



Recommendation for Action

File #: 23-1731, **Agenda Item #:** 25.

5/4/2023

Posting Language

Set a public hearing to consider an ordinance repealing City Code Section 9-4-41 relating to barbed wire fences and amending City Code Section 25-2-899 relating to fence design (Suggested date: Thursday, June 8, 2023, at Austin City Hall, 301 W. 2nd Street, Austin, Texas 78701).

Lead Department

Development Services Department.

Fiscal Note

This item has no fiscal impact.

Prior Council Action:

November 4, 2021- Council approved Resolution No. 20211104-039 initiating amendments to City Code Chapter 25-12 (Technical Codes) related to certain fence designs. The resolution was approved on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Tovo abstained.

For More Information:

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Council Committee, Boards and Commission Action:

January 25, 2023- Building and Fire Board of Appeals approved the recommendation to relocate requirements to City Code Chapter 25-2-899 (Fences as Accessory Uses) and to create a work group to discuss regulations and language on Board Member Brasfield's motion and Board Member Schumann's second on a 7-0 vote. Board Members Fiorilo, Johns, and Wilkes were absent.

April 19, 2023- To be reviewed by the Codes and Ordinances Joint Committee

May 23, 2023- To be reviewed by the Planning Commission.

Additional Backup Information:

On November 4, 2021, Council adopted Resolution No. 20211104-039 relating related to certain fence designs and initiated code amendments to the City Code Chapter 25-12 (*Technical Codes*) to address dangerous fence design including spiked pickets, spiked bars and other spiked decorative elements that protrude above the top horizontal bar of a fence. The resolution stipulated during the code amendment process, the City Manager and stakeholders should explore and consider the following changes:

- Requiring flat top styles on new fences of all lengths.
- Applying flat top fence requirements to all new fences of six feet tall or lower.
- Applying flat top fence requirements to substantial fence repairs or remodeling of 50 percent or more of an

existing fence.

After additional discussion, it was determined that the proposed changes should be in City Code Section 25-2-899 (*Fences as Accessory Use*).