



MEMORANDUM

TO: Mayor and Council Members

FROM: José G. Roig, Interim Director, Development Services Department

DATE: June 5, 2023

SUBJECT: Staff Update to Resolution No. 20211104-039 – Safe Fencing

In response to Resolution No. 20211104-039, the Development Services Department, in partnership with the Planning Department, brings forward two proposals for Council's consideration. One version is titled "Planning Commission Recommendation" and the other "Staff Recommendation". There are a few differences between the two versions.

Part 2, §25-2-899 (D) and (E)

There are minor wording differences between the two versions. The staff recommendation provides for a specific amount of grade change that would allow a fence to go up to 7 feet in height, while the Planning Commission version is not specific. The sentiment and intent of the two versions is essentially the same, however, city staff prefers the language in the staff recommendation as it provides better clarity and makes administration and enforcement simpler.

Part 2, §25-2-899 (I) (Planning Commission Recommendation only)

The resolution passed by Council directed the City Manager to propose changes that reduce the likelihood of injury due to spikes and other sharp portions of a fence. A maximum height of five feet for fences facing the street is not recommended by the City Manager because that change does not reduce the likelihood of injury. Moreover, because this is a change unrelated to reducing the likelihood of injury, the City Manager did not discuss this change with the stakeholders who have been involved in this process. For these reasons, the City Manager does not recommend reducing fence height to less than what is currently allowed.

Part 2, § 25-2-899(J)(1)(b) (Planning Commission Recommendation)

Part 2, § 25-2-899 (I)(1)(b) (Staff Recommendation)

Version 1 of the Planning Commission and Staff versions of this subsection (which lists exemptions) includes the phrase "is required to comply with historic design standards." This was a transcription error: the language considered by the Planning Commission and

recommended by staff is “follows historic design standards.” Version 2 of both versions includes this corrected language.

Part 2, §25-2-899 (J) (1) (b) (Planning Commission Recommendation)

Part 2, §25-2-899 (I) (1) (b) (Staff Recommendation)

There is a difference in language between the two versions related to the applicability of the proposed fence regulations to historic properties. The Planning Commission version significantly limits the exception for historic fences. Historic properties follow a defined set of standards and fences contribute to the historical value of those properties. This change would require certain historic fences to be reconstructed in a manner that may not match applicable historic design standards. For these reasons, the City Manager does not recommend requiring fences that follow historic design standards to comply with Paragraph (3).

Should you have any additional questions, please contact Daniel Word, Assistant Director, Development Services Department, at Daniel.word@austintexas.gov or (512) 974-6559.

cc: Veronica Briseño, Assistant City Manager