

Updated Line 49 to use
"follows" instead of
"required to comply with".

ORDINANCE NO.

AN ORDINANCE REPEALING CITY CODE SECTION 9-4-41 RELATING TO
BARBED WIRE FENCES; AMENDING CITY CODE SECTION 25-2-899
RELATING TO FENCE DESIGN; AND CREATING AN OFFENSE.

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

PART 1. City Code Section 9-4-41 (*Restriction on Use of Barbed Wire Fences*) is repealed.

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

(A) Except as otherwise provided in this chapter, a fence:

(1) is permitted as an accessory use in any zoning district; and

(2) must comply with the requirements of this section.

(B) In this section:

(1) an ornamental fence is a fence with an open design that has a ratio of solid material to open space of not more than one to four; and

(2) a solid fence is a fence other than an ornamental fence.

(C) The height restrictions of this section do not apply to an ornamental fence.

(D) Except as otherwise provided in this section, a solid fence constructed along a property line on flat terrain may not exceed a ~~an average~~ height of six feet ~~[or a maximum a height of seven feet]~~.

(E) A portion of a solid fence constructed along a property line on sloped terrain may be constructed to a maximum height of seven feet.

26 (F[E]) A solid fence along a property line may be constructed to a maximum
27 height of eight feet if each owner of property that adjoins a section of the
28 fence that exceeds a height of six feet files a written consent to the
29 construction of the fence with the building official, and:

30 (1) there is a change in grade of at least two feet within 50 feet of the
31 boundary between adjoining properties; or

32 (2) a structure, including a telephone junction box, exists that is reasonably
33 likely to enable a child to climb over a six foot fence and gain access to a
34 hazardous situation, including a swimming pool.

35 (G[F]) A solid fence may be constructed to a maximum of eight feet in height if the
36 fence is located on or within the building setback lines.

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

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

40 (2) property used for a commercial or industrial use; or

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

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

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

44 (I) A solid fence facing the street may not exceed a height of five feet.

45 (J) Except as provided in Paragraph (1), a fence shall be constructed in
46 accordance with this subsection.

47 (1) This subsection does not apply to a fence that:

48 (a) was constructed before June 19, 2023;

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PART 3. This ordinance takes effect on _____, 20__.

PASSED AND APPROVED

_____, 20__ § _____

Kirk Watson
Mayor

APPROVED: _____

Anne L. Morgan
City Attorney

ATTEST: _____

Myrna Rios
City Clerk