



MEMORANDUM

TO: Mayor and Council Members

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

DATE: July 7, 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. This item was originally heard at the June 8th meeting. After further consideration and discussion, the staff recommendation has been updated to specify that, to the extent of conflict, the safe fence requirements control over any applicable historic design standards.

There are two versions provided for council consideration: the "Planning Commission Recommendation Version 2" and the "Staff Recommendation Version 3". 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) (Planning Commission Recommendation)

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

The staff recommendation has been updated from prior versions such that historic properties, to the extent of conflict, are required to comply with the proposed safe fence standards, then to comply with the remaining applicable historic design standards to the greatest extent possible while fulfilling safety goals. The Planning Commission version contains a limited exception for historic fences.

Additionally, the language in the staff recommendation has been modified to reflect that exceptions will apply to non-residential fences that are more than six feet tall rather than at least six feet tall.

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