a professional fencing contractor that is familiar with City Ordinance Section 35-514 of the Unified Development Code and consult with the appropriate city division when permitting fences.

Scope:

The permitting process for fences applies to **new and replacement/repair** fence construction and installation within the City limits. A permit for repair or replacement of an existing fence is required when the work exceeds 25% of the length of the existing fence. Fences installed prior to obtaining a permit will be subject to double permit penalty fees and will still need to comply with the ordinance requirements for fences.

I. Construction Materials

Residential and commercial fences shall be made of wood, chain link, stone, rock, concrete block, pre-cast concrete panels, masonry brick, decorative wrought iron, or other materials which are of similar durability.

Fences shall not be made of cast-off, secondhand, or items not originally intended to be used for constructing or maintaining a fence. Fences shall not be made of plywood less than 5/8-inch

thickness, low grade plywood, particle board, paper, plastic sheeting, plastic tarp, barbed wire, razor wire, sheet metal, roll metal, and corrugated metal, or other similar materials.

II. Application

The Application process for a fence permit require a BuildSA portal account. A simple video explains how to create the account: <https://www.youtube.com/watch?v=khK3POGcTB0>

The application for a fence permit, both residential and commercial, is online through the [BuildSA ACA Customer Portal](#). The applications are under the Building tab from the main page, and in the list shown below after clicking on Create an Application. The residential fence application uses the Residential Fence Application. A commercial fence is a type of Minor Structure; a subtype of commercial using the Commercial Project Application.

Home Land Development **Building** Fire

Search Applications **Create an Application** Schedule an Inspection

Select a Record Type

Choose one of the following available record types. For assistance or to apply for a record type not listed below please contact us.

Search

| | |
|--|---|
| <input type="radio"/> Annual Maintenance Permit Application | <input type="radio"/> MEP Trade Permits Application |
| <input type="radio"/> Building Move Application | <input type="radio"/> Minor Building Repair Application |
| <input type="radio"/> Building-Related-Fire Codes Appeals-Advisory Board | <input type="radio"/> Preliminary Plan Review - Building |
| <input type="radio"/> Certificate of Occupancy Application | <input type="radio"/> Residential Building Permit Application |
| <input type="radio"/> Commercial Project Application | <input type="radio"/> Residential Fence Application |
| <input type="radio"/> Demolition Pedestrian Protection Application | <input type="radio"/> Residential Improvements Permit Application |
| <input type="radio"/> Fire Damage Assessment Request | <input type="radio"/> Sidewalk-Curb Application |
| <input type="radio"/> LSR MEP Permit Application | <input type="radio"/> Sign Permit Application |
| <input type="radio"/> Manufactured Home Application | <input type="radio"/> Tree Affidavit/Permit Application |

Residential Application Help:

- An application requires entering the address of the work. Typing the street number and only the first part of a street name makes it easier to find the street in the system.
- For Residential, always check the box that you are the property owner, unless you are the contractor applying for the permit.

Property Owner

PROPERTY OWNER

* Are you the Property Owner?: Yes No

• I attest that I will own, occupy or rent this residence for a period of twelve months after completion of the building permit and final inspection per City Code 10-115 (a)(1).: *

- For Residential, on the Attachment screen, choose the Add button to upload a pdf of the Siteplan (see more information below). Under the document Type, choose Site Plan. Then Save and Continue Application.

Attachment

To upload a new document click Add.
The maximum file size allowed is 80 MB
html;htm;mht;mhtml are disallowed file types to upload.

| Name | Type | Size | Latest Update | Action |
|-------------------|------|------|---------------|--------|
| No records found. | | | | |

*Type: [Remove](#)

File:
Site Plan.pdf
100%

Description:
Site plan showing Home, property lines and new fence

[Save](#) [Add](#) [Remove All](#)

[Save and resume later](#) [Continue Application >](#)

- You will receive an application number that has a format like: RES-FEN-APP22-318XXXXX.
- After submittal the City will review the residential fence application and the electronic document(s) prior to issuing the permit and the payment of the fee.

All documents required for submittal are submitted online in electronic format, in one or more PDF files. The Residential application requires uploading documents during the application, while Commercial requires uploading construction documents into the Plan Room immediately after the application. The Plan Room is used for customer and plan review interaction during plan review for commercial fences.

Commercial Applications:

- An application for a commercial fence is a type of Minor Structures when applying. Select Phasing No and Select Minor Building Structure within the application. A later screen will be used to select the Commercial Fence from the list. (see below)
- The Fence may be added as a child permit during the application along with more extensive commercial work, or the fence may be the only work submitted for permits.
- The Commercial application asks some generic questions related to site, and drainage which is more meaningful for other types of commercial applications.

General Information

GENERAL PROJECT INFORMATION

* Project Name::

Please choose the type of Commercial Building Permit you are applying for with this application. If the scope of work is only interior demolition, then use the Minor BuildingRepair Application. If the submittal is for phased permits, please choose one or more phases being submitted under this application: Sitework, Foundation, Shell, and/or Interior Finish Out. A large project may include one or more Minor Building Structures and, if so, Minor Building Structures must be checked..

* Is this project going to be phased?: Yes No

Commercial Permit Type

Addition:

Remodel:

If the application includes multiple buildings, a separate Sitework Permit will be issued in addition to each separate building permit.

Complete New Building:

Sitework does not need to be checked if it is only a portion of the scope of work included in a submittal.

Sitework (standalone):

First Time Interior Finish Out:

Minor Building Structures includes any non-habitable construction (retaining walls, swimming pools, fences, communication equipment, etc.) as well as small habitable buildings such as school portables, temporary seasonal buildings, and shade structures..

Minor Building Structures:

* Scope of Work:

Minor Building Structures Type

MINOR BUILDING STRUCTURES TYPE

At least one Minor Building Structures that are proposed with this Project is required.

Alteration to Drive-Thru/Drive Aisles/Parking Lots:

Commercial Fence:

Communication Equipment Antennas Towers including small cell:

Drive-up Ice Machine/Teller Machines etc.:

Monuments for Signage:

Pad Sites:

Retaining Walls:

Shade Structures:

Street Improvement (widening turn lanes median cuts signalization etc.):

Swimming Pool:

Does the scope of work include electrical, mechanical or plumbing?: * Yes No

Is this is an existing developed site, OR (new) a vacant lot or new development?: * Existing

III. Residential Fences Requirements

The on-line Residential Fence Application is used when fences will be installed on a lot being used for a single-family residential dwelling, two family residential dwelling (duplex), or three family residential dwelling (triplex), whether the property is zoned residential or non-residential. Fences located within Historic, Corridor Overlay, or Neighborhood Conservation Districts are required to validate compliance with these provisions prior to permit issuance. An application for a Residential fence permit requires the upload in pdf format for the following:

- ❖ Basic Site Plan, to include location of existing structures/buildings

A copy of a recorded plat, or a proposed plat for a lot is NOT required for permitting. However, the applicant is responsible for verifying that their new fence will not be installed over a property line into someone else's property. Fences installed on corner lots, alley intersections, or street intersections are subject to additional requirements regarding allowing motorist the ability to see approaching cars from the side street or see cars moving along the main street. These Clear Vision requirements will be verified by the Traffic Section prior to issuance of a residential fence permit and the installation must comply with the Unified Development Code.

An existing single family residential dwelling, two family residential dwelling (duplex), or three family residential dwelling (triplex) built on one property will be exempt from the tree preservation requirements and trees may be removed by the property owner or homeowner per City Ordinance UDC Section 35-523 (a)(4).

The Unified Development Code limits the heights of residential fences. These limitations are based on where the fence will be built in relation to the structure, design methods, and the type of construction materials used. The following table outlines the maximum heights permitted for residential fences located within the setback line. Residential fence inspections will not be required. However, the Code Enforcement Division may issue a citation for a fence that is not built-in accordance with city requirements.

**Table of Heights
Maximum Permitted Fence Heights**

| <i>Permitted Use</i> | <i>Front Yard</i> | <i>Side Yard</i> | <i>Rear Yard</i> |
|--|---|------------------|------------------|
| Single-Family or Mixed Residential Use | 3'0" solid fence 5'0" combined or predominantly open fence Except as provided by (b)(2) | 6'0" | 6'0" |

IV. Commercial Fence Requirements

The on-line Commercial Project Application is used for fences when they are not installed on lots with single family residential dwelling, two family residential dwelling (duplex), or three family residential dwelling (triplex) uses. Fences located within Historic, Corridor Overlay, or Neighborhood Conservation Districts are required to validate compliance with these provisions prior to permit issuance. After the application on-line, a Commercial fence application requires the following electronic submittal documents to be uploaded as one or more files in PDF format into the Plan Room:

- ❖ Building plans (include fence and footing details)
- ❖ Site Plan detailing exiting structures, easement location, gates
- ❖ Tree Affidavit

Typically, submittal of a plat is not required for the permitting of a commercial fence. However, the applicant is ultimately responsible for verifying that their fence will not be installed over property lines into another's property. Fences are required to be engineered by a Registered Professional Engineer licensed by the State of Texas when materials of stone, rock, brick, masonry brick or CMU are used for fences over six feet, or when lighter or open materials are used for fences over eight feet (open for wind to blow through).

Commercial fences installed across a commercial driveway or access to a non-residential property shall be installed with a minimum setback, with a vehicle turnaround provided to prevent car stacking at gate entrances that might interfere with the flow of main street traffic. Generally, the gate must be set back at least 20-feet from a two-lane roadway or set back at least

40-feet from a 4-lane roadway. High volume and higher speed roadways may require more than 40-feet. If a card reader or some other device is used to open the gate, the 20 and 40-foot distances are measured from the curb-line to the card reader rather than to the face of the gate. These installation requirements will be verified by the Traffic Review Section prior to issuance of a commercial fence permit. Fences installed on corner lots, alley intersections, or street intersections are subject to additional requirements related to motorist being able to see other cross street traffic. These Clear Vision requirements will also be verified by the Traffic Review Section prior to issuance of a commercial fence permit.

All commercial fences and gates installed across a fire lane must comply with the Fire Department requirements for emergency access. Fences may not restrict access across lots by the Fire Department within a Fire Lane. Any installation of fences crossing a fire lane at an entrance to the development will require preliminary coordination with the Fire Department to ensure minimum compliance requirements. The gate needs to meet the following requirements.

- ❖ If a gate is blocking a fire lane, a Knox Box or Knox Padlock is required to be installed on the gate which allows the Fire Department to open the gate and gain access to the property for emergency events. Contact the Fire Department at 1901 S Alamo for a required Knox Box permit and inspection requests.
- ❖ The gate must have a minimum 20-foot clear opening for passage of a fire truck on a single lane driveway. For a divided two-way driveway, the gate width shall not have an opening less than 14-foot clear.
- ❖ Gates shall be a swinging or sliding type.

Trees on any non-residential lot are protected and may not be removed, damaged, or the root protection zoned disturbed during construction of a commercial fence without a separate permit and approval. A Tree Affidavit and or a Tree Permit Application is required to be submitted with each commercial fence application whether there are trees in the vicinity or not.

<http://docsonline.sanantonio.gov/FileUploads/dsd/TreeAffidavit.pdf>

The Unified Development Code limits the heights of commercial fences. These limitations are based on where the fence will be installed/located in relation to the structure, design methods, and the type of construction materials that will be used. The following table outlines the maximum heights permitted for commercial fences.

Table of Heights
Maximum Permitted Fence Heights

| <i>Permitted Use</i> | <i>Front Yard</i> | <i>Side Yard</i> | <i>Rear Yard</i> |
|--|---|------------------|------------------|
| Multi-Family Use (see also subsection 35-514(f) below) | 3'0" solid fence 5'0" combined or predominantly open fence | 6'0" | 6'0" |
| Commercial & Office Use | 3'0" solid fence 5'0" combined or predominantly open fence | 6'0" | 6'0" |
| Industrial Use (Footnote 1) | 8'0" (Footnote 1) | 8'0" | 8'0" |
| Governmental Facilities, Churches, Schools, Swimming Pools, Storm water Management Facilities, Parks (Public property, includes parks, require HDRC review) | 8'0" | 8'0" | 8'0" |
| Vacant Lots, Parking Lots | 3'0" solid fence 6'0" combined or predominantly open (see also subsection 35-514 (b)(3) above) | 6'0" | 6'0" |

Gates controlled by electrical systems or with electrical lighting systems that requires a licensed/registered electrical contractor to secure a separate electrical permit with inspections.

There are no City inspections of the fence itself, however, the Code Enforcement Division may issue a citation for a fence that is not built in accordance with city requirements.

V. Fence Height Exceptions – Commercial and Residential

According to UDC 35-514 (c) (2), fences may be erected or altered up to a height of eight (8) feet where:

- ❖ The ground floor elevation of either the principal dwelling on the property or the principal dwelling on an abutting lot is at least four (4) feet higher than the elevation at the shared lot line; or
- ❖ The fence is erected along a side or rear lot line which abuts an alley, railroad ROW, or a street with a classification other than a local street; or
- ❖ The fence is a sound barrier or a security fence for a public or institutional use; or
- ❖ The additional fence height is permitted by the city council pursuant to a rezoning or specific use authorization; or
- ❖ The fence is located on a side or rear lot line of a single-family, duplex, or mixed-residential se which abuts a multi-family residential, commercial, industrial, or park use; or
- ❖ The fence is located in a side or rear yard of a single-family residential property that contains a below ground swimming pool/hot tub or above ground swimming pool in the

rear yard or in the side or rear yard of a single-family property that abuts one with a below ground swimming pool/hot tub or above ground swimming pool; or

- ❖ In any side or rear yard where a slope is present, the height of a fence may be adjusted to allow the top of the fence to be level, and perpendicular to the support posts at a height greater than six (6) feet, provided that the height of the fence at the highest elevation does not exceed eight (8) feet. In order to maintain a uniform appearance, whenever a fence higher than six (6) feet is allowed by this subsection, all side and rear yard fences may be allowed up to eight (8) feet in height above grade.

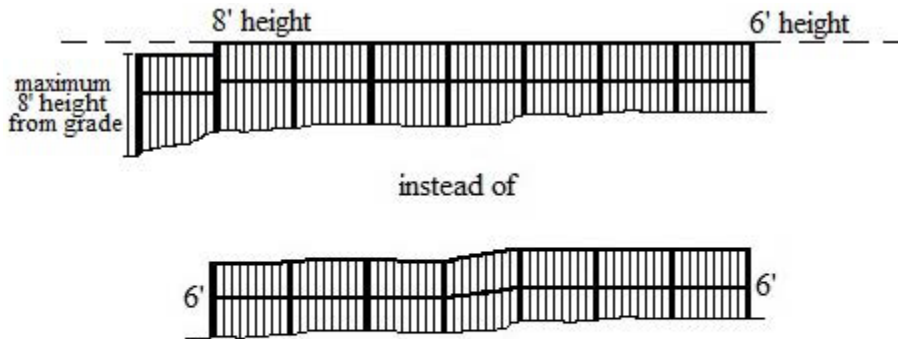


Figure 2: Example of Additional Height allowed pursuant to Section 35-514(c)(2)F.

According to UDC 35-514 (c) (3):

- ❖ A fence may be erected or altered up to the height of the adjacent building where the fence is located entirely on the interior of a lot behind all required building setback lines, attached to the main structure, and used for security purposes or for part of the intended use of the primary structure, such as fencing for outdoor display, for example an outdoor garden area, or lumber yard attached to a home improvement store or a secure, enclosed courtyard area for residents of an assisted living facility.

According to City Ordinances Chapter 6 Section 6-2 (a):

- ❖ Height. No fence over six (6) feet high shall be built in the city unless all owners of property abutting the parcel where the fence is to be constructed have been contacted by the development services department, and have expressed no opposition to the proposed fence, or permission has been granted by ordinance adopted by the city council. Provided, that no fence in excess of twelve (12) feet in height shall be allowed under any conditions. This section shall not apply to any fence specifically required or allowed to be higher by some other section of the code.

VI. Administrative Exceptions and Other Uses

Fence variances for the use of barbed wire or other special requests can be found in Section 35-482 of the Unified Development Code and Information Bulletin 124.

<http://docsonline.sanantonio.gov/FileUploads/dsd/IB124.pdf>

Summary: This Information Bulletin is for informational purposes only.

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