

## **A. GENERAL ISSUES**

**Issue 1: Additional data and 3-D modeling needed to optimize CodeNext trade-offs.** Recommended Changes:

1. City Council should require additional scenario testing of trade-offs during the process of refining both CodeNext rules and the mapping, in particular of transportation, stormwater capacity, and housing mix by bedroom count.
2. City Council should make this decision as soon as possible.
3. Fund access and full training on these tools for boards and commissions, and City Council staff.
4. Provide access and online training to the public.
5. Provide 3-D visualization models of each of the zones, their combined impact per block, and compatibility to adjacent zoning districts.

**Issue 2: CodeNext mapping should reflect not just near-term market demand, but Imagine Austin's community goals.** Recommended Changes:

1. Map out all Imagine Austin centers and corridors with transect zones over the coming five years.
2. Consider some T6 zoning in regional centers, including the North Burnet Gateway, possibly Howard Lane TODs.
3. Prioritize certain Imagine Austin centers outside the urban core for additional infrastructure investment to incentivize new development.
4. Rebalance transect zone requirements and mapping to better achieve community goals for income and age diversity & livability, in all parts of town, not just areas already experiencing high development pressure.
5. Rebalance mapping to support small and iconic business along corridors and retain the community character.

**Issue 3: Draft increases complexity by using Transect, Non-transect and legacy Title 25 zones simultaneously. (NZ)** Recommended Changes:

1. Move forward with a single transect code format.
2. Ensure that residential and adjoining commercial zones on a given block are consistently transect or Title 25 zones.
3. Map transect zones at transit-oriented nodes outside the urban core, as part of the initial mapping.

## **B. ENVIRONMENT**

**Issue 4: Draft does not provide adequate urban heat island mitigation. (EM)**

Recommended Changes:

1. Define the site plan submittal requirements for three to nine units. Incorporate all tree preservation requirements.
2. Provide for combined side and rear setbacks in transect zones for the purpose of tree preservation. Provide front setbacks with sufficient depth for new tree planting.
3. Allow site disturbance beyond the limit of construction for site plan exemptions for the purpose of planting trees and installing rain gardens.
4. Incorporate green building requirements into all transect zones. Calibrate these requirements to the building form. Incentivize projects that go above and beyond the requirements.
5. Incorporate Green Streets standards for street trees including soil volume requirements.
6. Incorporate the Functional Green standards into the draft code update.

**Issue 5: Water stewardship provisions and analyses incomplete. (EM)**

Recommended Changes:

1. Update the onsite beneficial use section of the draft code to indicate the type of green infrastructure elements to be employed.
2. Remove obstacles to the use of rainwater harvesting systems.
3. Clearly indicate porous pavement, rain garden, and bio-swale options.
4. Clearly indicate that non-potable water options will be available in the future code update.
5. Clearly indicate that potable water use regulations will be calibrated to practical landscape outcomes including plant establishment windows and new water conserving irrigation technologies.

**Issue 6: Stronger provisions needed to preserve natural character, ensure adequate parkland and integrate nature into the city.(EM)**

Recommended Changes:

1. Require parkland dedication on or off-site if requirements are .25 acres or more.
2. Coordinate all aspects of open space standards and prioritize preservation of natural character and green stormwater infrastructure. Incorporate results into the updated draft.
3. Update and calibrate the former Subchapter E open space requirements to lot size. Update open space at BRT stops.

4. Provide missing items and standards including Definitions and Measurements, Parkland Dedication, Civic and Open Space, Supplemental Standards for Transect Zones, Private Personal and Private Common Open Space, Open Space in Commercial Non-transect zones, and open space in private courtyard forms.

**Issue 7: Water quality protections need strengthening. (LI)**

Recommended Changes:

1. Reinstate the Environmental Commission's right to review the Urban Watersheds Structure Control Plan and do same with any new Suburban Watersheds Structure Control Plan, each January or at least annually.
2. The threshold for requiring water quality controls is still at 8,000 square feet of impervious cover, a number reached in 2013, despite staff recommendations for 5,000 square foot trigger. With an increase in infill development, the 5,000 square-foot trigger is now appropriate, especially considering the possibility of a new suburban watersheds fee-in-lieu.
3. Bring forward the recently codified impervious cover restrictions for educational facilities.

**C. INFRASTRUCTURE**

**Issue 8: Drainage and flooding provisions insufficient to address impacts.**

Recommended Changes:

1. We need to see watershed capacity analysis for every watershed in the City, and we need to understand and account for the limitations of the modeling, i.e. the fact that we don't currently have a good handle on actual impervious cover should inform our zoning and maximum impervious cover.
2. A strict prohibition on fee-in-lieu when downstream drainage systems are at or exceeding capacity. This should eliminate staff discretion, for example, the prohibition could be accompanied by a map, regularly updated with modeled data, on which the fee-in-lieu decision is made.

**Issue 9: Draft does not adequately address connectivity and flooding improvements triggered by remodels.** Recommended Changes:

1. Create a remodeling threshold for providing public benefit improvements, including flooding mitigation, streetscape improvements and connectivity improvements (e.g. sidewalks and safe crossings). (pg. 17 Mobility Code Prescription Paper)
2. The scope of upgrade requirements or incentives should reflect the scope of the remodel project.
3. Consider severity of need for the upgrades based on mobility, flooding and infrastructure issues in the surrounding area.

4. Alternatively, incentivize removal of impervious cover and addition of trees and rain gardens, by allowing site disturbance over the standard threshold without triggering a full blown site plan.

**Issue 10: CodeNext Mapping Should Better Reflect Infrastructure Capacity. (SM, EM)**

Recommended Changes:

1. Adjust the mapping to put denser zones in places with more infrastructure capacity, less dense zones in areas with less capacity.
2. Produce analyses of impact of proposed parking reductions for representative areas of the city, including Transect and Non-Transect zones, and adjust as needed before implementing reductions citywide.
3. Provide greater detail on proposed parking management districts. Apply a context sensitive approach to residential parking permits.
4. Specify how or whether drainage and on-site beneficial reuse requirements and other environmental/infrastructure regulations will apply to 3-9 unit infill developments.

**Issue 11: Redirect some savings from lower minimum parking requirements into area connectivity improvements.** Recommended Changes:

1. Charge a fee for a local area connectivity and civic space fund, offset by savings from the lower minimum parking requirements.
2. Or provide a calibrated amount of additional publicly accessible on-site open space.

**Issue 12: CodeNext mapping should better reflect transit quality.** Recommended Changes:

1. Recalibrate the mapping along corridors and centers to better reflect the quality of transit, and to shape transit-oriented village centers.
2. City of Austin Transportation Department should request that CapMetro commit to long-term sites for future rapid transit stations as part of its Connections 2025 plan, including identification of east-west rapid transit lines and stations.

**Issue 13: Prioritize civic space at rapid transit stations, including along corridors. (SZ)**Recommended Changes:

1. For sites adjacent to rapid transit stations of at least 2 acres, require plazas or pocket plazas connecting to the station.
2. For sites between 2-4 acres that are within 800 ft of a rapid transit station, require at least 7% ground-level civic space, connecting to the property abutting the transit station.
3. Require arrangement of plazas to optimize connectivity to the station from the rear, with sufficient depth from traffic to raise air quality, reduce noise, and hold community events.

**D. SITE AND BUILDING STANDARDS**

**Issue 14: Recalibrate proposed compatibility standards to create uniform standard that better balances livability and growth. (SM, EM)**

Recommended Changes:

1. Replace confusing multi-tier system with uniform citywide standard.
2. Model rules on East Riverside corridor, Hyde Park NCCD or other source that better balances development and livability goals.
3. Reinstate current code rules governing noise levels of mechanical equipment, dumpster placement and driveway placement, reflective materials, etc.
4. Trigger compatibility rules from all T3 and T4 zones, except T4MS.
5. Insert triggers for properties remaining under existing code.
6. Calibrate by-right entitlements with new compatibility rules to support affordability bonus program.
7. Expand requirements for “green compatibility” - green roofs/walls, bioswales, evergreen shade trees, hedges, sound walls.

**Issue 15: Promote context sensitive structures with Floor to Area Ratio maximums, and encourage community benefits with potential increases in FAR.** Recommended Changes:

1. Reintroduce FAR in LMDR and in all Transect categories except T6.
2. Require community benefits such as affordable housing in return for proposed increases from current FAR.

**Issue 16: Make ADU and cottage scale consistent.** Recommended Changes:

1. Either limit the ADU to one story. Providing a “tiny house” option, or allow cottages to be 2 stories.
2. Consider allowing ADU footprints to be based on a percentage of lot size, percentage to be determined through a stakeholder process.
3. Calibrate height to be proportional to the primary structure.

**Issue 17: McMansion policy integration needs real-life modeling. (CA)**

Recommended Changes:

1. The CodeNEXT team should beta test the draft code via modeling of real-world development scenarios to ensure that the policies of Subchapter F are effectively carried over to the new code with the smallest possible adverse impact on design cost and design flexibility.

**Issue 18: More vetting needed on demolitions and housing loss. (CA)**

Recommended Changes: 1. The CodeNEXT process should not move forward to the Land Use Commissions unless and until the code has been properly beta tested/vetted via modeling of real-world development scenarios.

2. The value of Building Envelopes should be fully discussed to ensure that there are no unintended consequences.

3. Thorough review and revision of the proposed zoning maps needs to occur to ensure that aggregation of existing SF lots is not being encouraged.

**Issue 19: Refine alley access for alleys serving commercial properties. (DS).** Recommended Changes:

1. There should be an exception for cases in which the alley also serves commercial property.

**Issue 20: Refine definition of Cooperative Housing, raise occupancy and reduce parking. (RH).**

Recommended Changes:

1. Change definition of cooperative housing to “A housing arrangement in which residents share expenses and ownership, and in which all profits or surpluses are allocated to purposes that benefit current or future residents.”
2. Raise occupancy limit for cooperative housing to 2 adults per bedroom.
3. Reduce parking requirement to 50% of bedrooms.
4. Add a new type to cottage court with a larger main house and attached units on either side.

**E. FAMILY-FRIENDLY COMMUNITIES**

**Issue 21: Create suffix for urban school areas to ensure public school safety and access. (SM)**

Recommendations:

1. Develop a zone suffix similar to the proposed O-suffix (PSU – Public School, Urban) or other tool for properties within 600’ of an urban public school property line to retain current on-site parking requirements for all uses. For single family homes or duplexes, this would require two on-site parking spaces per dwelling unit. For multifamily, commercial or other uses, on-site parking requirements would match those currently contained in the Austin Land Development Code, Section 25-6 Appendix A.

[https://www.municode.com/library/tx/austin/codes/code\\_of\\_ordinances?nodetid=TIT25LADE\\_CH25-6TR](https://www.municode.com/library/tx/austin/codes/code_of_ordinances?nodetid=TIT25LADE_CH25-6TR)

2. For deeply affordable family-friendly units to be rented or priced at 60% MFI (Median Family Income) or below, on-site parking exemptions within 600’ of a public school property line should be determined by the applicable director in consultation with the district and the affected school community.

**Issue 22: Zone sufficient multi-bedroom housing near urban schools to retain inter-generational communities. (SZ).** Recommended Changes:

1. **Policy:** Acknowledge the regional age curve as a fair housing benchmark, and 70% multi-bedroom housing as a target for age diverse neighborhoods
2. **Mapping:** Map new family-friendly sub-zones (##3, 4, 5 below) in transit-oriented areas near urban schools
3. **Code:** Develop a new T3 sub-zone with building types best suited for families and entry-level ownership.
4. **Code:** Develop T4 sub-zones that require at least 45% 2-BR and 25% 3-BR units. Require a half parking space per additional bedroom.
5. **Code:** Develop T5 sub-zones that require at least 35% 2-BR and 15% 3-BR units
6. **Policy:** Set a higher target for affordable multi-bedroom units near urban schools
7. **Mapping:** Protect existing family-friendly and affordable housing.

**Issue 23: New rules over-simplify opening nightclubs, liquor stores near neighborhoods. (SZ).** Recommended Changes:

1. Remove liquor-serving uses and late-night uses from all base zones
2. Add a liquor outlet sub-zone to all zones above T3 and to non-transect commercial zones. Allow bars or liquor stores in these sub-zones with a Conditional Use Permit (CUP).
3. Map the new sub-zones only to existing zones that permit such uses (i.e. CS-1).
4. Allow late-night uses near T3 or T4 only with a CUP.
5. Extend the current CUP restriction on bar parking within 200' of residential uses to all liquor outlet sub zones

**F. PROCESS AND NONCONFORMING ISSUES**

**Issue 24: Revise proposed public process changes to ensure adequate notice and participation. (SM, CA)**

Recommended Changes:

1. Reinstate current code provisions governing mailed notice, posted notice, public response, administrative appeals, site plan extension notice, required meetings to resolve issues including both parties, appellant's right to rebuttal, and mailed notice to organizations for Areawide Interlocal agreements.

2. Provide information about valid petition rights, similar to that provided for vested rights in 23-K-2.
3. Clarify notice requirements for MUPs and consider placing this tool in hands of Land Use Commission, not city staff.
4. Revise proposed language to explicitly prohibit ex parte communication regarding appeals by applicant and applicant's representatives, as well as public.
5. Remove proposed language that allows hearings to proceed with notice errors.

**Issue 25: Clarify nonconforming use/structure language to avoid unintended consequences. (SM, CA)**

Recommended Changes:

1. Insert language to ensure that existing structures/uses that were conforming/complying at time of code adoption are not rendered noncomplying by code changes (see 25-2-294, 25-2-962).
2. Require public process for change from one nonconforming use to another, and for conversion to Conditional Use.
3. Clarify whether conversion to Conditional Use terminates nonconforming use.
4. Reinstate existing code section that allows only one modification to height and setbacks for nonconforming structures (25-2-963(H)).
5. Reinstate current code provisions for rebuilding a destroyed noncomplying structure, including time limits, gross floor area and interior volume, and location and degree of noncompliance (25-2-964(B)).
6. Require termination of nonconforming parking when nonconforming use/structure is terminated. Reinstate code provision stating the discontinuation of nonconforming STR Type 2 by April 1, 2022 (25-2-950).
7. Revise language in Transects to clearly state that grandfathering of 25' lots applies only to specific lots already granted small lot amnesty prior to code adoption.

**Issue 26: Draft does not allow the City to terminate nonconforming uses that threaten general health, safety and welfare. (RH)** Recommended Changes:

1. Allow the city to require the termination of nonconforming uses that threaten health, safety and welfare, in accordance with the Texas Supreme Court's recognition of "the principle that municipal zoning ordinances requiring the termination of nonconforming uses under reasonable conditions are within the scope of municipal police power" (City of University Park v. Benners)
2. Create a process for the direct and systematic termination of nonconforming uses that protects communities and which ensures that adequate time is allowed to recoup an owner's investment in the property.



## **G. PROPOSED FUTURE CODE ADDITION**

### **Issue 27: Augment CodeNEXT with new Article 23-3F to support art, music, and culture. (DS)**

#### Recommended Additions:

1. Add arts, music culture to the Purpose Statement of General Planning Standards. The current draft of the new Land Development Code for Austin, dubbed CodeNEXT
2. Working with appropriate city boards and stakeholders, develop a new code section to be numbered 23-3F.