



## **REGULAR MEETING CODES AND ORDINANCE JOINT COMMITTEE.**

**Wednesday, April 19, 2023**

### **DRAFT MINUTES**

**The Codes and Ordinance Joint Committee convened in a regular meeting on Wednesday, April 19, 2023, at 6:00 pm, Permitting and Development Center (PDC) – Room #1406 6310 Wilhelmina Delco Drive, Austin, TX 78752**

#### **Committee Members in Attendance:**

Claire Hempel (Vice-Chair)

Alejandra Flores

Awais Azhar

Carrie Thompson

Betsy Greenberg

Greg Anderson (off the dias for items #2 and #5 due to tech issues)

#### **City Staff in Attendance:**

Stevie Greathouse, Housing and Planning Department

Rachel Tepper, Housing and Planning Department

Jordan Feldman, Housing and Planning Department

Paul Books, Housing and Planning Department

Lisa Martinez, Development Services Department

Tony Hernandez, Development Services Department

Donald Jackson, Economic Development Department

Lisa Rodriguez, Housing and Planning Department

### **CALL TO ORDER**

Vice Chair Clair Hempel called the meeting to order at 6:02pm with 6 members present.

### **PUBLIC COMMUNICATION: GENERAL**

No speakers registered for general communication. Four speakers registered to speak on item 3. They were: Angela Hovis, Julie Damian, and David King. Alexander Stevens registered to speak on item 4.

## **APPROVAL OF MINUTES**

1. Approval of the March 15, 2023, meeting minutes.

**On Commissioner Greenberg's motion, Commissioner Flores's second, the March 15, 2023, minutes were approved unanimously.**

2. Conduct 2023 – 2024 officer elections.

**On Commissioner Greenberg's motion, Commissioner Flores's second, Commissioner Hempel was unanimously approved as Chair. On Commissioner Anderson's motion, Commissioner Azhar's second, Commissioner Flores was unanimously approved as Vice Chair.**

## **DISCUSSION AND ACTION ITEMS**

3. **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, 512-974-1289, [Lisa.Martinez@austintexas.gov](mailto:Lisa.Martinez@austintexas.gov).

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

**Commissioner Greenberg seconded the motion, and the ordinance was approved with all of the above amendments, on a unanimous vote (6-0).**

4. **C20-2022-022 Live Music Venue and Creative Space Definitions.** Consider an ordinance amending Title 25 of the City Code relating to live music venue and creative space definitions in response to City Council Resolutions 20220728-094 and 20220901-089. City Staff: Donald Jackson, Economic Development Department, 512-974- 2214, [DonaldE.Jackson@austintexas.gov](mailto:DonaldE.Jackson@austintexas.gov).

**Donald Jackson presented. Alexander Stevens addressed the board in support of the proposed ordinance. Chair Hempel made a base motion to move forward with staff's recommendations on the live music venue and creative space definitions as the vote is marked up on the backup with additional amendments included to be voted on separately. Commissioner Azhar seconded the base motion.**

**Commissioner Greenberg proposed an amendment to remove (B)(2) Neighborhood Commercial. Commissioner Thompson seconded the motion. The motion failed on a 2-3-0 vote with Chair Hempel, Vice Chair Flores, and Commissioner Azhar voting nay and Commissioner Anderson off the dais.**

**Commissioner Azhar requested that staff share a few examples at Planning Commission where Neighborhood Commercial would apply to this use or if is not applied anywhere in the City then Commissioner Azhar would support removing (B)(2).**

**Commissioner Greenberg requested that staff clarify Live/Work regarding what the Performance District (PD) entitles you to, and an additional request for staff to clarify whether the PD allows the additional uses.**

**Commissioner Azhar made a motion for staff to consider adding Neighborhood Office, Limited Office, General Office, Lake Commercial, Warehouse Limited Office, General Commercial Services, Commercial Highway Services, and Limited Industrial Services and consider removing Neighborhood Commercial. Chair Hempel seconded the motion. The motion failed on a 3-1-1 vote with Commissioner Greenberg voting nay, Commissioner Thompson abstaining and Commissioner Anderson off the dais.**

**Vice Chair Flores made a motion to add an amendment that Live/Work does not trigger compatibility. Commissioner Thompson seconded the motion. The motion passed on a 4-1-0 vote with Commissioner Greenberg voting nay and Commissioner Anderson off the dais.**

**Chair Hempel moved forward with the original base motion to move forward with staff's result on the live music venue and creative space definitions update moving forward with the amendment included that Live/Work does not trigger compatibility.**

**The base motion failed on a 3-1-1 vote with Commissioner Greenberg voting nay, Commissioner Thompson abstaining, and Commissioner Anderson off the dais.**

**Commissioner Azhar made a motion to postpone this amendment to the May 17, 2023, meeting with clarification from staff about the items listed above. Seconded by Commissioner Thompson, the motion passed on a 5-0-0 vote, with Commissioner Anderson off the dais.**

- 5. C20-2022-004A Compatibility on Corridors Correction.** Consider an ordinance amending Ordinance No. 20221201-056 to ensure that Title 25, Corridor Overlay (COR) is applied to corridors consistently with City Council intent as described in Resolution No. 20220609-066. City Staff: Paul Books/Rachel Tepper, Housing and Planning Department, 512-974-3173, [Paul.Books@austintexas.gov](mailto:Paul.Books@austintexas.gov).

**Paul Books presented. Commissioner Hempel made a base motion to move forward with staff updates on the corridors as amended with the correction to the exhibits referenced. In addition, Commissioner Thompson included comments along with her vote indicating her strong support for providing additional community engagement beyond minimum notice requirements for future code amendments. Commissioner Flores seconded the motion. The motion passed on a 4-0-1 vote, with Commissioner Greenberg abstaining and Commissioner Anderson off the dais.**

#### **DISCUSSION ITEMS**

- 6. Update on Potential Upcoming and Current Code Amendments – City Staff: Stevie Greathouse, Housing and Planning and Department (Discussion and/or Possible Action).**

**Stevie Greathouse briefed the board regarding a list of in-process code amendments.**

#### **FUTURE AGENDA ITEMS**

- Return of C20-2022-022 Live Music Venue and Creative Space Definitions*

#### **ADJOURNMENT**

**Vice Chair Hempel adjourned the meeting without objection at 8:25 pm.**