



**PLANNING COMMISSION
CODES AND ORDINANCES SUBCOMMITTEE MINUTES**

**REGULAR MEETING
Tuesday, November 17, 2015**

The Planning Commission Codes and Ordinances Subcommittee convened in a regular meeting on Tuesday, November 17, 2015, at 301 W. 2nd Street, City Hall, Room #1027, in Austin, Texas.

Commissioner Zaragoza called the meeting to order at 6:02 p.m.

Subcommittee Members in Attendance:

Fayez Kazi
Jean Stevens
Trinity White

Patricia Seeger
Nuria Zaragoza
James Schissler

City Staff in Attendance:

Greg Dutton, Planning and Zoning
Carol Gibbs, Planning and Zoning
Marcus Elliott, Code
Patricia Link, Law

Others in Attendance:

Gregg Kestranck
Greg Cribbs
Lillie Artalb
Judy Walsh
Dennis Artalb
Mike Pulston
Grayson Cox
Richard Schley
Sue Long
Peach Reynolds
Chereen Fishe
Todd Shaw
Palmer Quaroni
Carole Price
Denise Eissler

Jay Reynolds
Pieter Sybesma
David King
Roseanne Gordam
Sara Speights
Randleigh Hirsh
Stuart Hersh
Susan Moffat
Kathleen Littlepage
Anne Stevenson
Girard Kinney
Travis Somerville
Chad Nordby
Mary Jane Burson

1. CITIZEN COMMUNICATION: GENERAL

- a. None

2. APPROVAL OF MINUTES

- a. Approval of the October 20, 2015 minutes.

A motion was made to approve the minutes by Commissioner Stevens, seconded by Commissioner White. Vote: 5-0

3. NEW BUSINESS

a. None.

4. POTENTIAL CODE AMENDMENTS: Proposed for Discussion and/or Initiation

Potential amendments to the code are offered for discussion and/or possible recommendation for initiation. If initiated, Staff will research the proposal and report back to the subcommittee.

a. None

5. REGULAR AGENDA: Previously Initiated

Previously initiated amendments to the code are offered for discussion and possible recommendation to the full Planning Commission.

- a. **Short-Term Rentals** – Consider amendments to Title 25 of the City Code related to short-term rentals. City Staff: Trish Link, Law, 974-2173, Patricia.Link@austintexas.gov; Marcus Elliott, Code Department, 974-1951, Marcus.Elliott@austintexas.gov; Greg Dutton, Planning and Zoning Department, 974-3509, Greg.Dutton@austintexas.gov (Discussion and/or Possible Action).

Trish Link went over a proposed code amendment that would make a suite of changes to the short-term rental regulations. Over the course of several Council meetings, the Council initiated a series of changes to the regulations for short-term rentals. Those changes include, but are not limited to:

- A 500 ft. spacing requirement for Type 2 STRs
- A certification by the property owner regarding past code violations, if any, on the property
- A certificate of occupancy for the property issued no more than ten years from the date the STR application is submitted (for Type 2 and Type 3 applications)
- Compliance with septic system requirements
- Additional director discretion to deny, suspend, or revoke an STR license
- Additional operating requirements, including restrictions on noise and gatherings
- Changed occupancy requirements – 6 unrelated adults and 10 adults regardless of relatedness
- New provisions for repeat offenders and non-compliance fees
- New provisions for prima facie evidence of a violation

Commissioners discussed whether the occupancy limits should include related or unrelated individuals, and if current limits (4 or 6, depending on location), should apply. Code explained that disproving relatedness was very difficult, and the administrative hearing resulting fine is \$1000 vs \$2000 for a zoning violation. Comments from the public included concerns that Type 1 STRs would eventually be prohibited; that STRs were being unfairly targeted compared to long-term rentals; that the guest registry requirement is an invasion of privacy; that occupancy should be defined so as to make enforcement as easy as possible for Code.

A motion was made to recommend the item to full Planning Commission by Commissioner White, seconded by Commissioner Schissler, with the following amendments:

- a short-term rental site maximum occupancy limit of 10 –regardless of relationship- and 6 unrelated adults; and
- a process to expand the occupancy limit in certain circumstances
- change the distance requirement to 500ft for Type 2 STRs

Vote: 5-0 (Commissioner Stevens absent).

A second motion was made to recommend a phase out period of five years for Type 2 STRs, by Commissioner Kazi, seconded by Commissioner White. Vote: 5-0 (Commissioner Stevens absent).

- b. Porch Encroachment** – Consider an amendment to Title 25 of the City Code related to street side yard porch encroachment. City Staff: Greg Dutton, Planning and Zoning Department, 974-3509, Greg.Dutton@austintexas.gov (Discussion and/or Possible Action).

Greg Dutton explained an amendment that would allow side yard porches to extend up to 5 feet into the side yard setback, as is currently allowed for front porches.

A motion was made to the full Planning Commission with no recommendation by Commissioner Kazi, seconded by Commissioner Schissler, with additional direction to staff to bring visual aids when the item goes to full PC, and to look into whether side yard porch coverage is restricted elsewhere in the code.

Vote: 4-0 (Commissioners Stevens and Seeger absent).

- c. Planned Unit Development Zoning** – Consider an amendment to Title 25 of the City Code related to approval requirements for Planned Unit Development zoning cases. City Staff: Greg Dutton, Planning and Zoning Department, 974-3509, Greg.Dutton@austintexas.gov (Discussion and/or Possible Action).

Greg Dutton explained an amendment that would require a $\frac{3}{4}$ vote at Council to approve a proposed PUD on unzoned property, if the item is denied at Land Use Commission. The provision already exists in the code for property that is zoned and is seeking re-zoning to a PUD.

Some members of the public expressed that they were concerned about legal ramifications of the proposal, and Law staff indicated that an executive session at full PC could be warranted.

A motion was made to recommend the item to full PC by Commissioner White, seconded by Commissioner Kazi, with additional direction to staff to check on whether any PUDs in the past had been denied at Land Use Commission and subsequently denied at Council.

Vote: 4-0 (Commissioners Stevens and Seeger absent).

6. OTHER BUSINESS

- a. Update on potential upcoming and current code amendments, and the amendment process** – City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, Greg.Dutton@austintexas.gov; (Discussion and/or Possible Action).

Greg Dutton went over an updated list of code amendments that had been recently adopted and were currently in process. No action was taken.

7. FUTURE AGENDA ITEMS

Discussion of potential items for future agendas. These items will NOT be discussed at the current meeting, but will be offered for initiation, discussion, and/or possible recommendation to the full Planning Commission at a subsequent meeting

Commissioners expressed a desire for the previously-initiated sidewalk FIL item to return after the holidays.

ADJOURNMENT

Commissioner Zaragoza adjourned the meeting without objection at 10:37 p.m.

The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 4 days before the meeting date. Please call Greg Dutton at Planning and Development Review Department, at 512-974-3509, for additional information; TTY users route through Relay Texas at 711.

For more information on the Planning Commission Codes and Ordinances Subcommittee, please contact Greg Dutton at (512) 974-3509 or at greg.dutton@austintexas.gov