

C3
/1**ORDINANCE AMENDMENT REVIEW SHEET****Amendment:** C20-2014-013 Alley Fences**Description:** Consider an ordinance to amend Title 25 of the City Code to allow solid fencing eight feet in height along an alley that separates a residential use and a commercial or industrial use.**Proposed Language:** See attached draft ordinance**Summary**

- Allows for construction of an eight foot fence along an alley that separates a residential use from an industrial or commercial use.

Background: Initiated by Planning Commission on June 24, 2014.

Current code allows construction of an eight foot fence if the fence is located between a residential use and property zoned as a commercial or industrial base district; or between a residential use and property used for a commercial or industrial use. Under the current code, the residential and adjacent use must abut; a homeowner would not be permitted to build an eight foot fence if an alley separated their residence from the adjacent commercial or industrial use. The proposed change to the code will allow an eight foot fence to be built, even if an alley separates the two uses and they do not abut each other.

Staff Recommendation: Staff recommends the proposed code amendment.**Board and Commission Actions****September 16, 2014:** Recommended by the Codes and Ordinances Subcommittee on a 4-0 vote (Commissioner Oliver absent).**September 23, 2014:** A public hearing has been scheduled for Planning Commission.**Council Action****November 6, 2014:** A public hearing has been scheduled.**Ordinance Number:** NA**City Staff:** Greg Dutton**Phone:** 974-3509**Email:** Greg.Dutton@austintexas.gov

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ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 25-2-899 OF THE CITY CODE RELATING TO THE REGULATION OF FENCE HEIGHT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subsection (G) of City Code Section 25-2-899 (*Fences as Accessory Uses*) is amended to read as follows:

(G) A solid fence may be constructed to a height of eight feet if the fence is located between a residential use and ~~[property]~~:

(1) property zoned as a commercial or industrial base district; ~~[or]~~

(2) property used for a commercial or industrial use; or ~~[.]~~

(3) an alley that separates a residential use and:

(a) property zoned as a commercial or industrial base district; or

(b) property used for a commercial or industrial use.

PART 8. This ordinance takes effect on _____, 2014.

PASSED AND APPROVED

_____, 2014

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Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk