

			A			B										C	D	E		F	G			H								
CHAPTER	ARTICLE	DIVISION TITLE	DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMSIONER										EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES											
						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION		YES/NEUTRAL /NO	STAFF RESPONSE				
GENERAL			NONE	MINOR	MAJOR							SO												FORMAT	YES/NO			REDUCE LENGTH OF NON 23-4 SECTIONS BY 20%. CodeNEXT text is overly verbose, consistently difficult to understand. Master Editor should identify measures in Non 23-4 chapters to reduce extreme length to assist in achieving CodeNEXT goal for code simplicity.				
		All Non 23-4 Divisions		X	X																											
Chapter 23-1: Introduction			NONE	MINOR	MAJOR												YES/NO	YES/NO														
1 Article 23-1A General Provisions																																
1.1		Division 23-1A-1 Title, Purpose, and Scope																														
1.2		Division 23-1A-2 Authority																														
		Division 23-1A-2		X								JSc															23-1A-2030	(A) Effect of Land Development Code. The standards and procedures applicable to development of property within the City limits and within the City's extraterritorial jurisdiction are stated in the land Development Code (LDC) or technical criteria manuals as adopted per the provisions of the LDC, which shall control in the event of a conflict with a representation made by a City official or employee, either orally or in writing, or via a policy manual, summarizing, paraphrasing, or otherwise interpreting the that summarizes, paraphrases, or otherwise interprets the standards and procedures applicable to development.	This clarifies that the technical criteria manuals supercede the statements of city officials or employees.			
1.3																																
1.4		Division 23-1A-3 Classification of Application and Decisions	C																													
1.5		Division 23-1A-4 Consistency with Comprehensive Plan	C																													
1.6		Division 23-1A-5 Rules of Interpretation																														
		Division 23-1A-5		X								JSc															23-1A-5020 (b) (1)	Wherever possible, the Director shall have the authority to interpret this Title in a manner that gives effect to all provisions and wherever possible, shall avoid interpretations that render a provision of this Title in conflict with one or more other provisions.	Conflicts should be avoided whenever possible inside the LDC. This new language gives the director the authority to interpret the LDC to avoid any potential conflicts wherever possible.			
1.7																																
2 Article 23-1B Responsibility for Administration																																
2.1		Division 23-1B-1 City Council	C																													
2.2		Division 23-1B-2 Boards and Commissions																														
2.3		Division 23-1B-3 Administration	C																													
2.4		Division 23-1B-4 Neighborhood Planning																														
		Division 23-1B-4 Neighborhood Planning										KM															23-1B-4010	Neighborhood Contact Teams may submit plan amendments.	This should not be removed.			
2.5		Division 23-1B-4 Neighborhood Planning											JSc														23-1A-3020 (C)Administrative Decisions (1)(b)	Move 23-1A-3020(C)(2)(c) to 23-1A-3020(B)(2)(e) and revise 23-1A3020(C)(1) (b) The authority to make administrative decisions is delegated to City departments and to boards and commissions, as provided in Article 23-1B (Responsibility for Administration). A public hearing is required for an administrative decision by a board or commission.	Section 23-2A-2010(A)(2) (c)has subdivisions as quasi-juducial approval, conflicts with 32-1A-3020(C) as administrative decision			
2.6		Division 23-1B-4 Neighborhood Planning																														
		Division 23-1B-4 Neighborhood Planning																														
2.7																																
Chapter 23-2: Administration and Procedures			NONE	MINOR	MAJOR												YES/NO	YES/NO														
3 Article 23-2A Purpose and Applicability																																
		Division 23-2A-1 Purpose and Applicability	C																													
3.1																																
3.2		Division 23-2A-2 Development Process	N																													
		Division 23-2A-2																														
3.3																																
3.4		Development Process		x												JT									No			(2) Quasi-judicial approvals: (a) Zoning variances and special exceptions; (b) Environmental variances; (c) Subdivisions and subdivision variances; and (d) Conditional use permits.	A business requiring a Conditional use Permit (CUP) and a rezoning should be allowed to submit concurrently. Allowing for concurrent submittals would provide a more transparent process and more certainty to the applicant and interested parties. In addition, there is a concern that this section, along with 23-2A-2020, gives the Director discretionary authority over concurrent applications. Language in existing code (25-1-61) is preferable for this provision which would allow for applications to be submitted and reviewed concurrently.			
3.5		Division 23-2A-3 Residential Development Regulations																														
3.6		23-2A-3030 One to Two-Unit Residential		X														TS								One-Two Unit Residential	NO	23-2A-3030 One to Two-Unit Residential	A)2) Residential development that is subject to this section must comply with the regulations of this Title specified under this section.	Clearer language		
		Division 23-2A-3 23-2A-3040 Three to Six Unit Residential																														

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						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE	
3.7															JSh										engineers letter	Amendment: Replace language. (2) An engineer's certification that any changes to existing drainage patterns will not negatively impact adjacent property if the construction, remodel, or expansion: a. Is more than 300 square feet; and b. Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted WITH (2) Provide acceptable drainage improvements on site to preserve OR IMPROVE existing drainage patterns if the construction, remodel or expansion: A. Is more than 750 square feet; and B. in an area subject to localized flooding, as determined by the Watershed Protection Department on an annual basis.	too costly, and spending money on things that do not may not make much difference			
3.8																														
3.9	Division 23-2A-3030 & 3040 (B)	Residential House-Scale Zones			X	X																		NO	23-2A-3030 & 3040 (B)	An engineer's certification that any changes to existing drainage patterns will not negatively impact adjacent property if the construction, remodel, or expansion: Is more than 300 square feet; and Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted. (2) Install acceptable drainage improvements, such as swales, grading, gutters, rain gardens, rainwater harvesting systems or other methods on site to preserve existing drainage patterns if the construction, remodel or expansion: Is more than 750 square feet; and Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted. And in an area subject to localized flooding, as determined by the Watershed Protection Department on an annual basis.	This section incurs high cost along with liability and enforcement concerns for both engineer and homeowner. V3 language shifts liability from the owner of the property to the engineer, which no engineer would ever agree to without obscene fees. At first blush, The cost is estimated at \$3000 in site work plus \$5000 for the letter. Est \$8000 per house for over 5100+ permits last year fitting the requirements = over \$40 million additional cost citywide. Furthermore, "Negative Impact" is vague & subjective. The term does not allow for pre-existing deficient conditions on adjacent properties. Drainage calculations are necessary for engineer review and are known to be inaccurate on small tracts.			
	Article 23-2B Application Review and Fees																													
4.1	Division 23-2B-1	Application Requirements																												
4.2	Division 23-2B-1	Application Requirements														TW							YES	X				Confirm that the Educational Impact Statement (EIS) will remain a required part of city review process under the new code		
4.3	Division 23-2B-1	Application Requirements			x								JSc													Add new (A)(4) that states (4): An application that has been submitted, and not rejected as incomplete in 45 days shall be automatically approved under this section.	This would create certainty that applications that meet all requirements of completeness will be accepted			
	Division 23-2B-1	Application Requirements			X								JSc													23-2B-1010 (b)	Replace with: The responsible director may adopt application requirements under this Section by administrative rule or by policy memo, and shall post required application forms and all relevant rules on the City's website.	This clarifies that directors are empowered to adopt application requirements and deadlines only through an administrative rule process, and not via policy memo. The administrative rule process provides due process for all residents and stakeholders.		
4.4	Division 23-2B-1	Application Requirements			X								JSc													23-2B-1030 Application Completeness (A)(4)(New)	Add (4): An application that has been submitted and not rejected as incomplete in 45 days shall be automatically approved under this section.	This would create certainty that applications that meet all requirements of completeness will be accepted		
4.5	Division 23-2B-1	Application Requirements			X								JSc													23-2B-1040 Update and Expiration (D)(New)	Add new (D) "(D) If an applicant has submitted an application and subsequent updates but is unable to resolve outstanding comments after the third submittal, the City Manager shall require a meeting of all reviewers and the applicant to take place within 2 weeks following the third set of comments such that conflicting issues can be resolved in a timely manner"	If, after 3 rounds of comments, there is still conflict between departments, a meeting will help resolve and expedite the process for everyone, limiting staff time and developer costs		
4.6	Division 23-2B-1	Application Requirements			X								JSc													23-2B-1050(B)(1)(d)(New)	Add (d): (d) the application is being delayed due to review by the legal department.	This section lists different reasons that a delay shoudn't lead to an application expiring. A common delay that isn't on this list is legal review. Because legal review is outside the control of the applicant, it makes sense to not having an application expire when the city legal department is reviewing it.		
4.7	Division 23-2B-1	Application Requirements			X								JSc													23-2B-1060	Remove entire section (23-2B-1060) If an application expires, all other unapproved applications for that development, which are listed below the expired application under Section 23-2A-2010 (Order of Process), also expire.	There's no reason to have all other items expire when one does - effectively resetting something back to zero. Other applications may still be going through a normal due process.		
4.8	Division 23-2B-2	Review Procedures																												
4.9																														

Prepared by Stephen Oliver
City of Austin, Planning Commission | Chair

[illegible]

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																	GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE			
9.3	Division 23-2G-1	General Provisions		X											TW				Uses	X			single family homes on more intense zoning appear all over our poorer neighborhoods as a legacy of previous spot zoning. I don't think we should continue to punish them by not allowing them to repair their home if there's damage. This same type of protection is afforded to non-conforming structures under 23-2G-1080-D		
	Division 23-2G-1				x			CK									in this division		Rezoned Residential Non-Conforming structures	Yes - Brent Lloyd is working on it			This amendment ensures that any current single-family residential property owner who is rezoned under CodeNEXT does not have a reduction in available entitlements. They maintain their non-conforming (allowed, though not in compliance) and are not subject to the loss of their status through the usual mechanisms (vacancy, etc.). They are also able to maintain and even expand their structures as long as it meets F25 compatibility for their pre-CodeNEXT zoning. They do lose their status if they make an alteration either to the new, conforming use, or to a different non-conforming use.		
9.4	Division 23-2G-1	General Provisions			X			FK											Nonconformity	Yes			Coops work and must be allowed wherever possible		
	Division 23-2G-1	General Provisions										JSc											This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of "nonconforming" must be in effect reviewed by the Planning Director and will ultimately go to BOA.		
9.5	Division 23-2G-1	General Provisions										JSc							23-2G-1020 Nonconforming Status	Yes			This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of "nonconforming" must be in effect reviewed by the Planning Director and will ultimately go to BOA.		
	Division 23-2G-1			x								JSc							23-2G-1060 Termination of Nonconforming Use				A damaged structure used for a nonconforming use may be repaired and the nonconforming use continued only if the building official determines that the cost of repair does not exceed 50 percent of the value of the structure immediately before the damage, as determined by a licensed appraiser in a manner approved by the building official.		
9.6	Division 23-2G-2	Specific Types of Nonconformity			x			FK											Nonconforming Lots	No			This proposed language deletes two section to clarify that all lots that are legally platted and meet the definition in the prior Section 23-2G-2020(C)(1), which has a minimum lot size of 2,500 sq.ft., a frontage of 25 ft. should be allowed to be developed. The City should honor existing legally platted lots and allow them to be deveoped. Currently one house can sit on two or three legally platted lots which locks up the land from being used as it was platted for.		
	Division 23-2G-1	General Provisions			X							JSc							Continuation of Nonconformity	No			This proposed language deletes Section 23-2G-1050(B)(3) and clarifies that nonconforming uses in any building can be replaced with another comparable or lesser intensity use. The city should allow a lesser non-conforming use be allowed anywhere, as it reduces intensity of the existing use while preserving the existing building.		
9.7	Division 23-2G-1	General Provisions													JT				Nonconformity	Yes			This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of "nonconforming" must be in effect reviewed by the Planning Director and will ultimately go to BOA.		
	Division 23-2G-1	General Provisions													JT				Nonconformity	Yes			This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of "nonconforming" must be in effect reviewed by the Planning Director and will ultimately go to BOA.		

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9.13	Division 23-2G-1	General Provisions																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																						

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																		GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE				
16.5	Division 23-3B-2	Dedication																									
	Division 23-3B-2	Dedication			X	GA													Parkland Dedication	No		23-3B-2010	<u>Remove references to 15% and change to 10%. Add new (6) The 10 percent parkland dedication shall be calculated as a net site area.</u>	Imagine Austin calls for "Increase dense, compact family-friendly housing in the urban core". In many instances, sites within the urban core will be required to dedicate at or near the 15 percent cap which severely limits the density in the urban core and along the major corridors.			
16.6													JSc										23-3B-2010 Dedication of Parkland (A) Dedication Required (1)[NEW]	<u>(A) Dedication Required. An applicant for subdivision or site plan approval must provide for the parkland needs of the residents by the dedication of suitable land for park and recreational purposes under this article or by payment of a fee in-lieu of dedication under Section 23-3B-3010 (Fee In-Lieu of Parkland Dedication).</u> <u>(1) An applicant may request a binding determination from PARD regarding whether total land dedication for all types of open space, including but not limited to parkland, common open space, civic open space, private open space, payment of fee in-lieu in land or a combination of fee and land will be required.</u> <u>(a)A binding determination issued under this section shall apply to any development application submitted within 1-year from the date the determination is issued, provided that the number of units has not changed by more than 10% from the number of units originally provided by the applicant and relied upon by PARD to make the determination. A binding determination expires if no subdivision, site plan or building permit application is submitted within one-year from the date the determination was issued.</u> <u>(b)The combined total area between open space and parkland, shall not exceed 15% of site.</u>	Applicants must be able to predict during their due diligence period what may be required for parkland dedication. Our recommendation in (A)(1) and (A)(1)(a) is taken directly from the existing Parkland Dedication Operating Procedures (PDOP). Leaving such important procedures to be defined and determined outside of the revised LDC process and in the PDOP does not provide clear guidance and predictability. In addition, limiting the maximum required dedication would allow for density to continue and support the principles in Imagine Austin for compact development.		
16.7	Division 23-3B-2	Dedication		x		GA						JSc							Site Plan Dedication	No		23-3B-2010 (C)(3)	<u>(3) Parkland dedication that complies with this section shall be included in the gross site area for the parcel dedicating land. Zoning entitlements including but not limited to impervious cover and FAR shall be calculated on the gross site area prior to the parkland dedication.</u>	This proposed language codifies existing policy that is already outlined in the parkland procedures.			
16.8	Division 23-3B-2	Dedication		x								JSc							Dedication of Parkland	No		23-3B-2010 (I) and (J)	<u>(I) As authorized by the Parkland Dedication Ordinance, City Code § 25-1-605, an applicant may request a binding determination from PARD regarding whether total land dedication; payment of a fee in-lieu in land or a combination of fee and land will be required.</u> <u>(J) A binding determination issued under this section shall apply to any development application submitted within 1-year from the date the determination is issued, provided that the number of units has not changed by more than 10% from the number of units originally provided by the applicant and relied upon by PARD to make the determination. A binding determination expires if no subdivision, site plan, or building permit application is submitted within one-year from the date the determination was issued.</u>	This proposed language codifies the early determination process that is currently in the Parkland Dedication Operating Procedures and clarifies that the early determination includes all types of open space. This proposed language provides regulatory certainty while also ensuring parkland is dedicated throughout Austin.			
16.9	Division 23-3B-2	Dedication		x								JSc							Dedication of Parkland	No		23-3B-2010 (H)	<u>(H) 15 Percent Urban Core Cap. The amount of parkland, civic open space, and common open space required to be dedicated or provided within the Parkland Dedication Urban Core may not exceed 15 percent of gross site area for the development required to provide the dedication except upon consent of the applicant or as authorized under this subsection.</u>	This proposed language applies the 15 percent parkland dedication cap to the entire city, not just the urban core. The City's current requirement to dedicate more than 15% has a major impact on acheiving the goals established in the City's Housing Blueprint. This proposed language does not change the Parks Director's ability to go to the land use commission to exceed that cap if conditions warrant. The Cap is a "soft cap" because the land use commission can raise or lower it on appeal of the applicant or director. In addition, the cap will now apply to the new requirements for civic open space and common open space introduced in CodeNEXT.			
16.10	Division 23-3B-2	Dedication		x								JSc							Dedication of Parkland	No		23-3B-2010 (J)	<u>(J) Sites Fronting Corridors.</u> <u>(1) An applicant seeking a Subdivision or Site Plan for a site that is ten acres or less and fronts an Imagine Austin Corridor shall not be required to dedicate parkland onsite and instead shall be required to payment in lieu of dedication.</u> <u>(2) An applicant seeking a Subdivision or Site Plan for a site that is more than ten acres and fronts an Imagine Austin Corridor shall not be required to dedicate parkland fronting the corridor.</u>	This proposed language clarifies when parkland may be required to be dedicated for sites that front an Imagine Austin Corridor. The proposed language provides the park director the ability to request for the dedication by approval of the land use commission. Imagine Austin calls for transit-supportive corridors, which in turn require population and job densities along our corridors. Parkland requirements that limit unit yield should not limit or prevent housing along our corridors.			
16.11																											

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17.3	Division 23-3C-1	General Provisions		X									JSc																			
17.4												TN													23-3C-1030	Heritage Tree Species. To qualify as a heritage tree, a tree must meet the size requirements listed in Subsection (A) and qualify as one of the following species or as an additional heritage tree species listed in the Environmental Criteria Manual: (1) Texas Ash; (2) Bald Cypress; (3) American Elm; (4) Cedar Elm; (5) Texas Madrone; (6) Bigtooth Maple; (7) All oaks; (8) Pecan; (9) Arizona Walnut; and (10) Eastern Black Walnut.	This proposed language clarifies that only tree species listed in code can qualify as a heritage tree. The list of Heritage Tree Species should be approved by City Council and listed in code; the list should not be subject to administrative change by a criteria manual.					
17.5													JSc				JT								23-3C-1040 (A) Tree Requirements for Site Plan (2)	Ensure that PC recommends what is in the Addenda re: Young Public Trees 2-7.9' and Keystone Trees 8-18.9.	Imagine Austin calls for "complete communities." Complete communities need a healthy tree canopy.					
17.6	Division 23-3C-1	General Provisions		X									JSc												23-3C-1040 (B)	(A) Tree Requirements for Site Plans. An application for site plan approval must: (1) Include a grading and tree protection plan, as prescribed by the Environmental Criteria Manual and other applicable rules; and (2) Demonstrate that the design will preserve the existing natural character of the landscape, including the retention <u>or mitigation</u> of trees eight inches or larger in diameter to the extent feasible.	Removing conflict. Requiring a plan to preserve existing trees 8 inches or above exceeds code requirements. Trees less than 19 inches have an option for mitigation.					
17.7	Division 23-3C-1	General Provisions		X									JSc												23-3C-1040 (C)	(B) Restrictions on Removal of Protected Trees. For an application for preliminary plan, final plat, building permit or site plan approval that proposed the removal of a protected tree, the city arborist must review the application and make a recommendation before the application is administratively approved or presented to the Land Use Commission or city Council.	This proposed language still provides the city arborist the authority to ensure that an applicant satisfies code but simply moves his ability to withhold a site plan to the ability to withhold the building permit or certificate of occupancy. The requirement of mitigation prior to SDP approval is cart before the horse and unachievable; Request to post fiscal surety for tree mitigation is a large cost and seems unnecessary as staff can ensure the trees are planted prior to acceptance of a building/CO.					
17.8	Division 23-3C-1	General Provisions		X									JSc												23-3C-1050 (B)	(B) Mitigation Requirements. If a regulated tree is permitted for removal, the city arborist shall require reasonable mitigation, consistent with the applicable requirements of this article and the Environment Criteria Manual. Compliance with required mitigation measures, which may include planting replace trees, must occur before the Development Services Director may approve the application issue a certificate of occupancy.	This proposed language still provides the city arborist the authority to ensure that an applicant satisfies code but simply moves his ability to withhold approval of an application to withhold the certificate of occupancy. The requirement of mitigation prior to SDP approval is cart before the horse and unachievable; Request to post fiscal surety for tree mitigation is a large cost and seems unnecessary as staff can ensure the trees are planted prior to acceptance of a building/CO.					
17.9	Division 23-3C-1	General Provisions			x								JSc												23-3C-1060	"(A) The city arborist may request that a city department waive or modify a policy, rule, or design standard, other than a regulation of this Title, <u>if the waiver provides an opportunity for a tree to be preserved. The city department shall make best efforts to preserve the tree, and any conflicts between the city arborist and the city department shall be resolved by the City Manager within 30 days of the initial request for waiver. enforcement will result in removal of a regulated tree under Section 23-3C-1030 (Tree Designations).</u> (B) At the city arborist's request, a responsible director may waive or modify the applicable policy, rule, or design standard, other than a regulation of this Title, if the director determines that a waiver or modification will not pose a threat to public safety.	Make this authority more explicit, and allow for bonuses.					
17.10													JSc													(C) The city arborist shall have the administrative authority to grant the following additional entitlements that exceed zoning criteria or waive specific regulations to encourage the preservation of a protected or heritage tree. These entitlements are: (1) Additional FAR; (2) Articulation requirements; (3) Parking siting requirements; (4) Minimum parking requirements; (5) Additional height; and (6) Smaller front, side, and rear setbacks (while maintaining fire code fire rating requirements); and (7) other non-zoning regulations. (D) The city arborist shall develop using the administrative rulemaking process described 23-2C-1020 to implement procedures for granting these entitlements."						
17.11	Division 23-3C-2	Young Public, Keystone, and Protected Trees																														
17.12	Division 23-3C-3	Heritage Trees																														

Prepared by Stephen Oliver
City of Austin, Planning Commission | Chair

CHAPTER ARTICLE		DIVISION TITLE	DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSONER										EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE		COMMISSIONER NOTES											
						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH				GENERAL	SPECIFIC SECTION				YES/NEUTRAL /NO	STAFF RESPONSE			
18.9	Division 23-3D-3	Impervious Cover											JSc												23-3C-3030 Land Use Commission Variance	(B) A variance request under this section is subject to the application requirements in Section 23-2F-1030 (Application Requirements) and the public notice and hearing requirements in Section 23-2F-1040 (Public Hearing and Notification). (B) : If a property is unreasonably encumbered by the location and/or quantity of heritage trees, the Land Use Commission shall consider a variance under this section to allow appropriate development of the property in accordance with Chapter 23-4. Definition: unreasonably encumbered-50% or more of the site is undevelopable or more than 10% of the potential unit yield is lost.				Due to many of the new requirements under Chapter 23-4 to push parking towards the back of the property, impervious cover limitations, new setbacks, landscape buffers, etc. It is now more likely that some sites will be undevelopable due to the prevalence of heritage trees. Adding (B) and renumbering this section would allow the land use commission to take into consideration whether or not the development of a site is being unreasonably encumbered by the heritage trees on the site.				
	Division 23-3D-3	Impervious Cover		x												JT								Impervious Cover Calculations	No		23-3D-3040(C)	(C) Impervious cover calculations exclude: (1) Sidewalks in a public right-of-way or public easement; (2) Multi-use trails open to the public and located on public land or in a public easement; (3) Water quality controls, excluding subsurface water quality controls; (4) Detention basins, excluding subsurface detention basins; (5) Ground level rainwater harvesting cisterns, excluding subsurface eisterns; (6) Drainage swales and conveyances; (7) The water surface area of ground level pools, fountains, and ponds; (8) Areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians and are not constructed with compacted base; (9) Porous pavement designed under the Environmental Criteria Manual, limited to only pedestrian walkways and multi-use trails, and located outside the Edwards Aquifer recharge zone; (10) Fire lanes designed as prescribed in the Environmental Criteria Manual, that consist of interlocking pavers, and are restricted from routine vehicle access;			This proposed language removes the exclusion of subsurface infracture. Subsurface water quality controls and subsurface cisterns should not count towards impervious cover.			
18.10	Division 23-3D-3	Impervious Cover																																
18.11	Division 23-3D-3	Impervious Cover											JSc												Impervious Cover Limits for Suburban Watersheds	No		23-3D-3070(B)(2)(d)	(d) Impervious cover for a commercial, <u>mixed use</u> , civic, or industrial use may not exceed:			Mixed use should be permitted the same IC as commercial.		
18.12	Division 23-3D-3	Impervious Cover		x									JSc												Impervious Cover Limits for Suburban Watersheds	No		23-3D-3070(B)(2)(e)	(e) Impervious cover for mixed use may not exceed: (i) The limits in Subsection (B)(1)(c) for the portion of the ground floor that is multi-family residential; (ii) The limits in Subsection (B)(1)(d) for the portion of the ground floor that is commercial, civic, or industrial; and (iii) Impervious cover for the entire site is based on the ratios determined on the ground floor.			With the proposed language for 23-3D-3070(B)(2)(d) this section is no longer necessary.		
18.13	Division 23-3D-3	Impervious Cover		x									JSc												Impervious Cover Calculations	No		23-3D-3040(C)	(C) Impervious cover calculations exclude: (1) Sidewalks in a public right-of-way or public easement; (2) Multi-use trails open to the public and located on public land or in a public easement; (3) Water quality controls, excluding subsurface water quality controls; (4) Detention basins, excluding subsurface detention basins; (5) Ground level rainwater harvesting cisterns, excluding subsurface eisterns; (6) Drainage swales and conveyances; (7) The water surface area of ground level pools, fountains, and ponds; (8) Areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians and are not constructed with compacted base; (9) Porous pavement designed under the Environmental Criteria Manual, limited to only pedestrian walkways and multi-use trails, and located outside the Edwards Aquifer recharge zone; (10) Fire lanes designed as prescribed in the Environmental Criteria Manual, that consist of interlocking pavers, and are restricted from routine vehicle access;			This proposed language removes the exclusion of subsurface infracture. Subsurface water quality controls and subsurface cisterns should not count towards impervious cover.		
18.14	Division 23-3D-4	Waterway and Floodplain Protection											JSc												Critical Water Quality Zones Established	No		23-3D-4020(B)(6)	(6) Zone boundaries may be reduced based on hydrology analysis or floodplain model as approved by the director.			The proposed language would allows the director to use hydrology analalasis to reduce water quality boundaries on a case by case basis.		
18.15	Division 23-3D-4	Waterway and Floodplain Protection		x									JSc																					
18.16																																		

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						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE		
18.17	Division 23-3D-4	Waterway and Floodplain Protection		x								JSc											Critical Water Quality Zone Development	No		23-3D-4040(E)(4)	(E) A utility line, including a storm drain, is prohibited in the critical water quality zone, except as provided in Subsection (E) or for a necessary crossing. A necessary utility crossing may cross into or through a critical water quality zone only if: (1) The utility line follows the most direct path into or across the critical water quality zone to minimize disturbance; (2) The depth of the utility line and location of associated access shafts are not located within an erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual; and (3) In the Barton Springs Zone, is approved by the Watershed Director.	The amendment clarifies that the department/person requiring the alignment of a utility parallel to and within a critical water quality zone is responsible for the payment.			
	Division 23-3D-4											JSc														23-3D-4070	(A) All <u>natural</u> floodplain modification within a critical water quality zone is prohibited except as allowed under Section 23-3D-4040 (Critical Water Quality Zone Development). (B) All <u>natural</u> floodplain modification outside a critical water quality zone is allowed only if the modification proposed:(C) All <u>natural</u> floodplain modifications must :	Clarifies that floodplain must be naturally occurring.			
18.18	Division 23-3D-5	Protection for Special Features										JSc																			
18.19	Division 23-3D-5	Protection for Special Features		x								JSc											Environmental Resource Inventory	No		23-3D-5010(A)	(A) An applicant must <u>shall</u> file an environmental resource inventory with the director for proposed development located on a tract that may cause disturbance to: (1) Within the Edwards Aquifer recharge or contributing zone; (2) Within the Drinking Water Protection Zone; (3) Containing a water quality transition zone; (4) Containing a critical water quality zone; (5) Containing a floodplain; or (6) With a gradient of more than 15 percent. <u>For applications with a tract containing a gradient of more than 15 percent the environmental resource inventory shall be required for the portion of the site within 150 linear feet from the slope over 15 percent.</u>	Clarifies that a environmental resource inventory only applies to developments where any of these features may be disturbed, as it would be a severe cost to the applicant to do this for every site. In addition, the clarification for (6) allows for flexibility when working with larger sites which may have varying types of typography.			
18.20	Division 23-3D-6	Water Quality Control and Green Infrastructure Standards									TN																				
18.21																										23-3D-6010(B)(3)	Delete "8,000" and substitute "5,000."	Nationwide, best practices for exemptions from undertaking water quality control measures is 5,000 sf, not 8,000 sf. Imagine Austin calls for "complete communities." Complete communities need water quality controls.			
18.22	Division 23-3D-6	Water Quality Control and Green Infrastructure Standards		x								JSc											Optional Payment Instead of Structural Controls in Suburban Watersheds	No		23-3D-6050 (B)	(B) Instead of providing the water quality controls required by Section 23-3D-6010 (Applicability of Water Quality Control Standards), in a Suburban watershed an applicant may request approval to deposit with the City a nonrefundable cash payment. The director shall review the request and approve or disapprove the request based on the standards in the Environmental Criteria Manual. To be eligible to request the optional payment, the development must: (1) Be located within the zoning jurisdiction; (2) Be (a) a residential subdivision less than two acres in size (b) a commercial property with less than an acre of the site that is requesting optional payment; or (c) a vertical commercial, residential, or mixed-use development with structured parking below the primary building, up to three acres in size.; and (3) Demonstrate exemption from the preliminary plan standard as determined by Section 23-5B-2010 (Preliminary Plan Requirement).				
18.23												JSc																(3) Demonstrate exemption from the preliminary plan standard as determined by Section 23-5B-2010 (Preliminary Plan Requirement).			
18.24	Division 23-3D-6	Water Quality Control and Green Infrastructure Standards		x								JSc											Dedicated Fund	No		23-3D-6080(C)	(C) The Watershed Director shall <u>use the administrative rules process to propose rules that administer the fund, calculate the fee, collect the fee, and allocate the fund for appropriate projects, and report annually to the Council regarding the status of the fund and the monitoring and maintenance program described in this section. The proposed rules should be presented to the Environmental Commission for a recommendation to Council. The Council shall approve the proposed rules, reject them, or approve them with modifications.</u>				
18.25		23-D-6010 - Applicability of Water Control Standards			x													TS				Water Quality Controls	NO		6010(B)(3)	(B)(3) If the total of new and redeveloped impervious cover exceeds 5,000 8,000 square feet.	Per Environmental Commission.				
18.26	Division 23-3D-7	Erosion and Sedimentation Control	C																												
18.27	Division 23-3D-8	Additional Standards in All Watersheds	C																												
18.28	Division 23-3D-9	Save Our Springs Initiative	C																												
18.29																															

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19.11								CK												viii. If any goal shortcomings are noticed, the report shall assess the reasoning behind the failure to achieve the goals. An annual calibration of all area AHDB programs shall be done to ensure the AHBP encourages use of the program by providing an increase in project yield on cost. The calibration shall include a review of the number of units required (by %), bedroom counts, or any other requirements associated with the use of the bonus. The AHBP shall be modified when: i. In any year that the annual report shows that the annual goal is not met by more than 10%, the AHBP shall be adjusted to lower the requirement for utilizing the bonus, either by reducing the number, size or bedroom count of units, or by reducing the fee-in-lieu. A calibration study shall be done to confirm the adjustments made to the AHBP result in an increase in yield on cost to the project. ii. In any year the annual report shows that based on current market data, including but not limited to rent rates, construction costs, land and tax values, interest rates, or operating expenses, the AHBP no longer results in an increase in yield on cost to a project, the AHBP shall be adjusted per item (i) above.'	This requires an annual assessment of the affordable bonus program with established goals.						
19.12																											
19.13				x			x											new division		Mandate that all city departments involved in site plan review, permit review, or other development services immediately prioritize projects participating in the affordable housing program over all projects that do not have an affordable program participation.	Re-instates skip-the-line for affordable housing program projects.						
19.14				x			x											Fee-in-lieu	Yes	23-3E-1050 (c)(2)	append at the end of the section "except that an applicant may pay the fee in lieu on partial units with the proportional fee in lieu per unit, with a minimum fee-in-lieu of 20% of the per-unit fee in lieu.	This allows payment of partial fee in lieu for the citywide affordable bonus program.					
19.15	Division 23-3E-1	Citywide Affordable Housing Bonus Program		X			AH											Affordability	No	23-3E-1010	"(A) The purpose of this division is to establish general requirements and procedures for the submittal and review of an application for the Citywide Affordable Housing Bonus Program (AHBP), which is a voluntary, incentive-based density bonus program that provides enhanced development potential for projects that increase the supply of moderate to lower-cost housing consistent with the requirements of this division. (B) The intent of the AHBP is to financially incentivize new development to include affordable homes or pay fees-in-lieu for affordable homes to: (1) Implement the goals and policies of the Austin Comprehensive Plan and the Austin Strategic Housing Blueprint; (2) Increase housing supply, diversity, and affordability while preserving and enhancing the unique character of the City's neighborhoods; (3) Actively desegregate Austin's neighborhoods and dismantle institutional racism in the location and cost of housing; and (3) Narrow the housing deficit for households that cannot afford market-priced rental or for-sale housing."						
19.16	Division 23-3E-1	Citywide Affordable Housing Bonus Program			x		AH											Affordability	No	23-3E-1020 (A)	(A) Applicability (1) The AHBP applies citywide, except in the following zones: (a) Downtown Zones. A density bonus request in the Downtown Core (DC) Zone and Commercial Center (CC) Zone must meet the requirements of Division 23-3E-2 (Downtown Density Bonus Program). (b) University Neighborhood Overlay Zone. A density bonus request in the University Neighborhood Overlay (UNO) Zone must meet the requirements of Section 23-4D-9130 (University Neighborhood Overlay Zone). (c) Planned Unit Development (PUD) Zone. A density bonus request in the Planned Unit Development (PUD) Zone must meet the requirements of Section 23- 4D-8130 (Planned Unit Development (PUD) Zone).	A substantial number of lots are zoned F25. We need to allow F25 participation in our AHBP.					
19.17	Division 23-3E-1						AH													---(d) Former Title 25. A density bonus request in the Former 25 (F25) Zone, established in Section 23-4D-8100 (Former 25 Zone), shall be subject to the requirements and density bonus incentives, if any, as available under Former Title 25. (2) Requirements for participation in the AHBP are determined based on the zone in which the development is proposed, as provided under Article 23-4D (Specific to Zones). For Former Title 25 (F25) Zone, the Director shall determine which zone in 25-4D most appropriately matches the zoning of former Title 25, and designate by rule which AHBP zone requirements match the F25 zoning.							
19.18		floating units																		23-3E-1030(E)		add language to ensure that the affordable unit occupancy rate is at least similar to the market rate occupancy of that building. And the owner should alert the city to it's vacancy					
19.19	Division 23-3E-1	Citywide Affordable Housing Bonus Program			x		AH											Affordability	No	23-3E-1080 (E)	(E) The Director shall provide a process for a potential applicant to seek out and receive an early determination for AHBP compliance. Such a determination shall be made by the Director within thirty days of the submission of a complete determination request. If the approved application matches the information submitted in the early determination request, then the determination shall be binding for two years.	An early determination decreases the risk that an applicant may face and lowers the cost of providing affordable homes.					
19.20	Division 23-3E-2	Downtown Density Bonus Program																									
19.21	Division 23-3E-2																	AHDB	x	23-3E-2060-E-1-c	A unit is affordable for purchase if the maximum sales price for the unit does not exceed three times the annual income for a household at 120 percent of the MFI... The maximum sales price can be up to 3.5 times the annual income for a household at 420 80 MFI if a household member has completed a City- approved homebuyer counseling of education	I think we can do better. 3.5x 120MFI for a one bedroom is \$239,400; 3.5x 80MFI is \$159,600 for a one bedroom; this is comparable to a teacher's salary					

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19.22		Division 23-3E-2 Downtown Density Bonus Program			X														AHDB	x		23-3E-2060-E-2-c	A unit is affordable for rent if the maximum monthly rent for the unit does not exceed 30% of the average gross monthly income for a household at 80 60 percent of the MFI.	I think the price of units downtown should be able to handle a little more affordability			
		Division 23-3E-2 Downtown Density Bonus Program			X	GA													Downtown	No		23-3E-2060(B)	If the applicant chooses to achieve 100 percent of the density bonus by providing community benefits described in Subsection (C) through (strike E and insert) (F), the director may approve the density bonus administratively.	With Amendment this would match current LDC. Does not appear to require "designated review group" for downtown, but does not indicate how projects receive approval for using codified community benefits other than 100% affordable housing. This seems to be an oversight since downtown projects can currently earn density via a menu of options, as long as at least 50% of the bonus area is earned through providing housing on site or paying a fee in lieu.			
19.23		Division 23-3E-2 Downtown Density Bonus Program			X								JSc						Application Review	Yes	Yes	23-3E-2030 (B)(6)	NHCD Director should not be able to adjust without a proper, third-party calibration study. Applying some sort of index does not accurately reflect market conditions.	23-3E-1070 gives NHCD Director authority to recommend FIL or % units to City Council annually. 23-3E-2030 (B) (6) states that downtown fees may vary by use and district (ok). Claims nine districts, but unclear what those are.			
19.24		Division 23-3E-2 Downtown Density Bonus Program			X								JSc						Downtown Density Bonus Gatekeeper Requirements	No		23-3E-2040 (A)(2)	(2) The Design Commission shall evaluate and make recommendations regarding whether the development is in substantial compliance with the City's Urban Design Guidelines and the director shall consider comments and recommendations of the Design Commission.	The Design Commission oversight for compliance with the Urban Design Guidelines was always intended to be an interim solution until design standards were codified, as they will be in CodeNEXT.			
19.25		Division 23-3E-2 Downtown Density Bonus Program			X								JSc						Downtown Density Bonus Gatekeeper Requirements	No		23-4E-2040 (B)	(B) Appeal. (1) An applicant may appeal to the city council the director's determination that the gatekeeper requirements have not been met. (2) An applicant must appeal the determination within 30 days from the date of the director's denial (3) An appeal is subject to the procedures set forth in Section 23-2D-1 Conduct of Public Hearings and 23-2D-2 Timing and Location of Public Hearings.	Current code allows applicant to appeal to the City Council if director determines that the gatekeeper requirements have not been met. This proposed language replicate ability to appeal in the current LDC 25-2-586 (J) (1 - 3)			
19.26		Division 23-3E-2 Downtown Density Bonus Program			X								JSc						Community Benefits	No		23-3E-2060 (B)	Administrative Approval. If the applicant chooses to achieve 100 percent of the density bonus by providing community benefits described in Subsection (C) through (strike E and insert) (F), the director may approve the density bonus administratively.	This proposed language replaces the phrase "(C) through (E)" with "C through F." The density bonus program provides alternatives for community benefits including affordable housing, green roofs, music/cultural spaces, provision of day care, etc. This allows administrative approval for any of the community benefits listed in this section to not discourage some kinds of benefits over others. By allowing adminisitrative approval, the need to go to Council and Planning Commission to approve something allowed by code is eliminated, simplifying the process.			
19.27		23-3E-2060(B) Administrative Approval of Downtown Density Bonus				X													Downtown	No		23-3E-2060(B)	23-3E-2060(B) Proposed Code Language Administrative Approval. If the applicant chooses to achieve 100 percent of the density bonus by providing community benefits described in Subsection (C) through (strike E and insert) (F), the director may approve the density bonus administratively.	With Amendment this would match current LDC. Does not appear to require "designated review group" for downtown, but does not indicate how projects receive approval for using codified community benefits other than 100% affordable housing. This seems to be an oversight since downtown projects can currently earn density via a menu of options, as long as at least 50% of the bonus area is earned through providing housing on site or paying a fee in lieu.			
19.28		Division 23-3E-2 Downtown Density Bonus Program			X x								JSc						Rainey Street Subdistrict Bonus	No		23-3E-2070 (B) (1)	(1) A development in the Rainey Street Subdistrict may exceed the 40 foot height limit Subsection 23-4D-9140(F)(7)(iii) and achieve a floor area ratio of up to 8:1 if at least five percent of the square footage of the dwelling units developed within that floor area ratio of 8:1 is available to house persons whose household income is 80 percent or below the MFI HOME Limits, as amended per household size, and as defined by the U.S. Department of Housing and Urban Development for the Austin-Round Rock Metropolitan Statistical Area. The Housing Director conducts the income determination.	The proposed language amends this section to keep current standards. To achieve density above 40 up to 8:1 FAR, support continuing the on-site affordable housing requirement. Support reverting to the on-site requirements in place before 2014, 5% of the number of bonus units (as opposed to 5% of the bonus square footage) be designated affordable to 80% Median Family Income.			
19.29		Division 23-3E-2 Downtown Density Bonus Program			X								JSc						Rainey Street Subdistrict Bonus	No		23-3E-2070 (B) (6)	Strike 23-3E-2070 (B) (6)	Requiring a percentage of bonus area units to be affordable, AND requiring the affordable unit mix to match the unit mix of the building, make downtown residential with on-site affordable housing infeasible. Except for those that were already entitled and therefore exempt, only one new residential projects has been proposed on Rainey Street after this requirement was imposed in 2014, and they declined to build any 3-bedroom units in order to make this new provision feasible.			
19.30		Division 23-3E-2 Downtown Density Bonus Program			X	AH													Affordability	No	No	23-3E-2060 (B)	"(B) Administrative Approval. If the applicant chooses to achieve 100 percent of the density bonus by providing community benefits described in Subsection (C) through (EF), the director may approve the density bonus administratively."	The density bonus program provides alternatives for community benefits including affordable housing, green roofs, music/cultural spaces, provision of day care, etc. This allows administrative approval for any of the community benefits listed in this section to not discourage some kinds of benefits over others. By allowing adminisitrative approval, the need to go to Council and Planning Commission to approve something allowed by code is eliminated, simplifying the process.			
19.31		Division 23-3E-2 Downtown Density Bonus Program			X	AH													Affordability and Affordable Housing	No	No	23-3E-2070 (B)(1)	23-3E-2070 (B) (1): A development in the Rainey Street Subdistrict may exceed the 40 foot height limit Subsection 23-4D-9140(F)(7)(iii) and achieve a floor area ratio of up to 8:1 if at least five percent of the square footage of the number of the dwelling units developed within that floor area ratio of 8:1 is available to house persons whose household income is 80 percent or below the MFI HOME Limits, as amended per household size, and as defined by the U.S. Department of HUD for the Austin-Round Rock Metro Statistical Area. The Housing Director conducts the income determination.	To achieve density above 40 up to 8:1 FAR, we support continuing the on-site affordable housing requirement. We support reverting to the on-site requirements in place before 2014, 5% of the number of bonus units (as opposed to 5% of the bonus square footage) be designated affordable to 80% Median Family Income.			
19.32		Division 23-3E-3 Tenant Notification and Relocation	C																								
19.33		Division 23-3E-4 S.M.A.R.T. Housing																									
19.34																											

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19.42	Division 23-3E-4	S.M.A.R.T. Housing				GA																	SMART								
	Division 23-3E-4	S.M.A.R.T. Housing				GA																	SMART								
19.43	Division 23-3E-4	S.M.A.R.T. Housing				GA																	SMART								
	Division 23-3E-4	S.M.A.R.T. Housing				GA																	SMART								
19.44	Division 23-3E-5	Additional Affordable Housing Incentives																													
19.45	Division 23-3E-5	23-3E-5010 Additional Affordable Housing Incentives																TS					AH Incentives	NO	5010 (A)	(A) An applicant who provides income-restricted affordable units, as verified by the Housing Director, may request a parking adjustment from the Planning Director before the site plan is approved under Article 23-4D (Specific to Zones).		This does not have any specifics as to the limits that parking can be adjusted. Delete section.			
19.46	Division 23-3E-5	23-3E-5010 Additional Affordable Housing Incentives		x														TS					AH Incentives	NO	5010(B)(3)(a), (b), (c)	(a) If at least 10 percent, but less than 20 percent, of the dwelling units are equal to or less than 80% MFI reasonably-priced, the maximum cost is reduced by the percentage of affordable units; (b) If at least 20 percent, but less than 50 percent, of the dwelling units are equal to or less than 80% MFI reasonably-priced, the maximum cost is reduced by 50 percent; and (c) If at least 50 percent of the dwelling units are equal to or less than 80% MFI reasonably-priced, no mitigation may be required.		B)3) grants benefits for providing reasonably priced units. What does this mean? I propose following but should be discussed			
19.47	Division 23-3E-6	Affordability Impact Statements		x																											
19.48			C																												

CHAPTER ARTICLE		DIVISION TITLE	DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSIONER										EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE		COMMISSIONER NOTES									
						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH				GENERAL	SPECIFIC SECTION					YES/NEUTRAL /NO	STAFF RESPONSE
19.49	23-3F	Art, Music, and Culture			X	GA																	Art, Music, and Culture	No		23-3F	Proposed Future CodeNEXT Article 23-3F: Art, Music, and Culture Both the Imagine Austin Comprehensive Plan and the Code Prescription on Household Affordability reference the need for regulations to sustain and strengthen the music and arts industries and communities. To this end, the CAG recommends developing a future code section that would provide city-wide regulations to promote arts, music, and culture with the goals of: protecting existing assets and promote new ones in areas deficient of art, music, and cultural assets, and supporting housing and jobs for musicians and artists, and sustaining these important elements of Austin's economy. Proposed Code 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 contains the following purpose statement in Chapter 23-3: General Planning Standards for All [1]. The red underlined clause below would add reference to a to-be-written section governing arts, music and culture. 23-3A-1010 Purpose	This is the Live Music Capital of the World and we are not doing nearly enough for our artists! We should also consider a density bonus for music venues.				
19.50																										This Chapter provides standards and regulations for the following purposes: to provide parkland; to provide for the protection and replenishment of urban forest resources; to provide for the protection of water quality and protection from flooding; to encourage the creation and preservation of affordable housing; and to sustain the local arts, music, and culture communities and industries. These aspects are all essential to the development of a healthy, sustainable and desirable city environment. The interests of the community and the goals of the Comprehensive Plan and Zoning Code are further ensured through the application of this Chapter. 23-3A-1020 Applicability This Chapter applies to all development within the City of Austin and the ETJ. 2. Working with appropriate city boards and stakeholders, develop a new code section to be numbered 23-3F. Provisions for consideration, several of which are already supported by City of Austin Economic Development Department and the City's Arts Commission and Music Commission, are outlined below. 23-3F-1010 Purpose and Intent (A) The purpose of this division is establish general requirements and procedures to sustain the local arts, music, and culture communities and industries and to guarantee that arts, music, and cultural lad uses are 23-3F-1020 Artist Live/Work and Live/Work/Sell (A) Allow artists to sell finished goods from their live/work home studios. Specify in which districts a live/work artist may "sell", including performance art. This is an important distinction as multidisciplinary spaces are becoming increasingly common – where both object-based art and experience-based art are being created (i.e. "work") and offered to the public within a single building envelope. 23-3F-1030 Density Bonus Provisions for Art and Music (A) In designated town/regional centers and activity corridors allow density bonus rules to trade greater building entitlements for including art galleries, studio space, live theater, dance performance space, live music venues, or other forms of performance art on the first floor or for preserving an existing an iconic venue on the tract (e.g., Broken Spoke). 23-3F-1040 Art Districts (A) Describe the basis for designating arts districts (similar to that provided for historic districts) in neighborhood plans, neighborhood centers, town centers, and regional centers, and target one or more arts districts per Council District. 23-3F-1050 Theater and Art Venue Scale (A) In establishing capacity rating for theater or arts venue consider how the venue is used in addition to overall size.						
19.51																																

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				ANDERSON HART KAZI KENNY MCGRAW NUCKOLS OLIVER SCHISLER SEEGER SHIEH THOMPSON WHITE SHAW BURKARDT MENDOZA TEICH				GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE
19.52										23-3F-1060 Art, Music, and Culture Nomenclature and Definitions (A) Add explicit definitions that clearly distinguish types of arts/music spaces for flexible and hybrid uses in city ordinances and other regulation (i.e. distinguish terms "gallery", "theater", "studio", "live music venue," etc.). (B) Live Music Venue Use An establishment where live music programming is the principal function of the business and/or the business is a live music destination, and where the venue clearly establishes the ability of an artist to receive payment for work by percentage of sales, guarantee or other mutually beneficial formal agreement. A live music venue is a destination for live music consumers, and its music programming is the primary driver of its business as indicated by the presence of at least five (5) of the following: <ul style="list-style-type: none">• defined performance and audience space;• mixing desk, PA system, and lighting rig;• back line (e.g., sound amplification or video equipment for performers on or behind the stage);• at least two of: sound engineer, booker, promoter, stage manager, security personnel;• applies cover charge to some music performance through ticketing or front door entrance fee;• marketing of specific acts through show listings in printed and electronic publications;• hours of operation coincide with performance times. 23-3F-1070 Codify of Agent of Change Principle. Imagine Austin and Code Prescriptions Support New Code Section Justification for the proposed new code section comes from the Imagine Austin Comprehensive Plan and more recent work done in developing the CodeNEXT draft. Priority Program 5 (among 8 Priority Programs) in the 2012 Imagine Austin Comprehensive Plan is "Grow and invest in Austin's creative economy." A short term (1-3 years) work program item is: "Explore and reimagine existing City development tools, such as incentives, regulations, and financing options, with a focus on creative industries' facility needs. Expand access to affordable and functional studio, exhibition, performance space, museums, libraries, music venues, and office space." The proposed new section is also supported by the following policies and priority actions in the Imagine Austin Comprehensive Plan: <ul style="list-style-type: none">• Develop regulations to mitigate the sound from live music venues through a collaborative process that includes the City of Austin, musicians, venue operators, property owners, and residents.• Create incentives and programs to preserve iconic and established music venues and performance spaces throughout Austin and its extraterritorial jurisdiction (ETJ).• Expand access to affordable and functional studio, exhibition, performance, and office space for arts organizations, artists, and creative industry businesses.			
19.53										<ul style="list-style-type: none">• Explore existing City policies, processes, and regulations regarding the arts to determine what changes can be made to coordinate these with other goals, such as historic preservation, affordable housing, and high-density development.• Incorporate the arts and cultural preservation themes and elements into small area plans, such as neighborhood and corridor plans.• Create incentives, and programs to promote the inclusion of public art into new development.• Encourage artists and other creative individuals by promoting the creation of live/work spaces and creative industry hubs, districts, and clusters as retail, community, or neighborhood anchors and activity generators to attract and support other economic and community enterprises.• Establish incentives and regulations to promote the creation of artists' live/work space in residential areas that allow for limited gallery space.Further, the Code Prescription on Household Affordability written in 2016 in response to the CodeNEXT consultant's Code Diagnosis, specifically addressed affordability impacts to small businesses and the cultural arts in the following three prescriptions:• Allow for compatible retail and commercial uses by right including arts, culture and creative uses such as rehearsal, gallery, studio, performance or exhibit spaces and offices in areas where form-based zones have been applied and a diversity of uses is desired. This includes adequate commercial space allowances in corridors, centers, and in between these areas and neighborhoods.			
19.54													

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						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH				GENERAL	SPECIFIC SECTION					YES/NEUTRAL /NO	STAFF RESPONSE
19.55																											<div>• Revise the density bonus program in targeted areas such as cultural districts by adding the preservation or creation of an existing creative venue or business as a Community Benefit. Density bonus fee-in-lieu requirements will be evaluated for 501(c)(3)s to promote emerging small non-profits. The existing density bonus provisions will be evaluated to determine if they can incorporate preservation or development of a music or creative venue that will be used for rehearsal, gallery, studio, performance, or exhibit spaces and offices.</div> <div>• The opportunity to expand live/work units will be found in all form-based code districts in order to promote the opportunity for the small businesses, including artists to be able to work where they live. The allowance of live/work units will be both within the uses regulated by the different form-based code districts but also in the regulation of building types to ensure the proper form to allow for live-work units.</div> <div>[1] see https://codenext.civicomment.org/chapter-23-3-general-planning-standards-all</div> <div>The New Flex Industrial zoning may cover this....</div> <div>In 23-3F and in 23-2M</div> <div>In Division 23-4D-7: Commercial and Industrial Zones</div> <div>Accessory Use as a Theater or Art Gallery (as would be in 25-2-865, for example</div> <div>A) This section applies to the following uses and zoning districts:</div> <div>1) LIGHT MANUFACTURING use with IP, MI, LI, CS, MU zoning district</div> <div>2) LIMITED WAREHOUSE AND DISTRIBUTION use with IP, MI, LI, CS, MU zoning district</div> <div>3) GENERAL WAREHOUSE AND DISTRIBUTION use with IP, MI, LI, CS, MU zoning district</div> <div>4) ART WORKSHOP use with IP, MI, LI, CS, MU zoning district</div> <div>B) The use of the space as ART GALLERY and THEATER:</div> <div>1. is a permitted accessory use</div> <div>2. shall not exceed 33 percent or 5,000 square feet of the total floor area of the principal developed use, whichever is less</div> <div>C) During the Permitting Process the Council on appeal or Planning Commission may increase the square footage allowed under subsection B.</div> <div>D) On-site parking is required according to Schedule A of Appendix A (TABLES OF OFF-STREET PARKING AND LOADING REQUIREMENTS).</div> <div>PART 2. City Code Chapter 25-6, Appendix A (TABLES OF OFF-STREET PARKING AND LOADING REQUIREMENTS) is amended to amend Schedule A to read:</div> <div>SCHEDULE A</div> <div>The minimum off-street parking requirement for a use is the sum of the parking requirements for the activities on the site, in accordance with the following table:</div> <div>Activity Requirement</div> <div>Accessory Use as a Theater or Art Gallery</div> <div><2,500 sq. ft. - 1 space for each 275 sq. ft.</div> <div>2,500-10,000 so. ft. - 1 space for each 100 sq. ft.</div> <div>> 10,000 sq. ft. - 1 space for each 50 sq. ft.</div> <div>Office or administrative activity 1 space for each 275 sq. ft.</div> <div>Indoor sales, service, or display 1 space for each 500 sq. ft.</div> <div>Outdoor sales, services, or display 1 space for each 750 sq. ft.</div> <div>Indoor storage, warehousing, equipment servicing, or</div> <div>Manufacturing 1 space for each 1,000 sq. ft.</div> <div>Outdoor storage, equipment servicing, or manufacturing 1 space for each 2,000 sq. ft.</div> <div>Commercial off-street parking requires one bike parking space for every 10 motor vehicle parking spaces.</div>					
19.56																																
19.57																																
Chapter 23-4: Zoning Code			NONE	MINOR	MAJOR																	YES/NO	YES/NO									
20	Article 23-4A Introduction																															
20.1	Division 23-4A-1	Purpose																														
	Division 23-4A-1	Purpose		x									JSc												23-4A-1010	This chapter protects and promotes the public health, safety, and general welfare of the public; and implements the Comprehensive Plan. This chapter establishes the land use and building form requirements that are intended to promote compatible land patterns that address the social and environmental values described in 23-1A-1020.	Implies a hierarchy of code that was not established in Imagine Austin Plan.	No	Can bring forward language from 23-1A-1020			
20.2																																
20.3	Division 23-4A-2	Establishment of Zones	N																													
20.4		Overlay Zones									KM														23-4A-2020(H)	Insert Neighborhood Plan Combining Districts and Neighborhood Cobnservation Combining Districts	NP and NCCD are tools that need to be here to support existing districts and allow for new districts.					
	Division 23-4A-2	Establishment of Zones			x										JT							Overlays	No		23-4A-2020(H)	Eliminate the Downtown Plan overlay until Small area plan can be completed with funding assistance provided by DAA.						
20.5																																
20.6	Division 23-4A-3	Zoning Map																														

Prepared by Stephen Oliver
City of Austin, Planning Commission | Chair

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						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH				THOMPSON	WHITE						SHAW	BURKARDT	MENDOZA
21.16		Division 23-4B-4 Criteria for Variances and Special Exemptions										JSc			JT					23-4B-4010 Purpose and Applicability (A) and (B)	(A) This division establishes review criteria for zoning variances and special exceptions considered by the Board of Adjustment, consistent with the standards <u>regulations</u> of this Title and Chapter 211 (Municipal Zoning Authority) of the Texas Local Government Code. (B) An application for a variance or special exception authorized under this division is subject to the application, notification, and other standards <u>regulations</u> established under Division 23-2F-1 (Variances and Special Exceptions).	The current Land Development Code uses the term "regulations" as it relates to the zoning district. Regulations are laws and are codified. The use of "standards" is problematic because these are not codified law. Standards provide for guidelines, with which compliance is not mandatory. The current language suggests that the BOA would look outside of the zoning code regarding development regulations, which is not consistent with the current Code or State law.						
												JSc			JT				23-4B-4020(B)(1)(c)(iii)	(B) General Findings (1) The Board of Adjustment may grant a variance from a site development standard adopted under this chapter if the Board determines that: (a) The requirement does not allow for a reasonable use of property; (b) The hardship for which the variance is requested is unique to the property and is not generally characteristic of the area in which the property is located; and (c) Development in compliance with the variance does not: (i) Alter the character of the area adjacent to the property; (ii) Impair the use of adjacent property that is developed in compliance with the City requirements; or (iii) Impair the purposes of the standards <u>regulations</u> of the zone in which the property is located.	The current Land Development Code, Section 25-2-474(A)(3), uses the term "regulations" as it relates to the zoning district. The sentence in (iii) of Draft 3.0 is problematic because it uses the word "standards" and these are not codified law. The use of the phrase "impair the purposes of the standards of the zone" in this section could possibly result in a subjective determination by the BOA to not grant a variance. The use of standards is not consistent with the current Code or State law regarding development regulations.							
21.17												JSc			JT				23-4B-4030 (C) Special Exceptions Required Findings	(C) Required Findings. The Board of Adjustment may <u>shall</u> approve a special exception in compliance with this section if the Board finds that:	The word "shall" is currently used in the Land Development Code, Section 25-2-476 pertaining to special exceptions and this is a change to "may" in Draft 3.0. The wording of "may" in Draft 3.0 infers that the BOA determines that the special exception meets the findings set forth in this section and has discretion to grant a special exception or not and this is not consistent with the currently accepted general practice. Using the word "shall" in this instance is consistent with a quasi-judicial decision that is only appealable to a court. If the wording changes to "may" as it is in this current draft 3.0, and it is discretionary for BOA to grant a special exception, then there is virtually no way to appeal the decision to a court.							
												JSc			JT													
21.18												JSc			JT													
22	Article 23-4C General to all Development																											
22.1		Division 23-4C-1 Large Site Requirements																										
22.2		Division 23-4C-1			x									JSh														
22.3		Division 23-4C-1 1010 - Applicability														TS				1010 Applicability (C)	(C) A site that is more than one acre but less than four shall comply with Section 23-4C-1030 (Common Open Space).(B) A site that is one or more acres shall comply with Section 23-4C-1030 (Common Open Space).	whats article 23-9H connectivity? Cant find						
					x														Common Open Space	YES		ADDENDA Common Open Space - A site that is two or more acres shall comply with Section 23-4C-1030 (Common Open Space). Draft 3 reduced the threshold for compliance from 2 acres to 1 acre based on PARD recommendations. PARD also recommended rewording in ADDENDA so that common open space required for all development greater than an acre. PARD did not recommend changing threshold back to 2 acres in latest addenda. This section conflicts with Article 23-4D: Specific to Zones/Table J-Open Space as several zones do not require Common Open Space. PARD contact - Marilyn Lamenesdorf.	No	PAZ supports addendum				
22.4		Division 23-4C-1														TS						REFERENCE FOR DISCUSSION; OPEN SPACE 1. CIVIC. Open space that is available for use by the public, and includes, but is not limited to, a plaza, square, park, playground, greenbelt, or similar area. 2. COMMON. A privately-owned outdoor or unenclosed area intended for use by the residents, employees, or visitors to a development. 3. PERSONAL. A privately-owned outdoor or unenclosed area intended for use solely by the individual. Commonly associated with open space required for residents of a multi-family dwelling unit.						
			x																									
22.5		Division 23-4C-1 Large Site Requirements			X							JSc								23-4C-1010	(B) Open Space. (1) Common. Sites two acres or larger <u>and that have a zone that requires it</u> must comply with the Common Open Space requirements of Section 23-4C-1050 (Common Open Space); and (2) Civic. Sites four acres or larger <u>and that have a zone that requires it</u> must comply with Civic Open Space requirements of Section 23-4C-1060 (Civic Open Space)."	Minor update - not every zone requires open space		agree with clarification of applicability				
																			Parkland and Open Space				Yes					
22.5		Division 23-4C-1 1020 - Internal Circulation			X											TS				1020 - Internal Circulation (M)(2)	Delete 1020(M)(2)	Requires additional connetivity measures when exceeding over 125 % of parking required. Planning Staff have said that they are only establishing minimum parking requirements, but developers are allowed to provide parking at levels that is established by market. If this is the approach, we should not make it more costly for developers to provide parking they need.	No	Staff supports multi-modal offset with more automobile parking				
22.6																												
		Division 23-4C-1 1030 - Common Open Space														TS				1030 - Common Open Space	ADD AND RENUMBER (A) General (1) An applicant for a site plan, or subdivision must designate common open space that complies with the requirements 23-4C-1030. (2) An exemption described in this Section does not exempt the development from any applicable parkland dedication required by Article 23-3B (Parkland Dedication) or Civic Open Space required by 23-4C-1040.	Similar to 1040 General Section.	Neutral					
22.7					X																							

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							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER			SHIEH	THOMPSON		WHITE	SHAW			BURKARDT
22.8		Division 23-4C-1	1030 - Common Open Space			x											TS				1030 - Common Open Space (B)	(B) Amenity Required. A site that is one acre or more shall provide common open space that complies with the requirements established in Table 23-4C-1030(A) Open Space and Amenities) and the remaining requirements of 24-4C-1030. A site partially complies with this section, if Credit for Common Open Space can be given with approval by Parks Directory on no greater than an acre for acre basis, if (1) The site provides civic open space that complies with Division 23-4C-2 (Civic Open Space) <u>excluding fee-in-lieu</u> ; or (2) The land dedicated in a recreation easement to the City for parkland dedication complies with Article 23-3B (Parkland Dedication) <u>excluding fee-in-lieu</u> .	The term partially complies is subjective. This allows actual dedicated parkland and civic space to count toward the common space requirements as approved by PARD Director (This may also require Planning Director approval)	No	No to suggested language but staff agrees that "partially complies" needs to be further defined
22.9		Division 23-4C-1	1030 - Common Open Space			x											TS				1030 - Common Open Space (C)(5)	(5) A site that is located outside <u>inside</u> within the Downtown Core (DC) zones and is more than one acre, must provide at least 150 square feet, plus an additional 100 square feet for, each acre of open space. The amount of open space required may not to exceed 1,000 square feet.	Apply this requirement for lower amounts of common open space to DC zones.	No	Staff agrees that this language needs further clarification though do not agree with amendment
22.10		Division 23-4C-1	1030 - Common Open Space			x											TS				1030 - Common Open Space (C)	ADD: 1030(C)(6) A site that is located outside within the Downtown Core (DC) zones and is more than one acre, must provide at least 5% of the gross site area as common nopen space.	This will align with the 5% of gross site area in Article 23-4D: Specific to Zones/Table J-Open Space and requires all development greater than an acre to provide common open space in all zones 5% of gross site area.	No	Staff agrees with the current text and does not support adding this paragraph
22.11		Division 23-4C-1	Large Site Requirements			X						JSc									23-4C-1030 Common Open Space	Remove section	Common open space is a requirement to provide an amenity. For the market to deliver moderate income housing, sometimes amenities will need to be cut. Amenities onsite shouldn't be a requirement of the zoning code.	No	Staff does not have policy requirement to remove common open space requirements
22.12		Division 23-4C-1	Large Site Requirements			X						JSc									23-4C-1030 (B)	B) Amenity Required. A site that is one acre or more shall provide common open space that complies with the requirements established in Table 23-4C-1030(A) Open Space and Amenities). A site partially complies with this section, if (1) The site provides civic open space that complies with Division 23-4C-2 (Civic Open Space); or (2) The land dedicated in a recreation easement to the City for parkland dedication complies with Article 23-3B (Parkland Dedication); (1) The land dedicated in a recreation easement to the City for parkland dedication complies with Article 23-3B (Parkland Dedication), or (2) The land is privately owned and maintained as a park complies with Article 23-3B (Parkland Dedication).	As written, there is no incentive to encourage on-site amenities which may be privately maintained. This recommendation encourages private amenity space which lowers the overall burden placed on public facilities and allows for partial credit towards the open space requirement.	No	common open space can be private
22.13		Division 23-4C-1	Large Site Requirements			X						JSc									23-4C-1030 (B)	B) Amenity Required. A site that is one acre or more, <u>and is not on an Imagine Austin Corridor or within an Imagine Austin Center</u> , shall provide...	Onerous requirements along Imagine Austin corridors and centers will decrease the developable area, impacting rents, affordability and transit-supportive density. This amendment would exempt these areas from requirements of this section.	No	common open space types described in table 23-4C-1030(A) are compatible in urban environments
22.14		Division 23-4C-1	Large Site Requirements			X						JSc									23-4C-1030 (C) (5)	(5) A site that is located outside of the Downtown Core (DC) zones and is more than one acre, must provide at least 150 square feet, plus an additional 100 square feet for, each acre of open space. The amount of open space required may not to exceed 1,000 square feet.	This is an additional ask of land triggered by land already being dedicated for open space and is excessive.	Pending	text needs clarification
22.15		Division 23-4C-1	Large Site Requirements			X						JSc									Delete 23-4C-1030 (E) (4) & (5)	(E) Design Criteria. An area used for common open space shall comply the requirements of this subsection:(1) Unless the land includes sensitive natural resources, a common open space area must be readily accessible and usable.(2) A common open space area must be compact and contiguous unless the common open space is used as a continuation of an adjacent or adjoining trail, connection to a transit station, or specific or unique topographic features that require a different configuration.(3) The surface of the common open space must be suitable for outdoor activities, such as lawn or asphalt for designated recreation areas. (4) Not more than 30 percent of the required common open space may be located on a roof, balcony, or other area above ground level, except as otherwise provided in this section. Required common open space cannot include areas occupied by mechanical equipment or structures not associated with designated recreation areas.(5) Up to 50 percent of the required common open space may be located on a roof, balcony, or other area above ground level, if a minimum of 50 percent of the common open space is located on the roof, balcony, or other area above ground level is designed as a vegetated or green roof.	Sites need to maintain flexibility on where the open space is provided. Removing these sections would allow for it to be on a balcony, roof, or other above ground area.	Neutral	
22.16		Division 23-4C-1	Large Site Requirements			X						JSc									23-4C-1030 ADD (I)	(1) 100% of the square feet of on-site parkland or on-site Civic Open Space shall be credited toward the requirement for Common Open Space	Common Open Space shouldn't be required in addition to Civic Open Space and Parkland. Our understanding is that this is the staff intent.	Neutral	Need to revisit "partially complies" language in 23-4C-1030
22.17			1040 Civic Open Space			x											TS				1040 Civic Open Space (B) (3)	(3) An application for a site plan or subdivision is not required to provide Civic open space when the site is <u>i) less than two acres, ii) located within one-quarter mile of a safe pedestrian travel distance of an existing and developed dedicated parkland that is at least one acre, measured from the boundary of the site to the nearest public entrance of the park, and iii) not located in a Park Deficient Area as determined by the Parks and Recreation Department.</u>	There is very little development at the scale of 8 acres. Therefore, this large threshold is too large and will not allow for the code to meet the intent of this section which is to increase the amount of parks and open space from non-residential development. To align with 4)a) should be worded "and each residential lot is within 1/4 mile" Need to change "park" to "dedicated parkland." How to measure distance of 1/4 mile? The basis for 1/4 mile must defined in terms of connectivity and be safe and walkable. Refer to section Division 23-4E-6: Specific to Use/6240- Multi-Family. This needs to take into consideration park deficient areas. If there is not a safe route to the Civic Space, then the exemption should not be allowed.		
22.18		Division 23-4C-1	1040 Civic Open Space			x											TS				1040 Civic Open Space (B) (4) (a) and (b)	(4) An applicant shall locate each residential lot within: <u>(a) one-quarter mile of a safe pedestrian travel distance from existing-proposed civic open space if the development is located within the urban core; and (b) a half mile of a safe pedestrian travel distance from existing-proposed civic open space if the development is located outside of the urban core</u>	Again, the 1/4 mile must be defined as the distance of a safe and walkable route. Remove "existing" as this for new civic space.	No	no definition for safe pedestrian travel distance or means of measurement

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						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH										
																		GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE		
22.19	Division 23-4C-1	1040 Civic Open Space		X															1040 Civic Open Space (B) (5)	...at least a quarter acre	missing unit	Yes	erratta		
	Division 23-4C-1	Large Site Requirements			X						JSc								23-4C-1040	Strike 23-4C-1040 AND all of 23-4C-2	Civic Open Space is a new requirement that heavily overlaps with parkland dedication. For proof, just look at the kinds of civic open space mentioned in the next division: It includes things called parks! Requiring an entirely new on-site parkland dedication requirement when Austin already has one of the strongest parkland ordinances in the state is totally unnecessary.	No	parkland dedication on site counts towards civic open space		
22.20	Division 23-4C-1	Large Site Requirements		X							JSc								23-4C-1040 (A)	(A) General (1) An applicant for a site plan or subdivision <u>that results in one or more parcels greater than 4 acres</u> , must designate civic open space that complies with the requirements of Division 23-4C-2 (Civic Open Space).	This would not require civic open space on parcels less than 4 acres and would allow for better use of density on smaller parcels.	No	the purpose is to work with projects at 4 acres or larger		
	Division 23-4C-1	Large Site Requirements		X							JSc								23-4C-1040 (B)	(B) Civic Open Space Amounts and Locations(1) Land dedicated to the City to meet the applicable parkland dedication requirements in Article 23-3B (Parkland Dedication)- may shall contribute to satisfying the requirements of this section. (2) Except as provided in Subsection (B)(3), an applicant for a site plan or subdivision shall designate at least 10 percent of the net development acreage as civic open space. The net development acreage does not includes: street rights-of-way, <u>pubic sidewalks, required landscaping areas, parkland dedication, land located between the property line and a building setback, water quality features, and detention areas not located within buildings.</u>	This clarifies that civic open space does count towards parkland dedication requirements and redefines the net development acreage as the portion of land where the development actually occurs.	Yes/No	Staff agrees that "may" needs review and will need to coordinate with legal. Staff does not agree with added language and change of net development acreage		
22.22	Division 23-4C-1	Large Site Requirements		X							JSc								23-4C-1040 (B) (2)	(2) Except as provided in Subsection (B)(3), an applicant for a site plan or subdivision shall designate at least <u>2</u> 40 percent of the net development acreage as civic open space. <u>The net development acreage does include street rights-of-way, water quality and detention features not located in a building, sidewalks, and other features located inside the development acreage.</u>	This section provides how much of the land that civic open space will take away from providing the primary purpose of the site.	No	staff agrees with 10%		
	Division 23-4C-2	Civic Open Space									JSc														
22.24	Division 23-4C-2	Civic Open Space			X						JSc								STRIKE 23-4C-2	STRIKE DIVISION	Civic Open Space is a new requirement that heavily overlaps with parkland dedication. For proof, just look at the kinds of civic open space mentioned in this division: It includes things called parks! Requiring an entirely new on-site parkland dedication requirement when Austin already has one of the strongest parkland ordinances in the state is totally unnecessary.	No	parkland dedication on site counts towards civic open space		
	Division 23-4C-2	2010- Purpose															TS		2010- Purpose	Purpose - This division sets the requirements for a wide range of civic open space types that are appropriate for the City. Civic Open Space aligns with Imagine Austin Priority "Use green infrastructure to protect environmentally sensitive areas and integrate nature into the city" and will ensure adequate open spaces are incorporated into mixed use developments creating complete communities.	Revise Purpose Section to show alignment with IA priorities. . Marilyn Lamensdorf stated that intent of Civic Spaces is to provide the additional open space needs for commercial development.	No	draft purpose language statement applies to all types of development, not just commercial		
22.26	Division 23-4C-2				x												TS		2020 - Applicability and Conflict (B)	(B) A required civic open space shall comply with the requirements in this division, Article 23-4D (Specific to Zones) and Division 23-4C-1 (Large Site Requirements).	The tables for Open Space in the 23-4D sections are incorrect and recommend that the civic space section is deleted from each zone table. This along with 2020 (C) will allow residential and mixed use developments to satisfy the residential unit requirements for parkland through 23-3B and provide additional civic space for commercial development through this section.	No	reference to civic open space in zoning is helpful, not sure how it is incorrect		
	Division 23-4C-2	2020 - Applicability and Conflict			x												TS		2020 - Applicability and Conflict (C)	(C) parkland dedicated per 23-3B can be used to satisfy the requirements of this division on no more than an acre for acre basis as approved by the Parks and Recreation Department.	The language was not specific enough.	No	staff supports current language		
22.28	Division 23-4C-2	2020 - Applicability and Conflict			x																				
	Division 23-4C-2	Civic Open Space									JSc								23-4C-2020 Applicability and Conflict (D)	(D) Civic open space that complies with this division may be used to satisfy Section 23-4C-1030 (Common Open Space) if the civic open space is publicly accessible.	Strike this section as it conflicts with the requirements of section 23-4C-1010 as common open space and civic open space are triggered by size of the site and not required at the same time.				
22.29	Division 23-4C-2	2050 - Civic Open Space Standards			x												TS		2050 - Civic Open Space Standards	ADD (F) Parks and Recreation Department shall approve final civic open space type provided based on park and open space needs in the area and Civic Open Space shall comply with Parks and Recreation Department Operating Procedures.	Civic Open Space should comply with PARD Oeprating Procecures and final park typology should have PARD approval.	No	PARD has discretion over parkland dedication		
	Division 23-4C-2	Civic Open Space			X						JSc								23-4C-2050 (D) Parking Requirements	(D) Parking. The director shall require a specific number of parking spaces for a civic open space that is more than five acres					
22.31	Division 23-4C-2	2050 - Civic Open Space Standards			x												TS		2050 - Civic Open Space Standards (D)	(D) Parking. The minimum parking requirements shall comply with 23-4D-8040.	This excludes parking from all of the Civic Open Space Types. It is unlikely that any of the parks will be greater than 5 acres given that this would require a 50 acre development to yield this amount of open space (10% required). The parking should only be exempted when there is other public parking included in the development. 23-4D-8040 is the parking section for parks and specified that the Director will determine parking levels.	No	parkland dedication on site counts towards civic open space		
	Division 23-4C-2	Civic Open Space			x													No	23-4C-2050 E	Delete (No required shade)	Shade for football fields? Community Gardens?				

Prepared by Stephen Oliver
City of Austin, Planning Commission | Chair

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						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH											THOMPSON	WHITE	SHAW
														JSh													YES/NEUTRAL /NO	STAFF RESPONSE
23.12																		ALL R ZONES	25-4D-XX Articulation All R zones Recommend articulation requirements removed due to affordability. If motion does not pass, then modify as below Articulation is required for interior lot side walls on additions or new construction that have taller than 15' plate and located within 9' of the side lot line Administrative variance to dimensions allowed to meet unique lot configurations to accommodate trees, slopes, or adjacency issues.									
23.13	Division 23-4D-2	Residential House-Scale Zones						FK										x	Make coops MUP in R2B and up. And make Daycares 7-20 MUP in all R zones		No/Yes	HLC: ADU up to 1375sf when retaining house Related to coops: 4 unrelated adults may reside in a house built since 2014 and 6 unrelated adults may reside in a house built before 2014 which is the reason for not recommending MUP in R zones; Staff supports daycares 7-20 having an MUP in residential zoning						
23.14	Division 23-4D-2	23-4D-2030 Use Tables			x			FK																				
23.15	Division 23-4D-2	23-4D-2100 Frontyard IC			x			FK											IC	Remove frontyard IC		No	Staff supports front yard impervious limits					
23.16	Division 23-4D-2	23-4D 2151			x			FK											Small Lot	Add small lot in R3 and R4 of 2,000SF		No	staff supports the current proposal					
23.17	Division 23-4D-2			x									JSh												front parking areas are too limited and forms will create nonconforming to many neighborhood types, add front imp. And more problems, alley only access parking is limiting for multi unit, landscaping "may" be required ???? SEE RESIDENTIAL WORKGROUP COMMENTS!! (ARTICULATION, HEIGHT, USE, FORMS, LOT SIZES, ETC) dont want to duplicate			
23.18	Division 23-4D-2	Residential House-Scale Zones						CK											McMansion ordinance update	No	No	The "Lot Size and Intensity" table in all R zones	Strike the line with the maximum FAR and square footage in "Single Family" use (where it exists) and add "0.3 FAR or 1,800 sf".	This updates the McMansion ordinance and extends it to all R zones, limiting the FAR on all single family use to 0.3 FAR. The unlimited or 0.4 FAR for other uses remains.				
23.19	Division 23-4D-4	Mixed Use Zones			x			GA											McMansion ordinance update - FAR	No	No	The "Lot Size and Intensity" table in all R1-R4 subzones	Strike the line with the maximum FAR and square footage allowed in "Single Family" use (where it exists) and add "0.3 FAR or 1,800 sf".	This updates the McMansion ordinance and extends it to all R zones, limiting the FAR on all single family use to 0.3 FAR. The unlimited or 0.4 FAR for other uses remains.				
23.20	Division 23-4D-4				X														Compatibility	No	Yes	General	In all the Compatability Setback sections, add "width of alley should be subtracted from the compatibility setback"					
23.21								CK											R-Zones: Remove SF- Attached and allow detached Duplexes	Yes	No	23-4D-2, 23-4E-6170, Specific to Use - Duplex; and 23-13A-2, Land Uses - Duplex	Throughout 23-4D-2, remove references in text and rows in tables referring to Single-Family Attached. In 23-4E-6170(C), change the following: "A duplex must comply with the requirements in this subsection. (1) The two units must be attached or no greater than 12 feet apart; and (2) At least one of the two units must have a front entry that faces the front thoroughfare except each unit located on a corner lot must each have a front entry that faces a separate thoroughfare." In 23-13A-2, change the following: "DUPLEX. Two dwelling units on a single lot that are either attached or separated by no more than 12 feet A residential building containing two attached dwelling units on a single lot."					
23.22					x			CK											Residential Citywide Affordable ADU Bonus	Yes	No	23-4D-2 (the "Lot Size and Intensity" table in all R1-R3 Zones); 23-3E-1040 (Affordable Housing Bonus Calculation)	Add a row to the bottom of the table: "Residential Citywide Affordable Accessory Dewlling Unit Incentive: When participating in Affordable Housing Bonus Program, in addition to base entitlements, an additional, income-restricted Accessory Dwelling Unit may be built and the size does not count toward FAR limit and the principal use's FAR limit is increased by the size of the income-restricted Accessory Dwelling Unit." Remove the following line from the table in RR, LA, R1A, R1B, and R1C: "Accessory Dewlling Unit allowed only when participating in Affordable Housing Bonus Program"	This is a new, income-restricted, affordable ADU bonus for all R1-3 zones. Add an affordable bonus that grants the following entitlements when adding a single, income-restricted ADU: ADU does not count towards FAR or unit limit, square footage of income-restricted ADU is also added to FAR limit for non-income restricted unit total on a 1-for-1 basis. Affordability income levels are same as other zone affordable unit bonuses, but affordability periods are 20 years for ownership, 10 years for rental.				
23.23					x			CK											R4 bonus adjustment	Yes	Yes	23-4D-2 (the "Lot Size and Intensity" table in all R4 zones.)	For all R4 zones: Table (A) AHBP Bonus Units increased from +4 to +6 and AHBP Bonus FAR increased from .8 FAR to 2 FAR	This makes the bonus pencil out.				
23.24					x			CK											Increase affordable bonus entitlements	No	Yes	Applicable zones	Adopt the bonus entitlements recommended by the affordable bonus working group. (See attached table.)	More bonus entitlements got us from 6,000 affordable units to 13,500.				
23.25	Division 23-4D-2							CK											Residential Citywide Affordable ADU Bonus	No	No	The "Lot Size and Intensity" table in all R zones	Add an affordable bonus that grants the following entitlements when adding a single, income-restricted ADU: ADU does not count towards FAR or unit limit, square footage of income-restricted ADU is also added to FAR limit for non-income restricted unit total on a 1-for-1 basis. Affordability income levels are same as other zone affordable unit bonuses, but affordability periods are 20 years for ownership, 10 years for rental. The ADU may be external or internal.	This is a new, income-restricted, affordable ADU bonus for all R zones.				
23.26	Division 23-4D-2							CK											Corridor Transition Accessory Dwelling Unit Incentive	No	No	The "Lot Size and Intensity" table in all R zones	Add an affordable bonus that grants the following entitlements when adding a single, income-restricted ADU: ADU does not count towards FAR or unit limit, square footage of income-restricted ADU is also added to FAR limit for non-income restricted unit total on a 2-for-1 bonus basis. A second ADU is also added that does not count against the FAR or unit limits. Affordability income levels are same as other zone affordable unit bonuses, but affordability periods are 20 years for ownership, 10 years for rental. The ADU may be external or internal.	This is a new, income-restricted, affordable DOUBLE ADU bonus for all R zones.				

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					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH										
																	GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE		
23.27																	X			Within Specific to Zones 23-4 parking requirements, remove all references to parking required that allow for use in zone to exclude off-street parking if <2500 SF.				
					X												X	Table 23-4D-XXXX Allowed Uses	Table 23-4D-XXXX allowed Uses - Restaurants and Bars - Bars and Nightclubs Level 2 within 200' of Residential House-Scale Zone - CUP [Where currently P or MUP]	For all zones that allow Bars and Nightclubs- Level 2, add requirement for a CUP.				
23.28																	X	Table 23-4D-XXXX Allowed Uses	Table 23-4D-XXXX allowed Uses - Restaurants and Bars - Restaurant/Late Night Operations within 200' of Residential House-Scale Zone - CUP [Where currently P or MUP]	For all zones that allow Restaurants with Late Night Hours, add requirement for a CUP.				
					X												X	Table 23-4D-XXXX Allowed Uses	Table 23-4D-XXXX allowed Uses - Restaurants and Bars - Restaurant/Late Night Operations within 200' of Residential House-Scale Zone - CUP [Where currently P or MUP]	For all zones that allow Restaurants with Late Night Hours, add requirement for a CUP.				
23.29	Division 23-4D-2	Residential House-Scale Zones											PS						23-4B-1030 Minor Use Permits General.	Remove Section 23-4B-1030	Minor Use Permits (MUP) give staff too much discretion over granting uses that are not minor. This process denies citizens the opportunity of a public hearing. Remove the MUP process and apply 23-4B-1020 CUP process. Revisit the MUP permit and associated uses after CodeNext approved.			
23.30																								
					X								PS						Zones R1B-R2C, R3B-R3D		Restore 5,750 sq. ft. lots and 50' width			
23.31																								
					X								PS											
23.32																								
					X																			
23.33	Division 23-4D-2	Preservation Incentive															X	Lot Size & Intensity Table; R1C, R2A, R2C, R2E,R3A,R3B,R3C,R3D,R4A,R4B,R4C,	Street Scale Incentive: Accessory Dwelling Unit does not count toward FAR limit when existing house (at least 10 years old) is conserved.	The intention was to preserve the street scale. The word preservation is not defined in D3. The HLC has recommended against this incentive because the word preserve conjurs up the National Register's Standards. I don't think the intention was to subject homewoners to these standards and additional expenses. I think it was to preserve the street scale and to reduce the # of demolitions. These changes eliminate the word confusion and go hand in hand with a definition of conserve that promotes the conservation of the existing homes street presence. This also further clarifies where you can use the additional FAR that you're granted.	Neutral	HLC has asked for a definition of "preservation"		
					X																			
23.34		Preservation Incentive							KM										Definition	HLC recommended secretay of the Interior definition	PRESERVATION IS DEFINED AS THE ACT OR PROCESS OF APPLYING MEASURES NECESSARY TO SUSTAIN THE EXISTING FORM, INTEGRITY, AND MATERIALS OF AN HISTORIC PROPERTY. WORK, INCLUDING PRELIMINARY MEASURES TO PROTECT AND STABILIZE THE PROPERTY, GENERALLY FOCUSES UPON THE ONGOING MAINTENANCE AND REPAIR OF HISTORIC MATERIALS AND FEATURES RATHER THAN EXTENSIVE REPLACEMENT AND NEW CONSTRUCTION. THE LIMITED AND SENSITIVE UPGRADING OF MECHANICAL, ELECTRICAL, AND PLUMBING SYSTEMS AND OTHER CODE-REQUIRED WORK TO MAKE PROPERTIES FUNCTIONAL IS APPROPRIATE WITHIN A PRESERVATION PROJECT. HOWEVER, NEW EXTERIOR ADDITIONS ARE NOT WITHIN THE SCOPE OF THIS TREATMENT. THE STANDARDS FOR PRESERVATION REQUIRE RETENTION OF THE GREATEST AMOUNT OF HISTORIC FABRIC ALONG WITH THE BUILDING'S HISTORIC FORM			
	Division 23-4D-2	Residential House-Scale Zones								KM									23-4D-2 simplify uses maintain; minimum lot sizes in some zones	Remove single-family attached, duplex and ADU Maintain current lot sizes (minimum 5,750) and minimum width (50') in R1B, R1C, R2A, R2C, R3C, R4A (6,000 - 60' width)	Remove these uses in favor of only referencing dwelling units without respect to their attachment or not per zoning - only per Buildign code. FAR is permitted for any dwelling unit on the lot with the only limitation being 550 SF on the second floor of the rear 1/3 of the lot. per current ADU code. Smaller lot sizes may be incorporated into zones intended to be used in greenfield areas and as implementation for use via the Small Area Planning Process with full public participation. These include R2B, R2D, R2E, R3C, R3D This amendment provides balance required to achieve the Austin Bargain to allow neighborhoods to maintain existing current zoning while creating new zones for greenfield, areas where the new regulations match current development and for sites identified in a Small Area Planning process.			
23.35	23-4D-2	Residential House Scale Zones								KM									23-4D FAR	Maintain .4:1 FAR for most zones while these R3D, R4B and R4C may be up to .6:1. Eliminate the default FAR provisions (2,300 for 5,000 SF lots)	Dfault FAR skews the market to remove modest homes on small lots.			
23.36	Division 23-4D-2	Lot size minimum															X	Lot Size & Intensity Table; R1B-R2C	replace 5000 with 5750	This reduction inadvertently allows an additional 39,469 lots (lots in this zoning category between 11.5k-10k) to be subdivided leading to increased demolitions and reducing the amount of existing affordable units	No	Staff supports reducing nonconforming lots with 5000 square foot lot; the 39,469number is erroneous and the correct number is closer to 14,000		
					X																			
23.37																								

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					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH											THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		
																		GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE									
23.38	Division 23-4D-2	Residential House-Scale Zones			x	GA	AH									JT								Residential	no		no	23-4D-2010	This division establishes the land use and building form requirements for property zoned residential house-scale. The requirements <u>are intended to</u> implement the Comprehensive Plan and <u>address the social and environmental values described in 23-1A-1020, are intended to ensure that proposed development is compatible with existing and future development on neighboring properties. Additionally, the requirements are intended to produce an environment of desirable character, consistent with the Comprehensive Plan and any applicable area plan.</u>	The goals of the Title should guide the goals of this Division. The purpose of zoning should be to implement the adopted Imagine Austin Comprehensive Plan.		
	Division 23-4D-2	Residential House-Scale Zones					AH																	residential				23-4D-20XX	Table 23-4D-20XX (F) Impervious Cover (2) Frontyard Impervious Cover – Paragraph (2)(e) Amendment: This requirement should be deleted for parking on paved areas only. (e) A motor vehicle may only be parked or stored on driveway or paved parking space.	Comment: The current city requirements are adequate with gravel being an acceptable parking space material.		
23.39	Division 23-4D-2	Residential House-Scale Zones		x			AH																	Residential				23-4D-20XX	Table 23-4D-20XX (H) Impervious Cover (2) Front yard Impervious Cover Amendment: Delete Frontyard Impervious Cover in every zone.	Removing this section does not alter the total impervious cover limit on the site. Targets low income / high occupancy tenants, where more vehicles are common. It adds \$1000 cost for preparation of site plan and survey. It can't accommodate site conditions like trees, triggering routine variances. 40% IC limit does not allow more than a single car driveway on a 50' lot.		
	Division 23-4D-2	Residential House-Scale Zones			x											JT								Residential Uses	No	Yes				Remove the following uses and replace with "residence": ADU, Duplex, Single-Family, Single-Family Attached	Agree with Residential Working Group	
23.41	Division 23-4D-2	Use			X												TW							Uses	X			23-4D-2030	replace duplex, single family attached, secondary, ADU; with two family, multifamily	reduce the number of uses to reduce the confusion perpetuated by this code. Rely on the definition of dwelling unit to support the zones.		
23.42	23-4D-2	Residential House-Scale Zones			X	x																		Residential	No	no	Table 23-4D-2030 C	Allow triplex as a residential use in R3S - R4C and amend the tables in each zone accordingly	This is a logical house scaled use in this zone that is compatible with existing uses.	No	staff supports current use definitions, aggregation does not address neighborhood character	
23.43	Division 23-4D-2	2030- Allowed Land Uses and Permit Requirements															TS							Single Family Attached	NO			Table 23-4D-2030(C) Allowed Uses in Residential House-Scale Zones	CHANGE: Single-Family Attached status from "P" to "-"in R2A, R2B, R2C, R3A, R3B.	Change permit status of Single-Family Attached in Specific Zones to not allowed.		
23.44	Division 23-4D-2	Parking Standards															TW							Parking				Table 23-4D-2040-A-1	Home Occupations 1 if clients come to the site, otherwise none required		No	Home Occupation use limits trips to 4, also addendum prohibits retail sales
23.45	Division 23-4D-2	STR-2		x													TW							uses	x			all use tables	why are we including this as a permitted use If we're in the process of fading these out over the next 5 years??			
23.46	Division 23-4D-2	Residential House-Scale Zones		x	X		FK																	residential				23-4D-2 & 23-4D-3: R2C Zone	Table (A) Add "Small Lot Single Family Use" and "Small Lot Other Allowed Uses" to table of uses. min. lot size: 2500sf. max lot size: 4999sf min. lot width: 36' Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500sf Table 4D-2120(B) Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5', Rear 10'. Table 4D-2120(C) Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses." Table 4D-21020(G) Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max	36' min width for R2C prevents flag lot resubs of 50' lots. Reduced Building Size from 2300 to 1500sf. Zero side yard setback when adjacent to other small lot uses eliminates need for SF-Attached. The proposed minimum lot size of 2500 sf for small lots is still larger than minimum of 2000 sf in Dallas and would improve affordability outcomes through the city. Reducing minimum lot size extends the current code's by right SF-3 Urban and Cottage Lots. Historically, large minimum lot sizes are a product of Jim Crow laws and should be reduced or wholly eliminated. Small lots allow fee simple ownership instead of requiring a condo regime, which is better for owners and for the city.		
	Division 23-4D-2	2030- Allowed Land Uses and Permit Requirements	x														TS							2030- Allowed Land Uses and Permit Requirements	NO					Co-op Housing - R3A now allowed with CUP, R4A and R4B changed from P to MUP. ADDENDA -now not allowed in R2 where previously was CUP.	N/A	
23.47	Division 23-4D-2	2030- Allowed Land Uses and Permit Requirements															TS							2030- Allowed Land Uses and Permit Requirements	NO					Group Home Removed.	N/A	
23.48	Division 23-4D-2	2030- Allowed Land Uses and Permit Requirements	x														TS							2030- Allowed Land Uses and Permit Requirements	NO					Addenda - allowed cottage court in R4C and removed Townhouses from R4A and R4B.	N/A	
23.49	Division 23-4D-2	2040- Parking Requirements (Residential House Scale)			x												TS							2040- Parking Requirements (Residential House Scale)	NO		2040 (B) Maximum Number of Parking Spaces	Delete section 2040 (B)	This conflicts with statements from Planning and Zoning Department that the "market" will determine number of parking spaces even though minimums are established and that developers are allowed to put in as many parking spots as they want.	Yes	Staff agrees with only deleting this language in the Residential House Scale zones; and staff supports changing language in Residential Multi-Unit zones to only apply to non-residential zones	
	Division 23-4D-2	2040- Parking Requirements (Residential House Scale)															TS							2040- Parking Requirements (Residential House Scale)	NO		2040 (2)(a) and (b)	Definition for Building Façade is different than the one in 23-13. Parking Structure definition in this section is not found in 23-13.	Definition for Building Façade is different than the one in 23-13. Parking Structure definition in this section is not found in 23-13.	Yes	Staff agrees with only deleting this language in the Residential House Scale zones; and staff supports changing language in Residential Multi-Unit zones to only apply to non-residential zones	
23.50	Division 23-4D-2	2040- Parking Requirements (Residential House Scale)															TS										Table 23-4D-2040(A) (1) Residential Accessory Dwelling Unit - Residential	CHANGE: Accessory Dwelling Unit - Residential (Existing or new construction with existing dwelling unit) --None Required ADD: Accessory Dwelling Unit - Residential (new construction and no existing dwelling unit) - 1 per unit.	Table 23-4D-2040(A) - ADUs do not require parking. ADUs allow 3 unrelated adults and it is incomprehensible that none of these adults would require parking. This should be changed to conform to 23-4E-3020 which requires parking for ADUs unless there is an existing unit.			
23.51	Division 23-4D-2	2040- Parking Requirements (Residential House Scale)			x												TS										Table 23-4D-2040(A) (1) Residential	ADD: RR, LA, R1, R2, and any Residential House-Scale Zone adjacent to Public School - 2 per unit	Reduce parking in zones that are intended for areas that are accessible to mixed use and main street zones by walking or biking. Maintain parking levels in other residential zones to prevent off-street parking and maintain safe streets for walking and biking. Furthermore, the occupancy limits for residential dwelling units can be from 4-6 unrelated adults. Consider variance if sidewalks in neighborhood. Request from Public schools to maintain parking adjacent to schools.			
	Division 23-4D-2	2040- Parking Requirements (Residential House Scale)																														
23.52	Division 23-4D-2	2040- Parking Requirements (Residential House Scale)																														
23.53	Division 23-4D-2	2040- Parking Requirements (Residential House Scale)																														
23.54	Division 23-4D-2	2040- Parking Requirements (Residential House Scale)																														

CHAPTER	ARTICLE	DIVISION TITLE	DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSONER										EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES					
						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH				THOMPSON	WHITE		SHAW	BURKARDT			MENDOZA	TEICH
23.55	Division 23-4D-2	2040- Parking Requirements (Residential House Scale)			x											TS				NO		Table 23-4D-2040(A) (1) Residential	ADD: All other Residential House-Scale Zones - 1 per unit	Reduce parking in zones that are intended for areas that are accessible to mixed use and main street zones by walking or biking. Maintain parking levels in other residential zones to prevent off-street parking and maintain safe streets for walking and biking.	N/A		
	Division 23-4D-2	2040- Parking Requirements (Residential House Scale)			x											TS			Residential use parking	NO		Table 23-4D-2040(A)	Bed and Breakfast - 1 plus 0-8 1 -per bedroom Cooperative Housing - 1 plus 1 per every 4 2 bedrooms Group Residential - 1 plus 1 per every 3 2 bedrooms	ADDENDA: Adds Group Homes, B&B's, and Co-op Housing. Need to restore to reasonable levels for residential neighborhoods			
23.56	Division 23-4D-2	2100 - 2140; R2A-R2E			x											TS				NO		Table 23-4D-2040(A)	Change Co-operatives and Group Residential to 1 + 1 per every 2 bedrooms	Addenda reduces parking for Group Homes, B&B's, and Co-op Housing. Need to restore to reasonable levels.	No	staff adjusted parking requirements in the addendum and supports the standards	
23.57	Division 23-4D-2	Residential House-Scale Zones									JSc											23-4D-2040(C)(3)(a) Parking requirements for R1-R3	Delete 23-4D-2040(C)(3)(a) & Delete similiar text in every zone	Will make thousands of existing homes nonconforming. Limitations on parking locations remove flexibility to accommodate site conditions, such as trees. Rule would require additional IC to get spaces deeper into lot. Pushing parking back into structure leaves less area for units, restricting unit yield. Trades parking for additional units.			
23.58					X																	23-4D-2040	Parking requirements 3. B and C is described again in each zone. (at least in R3's This is confusing. Pick a spot, otherwise its inconsistent) OFFSTREET HOUSE SCALE TABLE: ADU - should require 1 if more than 1 bedroom HOME OCCUPATION - should require 1 space for commercial vehicle 3. B and C is described again in each zone. (at least in R3's This is confusing. Pick a spot, otherwise its inconsistent)				
													JS h														
23.59													JS h											OFFSTREET HOUSE SCALE TABLE: ADU - should require 1 if more than 1 bedroom HOME OCCUPATION - should require 1 space for commercial vehicle OFFSTREET HOUSE SCALE TABLE: ADU - should require 1 if more than 1 bedroom HOME OCCUPATION - should require 1 space for commercial vehicle OFFSTREET HOUSE SCALE TABLE: ADU - should require 1 if more than 1 bedroom HOME OCCUPATION - should require 1 space for commercial vehicle			
23.60	Division 23-4D-2	Residential House-Scale Zones									JSc								Parking			23-4D-2040 R1-R3 Zones: Table 23-4D-21x (F) Impervious Cover (2) Frontyard Impervious Cover - paragraph (2)(e)	(e) A motor vehicle may only be parked or stored on driveway or paved parking space.	Gravel is an accepted parking space material in code. While counted as IC, it is more pervious than concrete and less expensive. Not a problem under current code.			
23.61	Division 23-4D-2			X					CK										Lot Size Brackets for ADUs in RR	No	No	Table 23-4D-2050(A), "Lot Size and Intensity"	Strike the entire row of the table starting with "Accessory Dwelling Unit" and replace with the three rows that begin "Accessory Dwelling Unit" in Table 23-4D-2120(A) (R2C Zone)	There is no reason to not have the standard three ADU size brackets in all zones that allow ADUs.			
23.62	Division 23-4D-2	Residential House-Scale Zones		X	x			FK											Rural Residential			23-4D-2050	Strike Accessory Dwelling Unit allowed only when participating in Affordable Housing Bonus Program.	Allowing ADUs in RR by right meets the objectives of the Planning Commission - it's unlikely that ADUs will be built in RR with an affordability requirement.			
23.63	Division 23-4D-2							CK											Lot Size Brackets for ADUs in LA	No	No	Table 23-4D-2060(A), "Lot Size and Intensity"	Strike the entire row of the table starting with "Accessory Dwelling Unit" and replace with the three rows that begin "Accessory Dwelling Unit" in Table 23-4D-2120(A) (R2C Zone)	There is no reason to not have the standard three ADU size brackets in all zones that allow ADUs.			
23.64	Division 23-4D-2	Residential House-Scale Zones		X				FK											Lake Austin			23-4D-2060	Strike Accessory Dwelling Unit allowed only when participating in Affordable Housing Bonus Program.	Allowing ADUs in LA by right meets the objectives of the Planning Commission - it's unlikely that ADUs will be built in LA with an affordability requirement.			
23.65	Division 23-4D-2							CK											Lot Size Brackets for ADUs in R1 zones	No	No	Table 23-4D-2070(A), 23-4D-2080(A), and 23-4D-2090(A), "Lot Size and Intensity" in R1A, R1B, and R1C, respectively.	Strike the entire row of the table starting with "Accessory Dwelling Unit" and replace with the three rows that begin "Accessory Dwelling Unit" in Table 23-4D-2120(A) (R2C Zone)	There is no reason to not have the standard three ADU size brackets in all zones that allow ADUs.			
23.66	Division 23-4D-2	Residential House-Scale Zones		X				FK											R1A			23-4D-2070	Strike Accessory Dwelling Unit allowed only when participating in Affordable Housing Bonus Program.	Allowing ADUs in R1A by right meets the objectives of the Planning Commission - it's unlikely that ADUs will be built in R1A with an affordability requirement. R1 already proposes allowing ADUs for very large lots that are 15,000 sqft. This just strikes the bonus requirement.			
23.67	Division 23-4D-2	Residential House-Scale Zones						AH											residential			23-4D-2070 through 23-4D-2210: R1-R4 Maximum Height Limit	Update each district to max height of "35' from top of slab to top of roof" and limit slab height above finished grade "slab height is limited to a maximum of 6' above finished grade and a maximum of 12" above highest finished grade"	32' to top of roof is too low to accommodate three stories along with roof pitch, etc. 35' max to top of roof is very similar to current code limit of 32' max to average roofline. 35' is limit in non-McMansion zones in v3. Common standard reduces cost and time for regulatory compliance, allows more flexibility for site conditions, and allows enough slab exposure for adequate drainage - identified as a concern by staff under current McMansion tent.			
23.68	Division 23-4D-2	Residential House-Scale Zones		X				FK											R1B			23-4D-2080	Strike Accessory Dwelling Unit allowed only when participating in Affordable Housing Bonus Program.	Allowing ADUs in R1B by right meets the objectives of the Planning Commission - it's unlikely that ADUs will be built in R1B with an affordability requirement. R1 already proposes allowing ADUs for very large lots that are 15,000 sqft. This just strikes the bonus requirement.			
23.69	Division 23-4D-2	2050- 2090; RR, LA,R1A, R1B, R1C			x											TS				NO		2050- 2090; RR, LA,R1A, R1B, R1C	ADD R1D which is the same as R1C but without and ADU	Keeps at least on zone for single family residence. Currently all R1 zones allow 2 units.	No	staff supports current proposal and R1 only allows an ADU on lots over 15,000 square feet and it must be affordable	
23.70	Division 23-4D-2				x											TS				NO		2050- 2090; RR, LA,R1A, R1B, R1C Table 23-4D-XXXX(A)	Width (min.) = 50', Area (min.) = 5750'	R1B and R1C reduced lot with 45' and lot size 5000 SF needs to revert back to 50' and 5750'. These lots are outside of urban core and should be larger.		No	
23.71																											

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							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE	
23.72	Division 23-4D-2				x														TS							2050- 2090; RR, LA,R1A, R1B, R1C Table 23-4D-XXXX(A)	Remove "Other Allowed Uses"	What is the purpose of the new use called "other allowed uses." It is not defined and not explained what it will be used for.	No	this only refers to condensing parking table	
	Division 23-4D-2	2050- 2090; RR, LA,R1A, R1B, R1C			x														TS					Front Yard Impervious Cover	YES		2050- 2090; RR, LA,R1A, R1B, R1C Table 23-4D-XXXX (F) or (G)	DELETE: (2) Front Yard Impervious Cover	Not clear on reason for this.	NA	would limit the amount of surface parking in the front yard and prevents entire front yard from being paved over
23.73	Division 23-4D-2	2050- 2090; RR, LA,R1A, R1B, R1C			x														TS				Common and Civic Open Space	YES		2050- 2090; RR, LA,R1A, R1B, R1C Table 23-4D-XXXX (G) or (H)	DELETE: Common Open Space and Civic Open Space	Common and Civic Open Space requirements are not correct in Table and are addressed thoroughly in 23-4C-1 and 23-4C-2 with previous revisions recommended.			
23.74	Division 23-4D-2	Residential House-Scale Zones			x		AH	FK																residential			23-4D-2100, 2120, 2140 Table (D) Height	For All R-type Zones: Building Height is defined as height from top of slab to top of roof. Slab Height is defined as height from finished grade to top of slab. Maximum building height is 35' from top of slab to top of roof. In McMansion Zones: Maximum building height is 22' at 5' from the side lot line. Max Building Height increases by 1' for every 1' past 5' from the side lot line. So 23' at 6' from the side lot line and so on, up to the 35' max height limit. Max Slab Height: 5' above finished grade at any point. Max Slab Height can be no more than 12" above the highest finished grade, Pier and beam foundations are not subject to this limit. Max Slab Height does not apply to portion(s) of building footprint over 10% or greater slope of natural grade The same Height Encroachments/Exemptions apply to this as apply to current McMansion tent.	22' limit restricted all McMansion R2-R4 zones to 2 stories, substantially limiting unit yield and reducing entitlements below current code. Current code "tent" is very complicated and costly to administer and enforce. Amendment is easy to administer, uses one base measurement (max height) and creates the same building envelope without tent sections, can be verified by form boards on site and allows three stories within tent. 35' to top of roof better replicates the average roofline height calc under current code, allowing most existing homes under McMansion to conform. 35' to top of roof as proposed is not an increase in overall height vs today, even including the slab height measurement, due to change from average roofline to top of roof. 32' to top of roof (in v3) does not allow enough room for a third story with much of a pitch on the roof, increasing massing and eliminating finished attics above a second floor on most lots. Three stories, which are allowed under current SF-3 code, are essential to achieving R3 and R4 unit yields while accommodating impervious cover and off street parking.		
23.75	Division 23-4D-2	2100 - 2140; R2A-R2E			x														TS							2100 - 2140; R2A-R2E Table 23-4D-XXXX(A)	CHANGES: 1) Remove Single-Attached and Other Allowed Uses, 2) Restore lot size to 5750 SF, 3) Restore width to 50',	R2 Zones have already been reduced from 7000 s.f. to 5,750 s.f. and now with draft 3 to 5,000 s.f. with an option to subdivide every lot to 2,500 s.f. This will dramatically change the number of units allowed an negatively alter most single family neighborhoods.This version has included small lots with attached housing. The purpose and overview for for R2A, R2B and R2C (previously in Draft 2 matched current single family SF2/SF3) does not mention small lots just duplexes and single family with ADU, but in lot size and intensity permits small lots and attached single family. If allowed, the small lot and attached single family should be relegated to the R2D and R2E which are specifically for small lot. With large enough lot size, single family attached subdivisions would allow 4 units where there is one; a dramatic increase in density for most neighborhoods, encouraging tear downs and increasing on street parking which will make our neighborhoods unsafe. Single family attached do not comply with the side setback requirements and 23-4E-7070 does not provide for exemptions.	No	Staff supports reducing nonconforming lots with 5000 square foot lot and 45' width; Staff does not support removing Single Family Attached use	
23.76	Division 23-4D-2	Residential House-Scale Zones			x		GA	FK																residential			Table 23-4D-2100 to 2210(A)	Amendment: Apply Preservation Incentive to every R zone. Preservation Incentive: Accessory Dwelling Unit size does not count toward FAR limit when existing house (at least 10 years old) is preserved.	Not counting ADU toward FAR if on a lot with an existing home that is older than 10 years is a good incentive. Preservation Incentive should apply in every R-type zone.		
23.77	Division 23-4D-2	Residential House-Scale Zones			x			FK																residential			23-4D-2 & 23-4D-3: All R3 & R4 Zones, RM1A and RM1B Zones	Table (A) Add "Small Lot Single Family Use" and "Small Lot Other Allowed Uses" to table of uses. min. lot size: 2500sf. max lot size: 4999sf min. lot width: 25' Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500sf Table 4D-2120(B) Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5' or 0 when adjacent to Small Lot Uses, Rear 10'. Table 4D-2120(C) Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses." Table 4D-21020(G) Impervious Cover add "(2) Small Lot Impervious	Zero side setback when adjacent to other Small Lots eliminates need for SF-Attached. The proposed minimum lot size of 2500 sf for small lots is still larger than minimum of 2000 sf in Dallas and would improve affordability outcomes through the city. Reducing minimum lot size extends the current code's by right SF-3 Urban and Cottage Lots. Historically, large minimum lot sizes are a product of Jim Crow laws and should be reduced or wholly eliminated. Small lots allow fee simple ownership instead of requiring a condo regime, which is better for owners and for the city.		
23.78	Division 23-4D-2	Residential House-Scale Zones			x			FK																residential			23-4D-2 & 23-4D-3: All R3 & R4 Zones, RM1A and RM1B Zones	Table (A) Delete SF-Attached Use	Small Lot Use replaces SF-Attached Use.		
23.79	Division 23-4D-2								CK															Lot Size Brackets for ADUs in R2A and R2B	No	No	Tables 23-4D-2100(A) and 23-4D-2110(A)	Strike the entire rows of the table starting with "Accessory Dwelling Unit" and replace with the three rows that begin "Accessory Dwelling Unit" in Table 23-4D-2120(A) (R2C Zone)	R2A should have the same standard three ADU size brackets in R2A, which is missing the 3500-5000 sq ft. bracket.		
23.80	Division 23-4D-2	2100 - 2140; R2A-R2E			x														TS					Changes to R2A, R2B, and R2C Table A	NO		2100 Table 23-4D-2100(A), 2110 Table 23-4D-2110(A), 2120 Table 23-4D-2120(A)	1) RESTORE Single Family and Duplex - min. width from 45' to 50' , min. Area from 5000' to 5750' 2) DELETE : Single-Attached, Other Allowed Uses	R2 Zones have already been reduced from 7000 s.f. to 5,750 s.f. and now with Draft 3 to 5,000 s.f. with an option to subdivide every lot to 2,500 s.f. This will dramatically change the number of units, from one to four, allowed and negatively alter most single family neighborhoods. 2500' small lot and attached single family should be relegated to the R2D and R2E which are specifically for this purpose. This will encourage tear downs and increase on- street parking which will make our neighborhoods unsafe. Single family attached do not comply with the side setback requirements and 23-4E 7070 does not provide for exemptions.		
23.81	Division 23-4D-2	2100 - 2140; R2A-R2E			x														TS				X	2100 - 2140; R2A-R2E Table 23-4D-XXXX(A)	YES		2100 - 2140; R2A-R2E Table 23-4D-XXXX(A)	Add design criteria in 23-4E-6	Single family attached should not be in R2 zones. There are also no design criteria for this house form which will lead to abuse.		
23.82	Division 23-4D-2	2100 - 2140; R2A-R2E			x														TS					Single Family Attached Design	NO		2100 - 2140; R2A-R2E Table 23-4D-XXXX(A)		If Single-Family Attached remains as option for R2, ADUs should not be allowed on these smaller subdivided lots.		
23.83																															

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					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE											
																		GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE				
23.84	Division 23-4D-2	2100 - 2140; R2A-R2E			x												TS				2100 - 2140; R2A-R2E Table 23-4D-XXXX(G)	DELETE: (2) Front Yard Impervious Cover	Not clear on reason for this.				
	Division 23-4D-2	2100 - 2140; R2A-R2E			x												TS				2100 - 2140; R2A-R2E Table 23-4D-XXXX(H)	DELETE: Common Open Space and Civic Open Space	Common and Civic Open Space requirements are not correct in Table and are addressed thoroughly in 23-4C-1 and 23-4C-2 with previous revisions recommended.				
23.85	Division 23-4D-2	2150-2180; R3A-R3D			x												TS				2150 Table 23-4D-2150A), 2160Table 23-4D-2160(A),	DELETE : Single-Attached and Other Allowed Uses	Keep single-family attached with R3 used adjacent to corridors. What is the purpose of the new use called "other allowed uses." It is not defined and not explained what it will be used for.				
23.86	Division 23-4D-2	2150-2180; R3A-R3D	x														TS				2150-2180; R3A-R3D Table 23-4D -XXXX (B)		Single family attached and do not comply with the side setback requirements and 23-4E-7070 does not provide for exemptions. Add exception to 23-4E-7070.				
23.87	Division 23-4D-2	Residential House-Scale Zones			x	GA															23-4D-2150 to 2200 Table(A)	For R2-R4 "McMansion" Zones add Note "FAR includes Covered Porches or Balconies above ground level"	Loophole in D3 FAR allows two stories of porches under a finished attic per Chris Allen's drawing. Count 2nd floor porches toward FAR, as they are in current code, to limit attic space, as it is in current code.				
23.88	Division 23-4D-2	Residential House-Scale Zones			x	GA															23-4D-2150 to 2200 Table (A)	For R2-R4 "McMansion" Zones add Note for Single Family and Duplex Uses "+150sf for each three bedroom unit within 500' of public school."	Incentivizes family friendly housing around AISD schools.				
23.89	Division 23-4D-2	Residential House-Scale Zones			X	GA	FK														23-4D-2150, 2160, 2170: All R3 Zones	Table (A) Lot Size and Intensity - add footnote +.1 FAR for every unit above Single Family Use	Despite the three-unit capacity, yields will not improve due to FAR limit which is the same as one or two units. Keeping the same FAR for 1 units as for 2 or 3 units does not incentivize building more units. The same .4 FAR for 1, 2 or 3 units is a direct disincentive to build more units versus larger single homes. Current code exemplifies this - 70% demos still 1-1 ratio, not 1-2 despite it being allowed by code. FAR should be increased to encourage more units on the lot. If you have the same FAR for more units, it increases the cost to produce those units (more per unit for taps, etc.) versus single family of same size, while raising cost per unit. A small step up would encourage more Missing Middle housing creation.				
23.90	Division 23-4D-2	Residential House-Scale Zones			x	GA															23-4D-2150 to 2200 Table (A, B, C, D, E)	For R2-R4 Zones: within 500' of public school, use RM2B entitlements if 50% of the units are "family-friendly" (1000+ sf and 3+ BR)	Incentivizes family friendly housing around AISD schools. AISD continues to predict student enrollment decreases we need family frienly housing near schools.				
23.91	Division 23-4D-2	2150-2180; R3A-R3D			x												TS				2150-2180; R3A-R3D Table 23-4D-XXXX(F) or (H)	DELETE: (2) Front Yard Impervious Cover	Not clear on reason for this.				
23.92	Division 23-4D-2	2150-2180; R3A-R3D			x												TS				2150-2180; R3A-R3D Table 23-4D-XXXX(G) or (I)	DELETE: Common Open Space and Civic Open Space	Common and Civic Open Space requirements are not correct in Table and are addressed thoroughly in 23-4C-1 and 23-4C-2 with previous revisions recommended.				
23.93	23-4D-2150	R3A								KM												Minimum Lot Size should be 7,000 w/ width of 60'	Likely existing duplex lots.				
23.94	Division 23-4D-2	2150-2180; R3A-R3D			x												TS				2160Table 23-4D-2160(A),	RESTORE Single Family and Duplex - min. width from 45' to 50' , min. Area from 5000' to 5750'	Smaller R3 lots used adjacent to corridors.				
23.95	Division 23-4D-2	2150-2180; R3A-R3D			x												TS				2170 Table 23-4D-2170A), 2180Table 23-4D-2180(A),	DELETE : Other Allowed Uses	What is the purpose of the new use called "other allowed uses." It is not defined and not explained what it will be used for.				
23.96	Division 23-4D-2	2190 - 2210 R4A- R4D	x														TS				2190 - 2210 R4A- R4D; Table 23-4D -XXXX (A)		ADDENDA: Removed Townhouses. Keep the same as shown in Draft 3.				
23.97	Division 23-4D-2	2190 - 2210 R4A- R4D	x														TS				2190 - 2210 R4A- R4D; Table 23-4D -XXXX (B)		Single family attached and townhouses do not comply with the side setback requirements and 23-4E-7070 does not provide for exemptions. Add exception to 23-4E-7070.				
23.98	Division 23-4D-2	2150-2180; R3A-R3D			x												TS				2190 - 2210 R4A- R4D; Table 23-4D-XXXX(H)	Remove reference to Common Open Space and Civic Open Space as these are already covered in section specific sections	Common and Civic Open Space requirements conflict between special section and Table H	No	reference to civic open space in zoning is helpful, not sure how it is incorrect		
23.99															JSh						23-4D-2190 -2210	R4 Zones - 55% impervious cover allowed with Watershed Review (this is to allow parking requirements to work, building cover is still 40% so the increase in IC doesn't get abused for more BC)					
23.100	Division 23-4D-2	Residential House-Scale Zones			X		FK														23-4D-2190, 2200, 2210 All R4 Zones	Table (A) Lot Size and Intensity - add footnote " +.1 FAR for every unit above Single Family Use	If you have the same FAR for more units, it increases the cost to produce those units (taps, etc.) versus single family of same size, while raising cost per unit. It is a direct disincentive to build more units. Current code exemplifies this - 70% demos with the continued 1-1 ratio, not 1-2. A small step up would encourage more Missing Middle housing creation, other regulations keep it from being any more massive than current McMansion limits.				
23.101	Division 23-4D-2	Residential House-Scale Zones										JSc									23-4D-2150 through 2210 (G) (3): Parking Driveway	Edit Parking Table (G) (3) in all R3 & R4 zones to read: 40'-max 12' max for single unit driveway 20' max for shared driveway	Allow 12' max curb cuts (current code) for driveways serving a single unit and up to 20' max curb cut for shared driveways that are not fire lanes. Multiple curb cuts are allowed on any street frontage of a lot. A 10' curb cut is too narrow to accommodate multiple vehicles to park; Shared driveways should provide two car access where site conditions allow. 12' is the current code minimum requirement.				
23.102	Division 23-4D-2	Residential House-Scale Zones		X								JSc									23-4D-2150 through 2210 (G) (3): Parking Driveway	Delete Parking Table (G)(3) Parking Driveway "When lot has adjacent alley with a right of way width of 20' or greater, parking must be accessed only from the alley."	There is already an incentive to park from an alley - better use of IC, better access for ADU parking, etc. so requirement is not necessary. Would require homeowners to pave the alley per staff, with major negative impact on feasibility. 3 or 4 units can't all park from alley (possibly 6+ spaces on 50' lot). Corner lots with three sides Right Of Way are still required to only park off of the alley in v3.				
23.103				X																							

Prepared by Stephen Oliver
City of Austin, Planning Commission | Chair

UTC: Exempt from Comp Std w/in 1/4 mile of transit/IA corridors

CHAPTER	ARTICLE	DIVISION TITLE	DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSONER										EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES					
						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH											THOMPSON	WHITE
																		GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE				
23.131	Division 23-4D-3	Residential Multi-Unit Zones			x				CK										Remove existing single family as a non- conforming use in RM	No	Yes	Entire section	Add a footnote that any existing single family home on a lot zoned RM as of 6/1/2018 will not be considered as a non-conforming use. Vacancy and other mechanisms that require redevelopment are not applicable in this case.	If a single family use is on a lot zoned as RM, that building will not become considered non-conforming. However, no new non-conforming single family housing may be built.			
	Division 23-4D	All RM, MS, MU zones			x				CK										Increase affordable bonus entitlements	No	Yes	Applicable zones	Adopt the bonus entitlements recommended by the affordable bonus working group	More bonus entitlements got us from 6,000 affordable units to 13,500.			
23.132	Division 23-4D	All zones with compatibility setbacks			x				CK										Adjust compatibility	No	No	All zones with compatibility	Two version of compatibility: 1) Based on a 35 foot single family home built next door to a 50-foot-wide lot; (35' height at 25' distance; 50' height at 50' distance; 65' height at 75' distance; and 80' height at 100' distance; 2) for compatibility imposed on a project utilizing an affordable bonus, the compatibility is based on a 45 foot single family home built next door to a 50-foot-wide lot (45' height at 25' distance; 65' height at 50' distance; 85' height at 75' distance; 105' height at 100' distance)	This bases compatibility on the view of a 5-foot-tall person standing in the middle of their backyard, that would be no more restrictive than their view if a 35' tall single family home was built next door. The compatibility for affordable housing projects is similar, but with a 45' tall home built next door.			
23.133	Division 23-4D-3	Residential Multi-Unit Zones			x				FK										residential			Add RM1C Zone	Table A: Allowed Uses are the same as R2C (no multiplex). Allow Any Uses up to 14 units per acre. .4 FAR limit for entire site. R2C height limits, building form (mcmansion) and setback tables, 1 space per unit with additional proposed parking matrix reductions, Add Note to Table A: minimum 10' separation between buildings. No compatibility setbacks.	Map existing ⅓ to 1 acre tracts to a new "residential scale" RM zone that allows units per acre rather than a fixed unit count is the most efficient and cost effective way to utilize existing "developable" capacity within neighborhoods, removing the need to resubdivide or rezone. A common objection to upzoning is the risk of change in housing type, so multiplex use is excluded. This new zone is intended for infill tracts within the neighborhood as a "resubdivision/rezoning replacement", not for transition zones. It trades off lower density and residential house form vs increased "mappability", increased capacity and reduced regulatory burden under CodeNext. 14 units per acre is limited by 10' separation and .4 FAR, forcing much smaller units to get to the max units/acre.			
23.134	Division 23-4D-3	Residential Multi-Unit Zones			x	GA	AH	FK											Multi-Family	No	No	23-4D-3	Strike dwelling units per acre for all multi unit zones.	Dwelling units per acre is a duplicative regulation, given that scale is already regulated through height, IC, FAR, etc. Also, it is a regulation that is wholly internal to the building and doesn't affect the public domain. LDC should regulate the built environment, not those who live within it. Unit caps impose a de facto tax on small, affordable homes.			
23.135	Division 23-4D-3	3030 - Land Use and Permits			x											TS			3030 - Land Use and Permits	NO		Table 23-4D-3030(A) Allowed Uses in Residential Multi-Unit Zones		ADDENDA added duplexes in RM1A and RM1B.			
23.136	Division 23-4D-3	3040- Parking Requirements (Residential House Scale)	x													TS			Maximum Number of Parking Spaces	NO		3040 (B) Maximum Number of Parking Spaces	Delete section 3040 (B)	This conflicts with statements from Planning and Zoning Department that the "market" will determine number of parking spaces even though minimums are established and that developers are allowed to put in as many parking spots as they want.			
23.137	Division 23-4D-3	3040- Parking Requirements (Residential House Scale)			x											TS			Parking Limitations	NO		3040 (C) Parking Limitations	Delete section 3040 (C)	This conflicts with statements from Planning and Zoning Department that the "market" will determine number of parking spaces even though minimums are established and that developers are allowed to put in as many parking spots as they want.			
23.138	Division 23-4D-3	3040- Parking Requirements (Residential House Scale)			x														Limited commercial parking use for RM	Yes	Yes	All RM zone uses	Allow "Parking Facility" as a CUP use in all RM zones with the following design requirements specific to this use: (A) Screening: All areas used for parking, storage, waste receptacles or mechanical equipment shall be screened from a triggering property. Such screening may be a fence, berm or vegetation and shall be maintained by the property owner. Fences shall not exceed six feet in height. (B) Lighting: Exterior lighting shall be hooded or shielded so that it is not visible from a triggering property. (C) Noise: The noise level of mechanical equipment shall not exceed 70 db at the property line of a triggering property. (D) Waste: Waste receptacles, including dumpsters, shall not be located within 20 (or 50) feet of a triggering property. The City shall review and approve the location of and access to each waste receptacle. Collection of such receptacles shall be prohibited between 10 pm and 7 am. (E) From a parking structure facing and located within 100 feet of a triggering property: (1) Vehicle headlights shall not be directly visible; (2) Parked vehicles shall be screened from the view of any public right of way; and (3) All interior lighting shall be screened from the view of a triggering property. (F) No vehicle entrances or exits from parking accessible to a MS or MU property may be located within 100 feet of a triggering property.	This allows corridor-fronting MS and MU properties to aquire and jointly develop an adjacent RM property to better accommodate parking. The parking must be fully screened and there cannot be an exit to the parking within 100 feet of a triggering property. The idea is to allow the structure to cross the lot line but not have it be externally perceivable or impact nearby residential properties. Conditional Use Permit required to provide review of compliance with these requirements.			
23.139					x				CK													Yes	All RM zone uses	Allow "Parking Facility" as a CUP use in all RM zones with the following design requirements specific to this use: (A) Screening: All areas used for parking, storage, waste receptacles or mechanical equipment shall be screened from a triggering property. Such screening may be a fence, berm or vegetation and shall be maintained by the property owner. Fences shall not exceed six feet in height. (B) Lighting: Exterior lighting shall be hooded or shielded so that it is not visible from a triggering property. (C) Noise: The noise level of mechanical equipment shall not exceed 70 db at the property line of a triggering property. (D) Waste: Waste receptacles, including dumpsters, shall not be located within 20 (or 50) feet of a triggering property. The City shall review and approve the location of and access to each waste receptacle. Collection of such receptacles shall be prohibited between 10 pm and 7 am. (E) From a parking structure facing and located within 100 feet of a triggering property: (1) Vehicle headlights shall not be directly visible; (2) Parked vehicles shall be screened from the view of any public right of way; and (3) All interior lighting shall be screened from the view of a triggering property. (F) No vehicle entrances or exits from parking accessible to a MS or MU property may be located within 100 feet of a triggering property.	This allows corridor-fronting MS and MU properties to aquire and jointly develop an adjacent RM property to better accommodate parking. The parking must be fully screened and there cannot be an exit to the parking within 100 feet of a triggering property. The idea is to allow the structure to cross the lot line but not have it be externally perceivable or impact nearby residential properties. Conditional Use Permit required to provide review of compliance with these requirements.		
23.140																JSh							IC	60% impervious cover allowed in RM1A for "Other Use" (more than SF)			
23.141	Division 23-4D-3	Residential Multi-Unit Zones			x				AH										Compatibility	No	No	23-4D-3050	"Option 1: Eliminate compatibility setback within 1/10 of a mile of an Imagine Austin corridor or Core Transit Corridor."	Multiple pages: 4D-2 pg. 91			
23.142	Division 23-4D-3	Residential Multi-Unit Zones			x				AH										Multi-Family	No	No	23-4D-3050	Require R-Zone Table (D) (1) Primary and Accessory Building and Table (E) (2) Height Encroachment to apply in lieu of compatibility restrictions.	Small RM tracts under RM1A/RM1B would still be undevelopable under CodeNEXT like they are today due to compatibility. Maintains current code standards and provides flexibility to increase unit capacity while maintaining neighborhood character and scale.			

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						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE	
23.143	Division 23-4D-3	Residential Multi-Unit Zones			x	AH																	Multi-Family	No	No	23-4D-3050	"Option 1: Eliminate compatibility setback, consider changing landscape buffer to semi-opaque. Option 2: 1. Eliminate additional setback if Intermittent Visual Obstruction Buffer (20 ft) is kept 2. Reduce landscape buffer height to 23-4E-4100 (Semi Opaque Buffer, 6 ft) and reduce setback to 15 feet on side and rear 3. Eliminate additional setbacks and just have Semi-Opaque Buffer 4. Change which residential house scale zones trigger compatibility - ie R4A & R4B with MF allowed should not trigger compatibility for other MF"	Compatibility is one of the key drivers of the reduction of housing yield.		
	Division 23-4D-3	Residential Multi-Unit Zones				X																	Compatibility	No	No	23-4D-3050	Eliminate compatibility setback within 1/10 of a mile of an Imagine Austin corridor or Core Transit Corridor when an affordable housing bonus program is sought.	Multiple pages: 4D-2 pg. 91		
23.144	Division 23-4D-3	3050 - 3090; RM1A-RM5B			X													TS					Compatibility Setbacks	NO		3050 - 3110; RM1A-RM3B; Table 23-4D-XXXX(B)(3)(a)	(a) Where a portion of a building is across an alley less than 20 feet in width from a property zoned Residential House-Scale; or is adjacent to a property zoned Residential House-Scale. Then , all structures shall be set back at least 25 feet from a triggering property. minimum setbacks shall be provided along the alley or shared lot line that comply with subsections (b) and (c):	Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.		
	Division 23-4D-3	3050 - 3090; RM1A-RM5B			x													TS					Compatibility Setbacks	NO		3050 - 3110; RM1A-RM3B; Table 23-4D-XXXX(B)(3)(b)	DELETE: Table 23-4D-XXXX(B)(3)(b) Compatibility Standards	Simplify compatibility requirements. Need to renumber (3)(c). Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.		
23.145	Division 23-4D-3	3050 - 3090; RM1A-RM5B			x													TS					Common and Civic Open Space	NO		3050 - 3090; RM1A-RM3B; Table 23-4D-XXXX(G), (H) or (I)	DELETE: Common Open Space and Civic Open Space	Common and Civic Open Space requirements are not correct in Table and are addressed thoroughly in 23-4C-1 and 23-4C-2 with previous revisions recommended.		
	Division 23-4D-3	Parking and Loading				GA																	Parking	No	no	Section 23-4E-3060 A	(2) Minimum off-street parking requirements shall be further reduced as follows: (a) One space for each on-street parking space located adjacent to the site on a public street, including spaces on Internal Circulation Routes that meet public street standards.	Same language appears in current code but was dropped from latest draft.		
23.146	Division 23-4D-4	Parking and Loading			X	GA																	Parking	No	no	Section 23-4E-3060 A	One space for each on-street metered parking spaced located w/n 250 feet of the site, measured as the shortest practical and lega walking distance to the nearest principal entrance of the site.	One reason for metering parking is to ensure turnover, so that a space will generally be available when need. The council approved this language on first reading on 12/11/14 (Resolution 20131024-058)		
	Division 23-4D-3	Residential Multi-Unit Zones			x	AH																	Multi-Family	No	No	23-4D-3070	Either, eliminate setback, eliminate landscape buffer, or eliminate stepback. It's the combination that makes no sense. These clauses need to be looked at together.	In this zone the height is limited to 40 feet and there is a 20 tall landscape buffer, so limiting the building to 2 stories or less than the buffer makes no sense, especially since the height is limited to 2 stories for 25 feet from property line but the setback is 20 ft from side lot and 30 from rear, so you can't even use that.		
23.147	Division 23-4D-3	Residential Multi-Unit Zones			x	AH																	Multi-Family	No	No	23-4D-3070	Either, eliminate setback, eliminate landscape buffer, or eliminate stepback. It's the combination that makes no sense. These clauses need to be looked at together.	Max height is 40 feet, yet limited to 35 feet until 50 feet from property line and then up to 40. Seems silly given that you can probably get three stories in 35 feet and there is a 20 foot buffer. This is only 5 feet higher than the adjacent SF.		
	Division 23-4D-3	Residential Multi-Unit Zones			x	AH																	Multi-Family	No	No	23-4D-3070	Either, eliminate setback, eliminate landscape buffer, or eliminate stepback. It's the combination that makes no sense. These clauses need to be looked at together.	Same issue of previous section as the graduated height went up to 100 feet from property line. APplicable to RM2B, RM3A, MU3A&B, MU4A, MS3A, MS3B.		
23.148	Division 23-4D-3	Residential Multi-Unit Zones			x	AH																	Multi-Family	No	No	23-4D-3070	Either, eliminate setback, eliminate landscape buffer, or eliminate stepback. It's the combination that makes no sense. These clauses need to be looked at together.	Same issue of previous section as the graduated height went up to 50 feet from property line for both MU2A&B and MS2A-C.		
	Division 23-4D-3	3050 - 3090; RM1A-RM5B			x													TS					RM2A, RM2B, RM3A, RM4A, and RM5A Compatibility Height Stepbacks	NO		3070 - 3110; RM2A-RM5A; Table 23-4D-XXXX- Height (4) Compatibility Height Stepback	RELOCATE AND MODIFY: Table 23-4D-XXXX (___)- Height (4) Compatibility Height Stepback to new 23-4E-6 Compatibility	Consolidate compatibility requirements.Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.		
23.149	Division 23-4D-4	Mixed-Use Zones																											UTC: Exempt fromComp Std w/in 1/4 mile of transit/IA corridors	
23.150	Division 23-4D-4	Mixed-Use Zones					FK																Corridor and Centers			23-4D-4 All MU Zones	Increase overall height maximums in all MS zones: MU1A, MU1B: 32' to 52' MU1C, MU1D, MU2A: 45' to 65' MU2B, MU3A, MU3B: 60' to 80' MU4A, MU4B: 60' to 80', 120' with AHBP Bonus MU5A: 100'	In order to properly absorb density along our corridors, we must increase overall height maximums in proposed corridor and center zoning types		
					x			CK															Adjust compability and height for MU1	No		MU1A-MU1D	The setback when adjacent to an R zone property is changed to 10 ft for all MU zones. The height is restored to 40'. Stepback heights 10'-20' from lot line are 25', 20'-25' from lot line is 35', and full height is allowed at 30'.	This restores compatibility to more closely mimic a legal single family home next door, restores the entitled height under current zoning, and removes articulation requirements from walls hidden behind a required vegetative screen.		
23.151					x																			No	No					

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					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE											SHAW	BURKARDT	MENDOZA
																				GENERAL SPECIFIC SECTION					YES/NEUTRAL /NO	STAFF RESPONSE			
23.158	Division 23-4D-4	4030 - Allowed Uses and Permitting Requirements															TS				Uses	NO		Table 23-4D-4030(A)		ADDENDA: Added Townhouses as permitted use to zones MU3, MU4 and MU5			
	Division 23-4D-4	4030 - Allowed Uses and Permitting Requirements	x														TS				Uses	NO		Table 23-4D-4030(A)	Assess Criteria for permitting requirements within zones for uses: Bars and Nightclubs, Restaurants w/ alcohol sales, and Restaurants w/ Late Night Operations	See Attached Table Rest&Bars to discuss changes to P, CUP, MUP permitting and Specific to Use Requirements that should be added. Review Attached Adult Entertainment for Adult Uses in MU4B and MU5B zones.			
23.159	Division 23-4D-4	4030 - Allowed Uses and Permitting Requirements			x												TS				Bars and Nighclubs, Restaurants Uses	YES		Table 23-4D-4030(A)	Assess Criteria for permitting requirements within zones for uses: Bars and Nightclubs, Restaurants w/ alcohol sales, and Restaurants w/ Late Night Operations	See Attached Table Rest&Bars to discuss changes to P, CUP, MUP permitting and Specific to Use Requirements that should be added.			
23.160	Division 23-4D-4	4030 - Allowed Uses and Permitting Requirements			x												TS				Adult Entertainment	NO		Table 23-4D-4030(A)(6)	Change MU4B and MU5B permitting to CUP only	23-4E-6060 permitted adutl entertainment other than an adult lounge			
23.161	Division 23-4D-4	4030 - Allowed Uses and Permitting Requirements			x												TS												
23.162		Allowed Uses		x													TW				uses			Table 23-4D-4030 (A)	Senior Housing <12 P & Senior > 12 MUP in MU1A; MU1B; MU1C; MU1D	Allow Senior/ Retirement housing in MU zones; see exhibit Table 23-4D-4030 (A) for more clarity			
23.163		Allowed Uses		x													TW				uses			Table 23-4D-4030 (A)	Micro-Brewery/Micro-Distillery/Winery to CUP in MU1B; MU1D MUP IN MU2B	Micro-Brewery/Micro-Distillery/Winery change to CUP & MUP see exhibit Table 23-4D-4030 (A) for more clarity			
23.164	Division 23-4D-4	Mixed-Use Zones				AH	FK												No	23-4D-4030 (A)	Corridor and Centers	No	No	23-4D-4030 (A)	Allow by right (P) Residential Care Facilities, Senior/Retirement Housing, Work/Live, Library, Museum, or Public Art Gallery, Meeting Facility, Bar/Nightclub, Mobile Food Sales, General Retail Under 5,000 SF, Performance Venue/Theater, Indoor Recreation (all sizes), Cooperative Housing, Group Residential, Manufacured Home, and all sizes of Day Cares to be built within all MU and MS districts.	Permitted uses in MU and MS zones don't seem to have any true methodology governing them.			
	Division 23-4D-4	4040 - Parking Requirements			x												TS				Parking	NO		Table 23-4D-4040(A) (4) Office, General (non-medical)	1 per 500 sf after first 2,500 sf	If cars are expected to travel and park related to use, then parking should be provided. ADDENDA has this shown this way.			
23.165	Division 23-4D-4	4040 - Parking Requirements			x												TS				Parking	NO		Table 23-4D-4040(A) (5) Civic and Public Assembly	Public/Private Secondary- 1 space per staff member, plus 1 space for each 3 students enrolled in grades 11 and 12	ADDENDA Changed parking for Public and Private Seconday Schools. Keep at levels in Draft 3.			
23.166	Division 23-4D-4	4040 - Parking Requirements	x		x																								
23.167	Division 23-4D-5	Parking and Loading		x		x													no	Table 23-4D-4040 A	Parking	No			Provide a 2500 sf exemption in MU similar to exemption in MS zones.	Encourage small businesses in mixed use areas.			
23.168	Division 23-4D-4	Mixed-Use Zones			x									JSc		JT			No	No	23-4D-4050 General to Mixed-Use Zones (3)(a)(ii)	Process	No	No	(ii) Balconies, pedestrian walkways, porches, accessible ramps, and stoops; provided that no such feature shall extend into the public right-of-way without a license agreement, encroachment agreement, or other appropriate legal document.	Agreements to encroach within a public right-of-way may come in several different forms. The recommended language clarifies that any legal document that authorizes the extension of certain features into public right-of-way, providing any appropriate legal document is presented.			
23.169	Division 23-4D-4	Mixed-Use Zones		x										JSc		JT			No	No	23-4D-4060 Mixed-Use 1A (E) Encroachments	Process	No	No	Encroachments are not allowed within a right-of-way, public easement, or utility easement, unless a license agreement, encroachment agreement, or other appropriate legal document is in place.	Agreements to encroach within a public right-of-way may come in several different forms. The recommended language clarifies that any legal document that authorizes the extension of certain features into public right-of-way, providing any appropriate legal document is presented.			
23.170	Division 23-4D-4	4060-4160; MU1A - MU5A			x												TS			4060 - 4160; MU1A-MU5A; Table 23-4D-XXXX(B)(3)(a)	Compatibility Setbacks	NO		(a) Where a portion of a building is across an alley less than 20 feet in width from a property zoned Residential House-Scale; or is adjacent to a property zoned Residential House-Scale. Then , all structures shall be set back at least 25 feet from a triggering property. minimum setbacks shall be provided along the alley or shared lot line that comply with subsections (b) and (c).	Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.				
	Division 23-4D-4	4060-4160; MU1A - MU5A			x												TS			4060 - 4160; MU1A-MU5A; Table 23-4D-XXXX(B)(3)(b)	Compatibility Setbacks	NO		DELETE: Table 23-4D-XXXX(B)(3)(b) Compatibility Standards	Simplify compatibility requirements. Need to renumber (3)(c). Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.				
23.171	Division 23-4D-4	4060-4160; MU1A - MU5A			x												TS			4100 - 4160; MU2A-MU5A; Table 23-4D-XXXX(D)(2)	Compatibility	NO		RELOCATE AND MODIFY: Table 23-4D-XXXX ()- Height (4) Compatibility Height Stepback to new 23-4E-6 Compatibility	Consolidate compatibility requirements.Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.				
23.172	Division 23-4D-4	4060-4160; MU1A - MU5A			x												TS			MU2A, MU2B, MU3A, MU3B, MU4A, MU4B, MU5A Compatibility		NO							
23.173	Division 23-4D-4	Mixed-Use Zones			x				CK										No	All sections	Add Microbrewery and Live Music Venue as permitted use in all MU zones	No	No		Expands the allowed zones for microbreweries and adds the new live music venue use to all MU zones.	More live music and brewpubs throughout the city.			
					x				CK										No	MU1A-MU1D	Adjust compability for MU1	No	No		Adjust the setbacks and compatibility in all MU1 to mimic R zones; adjust height back to 40', remove articulation when behind a vegetative buffer.	Draft 3 breaks MU1 as a viable zone. This would restore it.			
23.174	Division 23-4D-5	Main Street Zones			x																								
23.175	Division 23-4D-5	Main Street Zones							FK											23-4D-5 All MS Zones	Corridor and Centers	No			Eliminate building articulation requirements. E.g. Table 23-4D-5060(C)(2)	Main street buildings are universally placed side-by-side and take up the entire property width to create an active pedestrian experience. Articulation should be eliminated in all MS zones.			UTC: Exempt from Comp Std w/in 1/4 mile of transit/IA cooridors
23.176	Division 23-4D-5	Main Street Zones			x															23-4D-5 All MS Zones	Corridor and Centers	No			Example: Table 23-4D-5060(C) Building Form 1) Setback(Distance from ROW / Lot Line) [Maximum and minimum front setbacks should be 0']	MS setback requirements currently range from 5-10'. As every foot counts in a pedestrian environment, all MS setbacks should be 0', in line with near universal practice around the world.			
23.177	Division 23-4D-5	Main Street Zones			x				FK											23-4D-5 All MS Zones	Corridor and Centers	No							

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						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE										
																			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE			
23.178		Division 23-4D-5 Main Street Zones			x			FK													23-4D-5 All MS Zones	Increase overall height maximums in all MS zones: MS1A, MS1B: 35' to 55' MS2A, MS2B, MS2C: 45' to 65' MS3A, MS3B: 60' to 80', 120' with AHBP Bonus	In order to properly absorb density along our corridors, we must increase overall height maximums in proposed corridor and center zoning types				
					x				CK										No	No	All MS1 zones	The setback when adjacent to an R zone property is changed to 10 ft for all MU zones. The height is restored to 40'. Stepback heights 10'-20' from lot line are 25', 20'-25' from lot line is 35', and full height is allowed at 30'.	This restores compatibility to more closely mimic a legal single family home next door, restores the entitled height under current zoning, and removes articulation requirements from walls hidden behind a required vegetative screen.				
23.179										CK									No	No	New sections	Create new MS3C, MS4A, and MSSA zones with 60' of base height bonuses 180' of height, 275', and uncapped, respectfully, with bonus IC/BC of 95/90, uncapped units, and uncapped FAR.	If the CC zone is going to be restricted to downtown, we need MS zoning that goes very high as an option for mapping.				
23.180					x					CK									Yes	No							
23.181		Division 23-4D-5 Main Street Zones						AH												No	23-4D-5 All MS Zones	Eliminate building articulation requirements. E.g. Table 23-4D-5060(C)(2)	On every main street in the world, main street buildings are placed side-by-side and expand to the entire envelope of the lot, creating an active pedestrian experience. This is best practice. As such, articulation should be eliminated in all MS zones.				
	23.182	Division 23-4D-5 Main Street Zones			x			AH											No	No	23-4D-5 All MS Zones	Example: Table 23-4D-5060(C) Building Form 1) Setback(Distance from ROW / Lot Line) [Maximum and minimum front setbacks should be 0']	MS setback requirements currently range from 5-10'. As every foot counts in a pedestrian environment, all MS setbacks should be 0', in line with near universal practice around the world.				
23.183		Division 23-4D-5 Main Street Zones						FK												No	23-4D-5030	Allow by right (P) Residential Care Facilities, Senior/Retirement Housing, Work/Live, Library, Museum, or Public Art Gallery, Meeting Facility, Bar/Nightclub, Mobile Food Sales, General Retail Under 5,000 SF, Performance Venue/Theater, Indoor Recreation (all sizes), Cooperative Housing, Group Residential, Manufactured Home, and all sizes of Day Cares to be built within all MU and MS districts.	Permitted uses in MU and MS zones don't seem to have any true methodology governing them.				
	23.184	Division 23-4D-5 Main Street Zones			x									PS							23-4D-2040, 23-4D-3040, 23-4D-404023-4D-5040 Parking		Reduced parking citywide will create safety and welfare problems. Applying a citywide rule will damage our neighborhoods and the areas surrounding public/private schools. The neighborhood's welfare damage is from no parking requirements for the first 2,500 sq. ft. adjacent to Main Street uses. AISD has repeatedly requested COA to reinstate Chapter 25 parking requirements around schools for the safety of children. A one-size parking scheme does not work in residential areas outside the City Core with no alternative transportation modes just automobiles. Reevalue parking requirements.				
23.185		allowable uses		x													TW				23-4D-5030(A)	Level 1 Night club & Restaurant w/alcohol sales CUP in MS1B; MS2B; MS2C	see exhibit Table 23-4D-5030 (A) for more clarity				
23.186		allowable uses		x													TW				23-4D-5030(A)	Micro-Brewery/Micro-Distillery/Winery CUP in MS1B; MUP in MS2B; MS2C	see exhibit Table 23-4D-5030 (A) for more clarity				
23.187		allowable uses		x													TW				23-4D-5030(A)	General Retail>5000 & <10,000 & w/onsite production MUP in MS1B; MS2B; MS2C	see exhibit Table 23-4D-5030 (A) for more clarity				
23.188		allowable uses		x													TW				23-4D-5030(A)	Outdoor Formal CUP in MS1A; MS1B; MS2A MS2B; MS2C	Outdoor Formal includes shooting ranges, paintball courses, batting cages etc. see exhibit Table 23-4D-5030 (A) for more clarity				
23.189		allowable uses		x													TW				23-4D-5030(A)	Community Agriculture P in MS1A; MS1B; MS2A MS2B; MS2C	I understand having a MUP for the higher intensity MS zones but why would we discourage a community garden if that's what the owners feel is appropriate for the site; see exhibit Table 23-4D-5030 (A) for more clarity				
	23.190				x			GA												No		The parking requirements for MS zones include a 2,500sf exemption for most uses. (Table 23-4D-5040(A), Parking requirements for MS1A–MS3B.) The parking requirements for Mixed Use zones do not, except for offices. (Table 23-4D-4040(A) Off-street Parking Requirements for Mixed-Use Zones.)	Solution: Incorporate the 2500sf exemption for MS into MU zones.				
23.191		5030 - Allowed Uses and Permitting Requirements			x													TS		YES	Table 23-4D-5030(A)	Assess Criteria for permitting requirements within zones for uses: Bars and Nightclubs, Restaurants w/ alcohol sales, and Restaurants w/ Late Night Operations	See Attached Table Rest&Bars to discuss changes to P, CUP, MUP permitting and Specific to Use Requirements that should be added.				
23.192		5040 - Parking Requirements																			Table 23-4D-5040(A)	For (3) Services-Other Allowed Uses, (4) Office-Office General (non-medical), (5) Civic and Public Assembly -Library, Museum, or Public Gallery , (6) Bars and Nightclubs, (7) Retail, (8) Entertainment and Recreation - add parking requirements back for first 2,500 SF; 1 per 500 SF after first 2,500 SF , none required if <2,500 SF	If cars are expected to travel and park related to use, then parking should be provided. ADDENDA has others that will need to be altered.				
	23.193				x																						
		5060-5120; MS1A-MS3B																			5060 - 5120; MS1A-MS3B; Table 23-4D-XXXX(B)(3)(a)	(a) Where a portion of a building is across an alley less than 20 feet in width from a property zoned Residential House-Scale; or is adjacent to a property zoned Residential House-Scale. Then , all structures shall be set back at least 25 feet from a triggering property. minimum setbacks shall be provided along the alley or shared lot line that comply with subsections (b) and (c).	Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.				
23.193					x																						

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			ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE						SHAW	BURKARDT	MENDOZA	TEICH
														TS				GENERAL	SPECIFIC SECTION				
23.194		5060-5120; MS1A-MS3B				x									TS				5060 - 5120; MS1A-MS3B; Table 23-4D-XXXX(B)(3)(b)	DELETE: Table 23-4D-XXXX(B)(3)(b) Compatibility Standards	Simplify compatibility requirements. Need to renumber (3)(c). Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.		
23.195		5060-5120; MS1A-MS3B				x									TS				5060 - 5120; MS1A-MS3B; Table 23-4D-XXXX(I)	DELETE: Common Open Space and Civic Open Space	Common and Civic Open Space requirements are not correct in Table and are addressed thoroughly in 23-4C-1 and 23-4C-2 with previous revisions recommended.		
23.196		5060-5120; MS1A-MS3B				x									TS				5080 - 5120; MS2A, MS2B, MS3A, MS3B; Table 23-4D-XXXX(D)(2)	RELOCATE AND MODIFY: Table 23-4D-XXXX ()- Height (4) Compatibility Height Stepback to new 23-4E-6 Compatibility	Consolidate compatibility requirements.Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.		
23.197	Division 23-4D-5	Main Street Zones				x		AH									No	No	23-4D-5080/90 (B)(D)	"For each of the sections (a), strike Residential House Scale and add in R1, R2, and R3 into text instead."	Allow missing middle transition zones that don't trigger compatibility corridors.		
23.198	Division 23-4D-5	Main Street Zones				x			CK								No	No	All sections	Expands the allowed zones for microbreweries and adds the new live music venue use to all MU zones.	More live music and brewpubs throughout the city.		
23.199						x			CK								No	No	All MS1 zones	Adjust the setbacks and compatibility in all MS1 to mimic R zones; adjust height back to 40', remove articulation when behind a vegetative buffer.	Draft 3 breaks MS1 as a viable zone. This would restore it.		
23.200						x			CK								Yes	No	New sections	Create new MS3C, MS4A, and MS5A zones with 60' of base height and increasing bonus height to 275'.	If the CC zone is going to be restricted to downtown, we need MS zoning that goes very high as an option for mapping.		
23.201	Division 23-4D-6	Regional Center Zones																					Dtwn Comm: 6070(A)(2) Allow Transitional Housing Supportive housing as permitted uses, 6050(B) 0" setbacks, 6050(B) allow 100% IC, Increase DC FAR to 12:1 and 6080 2-Star Grn Bldg min.
23.202	Division 23-4D-6	Regional Center Zones				x		GA									No		Division 23-4D-6	(A) Parking Required. Regional center zones do not require off-street parking. (B) Decoupling required for residential leases. In a multi-unit dwelling, a parking space must be leased separately from a dwelling unit.	Decoupling in UNO already exists. Helps to allow folks who don't need a car to go without parking. Seattle just passed a similar law city wide where apartments with 10 or more units are required to decouple		
23.203	Division 23-4E-5	Specific to Use				X		x									No		Section 23-4D-6030	After "Max 550 sf on a second floor," add "unless located within the primary structure."	Size limite was intened to promote accessibility in new, exterior buildings, not to existing homes. This change would allow homeowners to remain downstairs in tehir homes and rent out upstairs to provide for aging in place options.		
23.204	Division 23-4D-6	Regional Center Zones			X										JSc		YES		23-4D-6030 Allowed Uses and Permit Requirements	Clarify if parking facility is a defined term in the code and provide the definition. It is not defined in Article 23-3M Definitions and Measurements. Parking facility should not include surface parking lots.	At Table (A)(11) Automobile Related, Parking Facility is listed as an allowed use by Conditional Use Permit. However, as referenced in (A)(2), the term parking facility is not defined in Article 23-3M Definitions and Measurements. Consider prohibiting surface parking lots as an allowed use in the Regional Center Zones.		
23.205	Division 23-4D-6	Regional Center Zones				X									JSc				23-4D-6040 Parking Requirements	At (e): Increase driveway width maximum to 30' to allow for 3 lanes of traffic flow.	Limiting driveways to 25 feet in width will be difficult to achieve on projects that require three parking access lanes and/or on projects which combine loading with their driveway access points. Consider increasing driveway width maximum to 30'.		
23.206	23-4D-6	Regional Center Zones							KM										23-4D-6000	Maintain all provisions of the Downtown Plan as it relates to the Judges Hill District	This adopted plan should be respected.		
23.207		6030 - Allowed Uses and Permitting Requirements				x									TS		NO		Table 23-4D-6030(A)(6)	Assess Criteria for permitting requirements within zones for uses: Bars and Nightclubs, Restaurants w/ alcohol sales, and Restaurants w/ Late Night Operations	See Attached Table Rest&Bars to dcuss changes to P, CUP, MUP permitting and Specific to Use Requirements that should be added.		
23.208		6030 - Allowed Uses and Permitting Requirements				x									TS		NO		Table 23-4D-6030(A)(8)	Change CC and DC permitting to CUP only	23-4E-6060 permitted (P) adult entertainment other than an adult lounge		
23.209		6030 - Allowed Uses and Permitting Requirements				x									TS		NO		Table 23-4D-6030(A)(8)	Change IF, IG, and IH permitting to CUP	23-4E-6060 permitted (P) adult entertainment other than an adult lounge		
23.210		6040 - Parking Requirements		x											TS		NO		Table 23-4D-6040(A)		No parking required. Isn't this where we would want parking maximums?		
23.211		6060-6080; CC, UC, DC				x									TS		NO		Table 23-4D-XXXX(B)-Building Placement	tbd	Review setback requirements related to compatibility with Residential House Scale		
23.212				x											PS				23-4D-6040		Retain no parking requirements in RC zones		

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					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH				THOMPSON	WHITE					SHAW	BURKARDT	MENDOZA	TEICH	GENERAL	SPECIFIC SECTION
																						YES/NEUTRAL /NO	STAFF RESPONSE						
23.213		23-4D-6060(A) Lot Size and Intensity				GA		FK				JSc									Downtown	NO		23-4D-6060(A)	All CC zones should allow 5:1 FAR maximum. Change CC40, CC60, CC80 FAR max to 5:1.	At FAR max: Consider increasing CC zone FAR maximums to better match or exceed allowable density under existing code. There are lots in the Northwest district of downtown, designated as CC-40 and CC-60 with FAR limitations of 1.0 and 2.0 respectively, that are not eligible for density bonuses. Consider applying the principles of the Downtown Austin Plan for this area: maintain compatibility with the two and three-story pattern of development. Also in the Downtown Austin Plan is a stated goal of Northwest District to incentivize housing over office/commercial. In reviewing sites in this area, it is apparent that allowing max FAR of 5:1 for all CC zones would make residential a more viable use, and removing the density bonus exemption could result in more affordable housing. Consider increasing the maximum density on these sites as part of an expanded density bonus, while maintaining the height limits that promote compatibility. It is recognized that a separate planning effort may be necessary for the consideration of these changes			
	Division 23-4D-6	Regional Center Zones			X							JSc									Downtown	YES		23-4D-6060(B): Overview (2)	Clarify the contradictions between Overview (2) and Table 23-4D-6060(B) Note 1 and the paragraph above it about ROW and utility easements.	(2) conflicts with Table 23-4D-6060(B) Note 1 and the paragraph above it about ROW and utility easements.			
23.214					X																								
23.215		23-4D-6060(B) Building Placement				GA						JSc									Downtown	NO		23-4D-6060(B)	Remove all minimum setbacks for all CC zones. Clarify reference to easements. Note 1 section referenced is Industrial Flex Zones and must be incorrect.	The CC zone establishes a minimum setback of 5 feet on all sites, but the map in the Downtown Plan Overlay Zone described (23-4D-9080 as taken directly from the Downtown Austin Plan) has many streets with 0' setbacks. To simplify and clarify, consider removing the 5-foot minimum setback. This setback can create a significant impediment to development on small sites and does not allow downtown to achieve the density needed for regional centers, as stated in Imagine Austin. DMU zoning, which CC is meant to replace in the new code, does not require any setbacks. Therefore, this new regulation is effectively downzoning (reducing entitlements) as compared to the existing code. Also, Regarding "Additional setback and/or easement may be required where street right of way or utilities easement is required" - where is this addressed in the code? And, at Note 1: section referenced is Industrial Flex Zones and must be incorrect.			
	Division 23-4D-6	Regional Center Zones			X	GA						JSc									Downtown			23-4D-6060(C) Sub- Zones	CC subzones should allow for these height maximums: Replace CC40 with CC50; Replace CC60 with CC75; Replace CC80 with CC90.	Consider adjusting height limits to better accommodate common floor-to-floor heights. Consider adjusting 40' to 50' (4 floors); 60' to 75' (6 floors), 80' to 90'. Or, consider providing a height limit OR a floor limit. Height limits proposed do not align with common building heights based on standard floor-to-floor heights plus taller retail spaces on first floor. Providing maximum number of floors may be more flexible to limiting building height without penalizing buildings providing generous floor-to-floor heights.			
23.216					X																								
23.217	Division 23-4D-6	Regional Center Zones				GA						JSc									Downtown			23-4D-6060(D) Height (1) All Buildings	At (1) All Buildings: Replace CC40 with CC50 (50' overall max height); Replace CC60 with CC75 (75' overall max height); Replace CC80 with CC90 (90' overall max height).	At All Buildings: Consider adjusting height limits to better accommodate common floor-to-floor heights. Consider adjusting 40' to 50' (4 floors); 60' to 75' (6 floors), 80' to 90'. Or, consider providing a height limit OR a floor limit. Height limits proposed do not align with common building heights based on standard floor-to-floor heights plus taller retail spaces on first floor. Providing maximum number of floors may be more flexible to limiting building height without penalizing buildings providing generous floor-to-floor heights.			
	Division 23-4D-6	Regional Center Zones			X							JSc									Downtown			23-4D-6060(E) Encroachments	Provide reference to the section that describes the process for "Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement."				
23.218					X																								
23.219		23-4D-6060(G) Frontages				GA															Downtown	No		23-4D-6060(G)	Create exception for <1/2 block sites requiring 60% net of frontage be retail.	spaces (AE vault, fire pump, etc.) that must be located directly on ROW. This requirement (in DC and CC zones and in the Downtown Plan Overlay Zone) is only appropriate for full-block sites. Many, if not most downtown sites, will be unable to comply with the frontage requirements unless all building lobbies are allowed to count towards Commercial Group A compliance. It too restrictive and prescriptive to allow viable development on <1/2 block sites and should be eliminated or relaxed. There is confusion with the frontage requirements. Draft 2 states that frontages within the DC and CC zoning districts are required to have a minimum of 60% of their street frontage in approved active commercial or civic uses and refers to the Downtown Plan Overlay Zone. However, the Overlay Zone allows ground level residential uses in addition to active commercial and civic uses on non Pedestrian-Activity Streets as per Table 23-4D-9080(A). This is consistent with the intent of the Downtown Austin Plan, however the plan should be updated to reflect the conditions in downtown today. Also the definition of active commercial uses (Commercial Group A in the Downtown Plan Overlay Zone) needs to be clarified or refined to allow for ground level office lobbies. Active frontage requirements are very difficult to achieve on small sites due to the amount of space taken up by parking and loading access, utilities, and egress. If intent is to provide more active pedestrian frontage, consider working with city departments to loosen requirements for many building support spaces (AE vault, fire pump, etc.) to be located directly on ROW - this would have a far greater impact on allowing more active uses to take their place. As stated in Imagine Austin, consider prioritizing downtown density, and more specifically more housing units, over these active street frontage requirements. More people living downtown will create active streets and trigger demand for more retail spaces. If active street frontage is prioritized over density, it may result in too many empty retail spaces while limiting the potential for additional residents to support them			
	Division 23-4D-6	Regional Center Zones			X							JSc									Downtown			23-4D-6060(G): Frontages	Create exception for <1/2 block sites. Either significantly reduce the % gross frontage requirement or change requirement to "net" frontage or only require one block face of the site to comply. Or remove requirement in CC base zone and allow for a district planning process to dictate which streets and which uses are appropriate. And reduce requirements for many building support spaces (AE vault, fire pump, etc.) that must be located directly on ROW.	This requirement (in DC and CC zones and in the Downtown Plan Overlay Zone) is only appropriate for full-block sites. Many, if not most downtown sites, will be unable to comply with the frontage requirements unless all building lobbies are allowed to count towards Commercial Group A compliance. It too restrictive and prescriptive to allow viable development on <1/2 block sites and should be eliminated or relaxed. There is confusion with the frontage requirements.			
23.220					X																								

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						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH										
																		GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE		
23.221		Division 23-4D-6 Regional Center Zones			X		AH											No	23-4D-6060 (G)	"Table G: For commercial buildings <u>greater than or equal to one-half block width</u> : <u>Except for building support spaces (including as Austin Energy vault, fire pump)</u> , entries must be oriented to the street and located at sidewalk level No ramps or stairs allowed within public right- of-way or front setback <u>For commercial buildings less than one-half block width</u> : <u>The primary entry must be oriented to the street and located at the sidewalk level</u> . Prior Notes for Clarity: Create exception for <1/2 block sites. Either significantly reduce the % requirement or only require one block face of the site to comply. Or remove requirement in CC base zone and allow for a district planning process to dictate which streets and which uses are appropriate. And reduce requirements for many building support spaces (AE vault, fire pump, etc.) that must be located directly on ROW."	Create exception for 1/2 block sites and reduce requirements for many building support spaces.				
23.222		Division 23-4D-6 Regional Center Zones			X								JSc						23-4D-6060(H) Impervious Cover	Increase impervious cover and building cover maximums to 100%.	Bring entitlement back to match existing code				
23.223		Division 23-4D-6 Regional Center Zones						FK					JSc						23-4D-6080 (A) Lot Size and Intensity	Change DC zone FAR max to 12:1.					
23.224		Division 23-4D-6 Regional Center Zones			X								JSc						23-4D-6080(B) Building Placement	Clarify reference to easements. Note 1 section referenced is Industrial Flex Zones and must be incorrect.	Regarding "Additional setback and/or easement may be required where street right of way or utilities easement is required" - where is this addressed in the code? And, at Note 1: section referenced is Industrial Flex Zones and must be incorrect.				
23.225		Division 23-4D-6 Regional Center Zones											JSc						23-4D-6080(G): Frontages	Create exception for <1/2 block sites. Either significantly reduce the % gross frontage requirement or change requirement to "net" frontage or only require one block face of the site to comply. Or remove requirement in DC base zone and allow for a district planning process to dictate which streets and which uses are appropriate. And reduce requirements for many building support spaces (AE vault, fire pump, etc.) that must be located directly on ROW. The definition of active commercial uses (Commercial Group A in the Downtown Plan Overlay Zone) needs to be clarified or refined to allow for ground level office or multi-family lobbies. Additionally, revise the requirement that prohibits stairs/ramps in required setbacks to allow them in required setbacks.	More restrictive than LDC. There are no such requirements in existing code.				
23.226		Division 23-4D-6 Regional Center Zones											JSc						23-4D-6080(J) Additional Standards	Add "or at least the minimum level LEED Certification as a substitute for Austin Energy Green Building rating."	Consider allowing LEED certification as a substitute for Austin Energy Green Building rating.				
23.227		Division 23-4D-6 Regional Center Zones		X									JSc						23-4D-6080(K) Additional Compatibility	Add "except for additional setbacks or height stepbacks."	To better align this with 23-4D-6080(B)(2), add "except for additional setbacks or height stepbacks.				
23.228		Division 23-4D-7 Commercial and Industrial Zones																							
23.229		Division 23-4D-7 Commercial and Industrial Zones							CK									Yes	Applicable zones	Breweries and brewpubs in MS and MU districts should be limited to 5,000 barrels per year of production. Breweries with more production should be allowed in all industrial zones, but should not have a cap on their production.	This right-sizes brew pubs for the city, but allows breweries to continue to operate without arbitrary production caps that exist in D3.				
23.230		Division 23-4D-7 Commercial and Industrial Zones			X																				
23.231		Division 23-13A-2 (Land Uses), Division 23-4D-7 (Commercial and Industrial Zones), Division 23-13A-2 (Land Uses)					GA		CK										23-4D-7030	Sec. 23-13A-2030, "Manufacturing and Storage", change 3(c) ("Brewery/distillery/winery which manufacture more than 15,000 barrels of beverage...") from 15,000 barrels to 5,000 barrels, and move it from "Manufacturing and Storage - Restricted" to "Manufacturing and Storage - General". Table 23-4D-7030(A), "Allowed Uses in Commercial and Industrial Zones," change Manufacturing and Storage - General from not allowed to CUP in Commercial Recreational, and from CUP to P Industrial Flex. Sec. 23-13A-2030, "Micro-Brewery/Micro-Distillery/Winery," change "15,000 barrels" to "5,000 barrels". Sec. 23-4E-6220(B), "Requirements for a Brewery/Winery/Distillery," change: (1) Allowed. The sale of beer, ale, wine, or distilled liquor produced on-site for on-site consumption <u>must comply with Section 4-9-4 (Minimum Distance from Certain Uses).</u> ±	This addresses a problem in Draft 3 that incorrectly distinguishes between microbreweries and breweries and is then overly prescriptive for microbreweries. The break between microbreweries and production breweries is about 5,000 barrels per year. This amendment changes the break from 15,000 to 5,000. It restores breweries as an allowed use in Industrial Flex, which is where at least one Austin brewery is today but was left out of the zone. It also removes restrictions on micro-breweries with tasting rooms that far exceed bars or restaurants that serve alcohol, and replaces the restrictions with a reference to the city ordinance that governs distance requirements for alcohol sales and restaurants that serve alcohol.				

Prepared by Stephen Oliver
City of Austin, Planning Commission | Chair

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							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE		
23.241	Division 23-4D-8	Other Zones				x	x																		F25	No		23-4D-8080 (d)(new)	(A) Purpose and Applicability (1) The purpose of the former title 25 (F25) zone is to incorporate within the Land Development Code certain specially negotiated regulatory ordinances and agreements applicable prior to the effective date of this Title, but which continue to serve important purposes. (...) (D) F25 Rezoning Policy. In order to achieve compliance with current regulations of this Title and minimize reliance on prior regulations, the City's preferred policy is to: (1) Rezone properties within the F25 zone to current zones established in this Title and gradually eliminate Plannded Development Agreements (PDAs), Neighborhood Combining and Conservation District (NCCDs); and conditional overlays (COs); and (2) Rezone properties within an F25 Planned Unit Development (PUD) zoning district or an F25 small-area regulating plan by adopting update PUD zoning ordinances and small-area plans consistent with requirements of this Title.	This brings the language back to what we had in Draft III and was eliminated in the Errata with no reason. F25 is old as stated in Imagine in Austin we need a new land development code.		
	Division 23-4D-8	Other Zones			x												JT							F25	No	Yes	23-4D-8080	Delete all parking requirements from F25	If F25 isn't deleted as recomemnded, at remove parking.			
23.243	Division 23-4D-8	Other Zones						AH																	Corridor and Centers	No	No	23-4D-8080	Delete F25.	"1) No neighborhood should be exempt from affordability bonuses or the policies in CodeNEXT. 2) F25 is clearly inconsistent with Imagine Austin, so designating areas F25 will open the city to lawsuits challenging F25 zoning. Zoning regulations must be consistent with the comprehensive plan, per state law. F25 was developed prior to the adoption of Imagine Austin so is not permitted. 3) Will cause endless headache and confusion."		
					x				CK																Add Affordable ADU bonuses to F25	Yes	No	New section E	(E): In addition to any affordable housing incentives available for zones SF1, SF2, and SF3, lots with those zonings are eligible for the Residential Citywide Affordable Accessory Dwelling Unit Incentive: (1) In addition to base entitlements, an additional, income-restricted Accessory Dwelling Unit may be built and the size does not count toward FAR limit and the principal use's FAR limit is increased by the size of the income-restricted Accessory Dwelling Unit. When adding an Accessory Dwelling Unit under this incentive, the total dwelling units per lot may not exceed 4. (2) In taking the incentive, an applicant shall agree to: (a) Continued affordability of all affordable rental units for 10 years, with the affordability period for rental projects begins on the issuance of the last final certificate of occupancy for the development; or (2) Continued affordability of all affordable ownership units for 20 years. The affordability period for ownership units begins on the date of sale for each affordable ownership unit to an eligible buyer.	This adds an affordable ADU to every SF1, SF2, and SF3 lot left in F25.		
23.245						x				CK															F25 compatibility trigger	Yes	No	In 23-4D-8080 (c)(2)	In 23-4D-8080 (c)(2): Replace (C)(2)(c): Properties within the F25 Zone that are zoned RR, LA, SF1, SF2, SF3, or SF4 shall be treated as Residential House-Scale Zones and trigger the compatibility regulations established in this Title for properties within Zones established in this Title."	This makes clear that it is zoning, not use, in F25 that triggers compatibility on CodeNEXT zones.		
	Division 23-4D-2					x				CK															Residential ADU Affordable Bonus available in F25 single family zones	No	No	23-4D-8080	Add new "(E) Regardless of the requirements of the former chapter 25 (including NCCDs and F25 zones): (1) The bonus available as "Citywide Affordable Accessory Dwelling Unit Incentive" available in zone R2C is also available with the same terms (regarding allowable FAR and units) in all Single Family zones (SF1-SF6), including within Neighborhood Combining and Conservation Districts, in former chapter 25. (2) The bonus available as "Corridor Transition Affordable Accessory Dwelling Unit Incentive" available in zone R2C is also available with the same terms (regarding allowable FAR and units) in all Single Family zones (SF1-SF6), including within Neighborhood Combining and Conservation Districts, in former chapter 25.	The affordable ADU bonus should be available in all residential zoning citywide, including in SF zoning left in place through CodeNEXT. This change would not alter setbacks, height, or other requirements, but only the FAR and unit counts.		
23.247	Division 23-4D-8	Other Zones						AH	FK								JT								All Zones	No		23-4D-8080	"Add new (E) Regardless of the requirements of the former chapter 25 (including NCCDs and F25 zones): (1) one ADU that meets the base zoning requirements of R2 is allowed per residential lot that that meets the standards of R2 or greater, including but not limited to, placement, height, impervious cover, FAR, and setbacks; (2) the minimum lot size is 2,500 square feet; and (3) Parking requirements are determined by the roughly equivalent requirements from this Title, as determined by the Director. (4) The Director of Neighborhood Housing must determine if a roughly equivalent zone has an AHBP that should apply to an F25 zoned	If F25 isn't deleted as recomemnded, at least ADUs and small lots should be allowed as supprted by previous unanimous PC vote		
					x																											

Prepared by Stephen Oliver
City of Austin, Planning Commission | Chair

CHAPTER ARTICLE	DIVISION TITLE	DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMMSSIONER													EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	YES/NEUTRAL /NO	STAFF RESPONSE
					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW									
		GENERAL		SPECIFIC SECTION																						
23.267				x				CK											Add Coops to UNO overlay	No	No	23-4D-9130	Change "group residential use" to "group residential or cooperative housing use" in divisions (D)(1)(d), (H)(1), (H)(1)(b), (H)(1)(b)(iii), (I)(1), (I)(2), and (I)(5).	Coops seem to have been forgotten in the university overlay. This adds them in wherever group residential is included.		
23.268	Division 23-4D	All RM, MS, MU zones			x			CK											Increase affordable bonus entitlements	No	Yes	Applicable zones	Adopt the bonus entitlements recommended by the affordable bonus working group. (See attached table.)	More bonus entitlements got us from 6,000 affordable units to 13,500.		
23.269	Division 23-4D-9	Overlay Zones				GA													UNO University Neighborhood Overlay			23-4D-9130	For the figure 23-4D-9130(1): 1) increase the max height in the area currently labeled 175' to 275'. 2) for the area UNO area from 26th st to the North, San Antonio to the West, Martin Luther King Jr to the South, and the eastern boundary of the UNO overlay to the East, increase the max height to 275' feet. 3) for the cyan area south of 28th, east of Rio Grande, north of 26th, and west of Guadalupe, increase the max height to 175' 4) for the green area to the north and west of the cyan area, increase the max height to 175' 5) For the 90' area, increase the max height to 120' 6) For the remainder of the current UNO area, increase the max height to 70' with the exception of the pink and the yellow areas which stay the same. "			
23.270		23-4D-9130			x	GA													UNO University Neighborhood Overlay			Section 23-4D-9130	(E) Requirements for Specific Uses in an UNO zone (1) Multi-Family Residential Use (g) No parking spaces are required. –The minimum off-street parking requirement is 40 percent of required minimum parking if the multi-family residential use: (i) Includes a car sharing program that complies with the program requirements established by administrative rule; or (ii) In addition to Subsection (f), for at least 15 years from the date the certificate of occupancy is issued, sets aside at least 10 percent of the dwelling units on the site to house persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area:	We know where they're going. Rideshare services. Project team meetings, utilizatoin of campus nights and weekends. This will help with affordability as well as allowing more parcels to be developable.		
23.271	Division 23-4D-9	Overlay Zones			x			CK											Add Coops to UNO overlay	No	No	UNO overlay	Add cooperative housing use to every place where group housing is an allowable use	Coops seem to have been left out of the UNO overlay provisions.		
23.272			x															TS	Overlay Zones	NO	X			MOTION: In that the Planning Commission has so many issues to address with draft 3 of code, I propose that we do not make changes to current overlay zones.		
23.273		7090 - Neighborhood Plan Overlay Zone [Removed in Draft 2]		x														TS		NO	x	7090 - Neighborhood Plan Overlay Zone [Removed in Draft 2]	Add Neighborhood Plans back as an overlay	The Neighborhood Plan Overlay found in 23-4D-7090 in the first draft has been eliminated. [This is despite a commitment from the CodeNext Team to Council Member Pool to her question #23 posted on-line on 6/24/2017 that "Neighborhood Plans will remain as overlay districts."] Neighborhoods have spent hundreds of hours creating Neighborhood Plans to reflect the values and character of its residents. The latest CN maps disregard many of the elements of the approved Neighborhood Plans and with the removal of the Neighborhood Plan Overlay, these plans will no longer take precedent over the base zoning requirements in CN. In fact, Article 23-2E, Section 2030 Neighborhood Plan Amendments, (H)(7) Director's Recommendation allows the Land Use Director and Land Use Commission to recommend approval of an amendment based on its compliance with the base zoning alone. Furthermore, City Staff's answer to Pool's question #24 as to the future of Neighborhood Plans indicates that the Neighborhood Planning process will be overhauled due to concerns in an audit of the planning process and within the Zucker Report. City Staff's answer clearly puts future and pending neighborhood planning efforts into question.		
23.274		ALL USE TABLES		x														TW	alcohol		X		Require a CUP for all alcohol uses in or near residential zoning			Dtwn Comm: 9080(B) include lobby and other mandated uses.
23.275		Note to all COMMERCIAL USE TABLES																TW	foot notes		X		"Regardless of base zoning, state and local laws do not allow alcohol sales within 300' of a public school, church or public hospital without a City Council waiver."	For clarity and predictability, add a note to all Use Tables stating:		
24	Article 23-4E Supplemental to Zones																									
24.1	Division 23-4E-1	Private Frontages													JSh									confusing diagram, fence heights, porch descriptions, too prescriptive, paths		
24.2	Division 23-4E-1	Private Frontages			x			AH											All Zones	No	No	23-4E-1040 and 1060	Delete "Stoop"; revise "Porch: Projecting" to stoop minimum dimensions of 5' width (clear) and 5' depth (clear); maintain other porch regulations	The differentiation between stoops and porches seems arbitrary and unnecessarily complicates the code.		
24.3	Division 23-4E-1	Private Frontages				x		AH											All Zones	No	No	23-4E-1040 (A)	Delete "furniture areas" and" clear path" of travel mandates in Table 23-4E-1040(A)	Overly prescriptive furniture area dimensions; does not allow for flexibility to work around various site conditions like trees. For example, stair leading up a porch to the front door would not be allowed, as the required "furniture area" forces the porch to be offset.		
24.4					x										JSh				fences			23-4E-1040 - 1080	C. ... fence that does not exceed FOUR feet....	3' is too short for privacy, safety, and can cause conflicts between codes... this is fence not a handrail - change to 4'		
24.5																										
24.6	Division 23-4E-2	Outdoor Lighting		C																						
24.7	Division 23-4E-3	Parking and Loading																								
24.8	Division 23-4E-3	Parking and Loading													JT					Yes			Remove all parking minimums	Places as diverse as Mexico City and Buffalo NY are dropping parking requirements. Just like downtown Austin (where there are no requirements) it doesn't mean parking doesn't get built. Just that developers let the market determine how many to build.		

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24.21		Division 23-4E-3	Parking and Loading				X	GA																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																</

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					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH											THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA
																		GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE						
24.38		6060 - Adult Entertainment			x												TS				Adult Entertainment Use	NO		6060 (D)	(D) Allowed: Except as provided in Subsection (E) (4)-An adult entertainment use other than including an adult lounge: (a) s allowed in a MU4B, or MU5A Zone, DC or CC Zone; and (b) Is allowed with a conditional use permit in the MU4B, MU5A, DC or CC Zones; and (2) An adult lounge is allowed with a conditional use permit in a MU4B, MU5A, DC or CC Zone.	Require CUP for all adult entertainment.			
24.39		6070- Alcohol Sales		x													TS				Alcohol Sales	YES		6070	CORRECT; Section 4-9-4 (Minimum Distance from Certain Uses).	Added Section 4-9-4 (min. distance from certain uses). This reference number is incorrect-does not exist. As ALCOHOL SALES are defined as The retail sale of alcoholic beverages for off-premises consumption , are distances from certain residential uses required?			
24.40		Add New Bar/NightClub Section (there is a def. for Bar/Nightclub)			x												TS				Bars and Nightclubs	YES		23-4E-6 Specific to Use	ADD AND RENUMBER: 6090 Bars and Nightclubs- (A) Location Restrictions. A use that includes the sale of alcohol must comply with Section 4-9-4 (Minimum Distance from Certain Uses). (B) Late-Hours Permit. A restaurant operating late at with a late-hours permit from the Texas Alcoholic Beverage Commission requires a conditional use permit if it is located within 200 feet of a Residential House Scale Zone. The distance is measured to the lot line. (C) Bar or Nightclub with outdoor seating must be a minimum of 200 feet from a Residential House-Scale Zone, unless the use is located within an enclosed shopping center. (D) Live Entertainment. Live entertainment is allowed if the amplified sound does not exceed 70 "A"-weighted decibels, measured at the property line of the licensed premises. In this subsection, "premises" has the meaning ascribed to it in the Texas Alcoholic Beverage Code.	Include same requirements for restaurnts serving alcohol w/ late hours for bars and nightclubs. Need correct reference for 4-9-4			
24.41		Coperative Housing			x												TS				Co-operative Housing	Yes		23-4E-6 Specific to Use		Need standards for co-operative housing.			
24.42		6160 - Duplex			x												TS				Duplex design requirements	NO		6160	ADD:(D) <u>Duplex units are subject to the following requirements: (1) The two units must have a common floor and ceiling or a common wall, which may be a common garage wall, that: (a) extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot; and (b) maintains a straight line for a minimum of four foot intervals or segments. (2) The two units must have a common roof. (3) At least one of the two units must have a front porch that faces the front street and an entry to the dwelling unit, except that units located on a corner lot must each have a front porch that faces a separate street and an entry to the dwelling unit. (4) The two units may not be separated by a breezeway, carport, or other open building element.(5) On a lot less than 10,000 square feet the use must not exceed 6 bedrooms.</u>	Add back design requirements and limit on bedrooms to no more than 6 for lots < 10,000 SF.			
24.43					x				CK												Remove max ADU size on second floor	No	No	Table 23-4E-6030(A)	Strike the entire row of the table starting with "Floor Area".	There is no good reason to limit ADUs on a second floor to 550 sq ft.			
24.44		6200 - Home Occupations							KM																Eliminate all new entitlements proposed for Home Occupations Including prohibit Signage associated with home occupations in residential house scale zones.	These new entitlements for additional employees, sales, parking and signs are invasive to peaceful neighborhoods. Live/Work and other mixed use and commercial areas allow for offices.			
24.45		6210 - 6280 - 6390							KM																Townhouse Use and Live/Work uses require at minimum at least one blockface. Prohibit Signage associated with Live-Work in residential house scale zones.	These uses are not compatible with stand alone houses and should only exist in a cohesive development.			
24.46														JS h							Home Occupation				23-4E-6200	C. why is "medical" office referenced if it is a prohibited use... either eliminate it from K or C L Off street storage of the commercial vehicle is in addition to requirement of the dwelling unit. L. COMPLIANCE TO ADA? Ramps? Etc??? Help!			
24.47														JS h							livework				23-4E-6210	(7) Parking is required....per... (does this mean it can not be deemed as NO parking?) I would assume that since it is a dwelling unit, there is at least one parking (8) Landscaping MAY be required and should comply with.... (small projects shouldnt require)	if live work, one parking space per unit, but because to 2500sqft commercial exemption, then no parking? But what it there is a commercail vehicle? Need to require.		
24.48					x								PS								Uses				23-4E-6200 Home Occupations	23-4E-6200(D) & 23-4E-6200 (F) add "excluding R1A-R3D residential zones."	The addition of 3 employees and limited retail sales is a burden in residential neighborhoods especially parking and traffic congestion. The Live/Work zone allows up to 2 employees by-right and up to 3 with an CUP. Interesting that a CUP is required for 3 employees in a Live/Work zone while only an		
24.49		Group Residential			x												TS				Co-operative Housing	Yes			23-4E-6 Specific to Use		Need standards for co-operative housing.		
24.50		6240- Multi-Family			x												TS				Multi-Family Open Space	YES			6240	DELETE: (B) Required Open Space	Common Open Space is already covered based on zones. This adds confusion as to when common space is required. 23-4C-1030 required common open space for sites greater than one acre in levels of 5% of gross site area. This is based on 10 unit threshold. Also, Personal Open space requirements in (B)(3) are covered in the open space table for each zone regulation. Perhaps this is meant for zones that are not required to have common open space either by zone type or size.		

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						ANDERSON HART KAZI KENNY MCGRAW NUCKOLS OLIVER SCHISLER SEGER SHIEH THOMPSON WHITE SHAW BURKARDT MENDOZA TEICH														GENERAL SPECIFIC SECTION						YES/NEUTRAL /NO	STAFF RESPONSE			
24.51		6310 -Restaurant Late Night Operation		x													TS						6310(A)(4)	CORRECTION NEEDED: Section 4-9-4	No section 4-9-4 can be found.					
		6310 -Restaurant Late Night Operation		X													TS						6310(C)	(C) Live Entertainment. Live entertainment is allowed if the amplified sound does not exceed 70 "A"-weighted decibels from the hours of _____ to _____, measured at the property line of the licensed premises. In this subsection, "premises" has the meaning ascribed to it in the Texas Alcoholic Beverage Code.	Are there hours that this should apply? Should this limit be in all zones?					
24.52		23-4E-6340 Short Term Rentals									KM												23-4E-6340	Eliminate Short Term Rental as a legal use	In order to make existing housing stock available to serve Austin's "dire housing shortage"					
		23-4E-6340 Single-Family Attached			X												TS						Add new section	ADD RELEVANT SECTIONS OF 6160 AND (D) Single Family Attached units are subject to the following requirements: (1) The two units must have a common floor and ceiling or a common wall, which may be a common garage wall, that: (a) extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot; and (b) maintains a straight line for a minimum of four foot intervals or segments. (2) The two units must have a common roof. (3) At least one of the two units must have a front porch that faces the front street and an entry to the dwelling unit, except that units located on a corner lot must each have a front porch that faces a separate street and an entry to the dwelling unit. (4) The two units may not be separated by a breezeway, carport, or other open building element.(5) On a lot less than 10,000 square feet the use must not exceed 6 bedrooms.	Need design standards for new single family attached. 23-5C-2060 includes Covenants, Conditions and Restrictions.					
24.53		23-4E-6340 Single-Family Attached			X												TS						Add new section	ADD RELEVANT SECTIONS OF 6160 AND (D) Single Family Attached units are subject to the following requirements: (1) The two units must have a common floor and ceiling or a common wall, which may be a common garage wall, that: (a) extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot; and (b) maintains a straight line for a minimum of four foot intervals or segments. (2) The two units must have a common roof. (3) At least one of the two units must have a front porch that faces the front street and an entry to the dwelling unit, except that units located on a corner lot must each have a front porch that faces a separate street and an entry to the dwelling unit. (4) The two units may not be separated by a breezeway, carport, or other open building element.(5) On a lot less than 10,000 square feet the use must not exceed 6 bedrooms.	Need design standards for new single family attached. 23-5C-2060 includes Covenants, Conditions and Restrictions.					
24.54		23-4E-6340 Single-Family Attached			X												TS						Add new section	ADD RELEVANT SECTIONS OF 6160 AND (D) Single Family Attached units are subject to the following requirements: (1) The two units must have a common floor and ceiling or a common wall, which may be a common garage wall, that: (a) extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot; and (b) maintains a straight line for a minimum of four foot intervals or segments. (2) The two units must have a common roof. (3) At least one of the two units must have a front porch that faces the front street and an entry to the dwelling unit, except that units located on a corner lot must each have a front porch that faces a separate street and an entry to the dwelling unit. (4) The two units may not be separated by a breezeway, carport, or other open building element.(5) On a lot less than 10,000 square feet the use must not exceed 6 bedrooms.	Need design standards for new single family attached. 23-5C-2060 includes Covenants, Conditions and Restrictions.					
24.54		23-4E-6340 Single-Family Attached			X												TS						Add new section	ADD RELEVANT SECTIONS OF 6160 AND (D) Single Family Attached units are subject to the following requirements: (1) The two units must have a common floor and ceiling or a common wall, which may be a common garage wall, that: (a) extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot; and (b) maintains a straight line for a minimum of four foot intervals or segments. (2) The two units must have a common roof. (3) At least one of the two units must have a front porch that faces the front street and an entry to the dwelling unit, except that units located on a corner lot must each have a front porch that faces a separate street and an entry to the dwelling unit. (4) The two units may not be separated by a breezeway, carport, or other open building element.(5) On a lot less than 10,000 square feet the use must not exceed 6 bedrooms.	Need design standards for new single family attached. 23-5C-2060 includes Covenants, Conditions and Restrictions.					
24.54		23-4E-6340 Single-Family Attached			X												TS						Add new section	ADD RELEVANT SECTIONS OF 6160 AND (D) Single Family Attached units are subject to the following requirements: (1) The two units must have a common floor and ceiling or a common wall, which may be a common garage wall, that: (a) extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot; and (b) maintains a straight line for a minimum of four foot intervals or segments. (2) The two units must have a common roof. (3) At least one of the two units must have a front porch that faces the front street and an entry to the dwelling unit, except that units located on a corner lot must each have a front porch that faces a separate street and an entry to the dwelling unit. (4) The two units may not be separated by a breezeway, carport, or other open building element.(5) On a lot less than 10,000 square feet the use must not exceed 6 bedrooms.	Need design standards for new single family attached. 23-5C-2060 includes Covenants, Conditions and Restrictions.					
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Prepared by Stephen Oliver
City of Austin, Planning Commission | Chair

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City of Austin, Planning Commission | Chair

[illegible]

CHAPTER ARTICLE	DIVISION TITLE	DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMSIONER										EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
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						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH											THOMPSON
																		GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE			
41.11	Division 23-9A-2	Proportionality of Transportation Infrastructure Requirements			X							JSc							Proportionality Determination	Yes						
	Division 23-9A-2	Proportionality of Transportation Infrastructure Requirements			X							JSc							Proportionality Determination	Yes						
41.12	Division 23-9A-2	Proportionality of Transportation Infrastructure Requirements			X							JSc							Proportionality Determination	Yes						
	Division 23-9A-2	Proportionality of Transportation Infrastructure Requirements			X							JSc							Proportionality Determination	Yes						
41.13	Division 23-9A-2	Proportionality of Transportation Infrastructure Requirements			X							JSc							Rough Proportionality	No						
	Division 23-9A-2	Proportionality of Transportation Infrastructure Requirements			X							JSc							Rough Proportionality	No						
41.14	Division 23-9A-2	Proportionality of Transportation Infrastructure Requirements			X							JSc							Rough Proportionality	No						
	Division 23-9A-2	Proportionality of Transportation Infrastructure Requirements			X							JSc							Rough Proportionality	No						
41.15	Division 23-9A-2	Proportionality of Transportation Infrastructure Requirements			X							JSc							Rough Proportionality	No						
	Division 23-9A-2	Proportionality of Transportation Infrastructure Requirements			X							JSc							Rough Proportionality	No						
Article 23-9B: Right-Of-Way Dedication and Reservation																										
42.1	Division 23-9B-1	General Provisions																	Right-of-Way Variance	Yes						
	Division 23-9B-1	General Provisions			X							JSc							Right-of-Way Variance	Yes						
42.2	Division 23-9B-1	General Provisions			X							JSc							Right-of-Way Variance	Yes						
	Division 23-9B-1	General Provisions			X							JSc							Right-of-Way Variance	Yes						
42.3	Division 23-9B-2	Right-Of-Way Dedication and Improvement																								
	Division 23-9B-2	Right-Of-Way Dedication and Improvement			X							JSc							Dedication of right of way and construction of improvements	Yes						

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CHAPTER ARTICLE	DIVISION TITLE	DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSIONER										EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE				
					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH	GENERAL	SPECIFIC SECTION						
52.11	Division 23-10E-3:	3020 - Certificate of Engineer Required for Certain Alterations and Improvements		x													TS				Certificate of Engineer Required for Certain Alterations and Improvements			3020 -	DELETE:(B)Subsection (A) does not prohibit the director from accepting a plan or specification for a minor alteration or improvement that, in the judgment of the director, does not require certification by an engineer.	Director should not be allowed to circumvent State P.E. Rules.		
52.12	Division 23-10E-5:	Responsibilities of Applicant or Owner																										
52.13	Division 23-10E-5:	Responsibilities of Applicant or Owner			X						JSc													23-10E-5020 Dedication of Easemetns and Rights-of-Way	(B) An easement or right-of-way required by Subsection 23-10-5020 (A) must be of sufficient width to provide continuous access for the operation, maintenance, or repair of a drainage facility, as prescribed in the Drainage Criteria Manual.(C) The applicant must dedicate any additional easement or right-of-way that is necessary to allow continuous access for the operation, maintenance, or rehabilitation of a drainage facility.(B) The applicant shall allow access through the project site as necessary to allow City operation, maintenance, or rehabilitation of a drainage facility; such access shall be described in the easement terms for the facility, but shall not be required to be dedicated as an easement.	The former B & C are unnecessary with the amendment which clarifies the intentions of both.		
Chapter 23-11: Technical Codes (TBD)			NONE	MINOR	MAJOR												YES/NO	YES/NO										
53	Article 23-11A: Introduction																											
54	Article 23-11B: Technical Codes																											
54.1	Division 23-11B-1:	Building Code																										
54.2	Division 23-11B-2:	Food Establishments																										
54.3	Division 23-11B-3:	Reserved																										
54.4	Division 23-11B-4:	Electrical Code																										
54.5	Division 23-11B-5:	Mechanical Code																										
54.6	Division 23-11B-6:	Plumbing Code																										
54.7	Division 23-11B-7:	Fire Code																										
54.8	Division 23-11B-8:	Solar Energy Code																										
54.9	Division 23-11B-9:	Property Maintenance Code																										
54.10	Division 23-11B-10:	Reserved																										
54.11	Division 23-11B-11:	Residential Code																										
54.12	Division 23-11B-12:	Energy Code																										
55	Article 23-11C: Administration of Technical Codes																											
Chapter 23-12: Airport Hazard and Compatible Land Use			NONE	MINOR	MAJOR												YES/NO	YES/NO										
56	Article 23-12A: General Provisions																											
56.1	Division 23-12A-1:	Height Limits and Airport Hazards		C																								
56.2	Division 23-12A-2:	Compatible Land Uses		C																								
56.3	Division 23-12A-3:	Nonconforming Uses, Structures, and Objects; Marking and Lighting		C																								
56.4	Division 23-12A-4:	Permits		C																								
Chapter 23-13: Definitions and Measurements			NONE	MINOR	MAJOR												YES/NO	YES/NO										
57	Article 23-13A: Definitions and Measurements																											
57.1	Division 23-13A-1:	Terms and Measurements																										
	Division 23-13A-1:	Attached			X												TW							13a-1 pg 3	ATTACHED-When used with reference to two or more buildings units, means having one or more common walls or being joined by a roof; covered porch or covered passageway measured 20' in depth from the front lot line to rear.			
57.2	Division 23-13A-1:	Conserve			X												TW								Conserve: to maintain the height, footprint and roof line of an existing building for the first 25' as measured from the building line toward the rear lot line			
57.3	Division 23-13A-1:	Gross (GFA)			X												TW							13A-1 pg.11	GROSS (GFA) The total enclosed area of all floors in a building with a clear height of more than five feet, measured to the outside surface of the exterior walls. The term excludes loading docks, 1st floor porches, stoops, basements, attics, stories below grade plane, parking facilities, driveways, and enclosed loading berths and off-street maneuvering areas	The intention with this change is to reduce the amount of exemptions toreduce the cost of projects by making it easier to calculate the FAR and easier to review. It would also reduce the number of unintentional violations of FAR limits by homeowners who turn exempted space into habitable space. This change would go hand in hand with an .05 increase to the allowable FAR in all residential zones.		
57.4	Division 23-13A-1:	Small Area Plan															TW			X					Small Area Plan (MISSING). Please add.	Small Area Plan (MISSING). Please add. Small area plans are a major city planning tool and are referenced in Draft 3, yet not defined here.		
57.5	Division 23-13A-1:	Stepback															TW			X					Stepback (MISSING). Please add.	Stepback (MISSING). Please add. The term 'stepback' is used in throughout 23-4D, but is not defined. The current draft does define setback, but that is not the same thing.		
57.6	Division 23-13A-1:	Urban Core															TW								Urban Core (MISSING). Please add.	Urban Core (MISSING). Please add. 'Urban Core' is used throughout Draft 3 to describe geographical areas where certain zoning requirements apply so this needs a clear definition, ideally with live link to map. The draft currently defines it only in the context of Parkland Dedication		
57.7	Division 23-13A-1:	Valid Petitions															TW			X					please add a definition for Valid Petitions, including applicability, procedures, etc., similar to what the draft provides for Vested Rights Petitions in 23-K-2	In the interest of fairness, please add a definition for Valid Petitions, including applicability, procedures, etc., similar to what the draft provides for Vested Rights Petitions in 23-K-2		
57.8															JS h									23-13A-1030	When used with reference to two or more buildings..... ADD - When used with reference to duplex or single family dwellings with dual same street frontage, means being joined by a roof of 20' minimum measured perpendicular to the street frontage.	this will be tweak by working group		
57.9																												

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					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH										
																	GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE		
57.10	Division 23-13A-1:	Terms and Measurements			X							JSc						23-13A-1030	Delete Deficient Park Area Map definition and replace with " <u>Proximity to Park Area Map</u> "; "A map depicting areas that the Parks Director has by rule determined lack sufficient parkland based on the criteria in 23-3B-1 and 23-3B-2"	Delete Deficient Park Area Map definition and replace with "Proximity to Park Area Map"				
	Division 23-13A-1:	Terms and Measurements			X							JSc						23-13A-1030	HEIGHT, ACCESSORY STRUCTURE. Height, for the purpose of establishing required setbacks, shall be defined for every point within the footprint area of an accessory structure, including a tree house, as the vertical distance between <u>finished grade</u> and the highest part of the structure directly above. Height in all cases shall include, but is not limited to, any slab, platform, pad, mound or similar elevated base above pre-existing grade.	Provides much needed clarity - height requirements interpretations shouldn't be a subject for debate.				
57.11	Division 23-13A-1:	Terms and Measurements			X							JSc						23-13A-1030	UNIFIED DEVELOPMENT AGREEMENT. An agreement approved at the discretion of the responsible director in order to treat two or more legal lots or tracts, as a single site for the purpose of applying specified regulations of the Land Development Code, <u>including sites zoned for residential use.</u>	UDA's are currently not allowed on residential sites. UDAs facilitate aggregation that is often required to achieve unit yields per AIA Charrettes. Allows more flexible site planning for tree preservation, etc.				
	Division 23-13A-1:	Terms and Measurements			X							JSc						23-13A-1030	UNIFIED DEVELOPMENT AGREEMENT. An agreement approved at the discretion of the responsible director in order to treat two or more legal lots or tracts, as a single site for the purpose of applying specified regulations of the Land Development Code, <u>including sites zoned for residential use.</u>	UDA's are currently not allowed on residential sites. UDAs facilitate aggregation that is often required to achieve unit yields per AIA Charrettes. Allows more flexible site planning for tree preservation, etc.				
57.12		Preservation										KM							Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project. However, new exterior additions are not within the scope of this treatment. The Standards for Preservation require retention of the greatest amount of historic fabric along with the building's historic form.	Per secretary of Interior - proposed by HLC		HLC: 1030 Define Preservation		
	Division 23-13A-1:	Terms and Measurements													JT				Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.]	Per HLC recommendation, from Dept of Interior.		HLC: 1030 Define Preservation		
57.13												KM						23-13A-1030	REWRITE PER EXISTING MCMANSION CODE	This should say NATURAL grade NOT FINISHED GRADE..				
	Division 23-13A-2:	Land Uses																						
57.14	Division 23-13A-2:	Land Uses			X			GA		FK			JSc					23-13A-2030(C)	<u>Cooperative Housing: A housing use operated by a cooperative (under Section 251.002 of Texas Business Organizations Code), or a nonprofit or other entity in which residents are entitled equal voting rights, and equal ownership shares if the cooperative sells shares.</u>	Amend Language				
	Division 23-13A-2:	Land Uses			X					FK								23-13A-2030-A	<u>ACCESSORY DWELLING UNIT</u> 1. RESIDENTIAL. A subordinate dwelling unit added to, created within, or detached from a primary residential structure that provides basic requirements for independent living, sleeping, eating, cooking, and sanitation for one or more persons and which is located on the same lot as the primary structure. A tiny home, Manufactured Home or Recreational Vehicle that does not have a motor may be used as a residential accessory dwelling unit. 2. COMMERCIAL. A subordinate dwelling unit added to, created within, or detached from a primary commercial structure that provides basic requirements for independent living, sleeping, eating, cooking, and sanitation for one or more persons and which is located on the same lot as the primary structure.	Tiny homes provide simple options for families and should be allowed.				
57.15																			High Opportunity Area (INACCURATE, POTENTIALLY OFFENSIVE). <u>Please replace with "Qualifying area" and strengthen the definition to require an area to provide at least three or more of the listed conditions to qualify</u>	High Opportunity Area - a metric needs to be added to mandate how often this area will be redefined				
		High Opportunity Area													TW									
57.16		Multi-Unit													TW				<u>Please add definition of Multi-Unit.</u>	Please add definition of Multi-Unit . While Draft 3 still contains a few references to Multi-Family, it replaces this term with Multi-Unit throughout 23-4D. Please provide a definition for both terms.				
		Affordable Housing													TW				Affordable Housing (INCOMPLETE). <u>Please replace or augment current definition with: "See Article 23-3E: Affordable Housing."</u>					
57.17															TW			specific definition	remove work/live definition	this is redundant with the definition for live work. I don't see how this simplifies anything and I think it'll end up being subjective which is which.				
		live/work & work/live			x										TW				definitions	x				
57.23		micro units, modular, mobile homes			x										TW				missing defs	x				