



Codes and Ordinances Joint Committee

COMMITTEE REPORT

Date: April 19, 2023

Agenda Item: #3

Agenda Item: **C20-2021-015** Safe Fencing Regulations. Consider an ordinance amending Title 25 of the City Code to update fence regulations to ensure safer fences. City Staff: Tony Hernandez/Lisa Martinez, Development Services Department

Vote

6-0, all members present

Summary of Discussion

Lisa Martinez and Tony Hernandez presented. Members of the public, Julie Damian, David King, and Alexander Stevens spoke in favor of the proposed ordinance.

Direction

Chair Hempel moved to approve the ordinance with the following amendments:

- (1) Include language that applies the requirements of this subsection to any substantial fence repairs or remodeling of 50% or more of an existing fence.
- (2) Amend subsection (H)(2) to the following language: "Except when the fence is used as a swimming pool barrier, an exemption can be requested from this subsection when applied to a fence that is placed on a property that [is described in (3) below]."
- (3) Following subsection (H)(2)(d) include the additional subsection: "A request from the exemption can be made to the historic landmark commission and this decision can be appealed to the Planning Commission or the Zoning and Platting Commission. The exemption is only allowable for a fence fronting a street or pedestrian access."
- (4) Per request by Commissioner Greenberg, include the subsection: "Exemptions do not apply to residential properties to include multifamily residences or mixed-use."
- (5) Per request of Commissioner Thompson, amend the ordinance to include language amending the height for fences that would allow spikes, razor wire or barbed wire be increased to 8 feet and above.

Chair Hempel included a request to involve City Legal to identify the implications of the ordinance amendment on HOAs. Chair Hempel had additional requests that the amendment should go into effect six months or less after council approves and an educational campaign by staff should be created to educate the Austin community about why the city is requiring safer fences through the ordinance amendments.

Recommendation

The ordinance was approved with all of the above amendments, on a unanimous vote (6-0) on Chair Hempel's motion and Commissioner Greenberg's second.